

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: October 20, 2020  
SUBJECT: Cunner Ln Private Road amendment

### Introduction

David Smith is requesting an amendment to the previously approved private road approval for a portion of Cunner Lane to reduce the right-of-way width from from 70'7" to 50'. The application is under consideration for completion and a public hearing has this evening. The plan will be reviewed under Sec. 16-2-3 of the Subdivision Ordinance.

### Procedure

- The Board should begin by having the applicant summarize the project.
- The Board should then allow public comment on completeness.
- The Board may then make a determination 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 discussion may begin.
- A public hearing has been scheduled for this evening.
- Once the public hearing is closed, the Board may begin discussion of the application.
- At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

### Summary of completeness

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

No items appear incomplete.

### Subdivision Review (Sec. 16-3-1)

(a) Pollution

No change.

(b) Sufficient Potable Water

No change.

(e) Erosion

No change.

(d) Traffic

The only change is to reduce the private road right-of-way to the current requirement of 50' wide. Town staff are recommending that, consistent with Subdivision Ordinance requirement, monuments be installed at the corners of the right-of-way, as specified in the Town Engineer's letter.

(e) Sewage Disposal.

No change.

(f) Solid Waste Disposal.

No change.

(g) Aesthetic, cultural and natural values

No change.

(h) Conformity with local ordinances

No change.

(i) Financial and Technical Capability

No change.

(j) Surface Waters

No change.

(k) Ground Water

No change.

(l) Flood Areas

No change.

(m) Wetlands

No change.

(n) Stormwater

No change.

(o) Lake Phosphorus concentration

- No change.
- (p) Impact on adjoining municipality  
No change.
- (q) Land subject to Liquidation Harvesting  
No change.
- (r) Access to Direct Sunlight  
No change.
- (s) Buffering  
No change.
- (t) Open Space Impact Fee  
No change.
- (u) Utility Access.  
No change.
- (v) Phasing.  
Not applicable

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 David Smith for an amendment to the previously approved private road approval for a portion of Cunner Lane to reduce the right-of-way width from 70'7" to 50' be deemed (complete/incomplete).

**B. Motion for Approval**

Findings of Fact

1. David Smith is requesting an amendment to the previously approved private road approval for a portion of Cunner Lane to reduce the right-of-way width from 70'7" to 50', which requires reviewed under Sec. 16-2-3 of the Subdivision Ordinance.

2. This portion of Cunner Lane has been previously approved by the Cape Elizabeth Planning Board as a private road in compliance with Subdivision regulations, and the findings and decisions of the prior approval which are not altered by the proposed amendments remain in effect.
3. All lots (are/are not) provided with vehicular access and construction (is/is not) designed to meet town standards.
4. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of David Smith for an amendment to the previously approved private road approval for a portion of Cunner Lane to reduce the right-of-way width from 70'7" to 50' be approved, subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated October 13, 2020; and
2. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the subdivision plat.

Project: 19 Cunner Ln Private Rd amendment  
Applicant: David Smith  
Location: 19 Cunner Ln

Date: October 20, 2020

**Minor Subdivision Review  
Application Completeness Checklist  
(Subdivision Ordinance, Appendix A)**

- |            |     |  |
|------------|-----|--|
| <u>Y</u>   | 1.  | Right, Title or Interest   |
| <u>Y</u>   | 2.  | Name of Subdivision/ Applicant                                       |
| <u>Y</u>   | 3.  | Survey   |
| <u>N/A</u> | 4.  | Water Pollution Evaluation: Topography, Surface drainage, Soils, Air |
| <u>N/A</u> | 5.  | Potable Water  |
| <u>N/A</u> | 6.  | Erosion  |
| <u>N/A</u> | 7.  | Traffic  |
| <u>N/A</u> | 8.  | Sewage Disposal  |
| <u>N/A</u> | 9.  | Solid Waste Disposal   |
| <u>N/A</u> | 10. | Aesthetic, cultural and natural information                          |
| <u>Y</u>   | 11. | Local Regulations  |
| <u>N/A</u> | 12. | Financial and Technical Capability                                   |
| <u>N/A</u> | 13. | Surface Waters   |
| <u>N/A</u> | 14. | Ground Water   |
| <u>N/A</u> | 15. | Floodplain   |
| <u>N/A</u> | 16. | Wetlands   |
| <u>N/A</u> | 17. | Stormwater/ Phosphorus   |
| <u>N/A</u> | 18. | Liquidation Harvesting   |
| <u>N/A</u> | 19. | Landscaping  |
| <u>N/A</u> | 20. | Open Space   |
| <u>Y</u>   | 21. | Utilities  |
| <u>N/A</u> | 22. | Phasing  |
| <u>N/A</u> | 23. | Related information  |

Y = Yes, information has been provided

N = No, information has not been provided

P = Partial information has been provided

W = A waiver has been requested from submitting the information

N/A = Not applicable to this application