

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: March 19, 2019
SUBJECT: 51 Ocean House Rd Private Accessway Permit

Introduction

Jay Cox and Bill Royall, doing business as Maxwell Cove LLC, are requesting a Private Road approval and Private Accessway Permit for a shared access for an existing lot located at 51 Ocean House Rd and a new lot to be located at the rear of 51 Ocean House Rd. The application will be reviewed for compliance with Sec. 19-7 Private Road and Private Accessways.

Procedure

- The Planning Board should begin by having the applicant introduce the project.
- The board should then allow public comment on the completeness of the application.
- The board should then make a finding of completeness. If the application is deemed incomplete, board members should identify the information needed to make the application complete and no substantive discussion of the application should occur. If the application is deemed complete, substantive review may begin.
- The board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion, the board has the option to approve, approve with conditions, deny or table the application to the next meeting.

Summary of Completeness

The comments of the Town Engineer and the completeness checklists are attached. Below is a summary of possible incomplete items:

No items appear incomplete.

Discussion

If the Planning Board deems the application complete, it may want to then discuss the following items and provide the application with feedback that can be incorporated into a supplemental submittal.

1. Road name. The proposed private road name, Cayden's Way, includes an apostrophe. Both the Police Chief and the Town Assessor recommend the apostrophe be eliminated.
2. Sewer connection. The applicant has obtained permission to the public sewer system and would like to keep open two options. Both options should be clarified as a note on the plan.
3. Buffering. Staff has spoken with the applicant about firming up proposed buffering rather than leaving it open-ended with the abutter.
4. Lot 2 building envelope. The section of the lot 2 building envelope southwest of the private accessway should be closed up to preserve a 20' side yard setback.
5. Lot 1 building envelope. As proposed, the lot 1 building envelope captures the building footprint of the home that has been demolished. The property owner has grandfathering opportunities within the building footprint that will expire on October 4, 2019. A note should be added to the plan that if a building permit for a structure within the grandfathered footprint is not issued by October 4, 2019, then the building envelope for lot 1 will shrink to provide for a 40' front yard setback and a 20' side yard setback. If a building permit is issued, then the building envelope will shrink to establish a 40' front yard setback and 20' side setback, except where a building permit has been issued.
6. Outside building envelope activities. A note should be added to the plan that describes what activities are allowed outside the building envelope.
7. Town Engineer's comments. The applicant should make adjustments to address the Town Engineer's comments.

Motions for the Board to Consider

A. Motion for Completeness

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox and Bill Royall, doing business as Maxwell Cove LLC, for a Private Road approval and Private Accessway Permit for a shared access for an existing lot located at 51 Ocean House Rd and a new lot to be located at the rear of 51 Ocean House Rd be deemed (complete/incomplete).

B. Motion to Schedule a Public Hearing

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Jay Cox and Bill Royall, doing business as Maxwell Cove LLC, for a Private Road approval and Private Accessway Permit for a shared access for an existing lot located at 51 Ocean House Rd and a new lot to be located at the rear of 51 Ocean House Rd be tabled to the regular April 22, 2019 meeting of the Planning Board, at which time a public hearing will be held.