

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: July 21, 2020
SUBJECT: 19 Fessenden Rd 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.

Procedure

- The Planning Board should begin by asking the applicant to introduce the project.
- The Board should then open the meeting to public comment on completeness.
- The Board should 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.
- The Board should decide if a site walk and/or public hearing will be scheduled.
- At the close of discussion, the Board has the option to approve, approve with conditions, deny or table the application.

Summary of Completeness

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

- (6) Easements. The applicant will need to convey by easement access rights to benefit lot 1 over lot 2. A draft easement can be submitted for the next meeting.
- (9) Building envelope. The plans depict a building envelope but it should be labeled such.

Discussion

Beyond the level of completeness, the Planning Board may want to discuss the following:

1. Private Accessway easement. The private accessway benefitting lot 1 (rear lot) crosses over lot 2 (front lot, 19 Fessenden Rd). Easement rights over lot 2 for the benefit of lot 1 should be created either as a separate easement document or within the road maintenance agreement.

2. Lot 2 driveway. In order to avoid creating a shared driveway for lots 1 and 2 and triggering private road standards, the applicant is proposing to move the existing driveway for lot 2 to the west side of the lot. Establishing a private road right-of-way would reduce the size of lot 2, which is already an undersized lot. A note should be added to the plan that requires the timed construction of the new driveway. For example, the lot 2 driveway must be constructed prior to the issuance of a certificate of occupancy for lot 1. If ownership of lot 2 will transfer to anyone who does not own lot 1, the driveway must be installed prior to transfer of ownership.
3. Landscaping species. The plan includes a generous planting (54 shrubs and 7 trees) of "native shrubs and trees" around the perimeter of lot 1. The actual species of plantings and size at time of planting should be identified on the plan.
4. Stormwater. The Town Engineer is recommending revisions to the rain garden location and additional information added to the plan specifying maintenance of the stormwater infrastructure. Most of the stormwater infrastructure is located in the Private Accessway area, so reference to maintenance in roadway maintenance agreement may be the most streamlined approach.

Motion 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 Paul Stewart for a Private Accessway for an existing lot located at the rear of 19 Fessenden Rd be deemed (complete/incomplete).

B. Motion to Table (with public hearing)

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Paul Stewart for a Private Accessway for an existing lot located at the rear of 19 Fessenden Rd be tabled to the regular August 18, 2020 meeting of the Planning Board (at which time a public hearing will be held).

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

Project: 19 Fessenden Rd Private Accessway

- 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