

**WESTBROOK CITY COUNCIL
COMMITTEE OF THE WHOLE AGENDA
MONDAY FEBRUARY 25, 2019 AT 6:30PM
WESTBROOK HIGH SCHOOL ROOM 114**

Westbrook City Council's Committee of the Whole, chaired by Councilor Lynda Adams, will meet at 6:30pm. The agenda items are as follows:

1. **Private Ways**

Presented by Jerre Bryant, City Administrator



City of Westbrook

DEPARTMENT OF PLANNING & CODE ENFORCEMENT

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MEMO

DATE: February 21, 2019

TO: Mayor, City Council

FROM: Jennie P. Franceschi, City Planner & Rebecca Spitella, Asst. Planner

Cc: City Administrator, City Clerk, City Solicitor

RE: Request for exemption provisions on road standards for existing private ways

Attached: – Private way ordinance

Staff Comments:

The discussion on allowing an exemption from the Private Way ordinance was requested by Kurt and Tammy Brown for their own land off of Timberland Drive. In response to that request, Staff has the following comments.

Any resident that purchases property has the ability to have that land developed in a way that is compliant with the City ordinances at that time. When a property owner has a vision for their land and wishes to see their vision come to reality, there are processes to memorialize those visions, one of which is subdivision approval. Property owners have for over the last 100 years gone through the formal subdivision process to memorialize their intent for their land based upon the rules at that time, and in most cases, the lots are now grandfathered lots.

If one does not wish to go through this process, the alternative is to carve off 1 or 2 lots every 5 years to avoid subdivision review and all the requirements of that process. However that decision has the innate risk that standards can change and evolve over time. When the next lot split occurs, the property owner is subject to the rules at the time of the split. There is no grandfathering of a vision if the property owner wishes to avoid subdivision review and therefore does not memorialize the splits.

For instance, DEP regulations change all the time and projects that were approved of just a few years ago, are now subject to new regulations when new projects are brought forward.

For the specific example on allowing an exemption on road standards, Staff does not support the allowance of an exemption on road standards which would afford a property owner the ability to continue to develop/carve off their land but not in compliance with City Standards as all other project are required to adhere to. We feel consistency in the standards is important and the road standards are in place for the safety and welfare of the public.

The standards do not prevent property owners from developing their lands. The Browns have the ability to continue developing their land, however it would need to be done in compliance with the current regulations which in this case would require upgrades to the road structure/paving.