

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: September 15, 2020  
SUBJECT: 19 Fessenden Road Private Accessway Permit

### Introduction

Paul Stewart is requesting a Private Accessway Permit to make an existing lot located at the rear of 19 Fessenden Rd buildable (U16-21). The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways. The comments of the Town Engineer are enclosed.

### 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 is 30' and is located on both lots 1 and 2. The Road Maintenance Agreement includes easement rights over lot 2 to benefit lot 1.
  2. Accessway – The driveway is proposed with an 16' wide gravel subbase, reduced 2' from the 18' wide standard, and 12' wide gravel surface, reduced 2' from the 14' wide standard. The accessway will be paved with 3" of asphalt. In lieu of a turnaround, the new home to be built on lot 1 will include a sprinkler system (Private Accessway Plan, General Note 7).
  3. Sight Distance – The proposed accessway is located in the same area as an existing driveway and there appears to be adequate sight

distance. The Planning Board may want to ask the applicant to add sight distance to the plans.

4. One lot – One new lot is created as part of this approval.
5. Lesser standard – The applicant has requested three reductions:
  - Reduction in the width of the gravel subbase from 18' to 16';
  - Reduction in the traveled width from 14' to 12'. The entire width will be paved with 3" of asphalt;
  - Reduction in the corner radii from 20' to 15'.

The lot will be served by public water and confirmation from the Portland Water District is proposed to be a condition of approval.

c. Sewage Disposal

The applicant has submitted an HHE-200 form depicting a septic system design which has been approved by the Code Enforcement Officer.

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

Findings of Fact

1. Paul Stewart is requesting a Private Accessway Permit to make an existing lot located at the rear of 19 Fessenden Rd buildable (U16-21, 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 30'.
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 sixteen (16) feet, a reduction of 2' that will still provide adequate space for movement of emergency vehicles.
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 twelve (12) feet, a reduction of 2' that will still provide adequate space for movement of

emergency vehicles. The remaining gravel base width will be loamed and seeded.

6. 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 fifteen (15) feet, a reduction from 20' that will still provide adequate space for movement of emergency vehicles.
7. The construction of rain gardens (will/ will not) capture drainage and prevent stormwater from running into the Fessenden Rd.
8. In lieu of a turnaround, the proposed home will be sprinklered, which (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 July 27, 2020 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/ has not) reduced the requirements of Sec.19-7-9 (D)(4) to a lesser standard for subbase gravel width, traveled way width and radii.
12. Adequate disposal of sewage (shall/ shall not) be provided as evidenced by submission of a HHE-200 subsurface wastewater system design reviewed by the Code Enforcement Officer.
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.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Paul Stewart for a Private Accessway Permit to make an existing lot located at the rear of 19 Fessenden Rd buildable (U16-21) 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 August 12, 2020;

2. That the road maintenance agreement be submitted in a form acceptable to the Town Attorney, signed by the applicant and recorded in the Cumberland County Registry of Deed;
3. That sight distance be added to the plans;
4. That confirmation from the Portland Water District that it can serve the lot with public water be provided prior to issuance of a building permit;
5. That there be no alteration of the site nor issuance of a building permit until the revised plans have been submitted to the town planner and the plan has been signed by the Planning Board and recorded in the Cumberland County Registry of Deeds.