

TO: Old Orchard Beach Planning Board
FROM: Planning Staff
SUBJECT: June Planning Board Meeting Summary
DATE: 9 June 2016

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

REGULAR BUSINESS

ITEM 1

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

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 occuppied 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 Issues associated with Paul’s II cabins:

- A. June 2015 Planning Board Conditions of Approval (Reference: 11 June 2015 PB Minutes):
 - Any Planning Board comments during the site walk associated with the proposal before the Board shall be included as part of the improvements to the property including, but not limited to buffering, screening, buildings, drainage and overall site plan. These comments shall be shown on the plan before issuance and submitted to the Town Planner before issuance of the occupancy permit. **Status: Completed.**
 - A letter from Maine Licensed Professional Engineer or Landscape Architect certifying that there will be no post development adverse impact as associated with drainage to abutting properties. 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)

RECOMMENDATIONS:

Table without prejudice and request applicant to respond to PB and staff comments before further consideration.

ITEM 2

Proposal: Zoning District Amendment: Expand the Campground Overlay District over three parcels zoned R1 and GB1 (Paradise Park)
Action: Discussion; Schedule Public Hearing
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)

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 in 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.

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

RECOMMENDATIONS:

Schedule public hearing to be held on 14 July 2016. Schedule site walk if the PB feels necessary. Schedule council recommendation for 14 July 2016 (Note- the PB table action on this at the 14 July meeting if more time is needed)

ITEM 3

Proposal: Major Subdivision and Site Plan: 40 unit condominium project
Action: Preliminary Plan Review: Schedule Site Walk and Public Hearing
Applicant: Church Street LLC
Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

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.

RECOMMENDATIONS:

Request applicant to address PB and staff comments. Schedule Public Hearing for 14 July 2016 and Site Walk for 7 July 2016. Schedule determination of completeness for 14 July 2016 (Note- the PB table action on this at the 14 July meeting if more time is needed).

ITEM 4

Proposal: Subdivision Amendment: Creation of connecting road between Juniper and Kapok, lot line change
Action: Pre-application Review; Schedule Site Walk and Public Hearing (if necessary)
Owner: HP Developers LLC
Location: Juniper and Kapok Streets (Homewood Park), MBL: 402-2-4,5,6,7. R5

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.

RECOMMENDATIONS:

With the above, it may seem like a lot but I wanted to be comprehensive with my identification of items that could be related to the proposal. The proposal, though, is actually quite simple. Since this is an amendment and there are no specific amendment standards, the PB has the ability to choose the standards that are most applicable to the proposal which I attempted to identify above. Ultimately, we just want to ensure the road is built properly and serves the development as it should and the lot adjustments are ok. I recommend the PB schedule final ruling for the 14 July meeting and advise the applicant as to what they want to see for the next submission. A Public Hearing and Site Walk may be scheduled but are not required.

DESIGN REVIEW CERTIFICATES

ITEM 1

Proposal: Parking lot buffer plan
Action: Certificate of Appropriateness Decision
Owner: Good Shepard Parish
Location: 6 Saco Ave., MBL: 206-30-1, DD-2

At the 6 June 2016 DRC meeting, the Committee voted 4-0 on a motion to move the parking lot buffer project forward to the Planning Board for final decision. As part of this motion the DRC decided:

1. The parking lot landscaping plan has met the DRC expectations.
2. Recommend parking lot lighting to be more architecturally compatible with the downtown lighting.

Below is the project history:

- June 2015. DRC begins considering parsonage demo and parking lot construction.
- July and August. DRC continues review of proposal, focused on why the parsonage needs to be remove but primarily on parking lot buffer
- September 2015. DRC decides to split the proposal into two- parsonage demo and parking lot buffer. DRC conditionally recommends approval of the demo. Conditions:
 1. All improvements will be in accordance with application, plans and proposal received. Any additional changes must be approved by staff prior to completion.
 2. A complete landscaping plan for the entire site shall be submitted to the Design Review Committee by 2 November 2016.
 3. Execution of the landscaping plan shall be done prior to paving of the parking lot. Parking lot shall not be used until landscaping plan is implemented.
- October 2015. PB approve Demo Certificate of Appropriateness with DRC conditions.

- November 2015. DRC reviews revised landscaping plan and tables decision. DRC request further information on: 1. Compliance with ADA requirements; 2. Parking lot lighting; 3. Curbing material; 4. Snow storage location. DRC asks codes to look into the use (commercial?), bathroom requirements, ADA, and other issues.
- December 2015. Codes approves demo permit.
- April 2016. Codes discusses issues with Church and authorizes project to move forward. Codes has authority to approve the use and other items DRC requested but the DRC did not issue a final decision on the parking lot buffer which included two specific items they wanted to consider before doing so- lighting and curbing. The Church, who believes they have full approval, begin work on the parking lot.
- May 2016. I contacted Church reps and asked that they stop work until they receive DRC and PB approval. The Church agreed and work stopped.
- June 2016. DRC approves motion to move parking lot buffer forward to PB.

So, the DRC is comfortable with the parking lot buffer but would like to see lighting that is more compatible with the downtown lighting. They're leaving final decision up to PB. Codes approved as proposed.

RECOMMENDATIONS:

Codes and Planning are comfortable with this proposal. One remaining item is the lighting- please provide your feedback on this. One option is the Church can work with Codes and Planning staff on a resolution after evaluating how the current lighting works when the entire parking lot is operational. Maybe lighting will not be needed. Also, please remember condition three from the September approval is still applicable: 3. Execution of the landscaping plan shall be done prior to paving of the parking lot. Parking lot shall not be used until landscaping plan is implemented.

OTHER BUSINESS

I will not be able to attend the 14 July meeting.