

TO: Old Orchard Beach Planning Board
FROM: Planning Staff
SUBJECT: December Planning Board Meeting Summary
DATE: 2 December 2016

Below is a brief summary of pertinent issues related to the December Planning Board Agenda items (Note- this memo only includes new comments):

ITEM 1 & 2

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Public Hearing; Site Walk; Final Ruling
Owner: Mark and Catherine Andrews
Location: 98 Ross Rd., MBL: 105-4-4, RD

At the November meeting, the PB determined the CU Application complete with the condition that the correct deed be submitted for the December meeting. The correct deed was submitted and is included in this month's packet. Also, a Site Walk was scheduled to be held on 1 December and Public Hearing for 8 December. Notifications were mailed and we've received no comment to date (1 December). The PB identified no other issues (besides submission of the correct deed) that need resolution before a final vote can take place.

Please remember Accessory Dwelling Units are permissible as long as they meet the 5 Accessory Dwelling standards (78-1272) and 12 Conditional Use Review Criteria (78-1240). The applicant provides responses to each within his previously submitted application.

Department Comments:

- Fire
 - In regards to 98 Ross Road, the apartment needs to have a second means of egress. I believe that I see on his drawing and the bedroom windows must meet the 5.7 square feet means of egress. Life Safety Codes Chapter 24 under 24.2.2.3 Secondary Means of Escape. Everything else seems to be fine.
 - From the State Fire Marshal the Department of Public Safety does not recognize the act of removing the sashes of a double hung window to achieve the minimum of 5.7 square feet of clear opening for an egress window. The method used by this department in measuring the clear opening of a window involves:
 - Opening the Window
 - Measuring the width of the opening
 - Measuring the height of the opening
 - Multiplying the two dimensions
 - Dividing the product by 144 (converting to square feet)

RECOMMENDATIONS: Staff recommends the PB approve the proposed Accessory Dwelling Unit.

ITEM 3

Proposal: Conditional Use and Shoreland Nonconforming Structure Expansion/Relocation/Replacement: Replace and expand single-family dwelling with the Residential Activity Shoreland Zone.
Action: Update; Final Ruling
Owner: Ron Sabin
Location: 129 West Grand Ave., MBL: 319-12-5, R3 & RA

At our November meeting, the PB decided they could not move forward on this application because the Zoning Board of Appeals (ZBA) ruled on the incorrect application (Miscellaneous Appeal when it should have been a Variance). This decision was based upon the advice from the town's attorney. The PB informed the applicant he has two options if he chooses to move forward: 1. Go back to the ZBA for a Variance; or 2. Come back to the PB with a proposal that meets the 30% nonconforming expansion rule and allow the PB to decide on that proposal. The PB stated the applicant can resume

the planning-related review where it was left (Response to Public Hearing comments and Final Ruling) when he came back to the Board.

The applicant chose to move forward with the ZBA option. On 28 November, the ZBA reconsidered the exact same proposal but this time they did so as a Variance Application. The ZBA unanimously approved an expansion greater than 30% by volume and square feet in the Shoreland Zone.

The applicant is now back before the PB to resume where the planning-related proposal was left. As we know, the PB must honor the ZBA's decision. The Planning Board does not have the authority to decide on the validity of a permit issued by another Town board or official. The only way to challenge the issuance of a permit or approval is through an appeal. What this means is the ZBA pretty much made the PB's decision in regards to the Shoreland Zoning standards. The PB still must rule on the Shoreland standards but such ruling cannot void the ZBA's decision.

Although the Shoreland Zoning matter may have been mostly decided for the PB, the PB still has a responsibility to rule on this proposal as a Conditional Use Application. The comments and concerns the PB and the public voiced do have applicability to the CU approval standards. The primary outstanding items are:

1. Off-street parking
2. Driveway
3. Building height- sunlight access and compatibility with surrounding structures
4. Sewer lines backing up
5. Main electric lines proximity to structure as proposed
6. Drainage problems

Summary of Public Hearing comments (see 10 Nov minutes for more detail):

- *11 Reggio* –
 - Parking concerns
 - Ordinance/guidance on square footage/parking requirements
 - Too high for the neighborhood
 - Parking underneath/garage – cars park on sidewalk as another use
- *18 Pavia* –
 - Concerned with how this project complies with the Conditional Use Standards:
 - #3 Off-street parking (3 bedroom), people park on the street
 - #6 Nuisance to other properties – no sunshine & the area is marshland – moist
 - #7 Waste disposal – sewer backup onto property from 129 West Grand
 - #10 Fencing – 3 Ft. property line, put in fence to isolate yards
 - 30% increase in volume rule – how can this fit, this is at least a 100% increase in volume on the property
- *9 Reggio* –
 - Parking concerns, house on seaside rented – owner-occupied
 - Rental property – watch people that use that property, there is an increasing problem with cars
 - Sewer problem on the corner of West Grand and Reggio, because of peat they have to dig out to get a good leaching effect
 - Storm drains were never cleaned out or raised in this area – there is no drainage
 - 1st responder concern, powerlines will bow in front of the building. There are 3 primary lines and a transformer bucket right in front of the building – this is a life safety issue, no way to get to the building.
 - 3 Ft. separation is a big problem
 - Drainage problems & peat
 - Light restriction
 - Problems with extra parking space and curb cut
 - Lot size issues
 - Improvement from what is there now
 - Issue Summary: Height, parking, runoff, sewer lines

Before authorizing any CU, the PB must find that the proposed use is in compliance with the specific requirements governing CU and demonstrating that the proposed use meets the 12 CU standards found in Sec. 78-1240. Below are the primary outstanding issues and the CU standards related to these issues.

1. Off-street parking
 - CU #1: The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
 - CU #3: The proposed use will provide adequate off-street parking and loading areas.
 - Ordinance requires 2 spaces per unit (78-1566)
2. Driveway
 - CU #1: The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
 - CU #3: The proposed use will provide adequate off-street parking and loading areas.
 - Ordinance requires 1 driveway/single-family (78-1466), width 12'-20' with ROW clearance of 15' (78-1467). There are other driveway standards but these appear to me the most applicable.
3. Building height- sunlight access and compatibility with surrounding structures
 - CU #6: The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
 - CU #9: The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
 - Ordinance allows 35'. Other than the 2 CU standards above, the ordinance does not provide specific guidance on how to determine compatibility or what is/is not unreasonable restriction of access to sunlight.
4. Sewer lines backing up
 - CU #7: The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
 - CU #8: The proposed use will not adversely affect the value of adjacent properties.
 - The above standards are pretty self-explanatory. The applicant must demonstrate the use has adequate waste disposal and the use will not adversely affect the value of adjacent properties. Abutters spoke of sewer issues in this area and think 129 W. Grand may be the cause or contribute to this. If this is the case, the PB must carefully consider if this proposal meets the CU standards above. It appears more information is needed so the PWD is looking into this (we hope to know more by 8 Dec).
5. Main electric lines proximity to structure as proposed
 - CU #2: The proposed use will not create or increase any fire hazard.
 - The Town's Electrical Inspector informed me this is a valid concern and is communicating with CMP- we should know more by 8 Dec. Also, this has been brought up to our Fire Chief and we expect input from him. We feel this needs resolution before the PB can make a positive finding on CU #2.
6. Drainage problems
 - CU #4: The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
 - CU #11: The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
 - The applicant's packet includes responses to Shoreland standards that are related to drainage and establishing conformance with the two CU standards mentioned above. The responses to the Shoreland standards should be used when determining if the proposal meets CU #'s 4 and 11. See applicants packet "Shoreland Performance Standards" Sec. 78-1206 (7) & (8), 78-1208 (a) & (b), 78-1214, 78-1215 (1).

When thinking about the above, something to consider is the use is not changing- it currently is a single-family and will continue to be a single-family. The use is expanding, though, by adding square footage and bedrooms. I'm sure the applicant has good intentions but we have seen proposal intentions change when the property transferred.

Department Comments:

- Public Works
We will review the Sewer in that area (Camera the Line) and I will let you know.
One other item is to ensure that if he builds his land up that it does not impact street drainage or additional issues for abutters
- Codes
ZBA -approved his request for a Variance.
DEP-Sabin has his expansion permit from DEP as of 12-2-16 with exemption.
SEWER-The sewer issue is a concern however, before Mr. Sabin can proceed except with teardown we will need to get a clear picture of who, where and what is unique about this project. I.e. is it his or the Town's issue, or a private neighbor issue. If Town issue because they have been maintaining the line as we were told to what end do we go? Or does the Private ownership issue trump that and therefore he would have to work on this with his neighbors and give us acceptable plan of action, design etc. . . This will be resolved once we find this out therefore The PB should not be as concerned as they seem . Code Official is the LPI as well as the authority having jurisdiction and PWD are the ones who maintain the lines. In no circumstance would we allow anyone to build without them first obtaining the correct permitting. This sewer issue is not unique to 129 West Grand as many are aware, and we continue to work with owners correcting these types of problems in other areas as well.
PARKING _ If the PB is calling this an expansion of an existing use then maybe we should hold each and every property to this standard? Does it say anything else in the ordinance regarding parking in the non conforming section? Its an existing non-conforming structure a single family dwelling. Sabin has demonstrated that he could just bring up the structure a few feet but went to the expense of a redesign to elevate it to ensure off street parking under the dwelling . DEP has recognized the area to the right of his existing structure as the existing parking area and as a impervious surface which has allowed him to obtain a permit for the 24 SF ground area expansion because of this . He still could use the remaining segment of the lot as parking thus insuring the Now needed 2 spaces.????
POWE LINE : CMP will be consulted and a meeting will be held if necessary once Mr. Sabin is done with the PB. Process. This will be to determine if the power lines need to be or have to be relocated. I believe the 3ft. rule involves the ability to open a window or door and grasp a powerline. I don't see any reason for un-necessary concerns. If they are on private property (Sabin) which would cause an issue, we will then request they be relocated. It's a difficult issue to visualize as the openings of the dwelling will be away from the lines themselves.
- FD
In regards to 129 West Grand Avenue, the power lines that run in front of the structure will not hamper our ability to fight fires at this residence.

RECOMMENDATIONS: As we know, the ZBA pretty much made the PB's decision as it relates to the 30% expansion matter. Nonetheless, the PB still must determine if the proposal meets the standard conditions in the Shoreland Zone and the CU standards.

The PB should first determine if the proposal conforms to the applicable standard conditions in the Shoreland Zone:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of all applicable shoreland zoning standards in division 17 of this chapter.

Second, the PB should determine if the proposal conforms to the 12 Conditional Use standards. Please pay particular attention to those standards related to the concerns identified above. When thinking through the primary outstanding issues, something to consider is the use is not changing- it currently is a single-family and will continue to be a single-family. The use is expanding, though, by adding square footage and bedrooms. I'm sure the applicant has good intentions but we have seen proposal intentions change when the property transferred.

ITEM 4

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: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing

Owner: SRA Varieties Inc., D.B.A. Paul's II

Location: 141 Saco Ave., MBL: 311-1-10, GB2

At our November meeting, the PB did not determine the application as complete because it lacked: 1. Response to the Appeals from Restrictions on Nonconforming Uses standard; 2. Operations plan discussing how the units are managed; and 3. A site plan that shows dimensions, curb cuts, parking, driveways, lot boundaries, distance (ft.) things are from each other, unit location. These items have been submitted; therefore, staff feels the PB can determine the application complete.

A note about Determination of Completeness- the PB does not need to agree or disagree that the info submitted conforms to applicable standards, just that application has all relevant information necessary to allow the PB to make a reasonable and informed decision. The PB can make recommendations to correct submitted info or submit additional information after determining an application complete. Staff believes this is the case for this proposal and offers the following comments.

- Parking space size. The smallest-sized space allowed by ordinance for the type of parking proposed (90 degree angle) is 8'6" x 17'6". The spaces on the plan range from 4' x 8' to 6'6" x 8'. Some adjustments need to be made to the parking plan but when adjusting the size, the aisle must be considered.
- Locate dumpster on plan (it is now fully shielded).
- ID unit #'s on each building.
- Oil trucks moved- one has been moved, another exists.
- The applicants answer to Responses to the Appeals from Restrictions on Nonconforming Use standard is ok if other answers in the applicant's packet are combined to help support the response (e.g., CU responses).
- Interested in the PB's thoughts concerning the unit management plan. One problem is the applicant states 7 units of the 12 are currently occupied when only 5 are permitted for year-round use. Note- seasonal use is 1 April – 31 October.
- The PB should review the previously submitted (Nov meeting) applicants responses to previous Dept. comments and the 12 CU standards. Is the PB satisfied with the responses? Note that some may require conditions or further work (e.g., Knox box, exit/right turn only sign and Union Ave).
- There is a question as to what the exact use of the property is. Staff needs more time to research this. Also, we need to know exactly how the owners are operating – do they rent units daily (anytime of the year)? Weekly, monthly or yearly lease?

Department Comments:

- Public Works
I just walked around that site and I don't see how the drainage is contained in any way. I think you are going to find silt washing onto the abutters property in the spring.

- PD

Jeffrey, regarding the Omni's proposal to license several more units as year round rentals, I am still adamantly opposed to allowing more of these types of housing units to become year round rental properties. They are not designed to accommodate the needs of a family and never were. They were designed as seasonal cottages and were never meant to house entire family's from September to June. The owners of the property suggest that because they have not had any issues yet, that that it is an indicator that their management skills will prevent any future issues. I strongly disagree with that premise and can tell you that in my many years of experience with this type of housing, that it attracts an element that this community does not want or need. We are not doing the children who end up in these properties for the winter, any favors, by allowing this kind of housing. We see entire family's move into these types of units for the winter, that typically have one bedroom. Sometimes it's just one room. Where do you think everyone sleeps in these kinds of properties when you have two or three children and a couple of adults? We respond to call after call to these kinds of properties for, domestic disputes, drug and alcohol issues, mental health issues, people with warrants for their arrest, and the list goes on. It is almost inevitable that people living in this kind of an environment will have issues. The Omni, regardless of how well they manage their property, will be subject to these kinds of issues, because of the element that they will attract. I do not mean to lump all winter rental properties and the people that rent them into this category, as it certainly doesn't apply to everyone, but, with the type of housing the Omni offers, It is almost a certainty that they will experience these kinds of issues. I hope the planning board will also consider what properties like this do to the owners of abutting property. It certainly impacts the quality of life for the abutters as well as their property values.

- Codes

I have had a meeting with the owners today 11-01-16 and they have agreed to remove the 2 oil trucks from the property responding to my request that they move them- We agreed they would be off site on 11-07-16. My issue is fire apparatus cannot enter the site and make the radius turns it would need . The corridor must be at least 20ft. wide and if there was a fire the oil trucks would be right in front of several units possibly adding to the already close conditions- remember the loading there is near 50 persons and then you have the gas station and the convenience store.

The issue and my response to how many units are there is 12- That is the number they were approved for by the PB. There seems to be some confusion on what they requested and what was approved. I have information that documents the number 12 both from the PB ,myself and information you supplied earlier this year. They will alter their application to reflect 12 units. When the buildings were connected there was some thought to use bonus space and making them into suites to accommodate J-1 workers which they did. They are not to be used as two additional units without coming back to the PB. We will monitor this during this year.

Kathy I and Megan met with Gagon and Gee this morning regarding Omni and the 12 v 14 units at this location. as from today on it is and will remain 12 units. They can petition for the 2 they claim Pierre said they could have These 2 will remain part of the units that open as a suite for j-1 students. They are not separate units to be rented individually.

We will monitor these units occasionally to ensure they don't reappear as #13, and 14....(units.....)

Further, I instructed them to remove the two oil trucks as they are parked in the fire lane area of these structures and may impede fire apparatus from maneuvering around this site. They both agreed to have them out of this property by Monday November 7,2016

- FD:

In regards to the Red Rocket on Saco Avenue, I refer to the notes from the previous chief.

RECOMMENDATIONS: Staff believes the application can be determined complete; although, there are a number of questions that need to be answered and some changes to the plan, etc. It will be helpful if the PB identifies what additional info they need. If the PB determines the application complete a Site Walk (5 Jan) and Public Hearing (12 Jan) may be schedule.

ITEM 5

Proposal: Determination of parcels inclusion with 2004 Campground Registration

Action: Discussion; Decision

Owner: Paradise Acquisitions LLC

Location: 60 Portland Ave, MBL: 205-1-32; 50 Adelaide Rd, MBL: 106-2-2 (portion of)

This proposal is back to the PB not as a zoning amendment or campground development proposal but for a decision by the PB concerning whether two areas were included with the approved Paradise Park 2004 Campground Registration Application. These two areas are: 1. A pistol-shaped parcel; and 2. The land area associated with the Tousignant to Paradise Acquisition, LLC 2002 deed. The PB last considered this (August 2016) as part of a zoning amendment proposal and decided to remove from the agenda 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.

After the August meeting, staff continued to research and could not definitively conclude if the lots in question were or were not included with PP's 2004 Campground Registration. So, we consulted our town attorney for more direction and received the following response:

As I noted in my August 10th email, 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. A registrant seeking existing campground status had to provide an existing conditions site plan consisting of either an aerial photograph accompanied by a site plan showing the boundaries of the property or a property survey. Section 78-1226. Whether or not a property is registered campground for purposes of Section 78-1226 is ultimately a decision for the Planning Board to make as part of a proposed expansion.

An existing campground that registered in 2004 and now wishes to expand must show that land for any proposed new sites is within the 2004 boundaries. It is the applicant's burden to show that the proposed expansion is in the overlay zone, and must submit proof that the project is within the permitted boundaries. Although it does appear that the "pistol shaped lot" has a dark outline around it suggesting it was included in the boundary, the site plan that accompanied the 2004 application is difficult to read so it may be helpful for the applicant to submit a survey or other evidence to the Planning Board to allow the Board to make a proper determination. You also mentioned that the Town may have provided the aerial photograph required by 78-1226(1)(a)(i) which should also be reviewed.

Regarding the other property associated with the deed - I do not believe that a deed alone is sufficient since Section 78-1226 requires that an application for a registered existing campground had to include a site plan showing the boundaries.

The Planning Board should review the 2004 application and approval, together with any other information the applicant wishes to provide to proof that the proposed expansion is within the 2004 approved boundaries.

The town attorneys last sentence brings us to where we are today- a decision by the PB concerning whether two areas (or one of the two) were or were not included with the approved Paradise Park 2004 Campground Registration.

To follow-up on a comment at the workshop, staff found the two PP expansion plans approved by the PB (2008 and 2014) after the 2004 Campground Registration. Regarding the 2008 plan, it does appear to show the pistol-shaped area and area associated with the Tousignant to Paradise Acquisitions deed as part of the Paradise Park overall campground. The pistol-shaped area has a darker shaded line marking the property boundary which is consistent with and connects to the other identified campground property boundaries. Although, there is a lighter shaded dashed line that appears to show some kind of separation between the pistol-shaped area and the main PP lot. The Tousignant to Paradise area does appear to be included within the main PP lot as the property boundary shown on the town's zoning map does not exist on the 2008 plan. But, why is the Tousignant reference still in the area where the Tousignant lot existed (or exists) on the town's zoning map? Maybe a typo but we're not sure. Regarding the 2014 plan, the Property Overview inset on the signed plan does appear to show both the pistol-shaped area and Tousignant to Paradise lot as part of the main PP lot and campground.

Department Comments:

RECOMMENDATIONS: This is a tough one but what it comes down to is does the PB feel that there is enough evidence to show the pistol-shaped area and/or the Tousignant to Paradise Acquisitions area was part of the approved Paradise Park 2004 Campground Registration. Remember, you are not deciding on a development proposal (e.g., campsite expansion, access road construction) at this time. But, if the one or both areas are found to be part of the 2004 Campground Registration, PP has the right to apply for new campground development in these areas.

ITEM 6

Proposal: Site Plan Review: Expansion of existing nonresidential (retail) building
Action: Determination of Completeness; Schedule Site Walk and Public Hearing
Owner: Harrisburg H&P & Harrisburg Group Gen Partnership
Location: 9 East Grand Ave., MBL: 306-2-6, DD1

As I'm sure you'll see, the applicants December plenary site plan review submission does not include all relevant information necessary to allow the PB to make a reasonable and informed decision; therefore, Staff recommends that it is not determined complete. Although the proposal is not complete, this may be a good opportunity for the PB to provide feedback as to what they would like to see, standards to concentrate on, and especially thoughts regarding submission of a formal site plan, which we expect the applicant will request the PB to waive.

Regarding the expected waiver of one or all of the formal site plan requirements, the applicant can request this (78-215 (d) see below) but they must prove to the PB and the PB must determine "that the required application submission will not yield any useful information given the nature and scope of the proposed activity or the existing character of the site."

(d) *Waiver of submission requirements.* Specific submission requirements of subsections (b) and (c) of this section* may be waived by the reviewing authority if the authority rules that the required application submission will not yield any useful information given the nature and scope of the proposed activity or the existing character of the site. *Note: "this section" refers only to section 78-215 –Application.

In regards to the specific items to be included in the waiver request, we do not know yet. We requested the applicant identify the specific items as well as provide justification for each. Based on emails and conversations with the applicant, we expect they will seek a waiver of one or more of the requirements in 78-215 (3) a – o, (4), and (8). For your reference, the formal site plan requirements are:

(c) *Plenary site plan review application requirements.* The applicant shall file all designated application fees, as determined by the town council, and provide 13 copies of the following submission items:

(1) A fully executed and signed plenary site plan review application.

- (2) Copy of property deed, option to purchase, or other documentation to demonstrate the applicant's right, title or interest in the property.
- (3) Proposed site plan, drawn at a scale not to exceed one inch equals 40 feet or at a scale otherwise required by the town planner. Such plan shall be sealed by a professional engineer, landscape architect, or a surveyor licensed in the state and shall contain the following information:
- a. Property boundary survey class 1, signed and sealed by a state-licensed land surveyor, showing bearings and distances of the subject property boundary, topographic elevations at a contour interval of no more than two feet, location and elevation of all existing and proposed structures, site features and site improvements.
 - b. Information block containing location, address, map-block-lot number of subject property as recorded in the town assessor's office, name and address of the applicant and owner if different.
 - c. Approval block providing space for the signatures of planning board members.
 - d. The existing zone in which the property is located. If the property is divided by a zone line, the line shall be delineated and labeled on the site plan.
 - e. Map scale, north arrow (true north), and date the site plan was prepared including the date of any subsequent revisions made to the plan.
 - f. Identification and location of all abutters to the applicant's property.
 - g. The dimensions and layout of all building and zoning setback lines.
 - h. Delineation of all existing and proposed public and private easements on or directly adjacent to the property.
 - i. Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, town/state roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage.
 - j. Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches caliper, location of existing rock outcrops, and boundary of 100-year flood zone as defined by the Federal Emergency Management Agency flood insurance rate map for the town.
 - k. Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells.
 - l. Specification, layout, and quantity of proposed landscaping plant materials.
 - m. Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by a professional engineer licensed in the state.
 - n. Location, specification, height and photometric data of existing and proposed exterior lighting.
 - o. Soil erosion control plan showing location, quantity, and specifications of erosion control devices and strategies to be implemented to minimize on- and off-site sedimentation.

(4) *Digital submission requirements.* All plan sheets must be submitted in digital format:

a. All plan sheets containing the same information as the hardcopy submission shall be referenced to the town's geographic reference system and shall be digitally submitted to the planning department:

1. Digital transfer of the proposed plan sheets shall be on the town's Horizontal Datum: Maine State Plane Coordinate System: Maine West Zone 4101, or FIPS Zone 1802, North American Datum 1983; Units: Feet.

2. The preferable vertical datum is North American Vertical Datum 1988 (NAVD88). However, if only National Geodetic Vertical Datum, 1929 (NGVD29) is possible, that is permissible. The choice of vertical datum must be indicated on the digital submission. The Ellipsoid is GRS 80 (Geodetic Reference System 1980).

3. Data should be developed using either Real Time Kinematics (RTK) GPS or survey-grade GPS or traditional methods of occupying known, high precision surveyed monuments. All data should meet the ALTA/ASCM relative positional accuracy standard of .07 feet and be delivered in US Survey Feet.

b. A PDF image of the plan sheets containing the same information as the hardcopy submission shall be digitally submitted to the planning department.

(5) Cost estimates for all proposed site improvements.

(6) Building plans of all proposed structures including interior layout, side and front elevations drawn to a scale of not less than one-fourth inch to one foot.

(7) Schematic elevation of proposed signs, drawn to a scale of not less than three-fourths inch to one foot, and illustrating sign layout, lettering, graphics and logos, materials, color, and proposed illumination.

(8) Additional submittals. In addition, the planning board may require any one or all of the additional impact studies and information to be submitted as part of the plenary site plan review application:

a. Fiscal impact assessment, analyzing the projected fiscal impacts to the municipal service delivery system.

b. Traffic impact assessment, analyzing the potential trip generation created by the proposed project and its cumulative impact upon traffic capacity of servicing public streets and level of service performance at off-site intersections.

c. Visual/cultural impact assessment, analyzing the impacts of the project upon prevailing visual quality, architectural fabric, and cultural character.

d. Groundwater study, analyzing the individual and cumulative impacts of the proposed project upon existing groundwater quality.

e. Adaptive reuse study, investigating the potential reuse of major facilities if the proposed use fails.

f. Market study, prepared by a qualified market research firm and indicating the potential feasibility and projected success of a proposed use.

(9) Any other information requested by the planning board deemed necessary to make a reasonable and informed decision about the proposed project.

No formal decisions should be made on waivers until the PB receives and reviews the formal requests. The PB can provide some feedback to the applicant while not committing to a formal decision. It's important that the applicant submit specific waiver requests and justifications for each while being mindful the PB will use the following to determine if/if not a waiver can be granted: The required application submission will not yield any useful information given the nature and scope of the proposed activity or the existing character of the site.

In addition to the waiver requests, the following should be submitted to make the application complete:

1. A completed, signed and properly printed plenary site plan review application (application submitted 1 Dec- has not been reviewed)
2. Building plans (plans submitted 1 Dec- has not been reviewed).
3. Responses to the 9 Site Plan Criteria for Approval (78-216 (d)).
4. Items associated with plenary site plan review that is not being waived.
5. Any items requested by the PB members and Department Heads.

Department Comments:

- Codes

I had a brief moment to look over the proposed addition to the Harrisburg building on East Grand.

I'm very pro building- especially in Commercial areas but there seems to be some unanswered issues with this proposal.

And there are a couple of points that need some further explanation.

- As you know Warehousing is not a use allowed for this zone- Is the intent to have storage on the second floor-Is the storage solely for this shop or will it be dispersed from structure to structure as needed?

I believe we should resolve this issue once and for all before any approvals are granted. Regardless, isn't this considered an expansion of a non-conforming use at least?

- There is a conveyor system proposed ,why? Does it extend to the basement and the new floor as well?

- The wall facing away from East Grand is a sheer Blank Wall, (back)how is this going to be built without accessing from the abutting property? Is there anything in place that indicated that it will be allowed or can they work from the property lines? Will they be required to fence in the property line?

- I was informed that they intend to load merchandise from a forklift and put it into the second floor at Kinney Ave near the intersection.

- There appears to be a balcony with sliders in the Kinney Street side that would overhang the sidewalk what is the status of Kinney in Width and who owns the sidewalk?

- We have an ongoing issue with trash and debris from the existing business, how much more will be loaded to the existing systems? Currently the dumpsters in place are often overflowing and exposed. Maybe it's time for the owner to step up and have a better system in place. There should not be any outside storage of pallets scrap metals cardboards, plastics etc..... The current system is not adequate.

- Will any off-site improvements be required?

- PD

Jeffrey, after reviewing Mr. Harrisburg's plans for adding additional retail space to his property located at, 9 East Grand Avenue, the only concern I have would be related to any loading or unloading of merchandise that might occur at that location. The drawings show a door and balcony on the Kinney Avenue side of the building and a conveyor belt leading to the second floor on the inside. It would appear, based on the drawings, that Mr. Harrisburg plans to load and unload his merchandise from that location. There is no loading zone on Kinney Avenue at that location, and I would not approve one because of the narrowness of the street and the congestion that occurs at that intersection during the summer months. Of course, the Town Council can overrule my decision and authorize one, but, I would not recommend it for the reasons I have mentioned. A couple of years ago, we had issues with Mr. Harrisburg unloading his merchandise from trucks and piling it on the sidewalks in front of his businesses. There were delivery trucks and other vehicles coming and going from Mr. Harrisburg's property on

Kinney Avenue, that were creating traffic congestion issues at the intersection of Kinney Ave. and East Grand Avenue. After receiving many complaints from neighbors regarding this, I worked out an agreement with Mr. Harrisburg, where he would load and unload all of his merchandise on Harrisburg street, and deliver it to his stores using a fork lift. He also agreed to discontinue having delivery trucks use Kinney Ave. This agreement was reached in an effort eliminate the piling of boxes on sidewalks and trucks loading and unloading on Kinney Ave. It seems that Mr. Harrisburg, for the most part, has abided by that agreement as I have not received any complaints. I have, on several occasions, observed Mr. Harrisburg's deliveries being made, and it appears that he is, for the most part, honoring the agreement. Understanding that he needs to be able to make deliveries to his businesses, I have no problem with his proposal as long as long as he makes deliveries using a fork lift and does not park delivery vehicles on Kinney Avenue. I would also want to be sure that he doesn't pile boxes in the street or on the public way.

As we discussed at our meeting yesterday, because he has indicated that the addition would be retail space, does that mean that he has to make the addition ADA compliant, elevator, escalator, etc? Also, if by chance he decides to use that space strictly for storage and not retail space, is that something that he can do in that zone? Thanks.

- FD

I see no second means of egress from the second floor and not sure if they're going to need a sprinkler system.

RECOMMENDATIONS: Staff recommends the applicant submit the items identified above in order to allow the PB to make a determination of completeness. Also, staff understands that this proposal essentially is a second floor addition and will have minimal changes to the building footprint; therefore, not all of the standards in 78-215 (c) may be required. But, we do feel that some kind of plan is needed to allow the PB to make a proper decision on whether the proposal meets the 9 Criteria for Approval.