
Town of Cape Elizabeth Private Accessway Application

April 3, 2020

**18 Ledgewood Lane
Cape Elizabeth, Maine**

Prepared for:

**James Gray
143 Craigie Street
Portland, Maine 04102**

Prepared by:



**27 Gorham Road, Suite 207
Scarborough, Maine 04074
(207) 730-7200**



April 2, 2020
BCE File: 20108

Ms. Maureen O'Meara, Town Planner
Town of Cape Elizabeth
320 Ocean House Road
Cape Elizabeth, ME 04107

**Re: Private Accessway Permit Application
18 Ledgewood Lane, Cape Elizabeth (Map U36/Lot 64)**

Dear Ms. O'Meara:

On behalf of James Gray, we are pleased to submit the enclosed Private Accessway Application and Project Drawings for the subject project. We are hoping to get approval and completeness in one board meeting and are requesting an expedited review.

Mr. Gray is proposing to create a private accessway due to his lot having non-conforming street frontage within the Residence A (RA) district. The existing lot has 95.53 ft of frontage on Ledgewood Lane, with the minimum requirement being 125 ft. The applicant intends to build a single family home on the lot. We are requesting a waiver from the requirement to construct a turn-around from the Fire Chief.

Construction within the private accessway will include a 14' wide paved driveway with 2' grass on gravel shoulders. The driveway will have a 2% cross slope to sheet stormwater into the lawn area. The new home will be served by public water, public sewer, and overhead cable/electric. A 5' vegetated buffer will be maintained along the property lines in areas where a fence is not installed.

We look forward to meeting with the Planning Board for review and approval. Thank you for your consideration.

Sincerely,
BLAIS CIVIL ENGINEERS,

A handwritten signature in black ink that reads 'Todd J. Gammon'.

Todd J. Gammon, PE

Cc: James Gray

TOWN OF CAPE ELIZABETH

Planning Board Application

Applications for Planning Board Review shall be submitted to the Town Planner. Applicants should contact the Town Planner prior to submitting an application to confirm submission requirements.

Applicant:

Name: James Gray Telephone: (207) 415-7881
Address: 143 Craigie Street, Portland, ME 04102 Email: jgray@kw.com

Agent or Contact Person to whom all correspondence should be addressed:

Name: Todd Gammon, PE, Blais Civil Engineers Telephone: (207) 730-7200
Address: 27 Gorham Road, Suite 207 Fax: _____
Scarborough, ME 04074 Email: tgammon@blaisce.com

Name of Project: Private Accessway Map/ Lot U36/64
Location: Ledgewood Lane

Type of Review:

_____ Major Subdivision Review, Sec. 16-2-4, Subdivision Ordinance
_____ Minor Subdivision Review, Sec. 16-2-3, Subdivision Ordinance
_____ Site Plan Review, Sec. 19-9, Zoning Ordinance
 Private Access Waiver, Sec. 19-7-9, Zoning Ordinance
_____ Earth Materials Permit, Sec. 19-8-5, Zoning Ordinance
_____ Resource Protection Permit, Sec. 19-8-3, Zoning Ordinance
_____ Other: _____

Fees Paid: \$300.00

I attest that I have right, title, or interest in the property to be reviewed. I have reviewed a copy of the application regulations listed above and attest that I have read them and prepared my application in accordance with Town requirements.

 Signature of Applicant
3/19-20 Date

TRUSTEE'S DEED

KNOW ALL BY THESE PRESENTS THAT I, James J. Scully,
Trustee of The Susan W. Scully Administrative Trust, f/k/a The Susan W. Scully Living
Trust, under trust dated October 20, 2016, as amended and restated, dated August 17, 2019,
for consideration paid by Carolyn K. Gray and James R. Gray, of Portland, Maine, do hereby
remise, release, bargain, sell and convey, unto the said Carolyn K. Gray and James R. Gray, as
joint tenants, their heirs and assigns forever, the land and buildings in the Town of Cape
Elizabeth, County of Cumberland and State of Maine more particularly described as follows:

SEE ATTACHED SCHEDULE A

TO HAVE AND TO HOLD the same, together with all the privileges and
appurtenances thereunto belonging, to the said Carolyn K. Gray and James R. Gray, their heirs
and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hand this 20th day of February, 2020.



Witness

 trustee

The Susan W. Scully Administrative Trust
By: James J. Scully, Trustee

STATE OF Maine
COUNTY OF Cumberland

On this 20th day of February, 2020, personally appeared before me the above-named James J. Scully, and acknowledged the foregoing to be his free act and deed in his capacity as trustee of The Susan W. Scully Administrative Trust.



Notary Public
Charles McLaughlin, Esq.

Exhibit A

A certain lot or parcel of land situated on the northwesterly side of Ledgewood Road in the Town of Cape Elizabeth, County of Cumberland and State of Maine, being Lot No. 64 as shown on Plan of Broad Cove made by H.L. & EC. Jordan-Surveyors and recorded in Cumberland County Registry of Deeds in Plan Book 77, Page 39, to which plan reference is hereby made for a more particular description.

This conveyance is subject to all restrictions, easements and encumbrances of record.

Meaning and intending to describe and convey the same premises as conveyed to James J. Scully, Trustee, of The Susan W. Scully Administrative Trust, f/k/a The Susan W. Scully Living Trust by Deed from Susan W. Scully dated October 20, 2016 recorded on October 26, 2016 in the Cumberland County Registry of Deeds in Book 33554, Page 196.



April 2, 2020
BCE File: 20108

Mr. Steve Harding, PE, Town Engineer
Town of Cape Elizabeth
75 John Roberts Rd., Suite 4A
South Portland, ME 04106

Re: 18 Ledgewood Lane, Cape Elizabeth (Map U36 / Lot 64)
Private Accessway Permit

DEAR MR. HARDING,

We are assisting James Gray with a Private Accessway permit for a new home construction at the subject address. The project consists of a three bedroom home and garage. We are looking to get approval from the Town to discharge into the sanitary sewer system (8" main) and a letter stating that there is adequate capacity to handle our proposed flows.

The design flows were taken from "The State of Maine Subsurface Wastewater Disposal Rules" Table 4C. We anticipate that the daily flow from this project will be 270 gallons per day for the three bedroom home.

The Private Accessway application will be submitted to the Town of Cape Elizabeth on 4/3/20, with the subsequent planning board meeting taking place on 4/21/20. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

BLAIS CIVIL ENGINEERS

A handwritten signature in black ink that reads 'Todd J. Gammon'.

Todd J. Gammon, PE

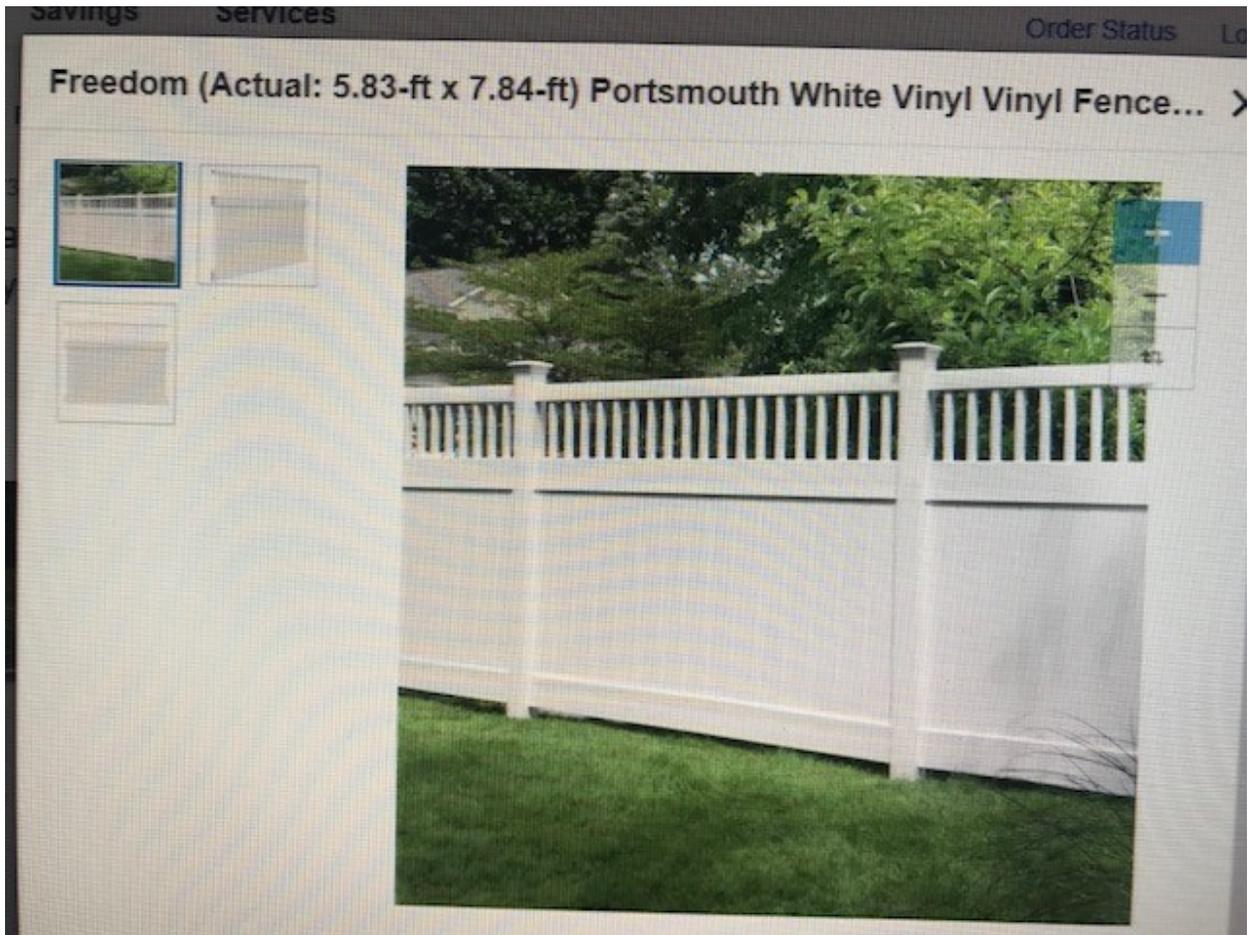
cc: James Gray



At proposed driveway looking towards Spoundrift Lane.



At proposed driveway entrance looking into lot.



Proposed Fence along rear of parcel.

DECLARATION OF COVENANTS WITH RESPECT TO ROAD MAINTENANCE

KNOW ALL MEN BY THESE PRESENTS, that the Undersigned as owners of a certain parcel of land located at 18 LedgeWood Lane in the Town of Cape Elizabeth, County of Cumberland and State of Maine, and more particularly described on the attached SCHEDULE A;

WHEREAS, the Undersigned desire to subject the Property to a perpetual obligation to maintain a private accessway in said Cape Elizabeth;

NOW, THEREFORE, in consideration of these premises, the Undersigned for themselves and their respective successors and assigns, hereby subject the Property to the following agreement as covenants running with the land which shall be binding upon and enforceable by the parties and their respective successors and assigns, or by the then owners of any parcels subject to this Declaration, to wit:

1. **Maintenance of Accessway.** The Undersigned hereby agrees to provide for the maintenance and repairs necessary to keep the private accessway passable on foot and by motor vehicles, including without limitation, the emergency vehicles of the Town of Cape Elizabeth, including grading, snowplowing, sanding and trimming of vegetation, each contributing to such expenses on a per capita basis for each lot upon which a residence has been constructed or is under construction.

Every subsequent owner, in accepting a deed for this residential lot, agrees to and shall automatically be subject to and comply with this Declaration. The obligations shall terminate upon the sale, transfer or other disposition of his ownership interest in the lot.

2. **Enforcement.** The Town of Cape Elizabeth shall also have the right, but not the obligation, to enforce this agreement in order to ensure access for emergency vehicles. Any and all costs incurred by the Town of Cape Elizabeth in enforcing this agreement and maintaining the road, including reasonable attorney's fees, shall be the responsibility of the Undersigned and any future owners who may join in the execution of this Declaration.
3. **Nonwaiver.** Nothing contained herein shall waive or impair the legal obligations of other owners in common of _____ to contribute to such expenses of maintenance and repair, or any rights of subrogation which the Undersigned may hold as a result of their advance of such expenses upon the failure of such owners to contribute their proportionate share.

If any provisions of this Declaration, or its application to any persons or circumstances, is invalid or unenforceable, then the remainder of this Declaration, or the application of such provision to other persons or circumstances, shall not be affected thereby.

IN WITNESS WHEREOF, the Undersigned has/have executed this Declaration of covenants this
day of _____, 2020 .

WITNESS:

By
Its

WITNESS:

By
Its

STATE OF MAINE
CUMBERLAND, SS.

_____ 2020

Personally appeared the above-named James Gray and acknowledged the foregoing execution to be his free act and deed in said capacity and the free act and deed of

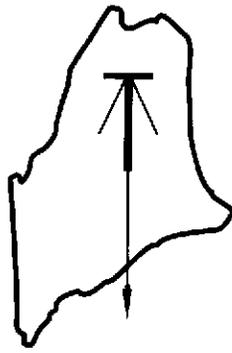
Before me,

Notary Public/Attorney at Law

Printed Name

WAYNE

PROFESSIONAL LAND SURVEYING
and LAND PLANNING
30 Wood Drive, Gray, Maine 04039



WOOD & co.

WETLANDS DELINEATION
Telephone (207) 657-3330
wtwco@securespeed.net

EXHIBIT A

**Description of Private Access Way
At
18 Ledgewood Lane, Cape Elizabeth, Maine**

A certain private access way situated on the Northwesterly side of Ledgewood Lane in the Town of Cape Elizabeth, County of Cumberland and State of Maine being more particularly described as follows:

Beginning at a point on the Northwesterly side line of Ledgewood Lane. Said point being located N 36°21'30" E a distance of 15.00 feet from a 5/8" capped rebar (#1328) set in the ground on the said side line of Ledgewood Lane at the Easterly corner of Lot 63 and the Southerly corner of Lot 64 as shown on the plan of "Broad Cove" as recorded in the Cumberland County Registry of Deeds in Plan Book 77 Page 39;

Thence N 36°21'30" E along the said side line of Ledgewood Lane 30.00 feet to a point;

Thence N 53°38'30" W across the said Lot 64 a distance of 25.00 feet to a point;

Thence S 36°21'30" W continuing across the said Lot 64 a distance of 30.00 feet to a point;

Thence S 53°38'30" E continuing across the said Lot 64 a distance of 25.00 feet to the point of beginning.

All bearings are Magnetic of the year 1954.

Meaning and intending to described a private access way across the said Lot 64 being the same premises conveyed to these Grantors by deed recorded in the Cumberland County Registry of Deeds in book 36,444 page 319.