

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: March 19, 2019  
SUBJECT: 69 Beach Bluff Terrace Private Accessway Reapproval

### Introduction

Peter Weare is requesting reapproval of a Private Accessway Permit for a new lot located behind 69 Beach Bluff Terrace. The application was originally approved on December 19, 2017. Extensions were granted on April 23, 2018 and September 18, 2018. The approval expired on December 17, 2018. 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 summarize the project.
- The Board should then allow public comment on application completeness.
- 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, review may begin.
- The Planning Board instructed staff to prepare this item for an expedited review with both completeness and a public hearing advertised. If the application is deemed complete, the Board should 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.

### Completeness

The comments of the Town Engineer and the completeness checklist are attached. Unfortunately, the applicant has not submitted the following items which were included in the previous approval:

- Standard boundary survey plan
- Sheet D-1 detail sheet
- Sheet D-2 detail sheet
- Jim Logan wetland memo dated January 30, 2017
- HHE 200 septic system design form

- DEP Permit by Rule Notification
- Cover letter dated November 3, 2017
- Portland Water District Peter Scala email dated October 18, 2017
- Warranty Deed dated 4/16/2010
- Warranty Deed dated 12/5/2013

The Planning Board could reference these materials, but the public record will show that 2 of the sitting Planning Board members have not seen these materials. Some of the materials above, such as the cover letter, include information that is needed but not provided in the current letter. An application that includes two cover letters is also internally inconsistent. Potential incomplete items include:

- b. Location map
- c. Plan has a note but not a stamp from a registered Maine Surveyor.
- (2) Subsurface wastewater disposal system design has not been submitted.
- (4) A wetlands report has not been submitted, although wetland mapping is shown on the site and grading plan.
- (8) Confirmation from the Portland Water District has not been submitted.

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 is 30'.
  - 2. Accessway - The driveway is proposed with an 18' wide gravel wide gravel surface. The first 10' of the driveway intersecting with Beach Bluff Terrace will be paved. A turnaround located on lot B has been designed and approved by the Fire Chief.
  - 3. Sight Distance - The accessway is located at the end of Beach Bluff Terrace, a town road.
  - 4. One lot - Frontage for one new lot is created as part of this approval.

5. Lesser standard – No reduction in standards is requested.
- c. Sewage Disposal  

A subsurface wastewater system is shown on the plan and will need to be constructed to support the weight of the town's ladder truck in the event the turnaround needs to be used.
  - d. Building envelope  

The plans include a building envelope and a note prohibiting construction of structures outside the building envelope.

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 Peter Weare for a Private Accessway permit for a new lot located at the rear of 69 Beach Bluff Terrace be deemed (complete/incomplete). The following information submitted as part of the December 19, 2017 approval is hereby incorporated into this application.

- Standard boundary survey plan
- Sheet D-1 detail sheet
- Sheet D-2 detail sheet
- Jim Logan wetland memo dated January 30, 2017
- HHE 200 septic system design form
- DEP Permit by Rule Notification
- Cover letter dated November 3, 2017
- Portland Water District Peter Scala email dated October 18, 2017
- Warranty Deed dated 4/16/2010
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**B. Motion for Approval**

Findings of Fact

1. Peter Weare is requesting reapproval of a Private Accessway Permit for a new lot located behind 69 Beach Bluff Terrace, which requires compliance with Sec. 19-7, 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 30' wide right-of-way.
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 (meets/ does not meet) the requirements of the Fire Chief.
9. 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.
12. Adequate disposal of sewage (shall/shall not) be provided as evidenced by submission of a completed HHE-200 form.
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 of Peter Weare for a Private Accessway permit for a new lot located at the rear of 69 Beach Bluff Terrace be approved, subject to the following conditions:

1. That the plans be revised to address the Town Engineer's comments in his letter dated March 11, 2019;
2. That the following information included in the December 19, 2017 approval be incorporated into this approval:
  - Standard boundary survey plan
  - Sheet D-1 detail sheet
  - Sheet D-2 detail sheet
  - Jim Logan wetland memo dated January 30, 2017
  - HHE 200 septic system design form
  - DEP Permit by Rule Notification
  - Cover letter dated November 3, 2017
  - Portland Water District Peter Scala email dated October 18, 2017
  - Warranty Deed dated 4/16/2010
  - Warranty Deed dated 12/5/2013
3. That the following deeds and agreements be submitted in a form acceptable to the town attorney and signed by the applicant:
  - Road Maintenance Agreement
  - Rights of access for Parcel B over the private accessway on Parcel A
  - Deed conveying Thompson Rd to Parcel B
  - Emergency access deed over the turnaround to the Town
4. 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.

