

**TO: Old Orchard Beach Planning Board**  
**FROM: Jeffrey Hinderliter, Town Planner**  
**SUBJECT: April Planning Board Meeting Summary**  
**DATE: 10 April 2012**

**\*\*\*APPLICANT NOTE- May PB meeting submission are due on 23 April\*\*\***

Below is a brief summary of pertinent issues related to the April Planning Board Agenda items:

**ITEM 1 – Chamberlin (2 Lot Private Way: Review Submissions, Final Review)**

- This proposal was tabled during the January meeting because the information requested was not received.
- At the December meeting, the PB determined additional information was needed in order for the application to move to the final steps/review.
- The additional information requested:
  1. Submission of right, title interest
  2. A revised plan which includes stormwater management systems, underground utilities and information sufficient to establish the exact location, direction, width, and direction of the private way
  3. Letter from Biddeford & Saco Water Department authorizing the installation of public water.
  4. The following should be on the primary plan:
    - a. Labeled as “Plan of a Private Way”
    - b. An approval block for PB signatures, the date of approval and the words “Private Way, approved by the town Planning Board”
    - c. A note reading “The Town of Old Orchard beach shall not be responsible for maintenance, repair, plowing, or similar services for the private way shown on this plan”
    - d. A note reading “All public rights shall be maintained and granting the approval of the private way shown on this plan does not relinquish public rights. Any improvements within the right-of-way can be removed and/or upgraded by the town at a future date.
- **RECOMMENDATION:** This information has been submitted and I believe this proposal has reached a point of PB vote.

**ITEM 2 – 7-11 (Site Plan Review: Determination of Completeness, Schedule Site Walk & Public Hearing)**

- This is a new Site Plan Review application. The proposal is to replace existing fuel dispensers, canopies, underground storage tanks and necessary piping and replacing with new. This includes removing the two existing canopies and installing one new canopy and four new fuel dispensers.
- The proposal required a setback variance, which it received at the February ZBA meeting (Two existing canopies are nonconforming in regards to the setback requirements. The proposed canopy is will also be nonconforming to the setback requirements and one setback will become more nonconforming).
- The Site Plan Review Criteria for Approval (78-216 d. 1-9), have not been specifically addressed. Providing written responses and supporting documentation for each of these 9 standards is important because this, along with plan requirements, is how the PB determines if a proposal complies with the Site Plan

**Review Ordinance.** The PB may choose to conditionally determine the proposal is complete, requesting that the review criteria responses are submitted by 23 April (submission deadline for May meetings).

- **One particular item the PB should consider is traffic movement in and out of the site.** As we all know the halfway section is dangerous. By relocating the canopy, which means relocating the fuel dispensers, will this create or further exacerbate a problem traffic area? Also, the underground fuel tanks will be relocated so they are closer to the road. How will trucks refuel these? Where will the trucks be parked when refueling? What time of the day will trucks refuel? When reviewing the proposed canopy location, further consideration should be applied to internal vehicular and pedestrian circulation. I believe this is critical information the PB needs to know and there may be an opportunity to improve this traffic problem.
- **The applicant should check with the Fire Department (Chief John Glass 934-1750), Police (Deputy Chief Keith Babin 934-5899), Sewer Treatment (Chris White 934-4416), Public Works (Bill Robertson 934-2250) and Biddeford/Saco Water Department (Tom Carr) to be sure the proposal is ok with them.**
- **RECOMMENDATIONS:** It is my opinion the applicant must provide responses and any applicable supporting documentation to the review criteria. The PB could make a conditional determination of completeness based on the applicant's submission of review criteria responses. So time isn't lost, the PB could schedule the public hearing and site walk, but this will be contingent upon submission of review criteria responses by 23 April. As I mentioned above and I must emphasize, I believe traffic movement into and out of the site (including the trucks that refill the underground tanks) and internal vehicular and pedestrian circulation are the most critical matters associated with this proposal. I recommend the applicant address the parking and traffic movement issues within and exiting/entering the site.

### **ITEM 3 – LaCosta Development LLC (Subdivision Amendment)**

- **Amendment to approved 2007 plan and 2011 amendment.**
- **Amendment includes: 1. change in type of building and layout; 2. adjustments to driveways; 3. minor access road adjustments; 4. changes to walkways; 5. Unit Boundaries.**
- **During 1987/1988, Dunegrass was approved as 18 separate sections (Sections A – R) with a total of 589 dwelling units and a golf course. The Dunegrass development has evolved since the original 1987/1988 approval through various amendments. It is somewhat unique in the way it was approved by both the town and DEP so it is allowed to change overtime and adjust to market conditions. These changes have varied from minor to major revisions.**
- **LaCosta Pines was originally approved as part of the Dunegrass development in 1987/1988. During 2006 - 2007, LaCosta Pines had some significant changes including a complete building and land re-design. This required a full subdivision application through the town which was approved by the PB and town engineering during 2007. As a result of this re-design, all LaCosta Pines plans, stormwater management reports and other documentation were revised and updated.**
- **During late 2011, an amendment to the 2007 plan was approved. This 2011 proposal was a simple change from the 2007 approval. The changes included going from town homes to single family dwellings while keeping the same unit numbers and changing the driveways. All stormwater management and a majority of the site**

engineering will remain the same. In fact, impervious surface was reduced with the revised layout.

- The new, 2012 proposed subdivision amendment primary changes are unit boundaries, unit locations, types of units, and parking areas (opposed to shared driveways). Impervious surface is further reduced from the 2011 amendment. Overall, I think the layout and site design is an improvement; although, I have two comments:
  1. Unit boundaries- are these property boundary lines? I have not analyzed how individual unit boundary lines conform to the overall Dunegrass master plan or our zoning ordinance. As I recall, these have not been part of previous LaCosta proposals.
  2. A few units have walkways that lead directly to the road. Could they be connected to the parking areas to allow more direct and safer access?
- Are additional plans, documents or PB meetings required and/or necessary? In my opinion this is a relatively simple amendment of something that recently received full review and approval; although, the unit boundaries concern me because I have not properly analyzed how they conform to the Dunegrass master plan and OOB Ordinances. I believe the only additional plans or documents the PB needs from what's been submitted are engineered stamp Mylar's (2) and paper copies showing the changes (for signature purposes). 74-235 of the subdivision ordinance states PB review is required if there are any changes, modifications, erasures or revisions after approval- The revised plan must be submitted to the PB for approval. It appears public hearings, site walks or other procedural issues are not required; therefore, the PB simply rules on the amendment.
- The applicant should check with the Fire Department (Chief John Glass 934-1750), Police (Deputy Chief Keith Babin 934-5899), Sewer Treatment (Chris White 934-4416), Public Works (Bill Robertson 934-2250) and Biddeford/Saco Water Department (Tom Carr) to be sure the proposal is ok with them.
- **RECOMMENDATION:** I believe the PB can rule on the amendment if they find the plan and written documentation is acceptable; although, I do have some concerns regarding the unit boundaries. If the PB does not rule on the proposal, they should state what is needed from the applicant. Note: A performance guarantee must be submitted before construction begins.

**ITEM 4 – Casey Morris (1 lot Private Way: Determination of Completeness, Determine if Site Walk and/or Public Hearing is necessary)**

- This proposal is to create a Private Way to access one lot. The purpose for creating the Private Way is so the applicant can create a conforming lot by obtaining frontage on the Private Way.
- Currently, there is no right-of-way or road in this location; it is undeveloped for our purposes.
- This is different from the Private Way's we've reviewed lately because there is no paper street, public/private rights or easements or rights to use. This makes it much easier.
- The PB should identify any outstanding issues, if any exist.
- The Private way ordinance does not require the PB to hold a public hearing or site walk. I believe a public hearing is not needed but I do recommend the PB hold a site walk as a group or perform individually visits.

- **RECOMMENDATION:** I believe the application is complete and the PB should decide if a public hearing and/or site walk should be scheduled. Final Review can be scheduled for our May meeting.

**ITEM 5 – Virginia Tent LLC (Site Plan Review: Determination of Completeness, Schedule Site walk and Public Hearing)**

- This proposal includes removing an existing clubhouse and replacing with a new clubhouse, pool house and other site improvements (attached deck, light fixtures, fence, formally marked parking spaces, walkways, and landscaping).
- A review of the Campground Overlay and Residential 2 District Minimum Lot Size and Performance Standards shows this proposal is in conformance with the applicable regulations. I have a few comments/questions:
  1. How will the proposed lighting meet 78-1229 (5) lighting requirements for proposed exterior lighting.
  2. Plan notes show the proposal includes an accessory building which does not conform to the height requirements- is this a mistake on the plan?
  3. Is there available location for safe unloading/loading that will not interfere with other vehicular traffic?
  4. The applicant should check with the Fire Department (Chief John Glass 934-1750), Police (Deputy Chief Keith Babin 934-5899), Sewer Treatment (Chris White 934-4416) and Biddeford/Saco Water Department (Tom Carr) to be sure the proposal is ok with them.
  5. There are no specific parking standards (for number of spaces) applicable to a use such as this (I feel it should be identified as ‘assembly’) that I could find in the Campground Overlay District or the Parking section of the Performance Standards (Article VIII). Currently, there are no designated spaces for the existing clubhouse so at least the applicant is now providing formal spaces.
  6. The Campground Overlay (CO) and Site Plan Review Ordinances have Buffer Standards. The CO buffer standard applies to campground expansions or campsite upgrades. The 100’ buffer does not appear to apply because the campground was established before 1 January 2000 and because this proposal does not include the extension of the campground onto land which was not part of the registered campground. Although it is my opinion the buffer standards cited above do not apply, it does appear the buffer standards of Article VIII, Division 7 may apply. To determine if it does apply, the PB should first read the opening paragraph of Section 78-1229- does the removal of an existing building and replacement effect existing conditions, buildings or sites? If the PB thinks it does, then the Buffer Standards of Article VIII, Division 7 apply and the applicant will need to be sure the proposal conforms to this standard. If it does not, Division 7 may still apply because the applicability of this Division states “All new construction of nonresidential...uses requiring plenary review...shall be subject to the performance standards in this division for landscaping and buffering.” If the PB feels Division 7 applies, I believe the applicant should concentrate on the screening and Buffering standards (78-1821 – 1827)
- The Site Plan Review Criteria for Approval (78-216 d. 1-9), have not been specifically addressed. Providing written responses and supporting documentation for each of these 9 standards is important because this, along with plan requirements, is how the PB determines if a proposal complies with the Site Plan

**Review Ordinance.** The PB may choose to conditionally determine the proposal is complete, requesting that the review criteria responses are submitted by 23 April.

- Overall, this proposal is an improvement- the new clubhouse is attractive, site design should improve pedestrian and vehicle circulation and this will be quite an aesthetic improvement.
- **RECOMMENDATIONS:** It is my opinion the applicant must provide responses and any applicable supporting documentation to the review criteria. The PB could make a conditional determination of completeness based on the applicant's submission of review criteria responses. In addition to (and part of) the review criteria, the PB may request the applicant address above-mentioned items 1-6. So time isn't lost, the PB could schedule the public hearing and site walk, but this will be contingent upon submission of review criteria responses by 23 April.

#### **ITEM 6 - Seacoast RV Resort LLC (Site Plan Review Amendment- Concept Plan Review)**

- This is a conceptual plan review for the addition of 12 seasonal campsites.
- This is conceptual because there appears to be a 'grey' area involving interpretation of the Campground Overlay District Buffer Requirements. The applicant is seeking the PB's insight on this- interpretation of the buffer standard will determine if the proposal can or can't move forward.
- The primary question- does the 100' buffer standard in 78-1229 1(c) apply or does the buffer standard in Article VIII, Division 7 as well as the setback standard apply? The key is interpretation of 78-1229 1(c). Please carefully read this standard.
- 78-1229 1(c) could be read the 100' buffer does not apply because this proposal is a campground expansion within a registered campground. This proposal is not creating a new campground or is it an extension of an existing campground. Extensions, as I understand, happen when an existing campground acquires more land that was not part of the registered campground on 1 January 2000 (I believe this is why the 2010 Hid'n Pines proposal required a 100' buffer- they acquired more land to be part of the campground that was not part of the original campground). Expansions are campgrounds that add new campsites to land that already exists in the registered campground- no new land is acquired to expand the campground.
- One additional question- does the addition of 12 campsites require full site plan review or is an amendment acceptable.
- **RECOMMENDATIONS:** If the PB believes the 100' buffer applies, the plan cannot move forward. If the 100' standard does not apply but the buffer standards in Article VIII, Division 7 apply along with the setback, then the proposal can move forward.

#### **ITEM 7 – Ferret Reality (Design Review Certificate Approval)**

- This proposal includes façade work to the business located at 32 East Grand Ave.
- Work includes clapboard siding, cultured stone on the bottom of the building, recessed lighting, angled trim, new window, and straightening out the front entry.
- At their March meeting, the Design Review Committee recommended the PB approve the Design Review Certificate.
- **RECOMMENDATIONS:** The PB can accept DRC's recommendation and approve the Design Review Certificate.