**MEMORANDUM**

 TO: Cape Elizabeth Planning Board

 FROM: Maureen O'Meara, Town Planner

 DATE: May 18, 2021

 SUBJECT: 71 Beach Bluff Terrace Private Accessway Amendment

Introduction

Peter Weare is requesting an amendment to the Private Accessway granted for the lot located at 71 Beach Bluff Terrace (U10-37) on December 19, 2017 to replace a public water service with a private well. 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 amendment.

•The Board should allow public comment on 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 review of the application should occur. If the application is deemed complete, review may begin.

•If the application is deemed complete, the Board should decide if a site walk and/or public hearing will be scheduled.

•At the end of discussion, the Board has the option to approve, approve with conditions, table or deny the application.

Summary of Completeness

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

a. Staff is using the application form submitted for last month's Planning Board workshop.

Private Accessway Standards (Sec. 19-7-9(D)(4))

Because the Planning Board previously found the standards of Sec. 19-7-9 were met, only the standards related to the proposed shift from public water to private well are included below:

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. State plumbing code requires a minimum 100' setback for a well from a subsurface wastewater disposal system.

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 an amendment to the previously approved Private Accessway for 71 Beach Bluff Terrace (U10-37) to replace the public water supply with a private well be deemed (complete/incomplete).

**B. Motion for Approval**

Findings of Fact

1. Peter Weare is requesting an amendment to the Private Accessway granted for the lot located at 71 Beach Bluff Terrace (U10-37) to replace a public water service with a private well, which requires review for compliance with Sec. 19-7-9, Private Accessways.

2. A Private Accessway Permit for 71 Beach Bluff Terrace has been previously approved by the Cape Elizabeth Planning Board to be in compliance with the Zoning Ordinance, Sec. 19-7-9, and the findings and decisions of those approvals which are not altered by the proposed amendments remain in effect.

3. Adequate disposal of sewage (shall/shall not) be provided as evidenced by connection to the public sewerage system.

4. 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.

5. 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 Peter Weare for an amendment to the previously approved Private Accessway for 71 Beach Bluff Terrace U10-37) to replace the public water supply with a private well 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 May 10, 2021;

2. That there be no issuance of a subsurface wastewater disposal permit until the plans have been revised to satisfy the above condition and submitted to the town planner.

**Private Accessway Review**

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

Project: 71 Beach Bluff Terrace Private Accessway Amendment

**\_**P**\_** a. Application form showing owner's name, map/lot, ownership

\_Y\_ b. Location map

N/A c. Plan prepared by registered Land Surveyor with maintenance note

\_Y\_ (1) Property boundaries

\_Y\_ (2) Sewage disposal, utilities, location and names of existing streets

N/A (3) Intersecting driveways

\_Y\_ (4) Drainage courses , floodways, wetlands, trees, natural features

\_Y\_ (5) Surface water drainage

N/A (6) Easements, deed restrictions, covenants

N/A (7) Fire hydrant/fire protection systems

\_Y\_ (8) Proposed utilities

\_Y\_ (9) Building envelope

\_Y\_ d. Maintenance Agreement