

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: January Planning Board Meeting Summary
DATE: 14 January 2016

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

PUBLIC HEARINGS

ITEM 1

Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking
Applicant: JFJ Holdings, LLC
Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1

REGULAR BUSINESS

ITEM 2

Proposal: Major Subdivision: 8 Lot Residential Subdivision
Action: Applicant Update; Determination of Completion; Schedule Public Hearing Schedule Final Review
Owner: Dominator Golf LLC
Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD

This proposal is for the creation of 8 lots (unit sites) at several locations along Wild Dunes Way. These are new unit sites that were not part of the originally approved Dunegrass plan or subsequent amendments. A few months ago, this proposal was brought to the PB as an informal sketch plan. It is now submitted as a formal Preliminary Plan.

Because this proposal has some matters in common with the recently approved “The Turn” subdivision, I expect the PB will have many of the same questions and concerns. Also, due to the fact The Turn is in court and the court’s decision will most likely apply, in some way, to the outcome of this proposal, we’ll have the town attorney assist us.

My objective for the Nov. meeting is to hear the applicant’s presentation; the town attorney’s thoughts including an update of the courts actions to date and how the PB should proceed; the PB’s thought’s including any particular matters you’d like staff to concentrate on. Staff is looking into matters such as traffic studies and sewer capacity but would like to receive the town attorney and PB members thoughts be we get to deep into our research. Wright-Pierce reviewed the most recent submission and provided comments which are attached to this memo.

Recommendations: I recommend that we:

1. Listen to the applicant’s presentation and ask questions.
2. Allow the town attorney to update us on court matters and advise us on how to move forward.
3. Receive your thoughts on the proposal including any particular areas you’d like staff to concentrate on.
4. Schedule a site walk (before snow) to be held on 3 December.
5. Initial public hearing on 10 December. So we can receive abutter comments early.

ITEM 3

Proposal: Site Plan: Construct 4,000 sq. ft. equipment building
Action: Applicant Update; Final Review
Owner: Town of Old Orchard Beach
Location: 24 Manor St. (Waste Water Treatment Facility), MBL: 108-1-3, R3

This proposal is for the construction of a 50 x 80 equipment building that will be used to store Waste Water Treatment Facility equipment and used for training staff. Engineered plans are be worked on and will be submitted for the November meeting. One question that is typically asked when construction is done at the Facility involves odor. Please note the equipment building will not produce the odors that people commonly think of and/or smell from a Waste Water Treatment Facility. Chris White, Waste Water Treatment Facility Superintendent, will be at the meeting to explain in more detail.

At our November meeting, we have a public hearing and final review scheduled. On 5 Nov., a site walk was held. 3 members of the public attended. Chris White, WWTF Superintendent, explained the proposal. There were no major issues identified while at the site walk. A Public Hearing was held on 12 Nov. and no major issues were brought to our attention.

At our October meeting, the PB requested building and site plans. These plans as well as the building design bid specs have been submitted for the Nov. meeting. During our Nov. meetings, the PB reviewed the new submissions and determined more information in regards to stormwater and the site plan is needed. This includes:

- How the stormwater systems will handle a 25-yr storm event. The PB would like to see a plan that shows the proposed stormwater systems as well as a description of how it is designed to meet a 25-year storm.
- Revised site plan so it shows building setbacks, building dimensions and all site improvements (new pavement, stormwater systems) associated with the proposal.

At the Nov. and Dec. meetings, the PB decided to table until they received the above-mentioned stormwater management plan and a revised site plan. Both plans have been submitted for the January meeting.

Recommendations: It is my opinion the recently submitted stormwater management plan and site plan acceptably address the PB request. I recommend the PB approve the construction of the 4,000 sq. ft. equipment building and associated site work and stormwater management systems located at the WWTF 24 Manor St., MBL: 108-1-3.

ITEM 4

Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking
Action: Applicant Update; Discussion; Schedule Final Review
Applicant: JFJ Holdings, LLC
Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1

Tonight, the PB will hold a public hearing; hear an update from the applicant; discuss traffic with our consultant; offer recommendations to the applicant; and schedule final review. Below and attached are comments (not including two public comment emails received after last week's meeting- attached) from previous meetings, discussions, etc. I believe the applicant's most recent submission addressed a majority of these. No particular order and not all-inclusive.

Traffic

- Status of MDOT review/decision?
- Randy Dunton, Town's Consulting Traffic Engineer from Gorrill Palmer. The memo you received from Mr. Dunton at the 7 Jan. meeting were associated with the applicants October traffic report. The report has been updated and Mr. Dunton has reviewed and provided another memo (attached). Mr. Dunton is available for questions tonight. NOTE: please know the

applicant has (or will) just receive Mr. Dunton new memo so they most likely have not had adequate time to provide a response.

- Marc Guimont, Public Works Director, has worked closely with Mr. Dunton. Mr. Dunton memos include Marc's comments. Note that the Police and Fire Departments have been active with traffic discussions and have offered their opinions to the Mr. Dunton, MDOT and the applicant.
- Please explain the off-site traffic vehicle and pedestrian traffic mitigation work.
- Please address public comments.
- How has pedestrian and bike traffic been addressed. There were comments associated with the creation of bike lanes.
- Concerns about Ocean Park Rd. pedestrian cross walk- should it be closer to the campground entrance/exit?
- Extend sidewalk along Smithwheel Rd. to the Ocean Park Rd. intersection?
- Amendment to parking stall dimensions.
- Smithwheel is a posted road- has this been considered (regarding truck deliveries).
- Delivery hours?
- Hours of operation?

Stormwater

- Amendments PB member Koenigs mentioned at Dec. meeting (e.g., lot coverage numbers).
- Questions and concerns about how stormwater systems will acceptably address potential pollutants to streams and other water bodies. Stream by site- how will stormwater systems work to avoid contamination?
- System maintenance plan?
- This proposal requires a DEP Stormwater Permit by Rule (PBR). The applicant submitted this during late December. PBR are not valid until approved by DEP or 14 days after receipt by DEP, whichever is less. The applicant did not receive comment from DEP which would typically happen within the 14 day period if there is a question concerning approval.

Trash

- How often will on-site trash be removed? How will noise be mitigated?
- Is there a plan to deal with trash that may end up off-site?
- Is there an overall trash management plan? A recycling plan?
- Dumpster enclosed on all sides? Enclosure in the detail sheets?

Building Design and Landscaping

- Seriously consider a design that reflect OOB's or coastal New England character.
- Landscaping that is hardy and aesthetically pleasing so to provide an attractive exterior.
- This is part of the gateway to OOB so careful attention to aesthetics is important.

Buffering

- Ensure that adjacent residential properties are protected with creation of an attractive year-round buffer.
- Buffer maintenance plan?

Site Plan Review Criteria

- One of the PB's primary requests was more detailed responses to the 9 Site Plan Review Criteria. This includes clearly showing how the proposal meets each of the criteria. The applicant has done this- does the PB feel it is enough?

Engineer Peer Review

- Wright-Pierce has the applicant's submission but has not provided comment. We contacted them and them and expect to receive next week.

Waivers

- Is the applicant proposing any? If so, please identify and provide concrete reasons as to why the PB should grant a waiver.

Recommendations: With this most recent submission, I believe pretty much all the relevant application materials have been submitted and addressed. One outstanding the applicant most likely has not time to address (they received it today) is the updated memo from the town's Traffic Engineer Consultant, Rand Dunton. The second is the Engineering Peer Review from Wright-Pierce which the town is due to receive next week. As we all know, traffic is the issue that concerns the public, PB members and staff the most so before a decision is made, it is extremely important that we all know just what is proposed and whether we feel the applicants final proposal is something that we all can accept in some manner and if it meets the Site Plan Review Criteria, especially number 5. Although much of the focus has been on traffic, please remember there are other critical items such a stormwater, potential pollutant mitigation, buffering and building aesthetics.

ITEM 5

Proposal: Major Subdivision Amendment: Revise location of two apartment buildings, parking and stormwater systems
Action: Applicant Update; Final Ruling
Owner: New Heritage Builders
Location: Smithwheel Rd. (Colindale Apartments)., MBL: 107-2-1, R4 & ID

As you may recall from the Oct. 2015 meeting, Planning staff received a question regarding the possible existence of a right-of-way extending to the property at the rear of Colindale. Nothing in regards to this particular ROW is shown in the submissions. We received the following information from the abutter who asked the question: "the deed from your folks [Blow's] to Colindale Associates reserved a 50' ROW for access and the installation of utilities, and the deed from Colindale Associates to New Heritage was made subject to the same easement." The applicants representative looked into this and found the existence of the ROW. The plans have been amended to show this.

Department Head Comments (Note: it appears that based on email communications, the department heads who commented are satisfied. The FD final comment could be included as a condition of approval).

10-September 2015

Public Works Comments:

1. What is the increase in daily traffic for the AM and PM peaks? With the proposed Dunkin Donuts this will only make the impact at the Smithwheel and Ocean Park Road more difficult?
2. There is a proposed grinder pump and force main we assume will be maintained by the owner.
3. The proposed drainage system consists of leaching catch basins and leaching pipes. What are the existing soil conditions? Where is the water table?
4. The proposed buildings will be served by a two inch water line. This size precludes having a sprinkler system.

There are underground utilities in this proposal. Whenever anyone excavates, whether on public or private property they are required to call DIGSAFE. If this apartment complex does not register or join DIGSAFE they will not be able to locate the underground utilities. If someone excavates in the area of the new units, how will DIGSAFE locate the facilities? I suggest they be required to join DIGSAFE.

14-September 2015

BH2M Response to DPW:

1. Increase for AM peak hours is 14 trips and PM peak hours is 19.6 trips . This is based on 6.1 trips / day/unit for Apartments.
2. The proposed grinder pump and force main will maintained by the owner as the existing units and utilities are now.

3. The drainage system will be an infiltration system. This will include the drywells and leaching pipes . The ground water was determined by backhoe test pits to be 135" to 138" from the surface. This design is going to DEP for approval and a Storm Water permit.

4. The water service for each building will be a 2 inch water line. The Fire Chief will be reviewing this project for compliance.

16-September 2015

Public Works Comment:

BH2M is not understanding comments.

30-September 2015

BH2M Response to DPW:

Any excavation of utilities requires by State law that dig safe be notified. In the event that a utility company does not respond to a request then the owner is responsible to have a private utility company respond .The owner will have an as-built of all site work on file.

1-October 2015

DPW Response to BH2M:

Thanks, works for me.

24-September 2015

Fire Department Comments:

Per our discussion on the phone today I am satisfied with the layout and the one hydrant located inside the complex. You agreed to provide an updated plan showing the size water main and the location of the existing hydrant. It should also show the main size of the sprinkler feed.

I would require the existing hydrant located in the complex to be serviced by a qualified party to meet NFPA code. This would include flushing the hydrant and having a document stating that is was completed. This should be done on an annual basis with the service report sent to the fire department.

NOTE: DEP approved the proposals stormwater management permit on 12 January 2016

Recommendations: As long as the PB feels the ROW matter is acceptably resolved, I'm comfortable recommending conditional approval of the Major Subdivision Amendment proposal to revise the location of two apartment buildings, parking and stormwater systems at Colindale Apartment Development located at Smithwheel Dr., MBL: 107-2-1. Condition:

1. The existing hydrant located in the complex shall be serviced by a qualified party to meet NFPA code. This would include flushing the hydrant and having a document stating that is was completed. This should be done on an annual basis with the service report sent to the fire department.

ITEM 6

Proposal: Major Subdivision and Site Plan: 49 unit condominium project

Action: Sketch Plan Review: Discussion; Recommendations to Applicant

Applicant: Church Street LLC

Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

Design Review Certificates

ITEM 1

Proposal: Convert restaurant and apartment to motel use. Construct dormers, decks, porches, stairs, handicap access, garage; Expand/add upper level; Add landscaping

Action: Certificate of Appropriateness Ruling
Owner: Beachwood Development Company, LLC
Location: 33 West Grand Ave., MBL: 307-1-5, DD-1

This proposal involves the conversion of a restaurant and apartment (Fat Belly Deli) into a motel use which will include a lobby, 2 lodging units and 1 apartment. The motel is an extension of the Beachwood which is abutting this property. Work on the property includes interior and exterior demo and rehab, new construction, and landscaping. During December 2015, the proposal secured both Administrative Site Plan Review approval and a favorable recommendation for Certificate of Appropriateness approval from the DRC.

Recommendation: I recommend the PB approve the Certificate of Appropriateness to convert the existing restaurant and apartment to motel use. Construct dormers, decks, porches, stairs, handicap access, garage; Expand/add upper level; Add landscaping for Beachwood Development Company, LLC, located at 33 West Grand Ave., MBL: 307-1-5.