

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: October 16, 2018
SUBJECT: 28 Woodland Rd/Haines Private Accessway Permit

Introduction

Stephen and Jennifer Haines are requesting a Private Accessway Permit to create adequate road frontage for an existing lot located at 28 Woodland Rd. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways.

Procedure

- The Board may want to begin by having the applicant briefly summarize any changes made to the plans.
- The Board may then want to open the public hearing scheduled for this evening.
- At the close of the public hearing, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to table, deny, approve or approve with conditions.

Private Accessway Standards (Sec. 19-7-9(D)(4))

a. One dwelling unit

A single family home is proposed.

b. Access

1. 30' right of way – The proposed right of way width exceeds the 30' wide minimum and is proposed to be 40' wide.
2. Accessway – The driveway is proposed with an 18' wide gravel subbase and 14' wide gravel surface, which will be paved with 3" of asphalt. The driveway is pitched to sheet flow drainage to the northeast. Where the driveway intersects with Woodland Rd, drainage will not flow toward Woodland Rd because the driveway pitches away from the road.

A turnaround has been designed, however, the radius for turning is less than the minimum needed for the ladder truck. The private accessway extends 130' before turning to the house lot driveway. At the Fire Chief's recommendation, the applicant has agreed to include a sprinkler system in the proposed home (See Sheet 1, General note 7). With the addition of a sprinkler and the relatively short distance to Woodland Rd, the Fire Chief does not object to the turnaround design.

The Private Accessway standards require that the first 10' extending from a public road be paved. The plans show that the first 20' are paved, with an option for the entire private accessway to be paved.

3. Sight Distance – Based on conditions observed at the September 26, 2018 meeting, there appears to be adequate site distance on Woodland Rd, however the applicant should add sight distance measurements to the plans.
4. One lot – One new lot is created as part of this approval.
5. Lesser standard – The applicant is requesting that confirmation from the Portland Water District be made a condition of approval. The PWD review has been requested by the applicant and no response has been received as of this writing. The applicant is also requesting that a stormwater evaluation and report not be required. The applicant has submitted a stormwater management plan that describes how water moves across the site and also included a rain garden in the project design to capture and filter stormwater.

c. Sewage Disposal

The lot will be connected to the public sewerage system.

d. Building envelope

The plans include a building envelope. The building envelope should be labeled on the plan and a note added that principal and accessory structures are not allowed outside the building envelope. Due to the compact nature of this neighborhood, the applicant will be preserving selected trees outside the building envelope. A buffering plan has also been provided that uses a combination of fencing and selected plantings

to define the lot, but not create an opaque buffer, which would be inconsistent with the general character of the neighborhood.

Motion for the Board to Consider

Findings of Fact

1. Stephen and Jennifer Haines are requesting a Private Accessway Permit to create adequate road frontage for an existing lot located at 28 Woodland Rd, which requires review for compliance with Sec. 19-7-9, Private Accessways.
2. The proposed lot (shall/ shall not) be improved with only one dwelling unit and related accessory buildings and uses.
3. The private accessway (shall/ shall not) be located within a dedicated right-of-way having a width of 40', which exceeds the 30' wide minimum.
4. The sub-base (shall/shall not) be constructed with gravel meeting MDOT Spec. 703.06 Type D with a depth of at least fifteen (15) inches, and having a width of at least eighteen (18) feet.
5. The travel way (shall/shall not) be constructed with a minimum of three (3) inches of crushed gravel having a width of at least fourteen (14) feet, with the remaining width of gravel based loamed and seeded.
6. Within ten (10) feet of the edge of the street paving, the accessway (shall/ shall not) be paved with 3 inches of asphalt paving. The maximum grade within the first fifty (50) feet of the edge of street paving shall not exceed five percent (5%). Pavement radius at the intersection with the street shall be twenty (20) feet.
7. Gutter drainage along the street (shall/ shall not) be allowed to sheet across the face of the intersection and the proposed design (will/ will not) keep drainage from the private accessway from running into the public street.
8. A turnaround, coupled with the requirement that the proposed home will be sprinklered, and the distance of less than 150' from the home driveway along the private accessway to the nearest public road, Woodland Rd, (meets/ does not meet) the requirements of the Fire Chief.

9. Subject to a condition that the applicant add sight distance information to the plans and based on observed conditions at the September 23rd Planning Board site visit, the accessway (is/is not) located so that sight distance conforms to the requirements of the Subdivision Ordinance.
10. The private accessway shall serve only one lot.
11. The Planning Board has not reduced the requirements of Sec.19-7-9 (D)(4) to a lesser standard, and has granted the applicant's request to grant additional time to obtain approval from the Portland Water District and to accept a stormwater management plan which does not an evaluation and report.
12. Adequate disposal of sewage (shall/shall not) be provided as evidenced by connection to the public sewerage system.
13. A building envelope (is/is not) depicted wherein the house and accessory buildings will be located on the lot demonstrating conformance with the setback requirements of the district in which it is located and any natural constraints and that the house site will be buffered from abutting residential properties.
14. The application substantially complies with Sec. 19-7-9, Private Accessways, and Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Stephen and Jennifer Haines for a Private Accessway Permit to create adequate road frontage for an existing lot located at 28 Woodland Rd be approved, subject to the following conditions:

1. That the plans be revised to address the comments of the Town Engineer in his letter dated October 10, 2018;
2. That sight distance measurements be added to the plans.
3. That the town be granted a sewer easement for the existing sewer line located within the private accessway;
4. That the building envelope be labeled on the plan and that a note be added to the plan requiring that principal and accessory structures must be placed within the building envelope;

5. That the applicant sign and record a road maintenance agreement in a form acceptable to the town attorney;
6. That there be no issuance of a building permit or alteration of the site until the plans and materials have been revised to satisfy the above conditions and submitted to the town planner.