

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: April 21, 2020
SUBJECT: 18 Ledgewood Ln Private Accessway Permit

Introduction

James Gray is requesting a private accessway permit for the lot located at 18 Ledgewood to cure a road frontage deficiency and make the lot buildable. The application will be reviewed for compliance with Sec. 19-7-9, Private Accessways.

Procedure

- The 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 next makes 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, review may begin.
- No site visit has been scheduled.
- 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.

Summary of Completeness

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

4. Natural features. The applicant is proposing to clear all but a 5' wide strip adjacent to the property line. It will be important to know if there is any vegetation in that area that can serve as a buffer or if vegetation will need to be planted to create a vegetated buffer.

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' extending from the right-of-way of Ledgewood Lane to the building envelope for the lot.
2. Accessway - The driveway is proposed with an 18' wide gravel subbase and 14' wide gravel surface, which will be paved with 3" of asphalt. The accessway will also include 2' wide grassed/gravel base shoulders. Due to the proximity of Ledgewood Lane, the Fire Chief supports a waiver of providing a turnaround on the lot.
3. Sight Distance - Sight distance is greater than 150' from the proposed accessway.
4. One lot - One new lot is created as part of this approval.
5. Lesser standard - No reduction in standards is requested.

c. Sewage Disposal

The applicant has provided information that the lot will be connected to public sewer.

d. Building envelope

A building envelope is shown on the plans but not labeled. A note should be added to the plans that defines the function of the building envelope. For example, all principal and accessory structures shall be included in the building envelope. The Planning Board has also limited the removal of vegetation outside the building envelope on some, larger lots, but may want to instead consider replanting of a buffer following construction.

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 James Gray for a private accessway permit for the lot located at 18 Ledgewood to cure a road frontage deficiency and make the lot buildable be deemed (complete/incomplete).

B. Motion for Approval

Findings of Fact

1. James Gray is requesting a private accessway permit for the lot located at 18 Ledgewood to cure a road frontage deficiency and make the lot buildable, 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 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. 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. The Fire Chief is recommending that the construction of a turnaround be waived in favor of using Ledgewood Lane as a turnaround.
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 connection to the public sewerage system.
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, subject to the additional plantings and fencing to be provided.
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 James Gray for a private accessway permit for the lot located at 18 Ledgewood to cure a road frontage deficiency and make the lot buildable 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 April 15, 2020;
2. That the building envelope be labeled on the plan. A note shall be added to the plan that all principal and accessory structures must be located within the building envelope;
3. That the applicant plant along the lot side lines where no fence is installed a row of evergreen trees, of a size of 6'-7' at time of planting, and spaced 15' apart on center; and
4. That there be no issuance of a building permit until the plans have been revised to address the above conditions and the plan has been signed by the Planning Board and recorded, with the road maintenance agreement, in the Cumberland County Registry of Deeds.

**Private Accessway Review
Completeness Checklist Sec. 19-7-9(D)(3)**

Project: 18 Ledge wood Ln
James Gray

- a. Application form showing owner's name, map/lot, ownership
- b. Location map
- c. Plan prepared by registered Land Surveyor with maintenance note
 - (1) Property boundaries
 - (2) Sewage disposal, utilities, location and names of existing streets
 - (3) Intersecting driveways
 - (4) Drainage courses , floodways, wetlands, trees, natural features
 - (5) Surface water drainage
 - (6) Easements, deed restrictions, covenants
 - (7) Fire hydrant/fire protection systems
 - (8) Proposed utilities
 - (9) Building envelope
- d. Maintenance Agreement