

TO: Old Orchard Beach Planning Board
FROM: Planning Staff
SUBJECT: August Planning Board Meeting Summary
DATE: 11 August 2016

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

PUBLIC HEARING ITEMS

ITEM 1

Proposal: Conditional Use: Accessory Dwelling Unit
Owner: Frederick O'Neal
Location: 15 Willow Ave., MBL: 204-3-48, R1

REGULAR BUSINESS ITEMS

ITEM 2

Proposal: Conditional Use Amendment of Approved Plan/Appeals from Restrictions on Nonconforming Uses (Overnight Cabins): Change use of 7 units from seasonal to year-round (currently 5 year-round use for a total of 12)
Action: Discuss proposal; Board action
Owner: SRA Varieties Inc., D.B.A. Paul's II
Location: 141 Saco Ave., MBL: 311-1-10, GB2 District

(8.11.16) UPDATE AND RECOMMENDATIONS

As you may recall, staff requested (several times) the owners submit responses to department head, PB member and staff comments. We have yet to receive a response. Staff believes it is the owner's best interest to provide responses to these comments because we feel the submitted information does not provide enough information for the PB to find "that the impact and effects of this enlargement, expansion, extension, resumption or conversion to another nonconforming use on existing uses in the neighborhood will not be substantially different form or greater than the impact and effects of the nonconforming use before the proposed enlargement, expansion, resumption or conversion to another nonconforming use" (78-180). Basically, the owner has not met their burden of proof.

As stated above, for several months we have requested that the applicant submit further information and we continue to receive nothing in response to our request. The PB has been generous with their time and has tabled action over the course of several meetings. It is staff's opinion that we need to take the next steps to conclude this matter; therefore, we recommend the PB take some kind of action which could include removing this item from the agenda or scheduling final ruling.

Recommendations (8.11.16)

Staff recommends the PB take some kind of action which could include removing this item from the agenda or scheduling final ruling.

BACKGROUND (July)

The owner was asked to address the comments below in writing. The owner informed staff that he needs more time to do this and will not be prepared for the July meeting. Due to the number of unanswered questions staff recommends this application be tabled without prejudice until the August 2016 PB meetings.

The PB questioned if there is a limit to the number of times an application can be tabled. The only charter ordinance and procedure policy language I found regarding tabling applications is associated with the

Council (Sec. 2-72). The charter, ordinances and procedure policy associated with PB review (Site Plan, Subd, Conditional Use) is silent on this but each ordinance does include a time frame related to decision making depending on where an app is in the review process (e.g., 60 days after a public hearing). These time frames would typically limit the amount of time the PB can table an application; although, this proposal is being reviewed as an ‘amendment’ and I find no specific time frame related to ruling on an amendment.

RECOMMENDATIONS: One thought is the PB can table without prejudice until a specific date (the August meeting dates) and at the August meeting schedule a final ruling for September. Or, the PB can schedule a final ruling in August and either rule on the application at the August meeting or table final ruling until a specific date.

BACKGROUND (May and June)

DEPARTMENT HEAD COMMENTS

CODES

While I have been a supporter of the renovations at the above property I am having some difficulty with all units becoming year round in their use.

When we first sat down with Pierre Bouthlier and the Signs it was understood that the pre existing buildings now designated building 1 and 3 would be allowed to go year round due to their existence in place for many years. This is also how the Planning Board was approached and how they won approval. This project has been a very difficult one to keep on track not only for the Codes Office but for Gee and Gagon Sign as well. It was underestimated in the costs associated with it and has a troublesome property for staff to manage. I feel the Town has gone out of its way to accommodate the owners as we have not seen the project at 100 percent completion even today. We are still working with the owners to get it up and running as it was originally designed. To allow this project to go to 100 percent year round without any history of experience with it operating as it was designed does not make sense to me.

I recommend to you and the Planning Board that the project needs to be first completed as was intended and get a year or possibly two behind it to gauge whether it will be managed properly and has the where with all to not put a burden on the Towns recourses.

With the possibility of these units becoming Year-round without any experience. The buildings were design built as stand alone structures where there are smoke and carbon detectors in the living units. There is not an annunciator system or sprinkler system Which could cause issues if the buildings are all occupied at the same time. Summer is one thing but operations in the winter months is quite another. Allowing all units to remain online after the end of the season not allow the Town to see how the property can handle snow removal, trash removal and the tenants it will bring. I urge the Planning Board to hold off and table this application until such time the property has some history of operating as was originally agreed. I applaud the Signs for stepping up and getting the project to this stage. It just needs to get finished.

Additional Codes Comments

- Non Completed work (still in process) and conditions at site clean-up etc.
- Unpaid permitting for construction and Sewer connection fees total due is \$7400.+
- Landscaping work postponed until spring
- Called for Repeated inspections –each with finding items the owner claims are done however not to the satisfaction of the inspector.(generally the site work.)
- Number of units as proposed to Planning Board `12
Actual number on site visit was 15 per BD
- Site work elevations not submitted as required by PB they were started by Jim Fisher North East Civil Solutions ,we have not seen them as of today
- We have done two lists for them and each time they stall us

PUBLIC WORKS

It is difficult to comment on the residential expansion plans behind Red Rocket. The plan you provided at yesterday's development committee meeting is very crude and does not provide much specificity. A lot more engineering work is needed before this concept can be adequately reviewed.

1. Will vehicle access between the Red Rocket business and the residential area be blocked?
2. How will the drainage work?
3. Red Rocket has a driveway permit for their Union Avenue frontage. They have removed curb but have not completed the work.
4. What is the surface of the parking area? If it is not paved, how will parking spaces be delineated?
5. The parking appears to be angled parking. If cars back out of angled parking where will they turn around? What is required for parking?
6. Exiting the Union Avenue driveway it would be better if traffic were restricted to right turn only.
7. Will there be lighting in the parking lot? How will it impact neighbors?
8. Show all utilities.
9. What is the treatment around the perimeter of the property?
10. What is proposed for landscaping?

I have reviewed the documentation that you provided at yesterday's development committee meeting. Reference is made to a drainage report prepared by engineer Jim Fischer. I have not seen this report. I have not seen adequate engineered plans so that I cannot comment more than I did in an email to you dated April 28, 2016.

POLICE

Areas of observation/concern.

- 1- The current "unauthorized" drive way exiting onto Union Ave. This exit point is too close to the intersection creating a hazard to pedestrian and vehicular traffic. In addition, it will have an impact on the intersection movement if vehicles are attempting to enter the motel and are unable due to a traffic back up at the signal.
- 2- There is a concern with "seasonal rentals" and how that relates to the availability of "winter rentals". Being licensed for any "winter" rentals creates an environment of transient housing and the issues this can create especially if the tenants are not properly vetted. As we know, we have had a history with this type of housing for a merit of reason and in some cases suspended the license.

FIRE

I have the following concerns with the location described as 141 Saco Ave. The following are concerns or requirements we would like to see if this is a year round establishment.

- A project of this size and being a motel type property we would require a complete and monitored fire alarm system not just a hard wire residential system. This would include a fire alarm panel connected to a monitoring company and a panel showing each zone and each building. Clearly marked.
- A Knox box on the front of the "main building" usually located on the front of the building where the fire alarm panel is located.
- All doors need to be mastered so we only have to use one key to gain access to any door.
- I am concerned with the current gravel driveway as our trucks weigh up to 68,000 lbs. and I am afraid in the spring we will get stuck.
- All buildings need numbers that we can see plainly visible. Each unit would also need a number on or near the door.
- I have a concern entering or exiting on the Union Ave side as I believe we will not be able to make the swing.

- Concern over winter operations and where the snow will be piled and access for us during this time of year.
- Is there an onsite manager 24 hours a day?
- To my knowledge no Fire Inspection has been done.
- A walk through with each shift would be needed.
- Access to the rear of the buildings appear to be an issue.
- CO detectors in each unit.

SEASONAL VS YEAR ROUND AND SOME ISSUES

Summary of Primary Issues associated with Paul's II cabins:

- A. June 2015 Planning Board Conditions of Approval (Reference: 11 June 2015 PB Minutes):
- Any Planning Board comments during the site walk associated with the proposal before the Board shall be included as part of the improvements to the property including, but not limited to buffering, screening, buildings, drainage and overall site plan. These comments shall be shown on the plan before issuance and submitted to the Town Planner before issuance of the occupancy permit. **Status: Completed.**
 - A letter from Maine Licensed Professional Engineer or Landscape Architect certifying that there will be no post development adverse impact as associated with drainage to abutting properties. Occupancy permit shall not be issued until this is received and determined acceptable by the Town of Old Orchard Beach staff. **Status: Completed.**
 - The applicant and/or their representatives shall work with the Town Planner to develop a buffering/screening plan which shall be implemented before occupancy permits are issued. **Status: Buffer/screening plan discussed but nothing finalized. Need to discuss further and have buffering/screening plan described in writing, shown on a plan or both.**
- B. Number of Units Permitted (Reference: 11 June 2015 PB Minutes). The total number of units permitted is 12. During the June 2015 PB discussions, the applicant proposed 15 units and the PB required the building design plan to be amended so it shows 12 units as this was the maximum number allowed.
- C. Seasonal vs. Year-Round Units (Reference: 11 Sept. 2015 In-Office Meeting Notes- Gee and Jeffrey H; 11 June 2015 PB Minutes). According to my information, the number of approved year-round units is 5. According to my 11 Sept. meeting notes, I outlined the next steps associated with the cabin project. Based on these notes and my memory, the owners approached me to see what they need to do to add additional year-round units. I informed them that 5 units were grandfathered and already approved for year-round occupancy. My notes indicate the owners wanted to add 4 more year-round units to bring the total to 9. I informed them that they need to go to the PB to amend their June 2015 approval. I outlined what they need to do for PB submissions. No further action taken by the owners regarding securing PB approval to add 4 more year-round units. The 11 June PB minutes state that 5 units were grandfathered by Code Enforcement- Unit 1 (an original building adjacent to Saco Ave) and Units 4,5,6,7 (an original building parallel to rear property line). In addition the above, the minutes state: "Mr. Bouthiller stated that part of the season these cabins will be used for the J-1 students and the rest of the year they will use them for tourist and longer stay winter rentals and also use some of the % for year round rentals." Although the quote mentions 'longer winter stay' and '% for year round rentals' the only specific statement concerning grandfathering was for Units 1,4,5,6,7. Based on my 11 Sept. meeting notes, I feel my comments continue to recognize that 5 of the 12 units are allowed for year-round use.

In summary:

1. Before occupancy permits are issued, town staff must receive a letter from a Maine Licensed Professional Engineer or Landscape Architect certifying that there will be no post development adverse impacts as associated with drainage to abutting properties. Occupancy permits can be issued after town staff finds the statements in the letter are acceptable.

2. The applicant and/or their representatives shall work with the Town Planner to develop a buffering/screening plan which shall be implemented before occupancy permits are issued.
3. 12 units are allowed on-site.
4. 5 units are permitted for year-round use.

14 year license history (pls. note license are valid for 2 years)

- 16 July 2002: 11 seasonal cabins (Cabins 10 & 11 are not to be used)
- 16 Feb. 2016: 5 year-round rentals (Buildings 1 & 3 only)
- 19 April 2016: 6 seasonal rentals (Buildings 2 & 4)

ITEM 3

Proposal: Zoning District Amendment: Expand the Campground Overlay District over three parcels zoned R1 and GB1 (Paradise Park)
Action: Discussion; Recommendation for Council
Owner: Paradise Acquisitions LLC
Location: 60 Portland Ave, MBL: 205-1-32; 58 Portland Ave, MBL: 205-1-30 (portion of); 50 Adelaide Rd, MBL: 106-2-2 (portion of)

(8.11.16) UPDATE AND RECOMMENDATIONS

UPDATE!

Staff received a response from the town attorney. See below.

Staff Email To Attorney

Have a tricky one here- the PB is reviewing several properties (owned by Paradise Park Campground) proposed to be included in the Campground Overlay District (see 1st attachment). The questions- was a particular lot (205-1-32) owned by Paradise Park Campground (PP) which is part of the proposed zoning amendment already included with PP's Registration of Existing Campground Application but not shown to be within the Campground Overlay (CO) District. And if so, should this lot be treated, for zoning purposes, as an existing lot within an existing registered campground? Some background:

- November 2003: Town adopts a Campground Overlay Ordinance (2nd attachment). One of the purposes of this ordinance was to bring nonconforming existing campgrounds into conformance through the campground registration process.
- February 2004 PB Meeting (3rd attachment). PP's Registration of Existing Campground Application is determined to be in compliance by the PB at their 12 Feb. 2004 meeting. The PB used newly adopted Sec. 78-1226 (Registration of Existing Campgrounds) to review these applications. As part of this Section, applicants were required to submit documents showing items such as "boundaries of the property". The 'Boundary Survey' (4th attachment) which appears to have been included with the application is what I believe was submitted to, in part, conform with the Section requirements. Review of the Boundary Survey shows land with a "32" in it as the same lot as 205-1-32 which is part of the proposed CO zoning amendment. The problem is this lot is not zoned as CO on the current zoning maps (5th attachment, CO in brown).
- 2016. PP discussed with me a proposal to add campsites and an access road to 205-1-32. Check of the zoning map found the lot was not within the CO so the proposal was not permitted. PP owners decided to move forward with a zoning amendment that would add the CO to this lot. The CO amendment is currently under PB consideration.
- The amendment proposal has received quite a bit of abutter interest, mostly not in favor. I decided to identify and answer questions received (6th attachment). One question- what land was included with the 2004 registration. Researching the answer to this is how I found lot 205-1-32 may already be part of the registered campground.
- I discuss lot 205-1-32 in more detail as part of my response to question #7 in attachment 6. Also, a scanned copy of what appears to be PP's Registration of Existing Campground Application is included with this attachment.

The answer to this question is important as it relates to the potential for future development of lot 205-1-32. If it's already part of the existing registered campground more lenient standards apply compared to if it's not. It's pretty tough for me to write clearly about this (I'm still trying to wrap my head around it) but I hope the above offers you some info to begin. If possible, we'd like some guidance by 11 Aug. but we certainly want to take the time needed.

Town Attorney Response

I have had a chance to review your questions, and as promised I also was able to discuss this with Chris Vaniotis who assisted in the development of the ordinance provisions. He remembers that at that time there was a lot of discussion and debate over whether adding new sites and buildings within existing campgrounds constituted an expansion of the nonconforming use.

The purpose of the overlay district was to allow existing campgrounds to “expand”—*i.e.* add more sites or more facilities—but only within the boundaries established by the April 1, 2004 registration. See the definition of “campground expansion” in Section 78-1: “the creation of one or more new campsites, including the construction of permitted accessory structures on such site, or the permitted creation or construction of one or more new buildings, within an existing campground.” (emphasis added.) Then see the requirements in Section 78-1226(1)(a)(ii) that the registrant seeking existing campground status provide site plan showing the boundaries of the property or a survey showing “parcel property lines” along with the location of existing campsites. Any development outside those property lines would be a new campground, not a “campground expansion,” and would be subject to both the zoning district regulations and the requirements of the campground overlay district. Section 78-1221; 78-1227.

Thus, an existing campground that registered in 2004 would have to show that land for any proposed new sites is within the 2004 boundaries. If not, then you first must determine if the underlying district allows campgrounds as a permitted use – otherwise a zoning amendment would be necessary. The Campground Overlay District did not change the underlying zoning of any property; all it did was change the status of existing non-conforming campgrounds to conforming uses - if they registered as required - and to provide performance standards for new campgrounds that are allowed in the underlying district. It was never intended to be a stand-alone zone. As I previously noted the overlay district really should not have been shown on the zoning map — it applies to all campgrounds in all zoning districts, and is not one of districts listed for mapping in Sections 78-457(a) and 78-456. I think that tends to create confusion.

The introductory paragraph to the Campground Overlay District is helpful. Existing nonconforming campgrounds are allowed to “expand” (*i.e.* add more sites) internally, but not get bigger externally. Outside the boundaries of a registered campground, the overlay district would add an additional layer of regulations in those zoning districts where campgrounds are otherwise allowed.

-END-

Previous Comments

Note: In addition to the comments below the document titled ‘Paradise Park Campground Overlay Proposal Public and PB Member Comments (From July 2016)’ submitted to the PB on 4 August is applicable to the August agenda.

Briefly, the Campground Overlay District matter is even more complicated. After a conversation with our town attorney it appears the question of what land was part of the 2004 campground registration has opened a conversation concerning the existence of the Campground Overlay (CO) as a formal zoning district! Highlights of discussion:

- The CO, as specific districts identified on the zoning map, may be for informational purposes only. The CO may actually exist over the entire town in that a campground can be established anywhere no matter where the zoning maps show the CO to exist. The intent of the CO *may* have been to establish performance standards and review criteria for the expansion of existing campgrounds and establishment of new campgrounds, *no matter where in town*. It’s actually only an ordinance designed to regulate campgrounds, no matter where they are, and not a zoning district. Think of it this way- some noise standards are applicable everywhere in town.
- Campground land that was part of the 2004 registration appears to have much more significance than the land shown to be in the CO on the zoning map.

- If the property was included with the 2004 registration, even if it is not shown to be in the CO, the more lenient standards (e.g., buffer/setback) apply. If the property was not included with the 2004 registration, then the more restrictive standards apply.
- If the above reflects the final opinion from our attorney (which will come), then it appears the establishment of the CO does not need to go through the zoning amendment process because the CO as a zoning district does not exist. It is possible that a proposal to add campsites and an access road could be brought to the PB as a Site Plan Review Application and not even need the CO amendment.

Note this is still being worked out. Phil, our primary land use attorney, decided to contact Chris Vaniotis (our former attorney, no retired) for further assistance. As you can probably guess, there are some significant issues associated with this which will most likely not be worked out by 11 August. Even if they are and we receive an opinion from the attorney by Thursday, this might be a matter the PB wishes to think through. If the current thought continues, the PB can't provide a recommendation on the CO amendment because the existence of the CO as a specific zoning district may not even apply. In addition to the above, PB members received new comments from Department Heads, Paradise Park and abutters. Please consider this information as part of your review.

Recommendations (8.11.16)

As a result of the town attorney's opinion, staff recommends the PB table, without prejudice, their recommendation on this proposed zoning amendment. This is our recommendation because:

1. We need to determine, beyond a reasonable doubt, which lots were part of the PP's 2004 registration. Based on the information in the hard copy files it appears one of the lots (205-1-32) was part of the 2004 campground registration. This is actually why the question came up. Staff spoke about this in the Paradise Park Campground Overlay Public and PB comments memo
2. If one or more lots are part of the registered campground then it appears the proposal can move forward without any zoning amendment. lots that are registered appear to be able to move forward with a Site Plan Review application.
3. If the lot or lots were not included with the 2004 registration, then the base zoning districts (R1 and GB1) need to go through the zoning amendment process if PP wishes to establish campground uses. Amending the CO as a zoning district appears to do nothing as the CO was not intended to be a district. As our town attorney states, it should not have been shown on the zoning map.

Basically, only the lot or lots included in the 2004 campground registration can move forward with a campground proposal without zoning amendments. Any lot or lots not included in the 2004 registration need an amendment to the base zoning district (R1 and possibly GB1) to allow campgrounds as a use before a campground can be proposed. It appears the PB can't provide a recommendation anyway because the CO as a zoning district does not exist.

BACKGROUND (July)

I recommend tabling the PB's recommendation on the zoning district amendment until the August meeting. I say this for 2 primary reasons- First, I expect you'll receive quite a bit of public comment which will most likely require more research. Second, Megan and I still need to do more research on the questions already asked. We've done some but I want to be sure it's as accurate as possible.

A few more things-

- Mike from Paradise Park will have a brief presentation for you.
- I spoke to Justin Berg who is the Treasurer from Brookside Condos (not adjacent but close to the properties) and he said he only came to know of the proposal from someone at Birch Lane. Brookside Condo Association was sent a letter but individual letters were not sent to each unit. I

informed Justin that he will still have time to comment as he's welcome to come to the PH and the Council will hold another PH.

- This zoning district amendment proposal is a bit tricky because we know of the potential for a development proposal but we're not reviewing it at this time and I think much of the comment will be directed more to the development proposal. I think its fine to acknowledge this opens the door to a development proposal but the PB is not ruling on a specific one at this time. The PB's focus is on providing a recommendation to the Council on the zoning district amendment. Only the Council has the authority to make final ruling on zoning amendments. Also, approval of a zoning district amendment (if this should happen) doesn't mean the development that would be allowed to exist can automatically exist- it is still required to meet applicable standards and be reviewed.

RECOMMENDATIONS: Staff recommends: 1. Hold Public Hearing; 2. Regular Business- Mike could make his presentation at this time or at the PH (probably more appropriate as Regular Business); 3. PB discusses and asks staff (and Paradise Park folks, if more applicable to them) to look into specific questions the PB or public may have and report back during August meeting; 4. Table recommendation until August meeting.

BACKGROUND (June)

This purpose of this proposal is to extend the existing Paradise Park Campground Overlay District over three parcels located at 60 Portland Ave, MBL: 205-1-32; 58 Portland Ave, MBL: 205-1-30 (portion of); 50 Adelaide Rd, MBL: 106-2-2 (portion of). The current zoning districts are Residential 1 (R1) and General Business 1 (GB1) which will remain. What will change is the above-mentioned lots will have the Campground Overlay zoning designation and which allow the lots to take advantage of the Campground Overlay (CO) standards.

Last year, the owners of Paradise Park gave me a tour of their campground and discussed future development concepts. One of these concepts was an expansion which includes additional campsites and a new access road leading to Cascade Rd, right by the location where Portland Ave turns (just before Landry's). The campsite expansion and access road location includes lots that do not have the CO District designation. Because the CO District does not exist, the concept is not permissible as campground uses are only allowed in CO Districts. So, in order to move forward with their concept, we identified that the first step is to amend the zoning by expanding the existing CO District to include the above-mentioned lots. If the town approves the zoning change, the concept will become a permissible use and can be proposed to the Planning Board as a separate application.

Because the proposal is a zoning change and part of Chapter 78, it first requires PB consideration which includes a public hearing to be held by the PB as well as a recommendation to the Council. Only the Council can make the final ruling on zoning changes.

Applicable Ordinance Sections (associated with amendments)

Sec. 78-31. - Amendments to chapter.

(a) This chapter may be amended from time to time as the needs of the town require after public hearing on a proposed amendment held by the planning board and following posting and publishing of notice of the hearing.

(b) Such notice shall be posted in the town office at least 14 days before the public hearing and shall be published at least two times in a newspaper of general circulation in the town. The date of the first publication must be at least 14 days before the hearing, and the date of the second publication must be at least seven days before the hearing.

(c) Amendments to this chapter shall be adopted only after favorable vote of a majority of the members of the town council.

Sec. 78-457. - Official zoning map.

(c) *Changes.* If, in accordance with this chapter and the state revised statutes annotated, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered upon such map promptly within 30 days after the amendment has been enacted with an entry on the official zoning map as follows: "On (date of adoption), by official action of the Town Council, the following change(s) were made in the Official Zoning Map: (brief description of nature of change)" which entry shall be signed by the chairman of the town council and attested by the town clerk.

(1) Amendments not effective until entry upon official zoning map. No amendment to this chapter, which involves matter portrayed on the official zoning map, shall become effective until such change and entry have been made upon such map. Any map amendments under the jurisdiction of the Department of Environmental Protection Municipal Shoreland Zoning Guidelines shall be submitted to the commissioner of the department for approval pursuant to this chapter.

(2) *Unauthorized changes in map.* No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind by any person shall be considered a violation of this chapter and punishable as provided in [section 78-33](#)

In addition to compliance with applicable ordinance standards, one of the primary tests for zoning changes is its consistency with the adopted comprehensive plan. Our most recent adopted comp plan is dated 1993. I reviewed the Community Goals and Policies and found "campgrounds should be allowed to expand as a conditional use with standards to assure their operation as good neighbors." Therefore, in my opinion, this proposal is consistent with the adopted comprehensive plan.

9 June Meeting

The purpose of this meeting is to discuss the proposal and schedule a public hearing. Please remember:

- This proposal before the Planning Board at this time is only the zoning change to expand the Campground Overlay District.
- Amending the zoning does not approve the campsite expansion and access road concept but it would allow both to be proposed to the PB.
- The campsite expansion and access road concept would need to be presented to the PB as a separate application.

ITEM 4

Proposal: Major Subdivision and Site Plan: 40 unit condominium project
Action: Preliminary Plan review and decision; Schedule Final Review
Owner: Church Street LLC
Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

(8.11.16) UPDATE AND RECOMMENDATIONS

The purpose of the August meeting is to continue Preliminary Plan Review, determine Preliminary Plan complete, complete with conditions, or incomplete, and schedule Final Ruling. BH2M submitted updated plans and other documentation. This includes responses to comments received from PB members, staff, Wright-Pierce (16 June memo), Cider Hill, and Public Hearing. Two important items to note concerning the Preliminary Plan: First, the PB must take action on the Preliminary Plan within 30 days of a public hearing or within a mutually agreed upon time. Second, when granting preliminary approval to a Preliminary Plan, the planning board shall state the conditions of such approval, if any, with respect to the following:

- (1) The specific changes which it will require in the final plan;
- (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare; and
- (3) The amount of improvement or the amount of all bonds therefor which it will require as prerequisite to the approval of the final subdivision plan.

Regarding the specific changes the PB requires for the Final Plan (#1), the PB should determine if the applicants responses to comments received as well as the submitted plans are acceptable. Those items the PB feels have not been acceptably addressed should be discussed with the applicant and then the PB should determine if it should be included with the Final Plan, as part of a final approval condition or not at all. As part of the PB's determination, please consider the new comments from staff and Department Heads (below). Also, we've yet to receive Wright-Pierce review of the most recent submission but I believe we can address any remaining WP comments at Final Plan. It appears one of the primary outstanding issues is compliance with the town's MS4 program- see comments below.

Regarding waivers (#2), the only item I see that may require a waiver is the 20' wide aisle associated with the Faith Lane parking lot. 78-1542 (b) requires parking lots with 90 degree stalls to have a 24' wide aisle width. Sec. 74-34 (b) and (c) allows the PB to grant a waiver to this requirement. Waiver standards:

- (b) Where the planning board finds that, due to special circumstances of a particular plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare or is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- (c) In granting variances and modifications, the planning board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

Note the 20' width of Faith Lane, as a road, conforms to the subdivision ordinance because it serves less than 15 residential units.

Regarding the amount of all bonds (#3), the application includes completed Performance Agreement Worksheets for Phase I and II. Phase I estimate is \$357,639. Phase II is \$220,890. Final numbers are established as part of the pre-construction process.

Public Hearing Comments (8.11.16)

During July, the PB held a Public Hearing which included the following comments (Applicant's response and further info in **bold**):

- Concern that any stormwater management system implemented could redirect water to Cider Hill property.
Development required to manage increase in stormwater runoff so it does not impact abutting property. Proposed existing drainage ditch along common boundary be upgraded during construction so no additional surface water impacts their property.
In regards to stormwater this proposal requires conformance with applicable DEP rules and town ordinance standards. Included with the town ordinances standards is Sec. 74-277 (e) (2) which states: "The developer shall provide a statement from a civil engineer that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in other properties." Those standards found in the Subdivision Ordinance most directly related to stormwater include: 74-271 (Land not suitable for development), 74-274 (Easements for natural drainage ways), 74-277 (e) (Required improvements, surface drainage), 74-311 (Storm drainage design standards), 74-312 (Storm drainage construction standards).
- Privacy barrier along property line shared with Cider Hill. Prefer natural barrier tightly planted. If not possible a fence at least 8' high.
Proposing a 6' high vinyl fence along common boundary in area of proposed units 30 – 32. All attempts will be taken to not disturb existing vegetation along common boundary which provides further buffering. Note added to preserve any existing trees.
In regards to regular subdivisions (minor and major) that do not include non-residential or multifamily development there are no specific buffer requirements for providing a buffer between the subject property and adjacent properties except if the adjacent property is an industrial use or a highway and the buffers intent is to control noise (74-276 (b)). PUD's and cluster development have specific language associated with buffering but this is not a PUD or cluster. Note that parking lots have buffering standards (78-1544 (2)) which this proposal appears to comply with.
- No work begin until 8am, especially near the property line, and work end no later than 7 pm.
Applicant believes the hours of operation could be revised to include no construction between 8:00 AM for Phase II which is directly abutting Cider Hill.
Regarding construction hours, Chapter 26 of our Ordinance regulates construction noise. Construction noise is exempt from the decibel limits during daytime hours. Daytime hours are 7 am – 10 pm Monday – Saturday, 9 AM – 10 PM Sunday except Memorial Day – Labor Day daytime hours are 7 AM – 8 PM daily. Also, the PB asks what "between 8:00 AM" means.
- Fence along property line shared with Marcotte Motors. Prime place for kids to cut through and does not want this.
The applicant does not specifically address this comment but the submission identifies installation of two signs that state no public access. A fence is not included with this proposal.

MS4 Comments (8.11.16)

Email was sent to Bill Thompson at BH2M on *Tuesday August 2nd, 2016* regarding the latest Church Street Station submission:

- While the project does not fall under the Chapter 500 Appendix listing of the Goosefare Watershed because it's in the tidal portion of Goosefare the Town has our own delineated Goosefare Watershed which includes both the tidal and non-tidal portions of the stream. Under our MS4 program this means the project will be subject to additional requirements

during the inspection process including a minimum of 2 inspections annually and one completed during a rain event.

- In the Operations and Management Plan (O&M Plan) submitted, post-construction BMPs are listed but not where they will be located on site. The reason staff brings this up is because the Town needs to know which ones (if any) could potentially discharge to our MS4. In the case of this project, the MS4 would be any post-construction BMPs that have the potential to discharge to Saco Ave or Jameson Hill Road. In Chapter 71 of the Town's Ordinance, there is a more specific explanation of what is considered the Towns MS4. After construction is completed, the Town will look for a list of BMPs that were installed on site, their location, where they discharge and a copy of the record drawing or as builds for the post-construction BMPs.
- Under the section "Vegetated Underdrain Soil Filter Fields" there is a note about the need to have a qualified post-construction stormwater inspector inspect the stormwater infrastructure annually. This is a good section to also include language about the annual certification requirements for the ones that discharge to the Town's MS4. The annual certification requirement is something that should be included in the homeowner's association documents. Any post-construction BMP that discharges to the Towns MS4 will need to be inspected by June 30th each year to document that the BMP is functioning as intended or that it requires maintenance.
- In the future, it would be helpful to have a standalone O&M Plan for the Town to keep in our files.

Department Head Comments (8.11.16)

POLICE

I would request that a traffic impact study be conducted in the Jameson Hill, Saco Avenue area that will be impacted by this project. I understand that the buildings for this project are being identified as condominiums, and, because they are condominiums will generate 5.2 trips per day as opposed to single family dwellings, that would generate 10. Either way, there would be an additional 200 to 400 trips per day exiting and entering from that site. I do not know what the criteria and trip generation cut off number is for requiring a traffic impact study, but, because of the seasonal traffic flow that impacts that area during the summer months, I think it would be prudent to insist on a traffic study before this project is approved.

PUBLIC WORKS

I have reviewed material for the subject development prepared by BH2M and dated April 2016, June 10, 2016 and July 21, 2016.

I have the following comments:

1. The trip generation for this development may be less than a single family development and therefore may not require a traffic study, however, the northeast entrance to the development, nearest Jameson Hill Road is too close to Jameson Hill Road. The change of use from a church to a residential development does fundamentally change the traffic pattern. Without a traffic study of the easterly driveway, the driveway should be closed.
2. BH2M disagrees that the Americans with Disabilities Act applies to this development. I disagree. While individual homes may not be handicap accessible, the sidewalks should. There may be a handicap individual purchase a unit in the future or a handicap person may visit. Accessibility is the right thing to do!
3. Roads in this development will remain private. This will also mean that sewers and drains within this development will remain private. The Town's responsibility for maintenance of these lines shall begin at the connection to the Saco Avenue main.
4. All underground utilities shall have detectable warning tapes in the trench 12 inches above the utility.

5. Condominium documents outlining all party's maintenance responsibilities shall be filed with the Town Clerk.
6. An electronic copy of plans and specifications should be provided to the Town. Survey markers shall be tied to the State of Maine grid.

Power for street lights and maintenance of street lights shall be the responsibility of development and not the town.

Recommendations (8.11.16)

First, the PB should rule on the 20' parking aisle width waiver. Second, the PB should identify which items must be submitted for Final Plan. Third, the PB should rule on the Preliminary Plan and include any applicable conditions. Fourth, the PB should schedule Final Plan Ruling.

Background (July)

Tonight the PB will hold a Public Hearing, continue Preliminary Plan review and, if the PB feels the application is ready, schedule Final Ruling. This submission is quite complete and much of what was asked of the applicant has been addressed; although, due to the size of the project and complexities staff recommends preliminary plan review continue until the August meeting.

Regarding public comment, the majority of interest is from the residents in Cider Hill. The residents have 3 primary areas of interests (letter included in your packet): 1. Stormwater management system- will this redirect water onto Cider Hill; 2. Privacy barrier along the shared property line of Cider Hill and the proposed subdivision; 3. Construction activity allowed only between the hours of 8 AM and 7 PM. Regarding the privacy barrier, about 2/3 of the shared property line will not be developed and it appears an existing tree line will remain in the area that is to be developed. Regarding construction hours, Chapter 26 of our Ordinance regulates construction noise. Construction noise is exempt from the decibel limits during daytime hours. Daytime hours are 7 am – 10 pm Monday – Saturday, 9 AM – 10 PM Sunday except Memorial Day – Labor Day daytime hours are 7 AM – 8 PM daily. Cider Hill's requests are quite reasonable so I recommend the applicant address them.

As part of the July submission the applicant considered PB member and department head comments (see cover letter in this month's packet). Department heads were updated and provided copies of the July submissions- no additional comment was received.

The applicant received peer review comment from Wright-Pierce just before they submitted their July packet so note that what you are reviewing this month does not include responses to the WP memo. I expect we'll see that as part of the August submission.

Additional comments:

- Save the redwood tree?
- Does the PB feel the buffer between the proposed subdivision and Duffy's is acceptable. Please remember Duffy's concern was future neighbors may object to his operations including noise and food prep scents.
- Does the PB feel the applicant has acceptably addressed department head comments?
- Public trail through the property? The applicant states they do not wish to promote a trail system. Just a though- is it possible to create an easement to allow for the possibility of establishing a trail at some future time. Also, please keep in mind that privacy concerns from Cider Hill residents if a trail is established.
- The submission addresses PB comments (see letter in your packets and the plans)- is the PB satisfied?
- The projects name is Church St. Station. A Church St. exists in OOB. Does the PB feel this could create confusion?
- It may be worth a quick run through the 14 Subdivision Review Criteria Narrative prepared by the applicant (in this month's submission) before concluding Preliminary Plan review. I say this now because this will help us identify potential issues before Final Review.

- 3 light poles are shown on the site plan which I assume means there will be 3 street lights. Will this provide enough light?
- Recommend adding dumpster specs in the written documentation and showing the dumpster with fence in the details sheet. Also, the dumpster location- is there enough room for a truck to safely perform its work?
- Recommend adding the buffer fence to the details sheet.
- Signage in the detail sheets?
- Just want to be sure maintenance of the buffer (e.g., fence) is in the HOA docs.
- Pool- Outdoor? Indoor? Fence around it? How about parking- I think it's safe to assume people who live at the outer half of the development will drive to the pool
- Status of DEP permitting?
- An attractive landscape design along the Saco Ave. frontage would be a nice touch.
- Appreciate the home designs- quite attractive!
- One final request before the PB rules on the Preliminary Plan- please think of other similar developments the PB approved over the past few years. What worked with those developments? What didn't work? What worked but only in a satisfactory manner? Does this proposal share any of the items that did or didn't work? Maybe the PB can correct a potential issue before it exists.

RECOMMENDATIONS: Staff recommends the applicant address any outstanding questions/comments (public, PB, staff, Wright-Pierce) within one more Preliminary Plan submission. Staff recommends the PB continue Preliminary Plan review to the August meeting.

BACKGROUND (May, June)

DEPARTMENT HEAD COMMENTS

PUBLIC WORKS

I have reviewed the plans, revision 3, dated May 16, 2016.

I have the following comments:

1. Will electric, cable and telephone utilities be placed in conduits? There should be specific marking tape for each utility.
2. Roads in this development should remain private ways and that should be noted on the plans.
3. What maintenance will be required for the vegetated soil filters? Will the silt sacks in catch basins (inlet sediment control device) be monitored and maintained regularly?
4. Will there be maintenance standards for the pond located between units 5 and 6?
5. Roadway C is located very close to Jameson Hill Road. This should be analyzed by a traffic engineer.
6. Tactile warning devices should be By ADA Solutions, Inc. and colored blue.
7. It is a long walk from unit 30 to the pool. Will there be parking available at the pool?
8. The sanitary sewer pump station and associated maintenance should be a condominium association responsibility.
9. The lots are being served by a private sewer which connects to a public sewer. The condo association will be responsible for the maintenance of sewers within the development.
10. Since these roads are private the Town will not have trash picked up. That will be an association responsibility.
11. Will the development have street lights? These would be an association responsibility not a town responsibility.
12. Four foot sidewalks are narrow. Five feet is preferred. The handicap ramp detail shown on sheet 9 shows the sidewalk at 8 feet minimum.
The normal curb reveal shown on the detail on sheet 9 appears to be 5 inches. Is that correct? A six inch reveal would be better for an overlay.

POLICE

I think it would be appropriate to require a traffic study to determine what, if any impact this project would have on traffic flow and congestion in that area of Saco Avenue, especially during the summers months. This is the second major development project in the last few years in there, and I think it would be prudent to require a review. Also, I understand that sidewalks will be constructed, but they appear to be very narrow. Proper street lighting should also be required.

FIRE

In review of the Church Street Station site plan page 1, there are 2 requests that the Fire Department has:

1. Since the length of the access road is more than 500 ft. I am requesting a hydrant be place at the west side of the access road intersection.
2. Requesting that the turnaround at the end on the access road be extended by 12ft.

Does the 24' access drive include the sidewalks, or is there a clear 24' of roadway? Likewise on the 20' section of road.

Additional comments, including peer review, will come before the next scheduled meeting.

ITEM 5

Proposal: Subdivision Amendment: Creation of connecting road between Juniper and Kapok, lot line change
Action: Amendment decision
Owner: HP Developers LLC
Location: Juniper and Kapok Streets (Homewood Park), MBL: 402-2-4,5,6,7, R5

(8.11.16) UPDATE AND RECOMMENDATIONS

At the July meeting the PB tabled this proposal as a result of a change in the plan. The changes include a curve along Juniper Street (previously 90 degrees), square footage added to lots 10 and 15 (previously no change to sq. ft.), no square footage change for lots 12 and 13 (previously had sq. ft. added).

As you may recall, the PB decided and staff support that this is simply an amendment that changes lot lines. Due to a previous ordinance interpretation from our town attorney, construction of the roads, sidewalks and utilities do not need PB approval because Homewood predates subdivision law. Having said this, staff is reviewing infrastructure work.

Recommendations (8.11.16)

Staff recommends the PB approve this amendment.

BACKGROUND (July)

Due to a design change the applicant requests the PB table further action on this proposal at this time.

RECOMMENDATIONS: Staff is comfortable with this request and recommends the PB table without prejudice.

BACKGROUND (June)

At our June meeting, the applicant has submitted a pre-application packet for a subdivision amendment to the Homewood Park Subdivision of Land Plan. The applicant is seeking feedback as to what the PB would like to see as submissions for the formal application.

The proposed subdivision amendment includes the construction of a 262' minor street between Juniper and Kapok (including sidewalks, utilities and stormwater systems) through two lots (402-2-4 & 402-2-7) with the land remaining in both lots to be consolidated into two adjacent lots (402-2-5 & 402-2-6). Basically, this proposal creates a connecting road, removes two lots and makes two lots larger. The applicants cover letter (20 May 16) does a good job explaining the most pertinent history of this particular proposal.

Ordinance Sec. 74-235 (Plan revisions after approval) is the ordinance standard that regulates subdivision amendments. The standard simply states that any changes to the plan must be resubmitted to the PB for their consideration. Amendments can be implemented only after PB approval. The standard does not include specific review criteria or plan submission requirements so, it is my opinion, the PB can request the applicant address the criteria and submit the plans that are most related to the proposal. In the case of this proposal, it is primarily associated with ensuring the roads and stormwater are planned properly. There are lot changes but they appear to be quite minor and in fact are improving a nonconformance by removing two lots and making two lots larger.

In my opinion, the standards that are most applicable are:

Plans

74-153: (1)- covenants and deed restrictions; (2)- boundary survey; (4)- test pits for lots 402-2-5 & 402-2-6; (7)- letter from Maine Water; (9)- title block and associated info; (10)- date, magnetic north, scale, etc.; (11)- erosion and sedimentation control plan; (12)- stormwater plan; (13)- street plans, see below; (15)- digital submissions of final plans

74-233 (include the above plus): (a)(2)- name, seals, etc.; (a)(3)- street names, easements, etc.; (a)(4) & (5)- road data acceptable to the PW Director; (a)(7)- lot numbers; (a)(8)- reference monuments.

74-306 (street plans): (b)(5)- plan view, centerline view, typical cross section; (c)(1)-(13)- all applicable items.

Subdivision purpose standards and street design standards (note- most of these items, especially the street design standards, should be shown on the plans to demonstrate conformance)

Subdivision purpose standards. The applicant provided responses to each of the 14 purpose standards in Sec. 74-2. The purpose standards most applicable to this proposal include: (1)- undue water or air pollution; (2)- sufficient water supply; (3)- burden on water supply; (4)- soil erosion or capacity of land to hold water; (5)- highway or public road congestion and unsafe conditions; (6)- solid waste and sewage disposal; (8)- burden upon public services; (9)- scenic and natural beauty of area; (11)- financial capacity; (13)- quality and quantity of ground water.

Street design standards. I believe the street associated with this proposal should be classified as a Minor Street as it will service less than 15 units. The design standards most applicable to this proposal include: 74-309 (m)- design according to Minor classification; (n)- centerline; (p)- grades, intersections and site distances; (q)- sidewalks. 74-310 (a)-(c) Construction standards for minor streets, preparation, base and pavement, curbs and gutters. 74-311 Storm drainage design standards (a)-(h). 74-312 Storm drainage construction standards (a) & (b). 74-313 (a)- erosion control; (b) cleanup; (c) street names, signs and lighting.

ITEM 6

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Final Ruling
Owner: Frederick O'Neal
Location: 15 Willow Ave., MBL: 204-3-48, R1

(8.11.16) COMMENTS AND RECOMENDATIONS

At the July meeting the PB determined the application complete and scheduled a public hearing which was held on 4 August (no abutters present). At the July meeting the PB suggested one condition to keep 1 electrical meter for the site. The electrical meter as well as other Accessory Dwelling Unit standards (e.g., common entrance) was discussed with the applicant at the site walk. Nothing new was submitted for the August agenda. Based upon the submission and site walk, this looks like a straight-forward Accessory Dwelling Unit proposal.

Recommendations (8.11.16)

As long as there are no substantial issues that come up at the public hearing, staff recommends the PB approve this proposal.

BACKGROUND (July)

This proposal is for the conversion of existing space (ground floor) and new construction into an Accessory Dwelling Unit. Accessory Dwelling Units are permissible as long as they meet the Conditional Use Accessory Dwelling standards and Conditional Use Review Criteria. The purpose of Accessory Dwelling Units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods.

Regarding this proposals conformance with the 5 Accessory Dwelling Unit (ADU) Standards:

1. ADU accessed via the living area of the primary structure and any proposed additions designed to be subordinate in scale and mass and compatible with style of main structure. The ADU will use existing converted space on the ground floor and a portion of the addition. The applicant's submission shows the addition includes a shared main entrance. Based on the submitted plans, the additions design is compatible with the main structure.
2. ADU to have at least 500 sq. ft. but cannot exceed 50% of the floor area of the main dwelling unit. My calculations come to a total of 2,066 sq. ft. of living area (a bit more than the applicant's submission identifies). The applicant can add up to 1,033 sq. ft for the ADU and conform to the 50% standard. According to the applicants proposal the ADU will include 832 sq. ft.
3. ADU and main dwelling unit to share single electrical service. The applicant's submission does not include a response to this but he has informed me there will be one electrical service. The PB may choose to include this as a condition.
4. One ADU per lot. No ADU exists and only one is proposed.
5. ADU not permitted for any nonconforming structure or use. The existing structure and use is conforming.

Regarding the proposals conformance with the 12 Conditional Use Review Criteria, the applicant does a good job responding to the Criteria. I have just one comment concerning the septic system (criteria 7). The system is designed for 3 bedrooms and the applicant's submission shows 3 bedrooms. It's possible that a future occupant could convert the den into another bedroom which could overload the system. The system is new and designed to meet modern standards so this is good. Just something to be aware of.

RECOMMENDATIONS: Staff finds this is a well put together application. We recommend the PB determine the application as complete and schedule Site Walk, Public Hearing and Final Ruling for August.

ITEM 7

Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium expansion (Summerwinds II)
Action: Preliminary Plan Review; Schedule Site Walk and Public Hearing
Owner: Saulnier Development
Location: 180 Saco Ave., MBL: 208-1-1, GB1 & R4

(8.11.16) COMMENTS AND RECOMENDATIONS

The August proposal includes PB review of Summerwinds II Preliminary Site Plan and Major Subdivision Applications as well as a Conditional Use Application for Appeal from restrictions on non-conforming uses. Also, to schedule a Site Walk and Public Hearing. The applicants August submission includes revised plans and documentation which address PB, staff and Wright-Pierce (7.6.16 memo).

On the face of it the proposal seems rather simple as a six lot subdivision; although, this is quite complicated. This is due, in part, to the way the way it was originally reviewed and approved and as well as the fact it includes 3 separate applications (actually 4 when we add the Floodplain Application). Trying to sort through all the material has become quite a task and still requires more staff time before action is taken on the Preliminary Plan.

In addition to the above, staff received quite a few letters from residents at Summerwinds (some you have received, some not yet as we just received them this week) which include a number of concerns associated with the proposed development and problems with the existing development (not all planning-related). The level of interest in this adds another dimension to staff review as it takes more time to research. Staff finds that it is important that we schedule the Public Hearing for September because receiving and evaluating public comment is an important part of allowing us to complete Preliminary Plan review.

- Need existing and proposed building coverage calculations. Since this proposal is in the GB1 District, the 35% max building coverage calculation applies. Note- the GB1 District does not include standards for impervious surface or lot coverage calcs.
- We found a concept plan from 2011 that identifies the area associated with this proposal as housing.
- The unit count matter is still not resolved to staff's satisfaction. So far we found all approvals clearly show only 53 units. One problem is we still have not established why. We see the 53 unit count is matched to the unit count that existed when it was Jeremiah's Cabins but we've yet to find documentation stating if it must be limited to this number. A simple density calc allows 88 units (5,000 sq. ft./unit @ lot size 10.18 acres) so it certainly doesn't appear to be limited by minimum lot size. So, we think if there is a cap it must be tied to something else such as the Appeals from restrictions on non-conforming uses standard. We continue to research this and need more time to do so.
- #21. Snow Storage: Any modifications to be made to the current snow storage plan? The 6 proposed lots are in the area currently designated as snow storage. The Planning Board conditionally approved the conversion of Summer Winds cottages to year-round with the stipulation that a formal ice and snow maintenance plan be created.
- The applicant addresses the concerns associated with the 36" culvert crossing Saco Ave. Staff believes we need Wright-Pierce input on this before we move forward
- Does the developer have the exclusive rights to develop this area?
- Does the developer have the rights to use Summerwinds roads, utilities, etc. for Summerwinds II? If so, does he need written authorization to extend and use the infrastructure from the HOA? As far as I'm aware the only way Summerwinds II can come into existence is through the extension and use of Summerwinds infrastructure. Summerwinds is a private development.
- What role and rights does the Summerwinds HOA have? And is this something the town can get involved with (think of Dunegrass and our attorney's opinions).
- Need to have up to date deed and condo docs from the association that show this can be done.

- Wright-Pierce has not yet provided peer review comments for the August submission.
- Recommend adding buffering along lot line shared with Leary property.

Department Head Comments (8.11.16)

PUBLIC WORKS

I have reviewed the documents submitted by BH2M date June 2016 for this project.

The access road is proposed to be 18 feet wide. This is very narrow and a fire truck and another vehicle could have problems passing each other.

All underground utilities shall have a detectable warning tape above the utility.

Sidewalks should be handicap accessible.

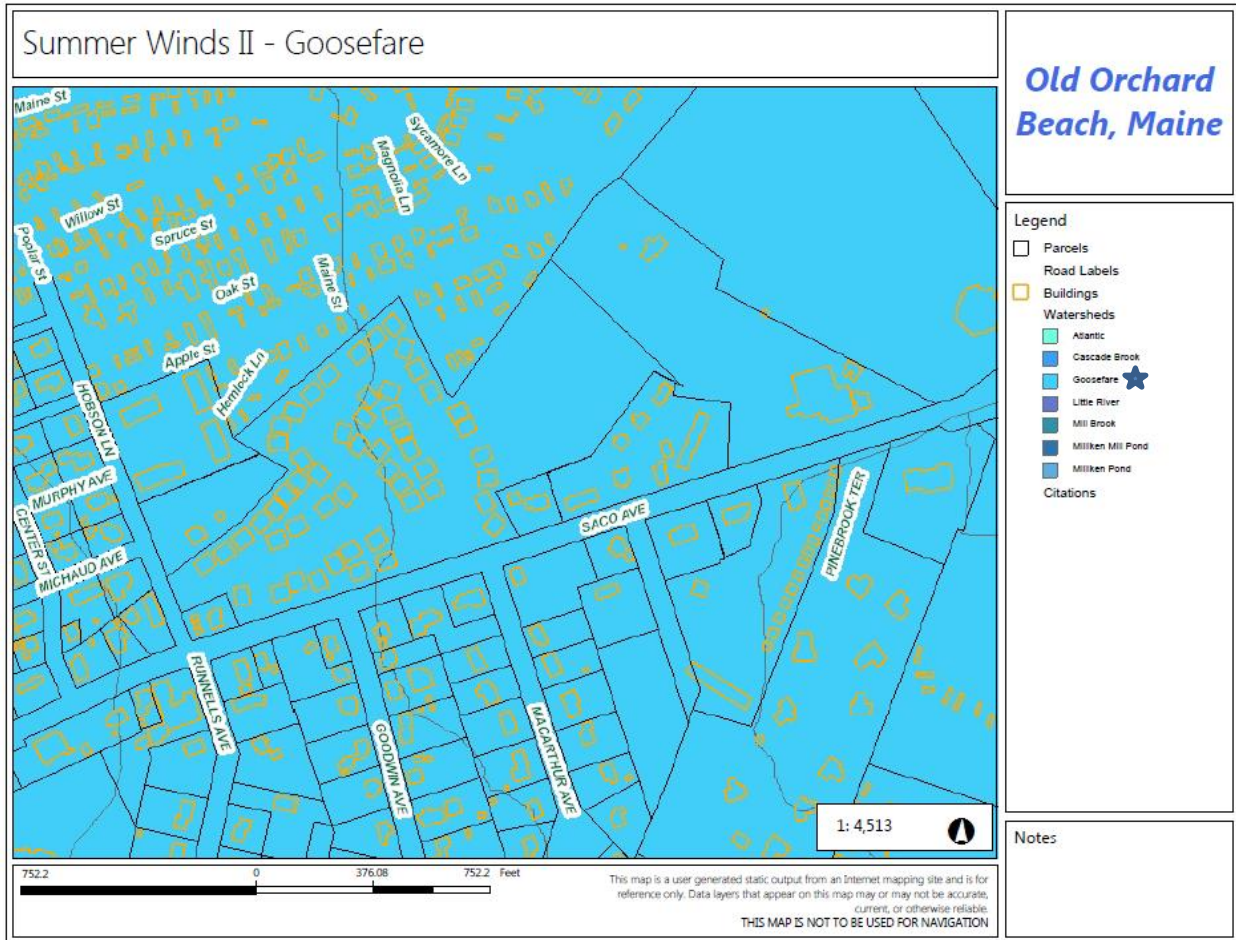
Where the proposed drive connects to the existing access road, truck turning movements should be checked. They should check for both fire vehicles and moving vans.

Sewers and drains serving Summerwinds II will be the responsibility of the developer and/or homeowners association.

Electronic copies of plans and specifications shall be provided to the Town in a format specified by the planning department. Survey markers shall be tied in to the State grid.

MS4 Comments (8.11.16)

#12. *Goosefare Brook Watershed*: While the project doesn't fall under the Ch. 500 Appendix listing of the Goosefare Watershed under the DEP, the Town has its own delineated Goosefare Brook Watershed which this project is included in (see map below). Under the Town's MS4 program this means the project will be subject to additional requirements during the inspection process including a minimum of 2 inspections annually and one completed during a rain event.



#17. *Operations & Maintenance Review*: The O&M plan currently used by the Summer Winds development needs some updates:

- "...at the time the Home Owners Association is formed the Association will be responsible for all other stormwater facilities." – This should be updated now that the HOA has been formed for Summer Winds.
- The O&M Plan should include the Annual Certification requirement for the Sediment Forebay behind buildings 32/33 that connects through a culvert to a catch basin on Saco Ave which is part of the Town's MS4. The inspection needs to be completed by a Qualified Stormwater Inspector as defined in Ch. 71 of the Town's ordinance and should be clearly outlined in the O&M Plan.

Recommendations (8.11.16)

Staff recommends that PB continue Preliminary Plan Review and schedule a Site Walk for 1 September and Public Hearing for 8 September.

BACKGROUND (July)

To get right to the point, this proposal requires a more detailed staff review than time allowed for so that we may properly prepare you for the July meeting. Not only do we need to consider the proposed development (Summerwinds II) but we also need to consider the existing development (Summerwinds I). Just some of the issues to consider:

- Unit count- can the unit count exceed 53?
- Roads- The PB have already spoke of concerns regarding road width and drainage within Summerwinds. The residents have similar concerns. How will the addition of 6 units impact this situation?
- Does the developer have the exclusive rights to develop this area?
- Does the developer have the rights to use Summerwinds roads, utilities, etc. for Summerwinds II? If so, does he need written authorization to extend and use the infrastructure from the HOA? As far as I'm aware the only way Summerwinds II can come into existence is through the extension and use of Summerwinds infrastructure. Summerwinds is a private development.
- What role and rights does the Summerwinds HOA have? And is this something the town can get involved with (think of Dunegrass and our attorney's opinions).
- Was this area required to be preserved as open space?
- Other PB related permitting may be required such as Conditional Use for the expansion of nonconforming use and floodplain.

As you know, we have already received a number of letters from residents within Summerwinds who have offered concerns associated with the proposed development as well as the existing, built development. The July meeting is not a Public Hearing but these letters offer the PB (and developer) an advance notice of the residents' concerns and will prepare you as to what you should expect at the Public Hearing, which we recommend scheduling for August.

Having said the above, the PB can continue review of the Preliminary Plan, schedule a Site Walk and Public Hearing. We do not need to determine the Preliminary Plan as complete in order to hold a Site Walk and Public Hearing. It's just that this proposal, even though only 6 units, appears to be more complicated than other subdivisions of this size; therefore, warrants a more detailed look into questions we don't normally have.

RECOMMENDATIONS: With the summer residents here, we believe August is a good time to schedule a Site Walk and Public Hearing. Also let's continue Preliminary Plan review during August- we'll hopefully have answers to many questions by then.