

**TO: Old Orchard Beach Planning Board**  
**FROM: Planning Staff**  
**SUBJECT: July Planning Board Meeting Summary**  
**DATE: 14 July 2016**

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

**PUBLIC HEARING ITEMS**

**ITEM 1**

**Proposal: Zoning District Amendment: Expand the Campground Overlay District over three parcels zoned R1 and GB1 (Paradise Park)**  
**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)**

**ITEM 2**

**Proposal: Major Subdivision and Site Plan: 40 unit condominium project**  
**Owner: Church Street LLC**  
**Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4**

**REGULAR BUSINESS ITEMS**

**ITEM 3**

**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**

**(7.14.16) UPDATE AND RECOMMENDATIONS**

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**

### **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 can not 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 Issus 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. Occupying 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 4**

**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)

#### **(7.14.16) UPDATE AND RECOMMENDATIONS**

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**

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 5**

**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

### **(7.14.16) UPDATE AND RECOMMENDATIONS**

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**

### 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 6**

**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**

**(7.14.16 ) UPDATE AND RECOMMENDATIONS**

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)**

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 7**

**Proposal:** Conditional Use: Accessory Dwelling Unit  
**Action:** Determination of Complete Application; Schedule Site Walk, Public Hearing and Final Ruling  
**Owner:** Frederick O’Neal  
**Location:** 15 Willow Ave., MBL: 204-3-48, R1

**(7.14.16) COMMENTS AND RECOMENDATIONS**

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 8**

**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

### **(7.14.16) COMMENTS AND RECOMENDATIONS**

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 II). 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.