

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: December Planning Board Meeting Summary
DATE: 13 December 2012

*****APPLICANT NOTE- November PB meeting submissions due on 27 December. If you wish to be on the January Agenda please let the planner know by 19 December*****

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

ITEM 1 – Stillridge LLC – Building expansion, exterior renovation and site work to multi-use commercial building (Final Review)

Background

- This proposal is to rehab and expand an existing multi-use commercial building.
- The primary changes associated with this proposal are:
 1. Interior and exterior building rehab
 2. Approximately 3,106 sq. ft. in new building construction
 3. Proposed easement to be located on land adjacent to the park, east of project site property.
 4. Site improvements including parking stripping, lighting and freestanding sign.
- The building changes are actually not major when you break them down and equal about 1,109 in new building area and 946 of existing area that will now be enclosed.
- Site work will, for the most part take place within existing areas. The majority of new construction will be on the east side of the building and include paving the existing gravel parking area and work associated with the easement (including the vegetative buffer).
- This proposal received Design Review Committee approval on 1 October 2012 contingent upon the applicant showing the window and door area of the façade is not less than 25% or more than 66% of the façade area facing the sidewalk.
- One of the tricky items associated with this project is a referendum vote is required for the work to be completed in the location of the proposed easement assuming the applicant wants to occupy the easement area for more than 3 years. The question as to whether town voters decide to grant the easement or not will be on the 6 November ballot. Currently, the Council authorized a 3 year lease (which is the maximum time frame by charter). Understandably, the applicant desires a more permanent lease and this is what the town will vote on. If the vote is in favor of granting the long-term lease the project can move forward as represented on the submitted documents. If the vote is no, the project can still move forward as proposed except the easement area will only be in effect for 3 years; therefore, any improvements in this area may be required to be removed after 3 years. It is my understanding the applicant has an alternate plan if the easement is not approved which includes removal of a portion of the existing building. Nonetheless, I believe it is important to wait for the 6 November vote results before any firm decision is made by the PB.

A Few Misc. Comments and Questions:

- I recommend the applicant shield exterior waste haul outs and provide the method of shielding on a details sheet.
- **Who will be responsible for hauling waste?**

- Where will existing utility poles be located?
- I recommend the applicant provide exterior lighting details including pole and fixture type on the details sheet. Also, information showing the lighting will be acceptable for the parking area and not spillover onto adjacent properties.
- The plan identifies gravel area to be paved- please show the extent and location of the new pavement.
- Note the DD2 district has a 0' setback for mixed and nonresidential use property.
- The parking plan meets applicable parking standards for the use and the size of spaces, number of spaces and allocation for compact vehicles (not to exceed 40%).
- Imperious surface and building coverage #'s appear to vary in the submission. Please document the existing and proposed as one number throughout. I don't see this as being an issue but it will be good to have consistent numbers.
- I recommend submission of a landscape plan in accordance with 78-1798. You can choose the lighting and waste haul out shielding details.
- I recommend that all erosion control items to be removed immediately upon site stabilization.
- Where is sewer/water lines located on the property?
- It appears the plans do not have enough information to represent on-site drainage and its associated facilities. Are there any catch basins and underground stormwater pipes? Does the entire site sheet flow into the single catch basin on Heath Street? How will potential stormwater drainage impacts on-site and to adjacent properties be mitigated with the improvements including the new paved area, easement and building area? I'm curious how post development drainage will properly work.

Info From November Meeting

- The last documents received were the amended plans passed out at the October meeting and an email from the sewer department indicating he expects the sewer system has the ability to handle wastewater from the proposal. I have not received additional submission to follow up comments from last month.
- There are a number of comments and questions I had above that I believe have not been acceptably addressed. I Underlined the comments and questions that I believe need further consideration. This should be done through written responses and where applicable, plan additions.
- The applicant has contacted municipal departments and we have received comments back from one (sewer department). This is not unusual and we can assume the other departments are satisfied.

New Info

- The applicants December submission addresses the underlined comments above as well as the comments from the PB.
- I am satisfied with the applicant's responses to my comments; although, I recommend the owner/applicant consult with the Conservation Commission and/or Memorial Park Committee before any planting or removal of vegetation.
- I believe the applicant has addressed the PB's concerns. I have one question- will removal of the pavement adjacent to the dog park present unsafe conditions for vehicular and pedestrian movement?
- As I recall, the PB was comfortable with staff approval of exterior signs.
- **RECOMMENDATIONS:** With the 31 October and 26 November submissions, I feel comfortable recommending the PB approve this proposal. The PB may choose to

include a recommendation or condition concerning the removal and planting of vegetation.

ITEM 2 – Jim and Terry Nagle – Amend subdivision plan to create 1 lot (Subdivision Amendment: Consideration and Ruling)

Background

- The Nagle's are proposing to amend the Sandy Hollow Subdivision, a 4-lot subdivision approved during 1979, to allow the creation of one additional lot for the purpose of constructing a single family dwelling.
- This proposal is brought to the PB as a discussion item at this time because the Nagle's would like a decision by the PB as to whether they will support staff, Board of Appeals (BOA) and the town attorney's position that the minimum lot area is 40,000 sq. ft. per unit. If the PB supports this minimum lot area position, the Nagle's will prepare a formal subdivision amendment application.
- Currently the Nagle's lot is part of a 4 lot subdivision. The Nagle's would like to divide their lot to create another. Because the creation of the new lot did not meet minimum lot size standards in the Rural Zoning District, the Nagle's decided to go through the Board of Appeals process.
- During August 2012, the Board of Appeals approved a Miscellaneous Appeal for a reduction in the frontage requirements (ordinance requires 200', reduction to 150' approved). The minutes from the meeting are included with the submission.
- After that appeal, there was discussion concerning the minimum lot square footage. It was thought the August appeal included the minimum lot area and frontage but apparently it did not. During September, the Nagle's went back to the BOA for clarification (BOA minutes in packet). The BOA granted approval for a reduction in the minimum lot area standards to 40,000 sq. ft.
- Now, the Nagle's have BOA approvals for both frontage and minimum lot area.
- There appears to have been more confusion regarding the approval process. This includes whether a reduction in the minimum lot area is authorized to be heard as a Miscellaneous Appeal. Staff looked to the town attorney for advice and they provided an opinion the minim lot area is 40,000 sq. ft. (see opinion in packet).
- Because of this confusion, the Nagle's want to be sure the PB will support the determination of the 40,000 sq. ft. minimum lot area before a formal application is made so they may proceed with a formal subdivision amendment process.

New Info

- At our last meeting, the PB determined that the subdivision amendment can move forward with the 40,000 sq. ft. lot size. This decision was based upon Board of Appeals action as well as the town attorney's statements.
- Now that the 40,000 sq. ft. matter is resolved, this appears to be a straightforward subdivision amendment. The application package is well put together and includes all items the PB needs to review in order rule on the proposal.
- Public works, police and fire have been contacted and they have no issues with the proposal.
- I have only one comment- the plan shows that trees within the right-of-way need to be removed in order to achieve acceptable sight distance for the driveway.
 1. Did the applicant consider another driveway location?
 2. If the driveway must be located where it is proposed on the plan and the trees must be removed, the owner/applicant should consult with the Conservation Commission and Public Works Director before removal of these trees. Is it

possible to replace these trees and place in a location that does not interfere with sight lines?

- **RECOMMENDATIONS:** Everything is in order; therefore, I recommend the PB approve this subdivision amendment. The PB may choose to condition or provide a recommendation associated with my comments on tree removal.

****If approved, please drop off 2 paper copies and 2 Mylar's for PB signatures****

ITEM 3 – Cascade Corp – Amend driveway location for two-family dwelling (Site Plan Review Amendment: Review and potential action)

- During the summer of 2011, the PB approved a two residential unit building to be located at 12 Foote St. As part of this proposal, the driveway was proposed to connect to Foote St. via an existing parking lot and curb cut to that parking lot.
- This driveway location was choose because the ordinance states that 1 driveway is permitted for each street fronting the parcel (78-1466 d)and no driveway shall be located within 50 feet of the curbline tangent of an intersecting local street (78-1466 e).
- At the time of the proposal, the applicant thought the driveway location could acceptably accommodate vehicular ingress and egress.
- As building construction nears completion, the owner found a driveway with direct access to Foote St. will provide a safer and easier way to access the two unit building. As a result of this, the owner is requesting the PB consider an amendment to the 2011 site plan proposal for the relocation of the driveway.
- 78-1568 (a) (2) of the OOB ordinances provides a waiver provision that allows the PB to waive the standards above-mentioned second bullet as long as the modification will not create unsafe conditions for vehicles or pedestrians. I believe a crucial part of proving this is whether public safety and public works feels comfortable with the proposal. Both the applicant and I have reviewed the proposal with the police, fire and public works department and they have no issues. In fact, Chief John Glass of the FD stated direct access to Foote Street appears to be better.
- In addition to waivers for 78-1466 (d) and (e), the applicant may choose to seek a waiver for 78-1467- maximum driveway width at curbline shall not exceed 20 feet. The proposed driveway is 30 feet. I recommend the applicant attempt to meet the requirement of 20 feet so the curbcut will not be so wide.
- In my opinion, this proposal qualifies under the waiver but I recommend the applicant provide to prove this:
 1. Written response stating why the physical constraints of the site make compliance with 78-1446 (d) and 78-1446 (e) and possibly 78-1467 impracticable or technically unfeasible.
 2. Written response stating how the project will not create unsafe conditions for vehicles or pedestrians.
 3. If the applicant moves forward with a driveway at the curbline wider than 20 feet, we'll need a written response for that waiver as well in accordance with 1 and 2 above.
- In addition, we'll need a completed "Amendment to an approved Site Plan" application.
- Finally, I think it's important to preserve the vegetative buffer adjacent to the abutting property; therefore, I recommend this buffer not be disturbed.
- **RECOMMENDATIONS:** I believe the PB can move forward with this proposal. In order to do so, I recommend the applicant submit the following:

1. Written waiver requests.
2. If the applicant chooses not to seek a waiver for 78-1467 (curbline driveway width), please amend the plans to show the new curbline width.
3. Completed Amendment to an approved Site Plan application.

ITEM 4 – Workshop with town attorney’s, Bernstein Shur

ITEM 5 – Findings of fact Consideration and Signatures

- Finally, I’m catching up on all the findings of fact associated with projects we’ve approved this year.
- Please review and sign if you are comfortable with the content.

ITEM 6 – Mylar Signatures

- Please sign the Mylar’s for the 13th Hole Subdivision and Regis Acres Subdivision amendment.