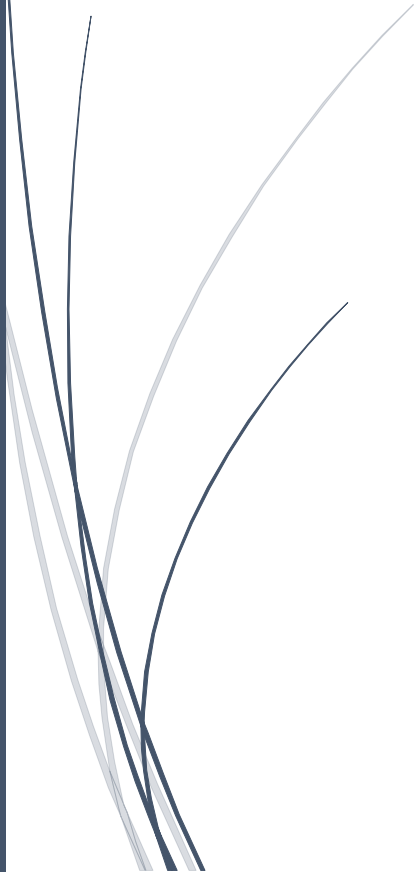


**OLD ORCHARD BEACH
OCTOBER 2018
PLANNING BOARD
MEMO**



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ITEM 1

Proposal: Site Plan: Construct 40' x 80' Garden Center.
Action: Determination of Completeness; Schedule Public Hearing
Owner: Robillards Garden Center, LLC
Location: 85 Cascade Rd., MBL: 103-3-3

<u>Cascade Road Garden Center</u>	<u>Project Status</u>
<i>Sketch Plan</i>	April Meeting
<i>Application Complete</i>	Recommended for September pending Stormwater Concerns
<i>Site Walk</i>	Held in September
<i>Public Hearing</i>	Scheduled for October
<i>Final Ruling</i>	Recommended for October

At the last meeting, the Planning Board held a site walk and determined the application complete contingent on the submission of materials identified in the memo to the Planning Board from Planning Staff. The following list is an update on where we stand with those items:

- Originally the PB was concerned about the location of product storage bins in close proximity to the Abutting property. The bins were moved away from the property but in-turn the dumpster had been moved closer to the abutting property. ***The Applicant has moved the dumpster and storage bins away from the property line so this appears to be all set now.***
- Planning Staff recommended that loading areas for store deliveries and filling the bins be shown on the plan. This information still hasn't been shown on the plans. ***The PB should determine if there should be further information submitted on this. For example, will the delivery truck go through the one way "Employee Only" access on the right side of the building to get to the back of the building and park there to deliver? Will there be a back door? This should be clarified.***
- No traffic information aside from the original peak estimates has been submitted. ***The PB should determine if any additional information on traffic should be submitted.***
- A Performance Guarantee worksheet was included in the most recent submission. However, Wright Pierce wanted to see further information on grading to support site drainage. ***A revised Performance Guarantee worksheet was submitted on 9/25 that addresses these comments. If there are any further comments, they can be addressed prior to the start of construction when the Escrow/LOC amount is being worked out.***
- Responses to the Site Plan Review criteria have been included in the most recent submission and are listed below.
- Wright Pierce asked for updates to the Post-Construction Stormwater Management Plan (PCSWMP). It appears that most of the updates have been completed but they are still requesting updates to the project description section and the BMP tables. ***Planning Staff received a final copy of the PCSWMP on 9/25 but Wright Pierce still had a few comments on it (please see recommended condition listed below).***
- An Ability to Serve letter was received from ME Water on 9/27/18.
- Wright Pierce had a number of additional comments on stormwater:
 - The Applicant provided "typical ditch" calculations but did not include any additional discussion or site-specific calculations. These should be provided.
 - Evaluation of grading on the northwest side of the property should be looked in to in order to make sure runoff does not impact the adjacent property. Recommending additional spot-grades and topography be completed along the property line so that runoff from the parking lot can be maintained within a created ditch-line and not impact the adjacent property.
 - Spot grades above the proposed septic to confirm runoff will not be directed towards the adjacent property.
 - Grading has been revised along the property line to better define the swale, however, additional spot grades/notes at the intersection with Cascade should be submitted since it will also collect runoff from Cascade Road.
 - The Applicant has indicated that an erosion control mesh will be provided on the 2:1 side slopes for vegetation purposes, this should also be noted on the grading plan.
 - Wright Pierce is recommending that, due to the significant grade change behind the building, the Applicant should consider providing a guardrail or other protection for vehicles in the area.

- There is low-point that directs runoff between the material storage area and the dumpster. Should there be some sort of filtration in this area?
- Wright Pierce is also recommending some additional spot grades in/around entrance points to the building and along the sidewalk for construction purposes.

On 9/25/18, BH2M provided a response to the stormwater comments from Wright Pierce. Planning Staff forwarded this to WP and received a response back on 10/3 which has been included in your packets. They indicated that a majority of the items have been addressed but they have some comments/clarification points regarding stormwater. Since there is not enough time to address these and they are not considered to be “earth shattering,” Planning Staff recommends the PB place a condition of approval on the project to ensure they are addressed: ***Before the start of construction, the Applicant shall work with the Town and Wright Pierce to address any final comments regarding stormwater to the satisfaction of the Town and Wright Pierce.***

The Applicant has to demonstrate compliance with the 9 Site Plan Review Criteria. Planning Staff recommends the PB read these into the record.

78-216(d): All site plan review applications shall be evaluated, approved, approved with conditions, or denied based on the following findings of fact:

Responses to the 9 Site Plan Review Criteria:

- (1) *The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in this article and article VIII of this chapter.*
Project site is zoned for this use in the NC-4 Cascade Road Neighborhood Commercial District. All performance standard in Article 8 that apply to this use have been met.
- (2) *The proposed project has received all required zoning board of appeals and/or design review permits as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all applicable federal and state permits.*
Zoning board of appeal and State or Federal permits are not required. Design conforms to division 2 of Article II and Article V.
- (3) *The proposed project will not have an adverse impact upon the quality of surficial or groundwater resources.*
The site and surrounding area are served by public water with no drinking water sources in this area. The subsurface disposal system will be designed to state health engineering standards.
- (4) *The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event or any other event so required by the planning board, and will not have an undue impact on municipal stormwater facilities or downstream properties.*
The stormwater management design includes grading and ditches to direct surface water to the level spreader. The surface water will then sheet flow to the on-site stream and to the existing 21-inch culvert under Arnold Road.
- (5) *The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.*
The trip generation volumes calculated by Traffic Engineer Bill Bray, do not result in any additional analysis on traffic. Sight distances and entrance separation meet or exceed ordinance requirements.
- (6) *The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.*
The proposed use of a garden center will not result in any environmental quality issues. Proposed products will include mulch and landscape products. The visual quality will be an improvement from the existing cabins and shed. This proposed use meets the NC-4 Zone.
- (7) *The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels.*

The proposed use will not produce noise, odors, dust, or debris. The only products sold are associated with home and business landscape. This site will not “manufacture” products.

(8) *The proposed project will not have a negative fiscal impact on municipal government.*

No negative fiscal impact on municipal government will result from this retail business. This business will be a tax payer and create jobs.

(9) *The proposed project will not have an adverse impact upon surrounding property values.*

This site will be an upgrade from the existing use and is zoned for this type of use.

RECOMMENDATIONS (OCTOBER):

Pending any concerns discussed at the Public Hearing or any of the items listed above (delivery information or traffic), Planning Staff recommends that the PB read the responses to the 9 SPR criteria into the record and make a final ruling on the project with 1 condition: ***Before the start of construction, the Applicant shall work with the Town and Wright Pierce to address any final comments regarding stormwater to the satisfaction of the Town and Wright Pierce.***

Recommended Motion: *I will make a motion to approve the construction of a 40x80 garden center, associated parking and material storage bins at 85 Cascade Road, MBL: 103-3-3 with the following condition: **Before the start of construction, the Applicant shall work with the Town and Wright Pierce to address any final comments regarding stormwater to the satisfaction of the Town and Wright Pierce.***

BACKGROUND (SEPTEMBER):

At the August meeting, the PB discussed this proposal with the Applicant and decided to schedule a Site Walk for September. There were a number of outstanding items from staff as well as WP that were discussed at the August meeting. A summary on where we stand with each of those is included below. ***Items denoted in bold/italic are ones that require further follow up by the Applicant.***

- Planning Staff requested a foot-candle plan be submitted as well as information regarding the size of lighting proposed on the site. *This information has been included in your September packets and is all set.*
- Planning Staff requested a snow removal plan be submitted. *This has been shown on the plan for September and is all set.*
- Wright Pierce requested information regarding the maintenance of the chain-link fence between the neighboring property and this property during and following construction. *A note has been shown on the plan for September and is all set.*
- The distance between the driveways was brought up by Wright Pierce after reviewing the last submission. BH2M indicated that this is typically measured from the centerline and WP measured from a different location. *This has been clarified.*
- The Applicant discussed changing the location of parking spots 1-5. *These have been altered in the newest submission.*
- The PB was concerned about the location of product storage bins in close proximity to the Abutting property. The Applicant has moved these bins away from the abutting property (~70 Feet). However, the dumpster has been moved over to that side of the property. It is shielded by vegetation. ***The PB should determine if this area is adequate for the dumpster.***
- Planning Staff recommended that the loading areas for store deliveries and filling the bins be shown on the plan. It does not appear that this has been shown on the plans. ***The PB should determine if there should be further information submitted on this.***
- New traffic information was not included in this submission. At the last meeting we discussed the 4 AM peak trips and 11 PM peak trips. ***The PB should determine if there should be any further information submitted regarding traffic.***
- Stormwater Comments from Wright Pierce:
 - ***Wright Pierce is continuing to recommend that an evaluation of the grading on the northwest side of the property to ensure runoff does not impact the adjacent property.***
 - ***The Applicant indicated calculations were included that said the ditch line is adequate to handle runoff from the development, but they were not included in the submission materials.***

- *Wright Pierce recommended additional spot grades/topo. be completed in the area, the Applicant indicated that those calculations were included in the packet but Wright Pierce did not see them.*
- *Wright Pierce recommends additional spot grades above the proposed subsurface disposal system to confirm runoff will not be directed to adjacent property.*
- *Wright Pierce recommends reviewing grading and the ditch line side slopes.*
- *Wright Pierce recommends documentation of the size of the swale on the southeast side of the property. They indicated that the Applicant indicated a revised grading and additional spot grades had been developed. These were not included in the revised drawing (Sheet 3).*
- The plans showed an increase to the 21-inch culvert crossing Arnold Road. After doing some further research on this, it appears that the Arnold Road culvert is a Town-owned culvert per a consent agreement that was signed in the early 2000's. ***The Town and the Applicant are going to have to coordinate on the status of this culvert and any proposed increases to the culvert.***
- Wright Pierce recommended some updates to the Post-Construction Stormwater Management Plan (PCSWMP). Some items had been addressed but there were others that were still outstanding:
 - ***Include phone numbers and emails under “Contact Information” so the Town can contact responsible parties.***
 - ***Updates to the project description section of the PCSWMP. This includes: Permit Summary, Project Summary and Stormwater Management Summary.***
 - ***List Site-Specific BMPs – number each BMP and specifically list them for future reference and annual reporting.***

Items that still remain outstanding:

- Performance Guarantee
- Responses to the Site Plan Review (SPR) Criteria
- Ability to Serve letter from Maine Water

RECOMMENDATIONS:

There are a few items for the Planning Board to consider on this one:

1. Is the new proposed location for the dumpster adequate? Keep in mind that it is buffered with vegetation and will have to be shielded on three sides.
2. Would the PB like further information on the loading areas for store deliveries and how the filling of the bins will take place?
3. Does the PB want more information on traffic beyond the 4AM Peak trips and 11 PM Peak trips?

In addition, there are three outstanding items (minor) that need to be submitted – performance guarantee, responses to the SPR criteria, and the ability to serve letter from ME Water.

There are also a number of outstanding stormwater concerns Wright Pierce had (bulleted above in bold/italics).

Planning Staff recommends that the PB discuss the 3 items listed above and the stormwater concerns in the WP memo with the Applicant. There has been progress since the last submission in terms of the to-do list. Pending concerns discussed at the Site Walk, the PB should determine if the outstanding stormwater comments should be addressed prior to making a determination of completeness or if the board is comfortable with making a determination of completeness and scheduling the public hearing pending receiving the addressed stormwater items in the next submission.

Recommended Motion (If comfortable with stormwater): I will make a motion to determine the application complete to construct a 40x80 garden center, associated parking and material storage bins at 85 Cascade Road MBL: 103-3-3.

Recommended Motion (If comfortable with stormwater): I will make a motion to schedule a Public Hearing for 85 Cascade Road on September 13th.

BACKGROUND (AUGUST):

The Planning Board saw this proposal back in April as a Sketch Plan. It is for the demolition of the existing cabins/cottages and single-family home and the construction of a 40x80 building and associated storage bins/parking to

support a Garden Center. In your packets for August are the application materials, plan set and comments from Wright Pierce dated 7/31/18.

Wright Pierce had several comments on the plans but wanted us to specifically highlight two of them:

1. The adjacent properties are somewhat close in proximity. WP has concerns with the drainage around the parking lot and have requested some additional detail and confirmation on the size of the swale to ensure the adjacent properties are not impacted by runoff.
2. They have modeled (which is minor and small) an increase to the 21-inch culvert crossing Arnold Road. The culvert is private so they are recommending some coordination with the owner.

Staff and Wright Pierce had a few comments on the plan so we grouped them together into categories listed below:

Lighting

A footcandle plan was not submitted, Planning Staff recommends this is submitted for the September meeting. The ordinance Sec. 78-871(e)(2) requires that a nonresidential use does not shed more than 0.5 footcandles onto surrounding residential properties.

The ordinance Sec. 78-871(e)(1) also requires that the free standing site lighting not exceed the height of the principle building or 14 feet, whichever is less. This needs to be confirmed in the plans.

Lastly, the ordinance also requires that the lighting be shielded to prevent point source glare.

Traffic/Driveways/Parking/Loading

Sec. 78-1491(e) of the ordinance requires that multiple driveways on major roads for nonresidential uses requires a minimum separation between each driveway of 185 feet (for a 40MPH stretch). The Applicant claims that they meet the 185 feet, however, Wright Pierce says it appears to be 178 feet. Will this require a waiver? Planning Staff recommends that the distance between the two driveways be confirmed and shown on the plan.

Planning Staff recommends that the PB make a determination as to whether or not the board is all set with traffic information as presented (4 trips at AM peak and 11 trips at PM peak) or if the board would like further information, for example, a letter from a traffic consultant.

There is a requirement in the ordinance (and we also discussed this with the Dollar General project) Sec. 78-1542(g) for installing bituminous concrete, poured-in-place concrete, manufactured pavers, or porous paving systems. The ordinance specifically says "*The PB may permit the application of crushed stone, or similar porous paving system in lieu of impervious pavement for parking lots serving...garden nurseries.*" The PB may want to add this to the consideration of the project.

Sec. 78-1591-78-1596 discusses off-street loading standards. Planning Staff did not see loading areas specifically designated on the plans. Where will people park to access the bins? Where will deliveries occur to the building itself? How will the truck maneuver? Planning Staff recommends these questions be answered.

WP made the comment that the driveway exit from the development is a 7.7% grade change from the dumpster location to Cascade Road. Sec. 78-1494 of the ordinance says that within 30 feet of a public street...the driveway grade shall not exceed 3%. The Applicant should evaluate this further.

A snow removal plan did not appear to be included in the plan-set. This should be included in the September submission.

Stormwater

As discussed above, WP recommends that further consideration be given to the ditch between this property and the adjacent property, the ditch appears to be shallow with steep slopes in some places.

WP also recommends the size of the swale on the other side of the property be documented to ensure runoff does not impact the adjacent home.

The watershed boundary information that was used did not appear to include the Homewood Park Development which included a stormwater pond. This would alter the model used for the project. The calculations should be updated to reference this.

Also as discussed above, the capacity of the Arnold Street Culvert appears to be exceeded during the 25-year storm event. This should be reviewed further.

WP recommends a few updates to the Post Construction Stormwater Management Plan (PCSWMP) including contact information, updates to the project description section, include site specific BMPs, identify the forested buffer in the plans, state who will be responsible for post-construction, include additional information under the inspection summary.

Miscellaneous

A performance guarantee estimate was not included in the materials. This should be submitted for September.

We are still waiting on an ability to serve letter from Maine Water for the project.

This was also discussed at the April meeting and WP brought it up as a potential concern. Are there setbacks for storage bins with landscaping materials? What if they are in close proximity to neighboring properties? Does the PB have any thoughts on this? Planning Staff did not see anything specifically mentioned in the ordinance for setbacks for storage bins. However, one of the Site Plan Standards says: *“the proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels.”*

Responses to the Site Plan review criteria were not included in the materials submitted. Planning Staff recommends these be submitted for September.

WP brought up the potential maintenance issues of the chain-link fence between the neighboring property and this property during/following construction.

RECOMMENDATIONS (AUGUST):

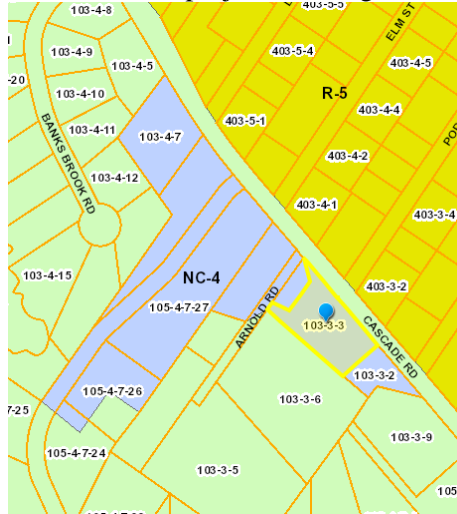
There were several items as discussed above that Planning Staff feels should be submitted for the September meeting:

- Foot-candle plan with calculations for lighting.
- Waiver required for distance between driveways?
- Would the PB like a letter from a traffic consultant?
- Porous pavement consideration?
- Grade change needs to be evaluated.
- Snow removal plan needs to be submitted.
- Several stormwater considerations including the ditch, swale, culvert, updated calculations including Homewood Park, and the PCSWMP.
- Performance Guarantee needs to be submitted.
- Ability to serve letter from ME water.
- Setbacks for storage bins in close proximity to residential uses.
- Responses to the 9 SPR Criteria.
- Maintenance of the chain-link fence between the neighboring property and this property during/following construction.

Planning Staff feels that further consideration needs to be made to the items listed above, especially those pertaining to stormwater and potential runoff to adjacent properties. The PB should hold off on the determination of completeness until the September meeting.

BACKGROUND (APRIL):

This proposal is for the demolition of existing cabins/cottages and a single-family home and the construction of a 40x80 building and associated storage bins/parking to support a Garden Center. This proposal is in the sketch plan stage and as you know proposals in early stages like this offer an opportunity for the Planning Board to discuss and provide recommendations to the Applicant on what direction the project should go.



The Applicant is proposing to connect to the existing public water and install an onsite septic system. The proposal currently uses the existing curbcut for two-way traffic and proposes to create an additional “exit only” drive so that they can separate the store customers from the customers purchasing bulk products such as mulch.

The property is located in the NC-4 district (Cascade Road Neighborhood Commercial District). Another parcel in this district also used to be a garden center a few years ago. Garden centers and agricultural uses are permissible in the NC-4 district. However, because this is construction of a new nonresidential structure it requires review as a Site Plan by the Planning Board.

The lot size is 50,094 sq. ft and the minimum lot size with water is 40,000 sq. ft in this district so it meets those requirements. It also exceeds the frontage requirement of 200 feet.

Ordinance requirements that the project will have to meet include:

Applicable Parking Requirements (Sec. 78-871(c)):

- (2) – All off-street parking facilities accommodating four or more spaces shall be buffered from adjacent residential properties and shall be screened from the street if so located in the front yard per standards described in Subdivision IV of Division 7 of Article VIII of this chapter.
- (3) – Where the building is only proposed to be 3,200 sq. ft. it doesn’t meet the “5,000 sq. ft in net leasable area” threshold for parking distribution.

Applicable Signage Requirements (Sec. 78-871(d)):

- (1) – *Materials*: Signage shall be constructed of wood, metal and or fabric or composite materials.
- (2) – *Area and Dimensions*: Allowable signage shall be one square foot of signage per linear foot of storefront fronting directly onto Cascade Road. Free standing signs shall not exceed 8 ft. in height, square footage of signage allocated for the freestanding sign shall be subtracted from the maximum allowable square footage for the property. Permitted sign area is not transferable between sides of the building located on a corner lot.

Applicable Lighting Requirements (Sec. 78-871(e)):

- (1) – All freestanding site lighting shall not exceed the height of the principle building or 14 feet, whichever is less.
- (2) – From a nonresidential use, not shed more than 0.5 footcandle onto surrounding residential properties or 1.0 footcandle onto surrounding nonresidential properties.

(3) – Be shielded to prevent point source glare.

Applicable Performance Standards (Ch. 78, Art. VIII, Div. 4):

Applicable Parking Standards (Sec. 78-1491) –

(a) – *Siting*: Access driveways for multifamily and nonresidential uses shall be sites in the most appropriate location, given existing site topography and project layout, surrounding land uses, and prevailing traffic conditions.

(b) – *Orientation*:

(1) All driveways shall be oriented at 90 degrees to the street or private way.

(2) The PB may permit driveway intersections with the street at an angle not to exceed 60 degrees in circumstances where the nature of the use or existing highway alignment precludes a right-angle intersection.

(c) – *Sight Distance*: All driveways servicing nonresidential and multifamily uses shall be designed so as to meet or exceed sight distance standards established in Sec. 78-1466(c) which for this 40MPH stretch is 410 feet.

(e) – *Driveways on Major Roads*: Along arterial and collector streets, multiple driveways servicing a single parcel may be permitted, provided the minimum separation between each driveway meets the following criteria: 40MPH stretch is 185 feet in separation.

(f) – *Offset from Intersections*:

(2) – A minimum 100-foot separation shall be maintained between any driveway and the curblin tangent of intersecting arterial and/or collector streets. Based on existing or projected traffic conditions, the PB may require more than 100-foot separation distances.

Applicable Driveway Dimensions (Sec. 78-1492) –

One-Way Drives (Minimum): 12 Feet, (Maximum): 20 Feet

Two-Way Drives (Minimum): 24 Feet, (Maximum): 26 Feet

Curblin Radius (Minimum): 5 Feet, (Maximum): 15 Feet

Applicable Turning Lanes (Sec. 78-1493) –

This all depends on how many trips they are expecting during peak hour. If it is more than 50 vehicles, they will have to provide a separate right turning lane (a), if it is expected to generate in excess of 30 left-turning vehicles during the peak hour, they shall construct a turning lane in the public street (b).

Applicable Driveway Design Specifications (Sec. 78-1494) –

These requirements get into driveway grades, profiles, and cross sections and they depend on the number of trips per day (more or less than 20 trips per day). This information is something the Applicant should submit with their formal submission.

Applicable Parking Lot and Site Circulation Standards (Sec. 78-1541, 78-1542, 78-1543) –

These requirements get into general performance standards of the parking lot as well as stall access and dimensions of the parking areas and stalls. This section of the ordinance also gets into designating snow disposal areas.

Applicable Landscaping Standards (Sec. 78-1544) – These requirements include landscaping and buffering standards primarily for the building. Some of these standards, such as street trees, are also applicable to parking lots.

Applicable Parking Standards (Sec. 78-1566) – It appears this proposal will have to meet the retail space requirements 1 space per 250 sq. ft net leasable area which equals about 13 parking spaces. This section of the ordinance lists several different uses but does not define garden center separately. Sec. 78-1567 discusses the number of handicapped spaces required and it is based on the number of total parking spaces.

Applicable Off-Street Loading Standards (Sec. 78-1591 – 78-1596) – Wherever possible, driveways or access to loading facilities shall be physically separated from customer parking lots, walkways or driveway entrances. Where will these area be designated?

If the project is going to disturb greater than 1 acre, it will need to meet the Chapter 71, Post-Construction Stormwater Management ordinance including the requirement to submit a Post-Construction Stormwater Management Plan for the PB to review.

The proposal will have to demonstrate compliance with the 9 Site Plan Review Criteria (78-216(d)):

- (1) The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in this article and article VIII of this chapter.
- (2) The proposed project has received all required zoning board of appeals and/or design review permits as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all applicable federal and state permits.
- (3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater resources.
- (4) The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event or any other event so required by the planning board, and will not have an undue impact on municipal stormwater facilities or downstream properties.
- (5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.
- (6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.
- (7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels.
- (8) The proposed project will not have a negative fiscal impact on municipal government.
- (9) The proposed project will not have an adverse impact upon surrounding property values.

RECOMMENDATIONS (APRIL):

This meeting is an opportunity for the PB to review the project in the early stages and offer recommendations to the Applicant of items for them to address in their formal submission. Planning Staff expects a number of items will need to be discussed in the formal submission as indicated above including:

- Details on signage including type, materials, size
- Details on lighting including height and footcandle calculations
- Sight distance and multiple driveway separation on a major road (need to show that they can achieve the 185 feet)
- Number of trips during peak hour and the number of trips in general expected at the site
- Landscaping including types of vegetation, locations, how the buffer will be achieved for the parking lot (front yard) and adjacent properties, street trees
- Parking – what will the parking look like in the back of the site next to the storage bins, how will it be accessed, how will patrons access the building
- Will the project be disturbing 1 acre or more – stormwater ordinance requirements
- Where will loading areas be for materials that are delivered to the store, how will the truck maneuver?

ITEM 2

Proposal: Accessory Dwelling Unit
Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing
Owner: Beachmont Land Development LLC
Location: 33 Dolphin Avenue, MBL: 103-1-317

<u>ADU: 33 Dolphin</u>	<u>Project Status</u>
<i>Sketch Plan</i>	N/A
<i>Application Complete</i>	Complete in September
<i>Site Walk</i>	Recommended for October
<i>Public Hearing</i>	Recommended for October
<i>Final Ruling</i>	Recommended for October

At the September meeting, the Planning Board reviewed this proposal and made a Determination of Completeness, scheduled a Site Walk and Public Hearing for this month. As of 10/2, Planning Staff has not received any comments from the public on the proposal. The PB will have to read the responses to the 5 ADU standards and 9 SPR criteria into the record which are listed below:

Sec. 78-1272. - Accessory dwelling unit.

The purpose of the sections concerning accessory dwelling units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods. Accessory dwelling units are allowed as conditional uses in all residential districts and shall comply with the following conditions:

- (1) The accessory dwelling unit shall be accessed via the living area of the primary structure, and all other entrances to the accessory dwelling unit shall appear subordinate to the main entrance. Any proposed additions to the main structure or accessory structures shall be designed to be subordinate in scale and mass to that of the main structure and compatible with the architectural style and quality of the main structure.
Access to the ADU will be through the front porch on the front of the house, down a hallway and through to the basement. It will share a common entrance.
- (2) The accessory dwelling unit shall have at least 500 square feet of floor area but shall not exceed 50 percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces nor public hallways or other common areas.
The square footage of the main home is 1,651 sq. ft. and the ADU is 682 sq. ft. It meets this standard.
- (3) The dwelling shall be served by a single electrical service.
This is not shown on the plan, however, the home will only have 1 meter.
- (4) Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence.
Only 1 ADU is proposed for this lot.
- (5) Accessory apartments shall not be permitted for any nonconforming structure or use, where nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

N/A

Sec. 78-1240. - Standards.

Before authorizing any conditional use, the planning board shall make written findings certifying that the proposed use is in compliance with the specific requirements governing individual conditional use and demonstrating that the proposed use meets the following standards:

- (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
The addition of one vehicle will not result in creating a hazard to pedestrians or vehicle traffic on and off-site. It is a low vehicle and pedestrian traffic area, the home is located at the dead end in a cul-de-sac.
- (2) The proposed use will not create or increase any fire hazard.
The ADU will be constructed in accordance with applicable codes which include fire safety. It will be built to Town code and will not create or increase any fire hazard.

- (3) The proposed use will provide adequate off-street parking and loading areas.
Adequate off street parking is provided to allow for the addition of 1 vehicle associated with the accessory use. The driveway is the length of the front setback and there is also a 2 car garage.
- (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
The proposal involves minimal site disturbance; therefore, will not cause water pollution, erosion or contamination. This is a new, to be built home in a fairly new home development, and will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
- (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
The ADU will be constructed in accordance with applicable codes which include ventilation provisions. Also, nothing associated with the proposal will create nuisances or unhealthy conditions to neighboring properties. The ADU will not create an unhealthful condition because of smoke, dust, or other airborne contaminants. This ADU will not create any nuisances to the neighboring properties.
- (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.
The ADU will be constructed in accordance with applicable codes which include ventilation provisions. Also, nothing associated with the proposal will create nuisances or unhealthy conditions to neighboring properties. The ADU will not create an unhealthful condition because of smoke, dust, or other airborne contaminants. This ADU will not create any nuisances to the neighboring properties.
- (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
There is trash pickup in this development and the home is on a private sewer.
- (8) The proposed use will not adversely affect the value of adjacent properties.
All of the homes in the development are residential. This will not affect the value of any other homes.
- (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
The ADU will only be used 3-4 months of the year during the summer months.
- (10) The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
The subdivision was approved by the Planning Board and includes buffering for this lot, the ADU will be located in the basement of the single family structure.
- (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 proposal of this subdivision was approved by the Planning Board, including a drainage plan and is in compliance with all stormwater regulations.
- (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.
Beachmont Land Development LLC are distinguished developers in the Town of Old Orchard Beach and they have built 30 homes in this development already.

RECOMMENDATIONS (OCTOBER):

This proposal is pretty straight forward, pending any concerns that are discussed at the Site Walk and/or Public Hearing, Planning Staff recommends the PB read the responses to the 9 SPR criteria and 5 ADU standards into the record and approve the proposal.

Recommended Motion: *I will make a motion to approve the Accessory Dwelling Unit at 33 Dolphin Avenue MBL: 103-1-317.*

BACKGROUND (SEPTEMBER):

This is a new proposal before the Planning Board. It is for an Accessory Dwelling Unit (ADU) in the Beachmont Subdivision. The home proposed to include the ADU is currently under construction at 33 Dolphin. The Applicant has indicated that this ADU, located in the basement, will allow for family members to stay 3-4 months out of the year in the summer months.

Accessory Dwelling Units are permissible in the Rural District as long as they meet the Conditional Use Accessory Dwelling standards and Conditional Use Review Criteria. The purpose of ADUs 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:

Sec. 78-1272. - Accessory dwelling unit.

The purpose of the sections concerning accessory dwelling units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods. Accessory dwelling units are allowed as conditional uses in all residential districts and shall comply with the following conditions:

- (6) The accessory dwelling unit shall be accessed via the living area of the primary structure, and all other entrances to the accessory dwelling unit shall appear subordinate to the main entrance. Any proposed additions to the main structure or accessory structures shall be designed to be subordinate in scale and mass to that of the main structure and compatible with the architectural style and quality of the main structure.
Access to the ADU will be through the front porch on the front of the house, down a hallway and through to the basement. It will share a common entrance.
- (7) The accessory dwelling unit shall have at least 500 square feet of floor area but shall not exceed 50 percent of the floor area of the main dwelling unit. Floor area measurements shall not include unfinished attic, basement or cellar spaces nor public hallways or other common areas.
The square footage of the main home is 1,651 sq. ft. and the ADU is 682 sq. ft. It meets this standard.
- (8) The dwelling shall be served by a single electrical service.
This is not shown on the plan, however, the home will only have 1 meter.
- (9) Only one accessory apartment shall be permitted per lot. It shall be made part of the main residence.
Only 1 ADU is proposed for this lot.
- (10) Accessory apartments shall not be permitted for any nonconforming structure or use, where nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.

N/A

The proposal also has to demonstrate compliance with the 12 Conditional Use Standards. Responses to these have been listed below. They are also listed in your memo, but we wanted to make the responses clearer by listing them here.

Sec. 78-1240. - Standards.

Before authorizing any conditional use, the planning board shall make written findings certifying that the proposed use is in compliance with the specific requirements governing individual conditional use and demonstrating that the proposed use meets the following standards:

- (13) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
The addition of one vehicle will not result in creating a hazard to pedestrians or vehicle traffic on and off-site. It is a low vehicle and pedestrian traffic area, the home is located at the dead end in a cul-de-sac.
- (14) The proposed use will not create or increase any fire hazard.
The ADU will be constructed in accordance with applicable codes which include fire safety. It will be built to Town code and will not create or increase any fire hazard.
- (15) The proposed use will provide adequate off-street parking and loading areas.
Adequate off street parking is provided to allow for the addition of 1 vehicle associated with the accessory use. The driveway is the length of the front setback and there is also a 2 car garage.

- (16) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
The proposal involves minimal site disturbance; therefore, will not cause water pollution, erosion or contamination. This is a new, to be built home in a fairly new home development, and will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
- (17) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
The ADU will be constructed in accordance with applicable codes which include ventilation provisions. Also, nothing associated with the proposal will create nuisances or unhealthy conditions to neighboring properties. The ADU will not create an unhealthful condition because of smoke, dust, or other airborne contaminants. This ADU will not create any nuisances to the neighboring properties.
- (18) 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.
The ADU will be constructed in accordance with applicable codes which include ventilation provisions. Also, nothing associated with the proposal will create nuisances or unhealthy conditions to neighboring properties. The ADU will not create an unhealthful condition because of smoke, dust, or other airborne contaminants. This ADU will not create any nuisances to the neighboring properties.
- (19) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
There is trash pickup in this development and the home is on a private sewer.
- (20) The proposed use will not adversely affect the value of adjacent properties.
All of the homes in the development are residential. This will not affect the value of any other homes.
- (21) The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
The ADU will only be used 3-4 months of the year during the summer months.
- (22) The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
The subdivision was approved by the Planning Board and includes buffering for this lot, the ADU will be located in the basement of the single family structure.
- (23) 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 proposal of this subdivision was approved by the Planning Board, including a drainage plan and is in compliance with all stormwater regulations.
- (24) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.
Beachmont Land Development LLC are distinguished developers in the Town of Old Orchard Beach and they have built 30 homes in this development already.

RECOMMENDATIONS:

Planning Staff recommends that the Planning Board determine the application complete and schedule a Site Walk for October 4th at 5:30PM and a Public Hearing for October 11th.

Recommended Motion: I will make a motion to determine the application complete for an Accessory Dwelling Unit at 33 Dolphin Avenue MBL103-1-317.

Recommended Motion: I will make a motion to schedule a Site Walk at 33 Dolphin on October 4, 2018 at 5:30PM and a Public Hearing on September 13th.

ITEM 3

Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed sewer lines; Relocate proposed building G; Relocate and add stormwater pipes and catch basins; Proposed road retaining wall replaced with rip rap.

Action: Ruling on Amendment

Owner: KRE Properties Inc.

Location: Settlers Ridge Condo's, Ross Road, MBL: 103-1-5, RD

<u>Subdivision Amendment: Settlers Ridge</u>	<u>Project Status</u>
<i>Sketch Plan</i>	Not Required
<i>Preliminary Plan</i>	Not Required
<i>Application Complete</i>	Not Required
<i>Site Walk</i>	Not Required
<i>Public Hearing</i>	Not Required
<i>Preliminary Plan Vote</i>	Not Required
<i>Final Review</i>	Pending

Wright Pierce continues to have a number of comments regarding the proposal. The following is an email received from Stephanie on 10/2:

I started looking at this last night and it appears I am still going to have a number of comments. There are some things outstanding (documentation requested not included in the application) and I am finding some additional minor details that will need to be sorted out, but there remain a few larger picture items:

- What are the defined easements to cross the existing development for the roadway and utility connections? I want to make sure the limits and locations of these easements are defined and that they are staying within these or have the RTI to utilize land outside of the easements.
- Stormwater Design:
 - The proposed project continues to detail point source (ie outfall) connections discharging directly to the property line. While there is a pre- vs post- assessment, my concern is that there is a change in how the stormwater is getting to the property lines (difference between runoff and impervious surface with direct point source discharge. While the aerial imagery shows this as wooded, it is not their property, and I want to make sure we understand the downstream receiving bodies and that this does not impact the adjacent properties (both developed, undeveloped and future development potential).
 - In reviewing the hydroCAD model, there are a few questions and comments I have regarding the outlet controls for the site. I am also concerned that while the model is also looking to the 25-year storm event utilizing the old TR-55 precipitation data. We already know that precipitation trends are noting higher precipitation trends (NOAA precip.net information available), and given the downstream implications (not fully described) I am not sure stopping the model at the 25-year storm event will prevent off-site impacts during higher storm events.
- Roadway and Retaining Wall Construction: More detail needs to be shown and whether they will be able to complete the construction within the property line. They have indicated that the final design would be prepared and reviewed during construction, but I recommend these details be evaluated during this phase (from a preliminary standpoint) to ensure that temporary construction easements will not be needed.
- Parking Lots – my original comment may not have been clear, but they have dead-ended the parking lots. Even with a 24-foot wide drive aisle, backing up with require some maneuvering space behind the vehicle. With dumpsters and snow storage in the way, those last few spots will become unusable.

In an effort to keep costs down for the Developer, Wright Pierce recommended addressing the large picture items identified above before they continue to spend time with the smaller details. Stephanie indicated she is willing to meet with Attar to discuss the details.

There was also a comment received from the Fire Department: *The code requires some sort of turnaround on any road that is more than 150 feet long. A hammer head, probably the least costly method needs to be as long as the largest piece of Fire Apparatus in our jurisdiction. Tower 71 (Ladder Truck) is just shy of 50 feet in length.*

RECOMMENDATIONS (OCTOBER):

Planning Staff recommends the PB does not make a ruling on the proposal until these details have been sorted out and Wright Pierce is satisfied. Once Wright Pierce is satisfied with the amendment, Planning Staff will be satisfied.

BACKGROUND (SEPTEMBER):

In 2016, the Applicant brought a subdivision amendment forward to revise the location of stormwater infrastructure, relocate a building and change some walkways/lighting. There were a number of comments discussed in 2016 from the Abutters as well as Wright Pierce. The Planning Board recommended the Applicant address the concerns in the Wright Pierce memo and provide a new submission to the board.

In this new submission, there are still a number of outstanding comments from Wright Pierce and the Abutters.

RECOMMENDATION: Planning Staff does not recommend moving forward on this amendment until the comments from Wright Pierce have been addressed.

BACKGROUND (NOVEMBER 2016):

Settler's Ridge is proposing a subdivision amendment which includes relocation of detention basin #1; relocation of Building G; side slope/road support/stabilization change from retaining wall to rip rap; relocation and addition of new stormwater piping and catch basins; changes (width and location) to walkways; addition of exterior lighting.

Originally, Settler's Ridge (formerly Pilgrim Place- PB approved the name change during 2012) was approved by the PB as what appears to be a two phase project. The first phase was buildings A-F which is built out. The second phase is buildings G, H, I which has not been constructed. The second phase is associated with this proposed amendment. Building G, H, I are towards the rear of the Settler's Ridge lot with building's A-F closer to Ross Rd. Buildings G, H, I have a total of 24 units with 8 units in each building.

During 2013, the PB approved a subdivision amendment to adjust the parking lot areas to reduce impervious surface by 4,000 sq. ft. To do this, the building locations were slightly adjusted, parking lots rearranged and sidewalk width and locations altered.

Wright-Pierce performed peer review of the new amendment and submitted a memo (included in your November packets) which identifies numerous issues. Staff feels it is important the applicant address these issues (including any follow-up plan adjustments) before the PB rule on this proposal. The WP memo was emailed to the applicant's engineer.

Dept. comments:

- WWTF (in November packets): "The additional flow will not have a significant impact downstream at the pump stations in terms of capacity. I do however advise the planning board the pump stations beyond Ross Road pump station is in need of improvements due to age and condition"
- FD (in November packets): "The only question I have at this time is who is responsible for the hydrants and if they are private see the attached Town Ordinance." Note- if they are privately owned the PB could attach the following condition: All privately owned fire hydrants shall be tested and maintained in accordance with applicable NFPA 25 standards. The developer and/or Home Owners Association shall be responsible for complying with this condition.
- Assessing (not in November packet): Assessing is questioning whether King Weinstein, as KRE Properties Inc, owns this property. According to Assessing, Gary Salamacha, who apparently was (or is?) also identified as KRE Properties Inc., claims that he owns the property. The deed attached to the subdivision amendment application is signed by King Weinstein as VP of KRE Properties Inc. The deed book and page as identified on the deed itself is the same book and page identified on the tax records. This appears to show Mr. Weinstein has right, title and interest and planning staff has not seen legal documentation to support Mr. Salamacha's claim. We have followed up on this and it appears Mr. Weinstein can apply for this amendment.

RECOMMENDATIONS: Staff believes the applicants engineer should respond to the WP memo before the PB rules on the proposal. This is because there are a number of important issues that need resolution before a vote take place.

ITEM 4

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Michael & Karin Lavigne
Location: 9 Pond View Road, MBL: 105-4-42

<u>ADU: 9 Pond View</u>	<u>Project Status</u>
<i>Application Complete</i>	October (Conditionally)
<i>Site Walk</i>	November
<i>Public Hearing</i>	November
<i>Final Ruling</i>	Pending

This proposal is for an Accessory Dwelling Unit (ADU) to be built as part of an addition to an existing single family home. The addition includes converting the existing garage to living space for the main dwelling, constructing a breezeway which attaches to the new garage and ADU on the second floor of the garage.

Accessory Dwelling Units are permissible in the Rural District as long as they meet the Conditional Use Accessory Dwelling standards and Conditional Use Review Criteria. The purpose of ADUs 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 Standards (78-1272):

- (1) States the ADU shall be accessed through the living area of the primary structure and all other entrances to the ADU shall appear to be subordinate to the main entrance. Also, proposed additions shall be subordinate and architecturally compatible with the primary structure. The proposal includes a breezeway which will serve as a shared entrance to the primary structure and ADU. The breezeway is considered living area. Regarding the proposed addition being subordinate to the primary structure, if the breezeway and garage was not part of the primary structure I would have the opinion it is not subordinate. Because it is part of the primary structure, the area exclusive to the ADU is only the 2nd floor of the proposed garage (remember, the garage is for the primary structure); therefore, in my opinion, makes the addition associated with the ADU subordinate to the primary structure. One recommendation, the applicant should strike the last sentence in their response to this standard.
- (2) States the ADU at least 500 sq. ft. but not exceed 50% of floor area of the primary structure. Assessing records show the primary structure floor area at 2,188 sq. ft. The proposed ADU is 1,008 sq. ft.
- (3) States the ADU and primary structure served by the same electrical service. This is not shown on the plan but is stated in the record.
- (4) States one ADU per lot and made part of the primary dwelling. The proposal meets this standard.
- (5) States the ADU shall not be permitted for any nonconforming structure or use where nonconformance is due to use of the premises. A single family dwelling is a permitted use; therefore, is a conforming use of the premises.

In addition to the ADU standards, the applicant’s proposal must conform to the Conditional Use standards (78-1240). We need additional info or further clarification in regards to two of these standards, (3) & (7).

(3) States the proposed use will provide adequate off-street parking areas. The applicant writes the current driveway is 70’ long and can easily park 2 wide. It may help if the applicant shows the parking area on a plan. Perhaps by use of an aerial photo (accessed via town website GIS) as the “plan” with the applicant highlighting parking locations.

(7) States the proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use. The applicant writes this apartment will have adequate waste disposal for both solid and liquid waste. Leech field has been recently updated and will accommodate the use. During 2009, the applicant received permit approval to increase the disposal field size. One problem is that although the size increased, the approved permit shows the septic system is designed to serve 3 bedrooms. The proposed ADU includes 2 bedrooms which. Single family septic design typically base the design flow, field size and tank size on the number of bedrooms. With the additional 2 bedrooms, we question if the system can accommodate the additional flow. Now would be a good time to contact a site evaluator to check the system and answer this question.

RECOMMENDATIONS:

Staff recommends the PB determine the application complete subject to receipt of proof that the septic system is or will be designed to handle 5 bedrooms. This documentation shall be submitted before the PB issues a final ruling.

***Recommended Motion:** I will make a motion to determine the application conditionally complete for an Accessory Dwelling Unit at 9 Pond View Rd, MBL: 105-4-4. Condition: The applicant shall submit documentation that clearly shows the septic system is or will be designed to handle 5 bedrooms. This documentation shall be submitted before the PB issues a final ruling.*

***Recommended Motion:** I will make a motion to schedule a Site Walk at 9 Pine View Rd on 1 November at 5:30PM and a Public Hearing on 8 November.*

ITEM 5

Proposal: Site Plan: Wild Acres Campground Expansion
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Sun Wild Acres RV LLC
Location: 179 Saco Avenue, MBL: 208-3-2

<u>Site Plan: Wild Acres</u>	<u>Project Status</u>
<i>Sketch Plan</i>	Reviewed in February
<i>Application Complete</i>	Pending
<i>Site Walk</i>	Pending
<i>Public Hearing</i>	Pending
<i>Final Ruling</i>	Pending

The Planning Board saw this proposal in February as a sketch plan. At the time, it was for the addition of 19 full utility campsites at the Wild Acres Campground. You'll note in the new submission material that the proposal now includes the addition of 30 campsites. The sites are proposed to be 40' x 60', some of the sites will be designed as pull-thru sites to benefit larger R.V's.

The new section of campsites will be served by an internal loop road that will be 20-feet wide. The Campground Overlay District allows campground expansions of up to 5 sites per year through an Administrative Site Plan review process. However, anything more than that requires Site Plan Review through the Planning Board.

Building off of our discussion in February, the online GIS now shows this area as part of the Campground Overlay (see below). The Applicant should update the Zoning District to say R-2 and CGO for clarification purposes.



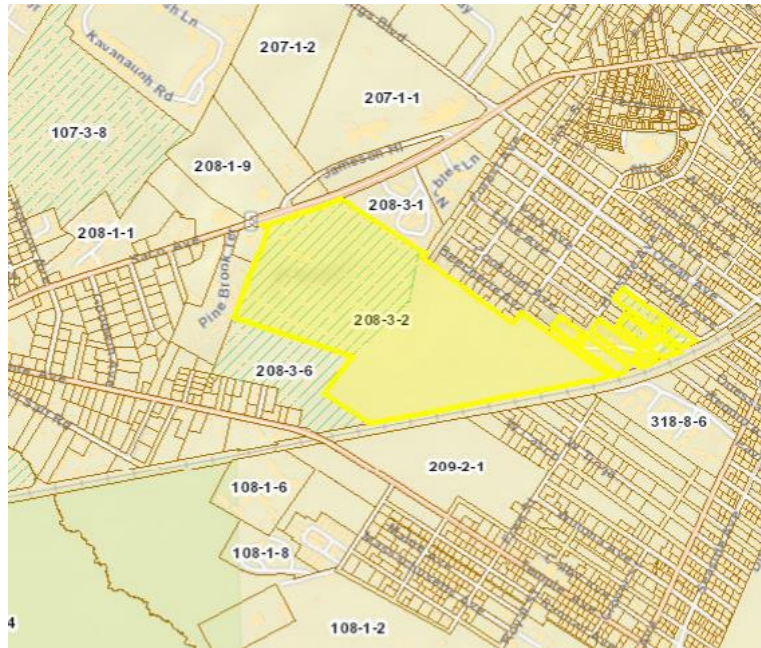
Planning Staff had a conversation with the Assessing Department and our GIS Consultant regarding this back in January. A snippet of the conversation is below:

Email from Planning Staff to our GIS Consultant (Tom) and the Assessing Dept.:

Hi Tom, Bill and George,

We have a sketch plan application before the PB right now to expand the Wild Acres campground (208-3-2). The problem that I'm running into is it appears the area they're looking to expand into isn't included as part of the campground overlay district. Interestingly, I found the attached PDF in the hard copy file where it looks like someone was trying to make the argument that all of parcel 208-3-2 should be in the campground overlay district and there's a note from Bill to Tom that says "please remove lines to create 'new' polygon." There's no date on this but Jeffrey thinks it might be ~2010

timeframe? Do you know anything about the history of this? It looks like from the GIS (snip below) that change wasn't made and I don't know if it's because it didn't go to Council or if the change was made but later down the road the owner acquired an additional parcel and combined it with the existing 208-3-2 and that's why the CG Overlay is split like that? Do any of you have any thoughts on this? Thank you! :] Megan



Response from Tom Burns (GIS Consultant):

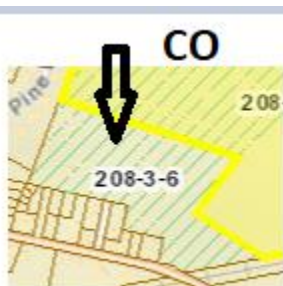
Megan: The 'Tom' would be this Tom and the Jess would be Jessica Wagner, one of your predecessors. I think I see what happened oh, so many years ago when I was quite young.

If you look at the snippet below from the larger screen-shot you included, notice the green, cross-hatched lines covering 208-3-6 which is the symbol for the Campground Overlay zone. Now, take a look at the .pdf from a certain 'Bill' and you will notice there is no cross-hatch on parcel 208-3-6.

A comedy of errors and both Tom and Bill should fall on their swords although, Bill, whomever and wherever you are, can opt out.

I think I (Tom speaking) took the pdf map literally and extended the CO overlay zone to all of 208-3-2 AND 315-3-1 but did not keep the CO zone on 208-3-6 according to my false reading of the pdf.

Capisci? Mea culpa, mea culpa, mea maxima culpa. Please see your local neighborhood Italian priest for a translation.



(circa 2010)

Tom

Email Attachments:

DEED PROCESSING WORKSHEET

ACTION DATE: 3/5-3-1

CODES: SP=SPLIT MG=MERGE CH=CHANGE CR=CREATE O=OTHER _____

- MAP CHANGE
- MAP LOG
- VISION CHANGE-PRIMARY PARCEL
- VISION CHANGE-RESULTING PARCEL(S)
- ~~TEMP FOLDER~~ *Tom Burns Folder*
- FOLDER LABEL
- PULLED AND FILED DELETED FOLDER
- ENTERED PLAN INFORMATION IN "PLANS" SPREADSHEET
- GIS ID FIELD
- GIS UPDATED BY VENDOR
- CONDO COMPLEX CODE
- CONDO MAIN
-
-
-

AFFECTED MBL'S	INACTIVE DATE: (IF APPLICABLE) ✓	NOTES:
#1 <u>315/3/1</u>	[/ /] _____	<i>Tom - Please Remove lines To create "new" Polygon -THK, Bill</i>
#2 <u>208/3/2</u>	[/ /] _____	
#3 _____	[/ /] _____	
#4 _____	[/ /] _____	
✓ CODE MAP-BLOCK-LOT	LOCATION	LOT SIZE LAND USE NBHD NOTE

CM _____

#1 315/3/1 15 Hillside Av Campground

#2 _____

#3 _____

#4 *Aus0: All of parcels 315/3/1 + 208/3/2 should be in the*

#5 *Campground overlay district. This should have been done*

#6 *in 2004 when the CO district was adopted by Council,*

#7 *but it was done incorrectly. The overlay should cover both parcels.*

#8 *(By updating this zoning district, we will need to have*

#9 *Council approve a new zoning map. This change can*

#10 *be made to the GIS for now, but the zoning map will show*

#11 *the incorrect CO boundary line until Council approves the*

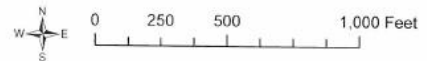
#12 *zoning map amendment).*

#13 _____

#14 _____ *~ Call Jess if you have more questions about this. ext. 238.*



MBLS: 208-3-2 & 315-3-1
 OWNER: Wild Acres LLC
 USE: Wild Acres & Spruce Lodge Campgrounds.



ISSUE: Campground Overlay (CO) District shown on Zoning Map is not accurate.
 Zoning Map needs to be amended to show accurate CO District

Campground Overlay District

One item Planning Staff recommended be submitted by BH2M with their formal application is a current update/list of how many sites exist at the campground today as well as how many State Licenses the campground holds. According to a document that was found in February, Wild Acres was at 378 sites and their State License only allowed for 400 campsites. It mentioned 444 originally but it was changed in 2011 back down to 400. If that is the case, they would not be able to expand beyond 12 sites. Currently, the Town licensing shows the Campground is licensed for 649 sites (2016-2018 license). Planning Staff did not see this information from the Applicant in the submission materials for October.

Another item to discuss is the location of the proposed sites in the A Flood Zone. This proposal could not be approved with sites located in the floodplain. A map showing current/proposed floodplain is shown below. The Applicant indicated that they are working on obtaining a Letter of Map Amendment from FEMA to take this area out of the floodplain. **This needs to be in place prior to PB approval.**



Proposed Floodplain



Current Floodplain

The proposal also has to demonstrate compliance with the Performance Standards for the Campground Overlay. A summary of each is listed below.

Sec. 78-1229 (Performance Standards) for the Campground Overlay:

(1) Buffering

- a. Perimeter of all campgrounds have to be visually-screened from adjacent properties. It appears that lots L118-L124 are close to the property line and a buffer is not shown on the plan. The Applicant should show the adjacent properties and buffering in this area.
- b. Campgrounds abutting a residential property, boundary and uses shall be visually buffered. This comment is similar to the comment above, the Applicant should show the adjacent properties to sites L118-L124 and the proposed buffer.
- c. No campsites shall be located within 100 ft. of any property line, the 100 foot buffer shall be kept in a natural vegetated state. This does not apply to the Wild Acres expansion because the expansion is taking place within a registered campground.

(2) Signage

- a. Maximum Area
- b. Sign Lighting
- c. Letterboard
- d. Height
- e. Within a Campground

It does not appear that signage is proposed for this expansion. The Applicant shall clarify this.

(3) Parking and Circulation

- a. Number of parking spaces:
 - i. 1 off-road space for each no hookup campsite and RV campsite
 - ii. 2 off-road spaces at each seasonal campsite
 - iii. On-site coin-operated laundry facilities shall provide 2 parking spaces.

It is unclear how many of the sites are designed to be “pull-thru” RV campsites and how many would be a simple seasonal campsite. This should be clarified. The Application lists 60 total parking spaces which would make it easy to assume that these will be seasonal campsites but further information should be provided on this.

(4) Internal Roadways

One-way roads shall be a minimum of 10 feet wide, 2 way roads shall be a minimum of 15 feet wide. The proposed roads meet these requirements. The roads are proposed to be comprised of crushed gravel which is permissible provided the use of the materials is not determined by the PB to pose an erosion or sedimentation hazard.

(5) Lighting

- a. No campground lighting of buildings or road shall shed more than 0.1 foot-candles of illumination on any adjacent residential property. Where the road is in close proximity to adjacent residential properties, the Applicant should submit a foot-candle plan if lighting is proposed for the roadway.
- b. All external lighting shall consist of shielded luminaries or downlights so as not to produce point sources of glare and nuisances to adjacent properties and motorists on nearby streets. The Application indicates that no site lighting fixtures are proposed.
- c. Applies to outdoor lights serving athletic fields. No fields are propose so this is all set.

(6) Time of Operation

Campgrounds can only operate from April 1st to October 31st. The Application says 7 days/week, 8AM-10PM as hours. It is assumed that this is only from April through October.

(7) Washrooms and sanitary facilities

All campgrounds have to provide a washroom/sanitary facility, since this is an existing campground, it is assumed that this facility is already in existence.

(8) Provision of emergency access

- a. Emergency vehicular access. This applies to a secondary emergency vehicle access point to be constructed within 2 years of receiving designation as a registered campground. The campground was registered back in 2004 so it is assumed that this already exists.
- b. Pedestrian evacuation egress. This is for situations where the PB feels that an emergency vehicular access to a street is infeasible. It says that a registered campground shall install a “pedestrian evacuation egress” within two years of receiving designation as a registered campground. It is assumed that the PB reviewed this back in 2004 and determined that this was not necessary.

The proposal will also have to comply with the Space and Bulk requirements of the CGO.

- The maximum campground area is 80 acres. The site has a total of 81 acres. This proposal includes the establishment of sites in an already existing registered campground so this should be something that is “grandfathered” in.
- The minimum amount of open space is 15% or 12 acres. The definition of open space is “a use not involving a structure; earth moving activities; or the removal or destruction of vegetative cover, spawning grounds of fish, aquatic life, birds, and other wildlife habitat. For clarification purposes, the Applicant should provide an open space calculation on the plan.
- Campsite Density, Minimum Site Width, Minimum Site Length, and Site Setbacks all depend on the type of campsite proposed. It is assumed, based on the parking information submitted, that these will be seasonal campsites. This should be clarified. We recommend that the Applicant provide information on the number of campsites in relation to the Net Development Density (NDD) to ensure they are within the 1 site/2,500 s.f. NDD requirements.

One comment was received from the Public Works Director:

It looks to me that they are accounting for the increase runoff with a pond. My issue with the increased sewer is we have a restriction under the railroad tracks. We need an engineer to calculate what the max flow is for that 8” Asbestos Cement pipe. At some point we should do a wet and dry weather flow study. The 8” line ends on Temple Ave where it connects to a 12” line. I would rate the condition of line as fair. That sewer line services the campground, Cookman and Park Ave area. So understanding the limitations will let us know what the cut off will be for development.

As of 10/2, Planning Staff is still waiting for comments from Wright Pierce on the proposal. We are hoping to have them available for the November meeting and can provide the board with an update at the meeting on 10/11.

RECOMMENDATIONS (OCTOBER):

Planning Staff recommends that the PB hold off on determining the application complete until the following items are received/addressed:

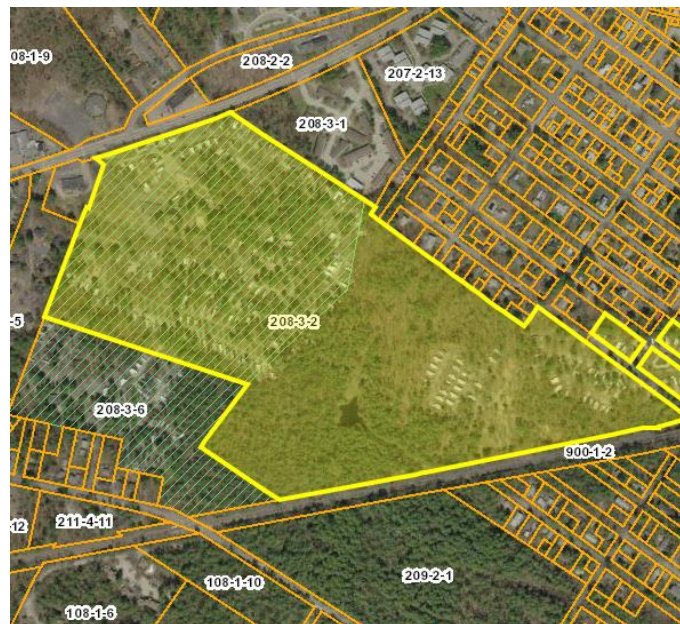
- Applicant should list CGO as the Zoning District on plan in addition to R-2 District.
- Applicant shall provide an update on the number of sites that exist on the site as well as what the State Licensing shows.
- Applicant shall submit updated FEMA information when it is received. A final approval shall not be scheduled until the LOMA is secured.
- Applicant shall submit responses to the 9 SPR Criteria
- Applicant shall address CGO standard #1(a)(b) re: buffering and the perimeter of the campground in close proximity to residential properties. The adjacent residential properties are not shown on the plan aside from the Tarbox property.
- Applicant shall provide information on signage if it is proposed (CGO standard #2).
- Applicant shall provide more information on the type of campsites, RV campsites or seasonal campsites. This information is needed for density purposes as well as parking and space and bulk calculations. It appears they conform with the requirements but clarification is needed.
- Applicant shall submit information on lighting, based on the application it looks like no light fixtures are proposed, can it be assumed that no lighting is proposed for the road or campsites?
- Applicant shall submit information regarding open space. How many acres will these 30 lots encompass? Will 12 acres of open space still remain at the site?

BACKGROUND (FEBRUARY):

This is a Site Plan proposal for the addition of 19 full utility campsites at the Wild Acres Campground. The project right now is in the Sketch Plan review stage which gives the Planning Board a chance to review before a formal submission is made. The Campground Overlay District allows campground expansions of up to five sites per year through an Administrative Site Plan review process. However, anything more than that requires Site Plan Review through the Planning Board.

Planning Staff began review of this proposal and noticed on the GIS and on the Zoning Maps that the Campground Overlay District does not encompass the entire parcel (208-3-2). It appears that the area where the 19 sites are proposed are outside of the existing overlay (the green lines on the map below are the extent of the CG Overlay on this parcel).

This situation is a little similar to what we saw for Paradise Park. At that time, we noted that there may have been additional discrepancies in the Campground Registration packets from 2004 that were not translated to the Official Zoning maps. Another question that prompted staff to think more about this is you will note from the aerial below that some sites are already located in this area of the campground. How did these sites get there? When did these sites get there if that area is not currently in the Campground Overlay?



Planning Staff spent some time on this and it appears that this area should be in the Campground Overlay district. Our reasoning for this is because of a couple of reasons, one is that we found some correspondence in the file that said “...Also: All of the parcels 315-3-1 [(the old Spruce Lodge which was combined with Wild Acres) and 208-3-2 (Currently Wild Acres)] should be in the Campground Overlay District. This should have been done in 2004 when the CO District was adopted by Council, but it was done incorrectly. The overlay should cover both parcels. (By updating this Zoning District, we will need to have Council approve a new zoning map. This change can be made to the GIS for now, but the zoning map will show the incorrect CO boundary line until Council approves the zoning map amendment).” We reached out to Tom Burns, our GIS Consultant who was around at the time of that note and he said that this was an error and the Campground Overlay should have been expanded onto the entire parcel.

The other reason we feel this area should have been part of the Campground Overlay District is because we also found a plan, which was prepared by BH2M in 2009, that shows expansions that took place in 2007, 2008 and 2009 in this area.

One item we recommend BH2M submit with their formal application is a current update/list of how many sites exist at the campground today as well as how many State Licenses the campground holds. According to one document we found while looking through the file (a Notice of Decision from 2011), Wild Acres was at 378 sites and their State License only

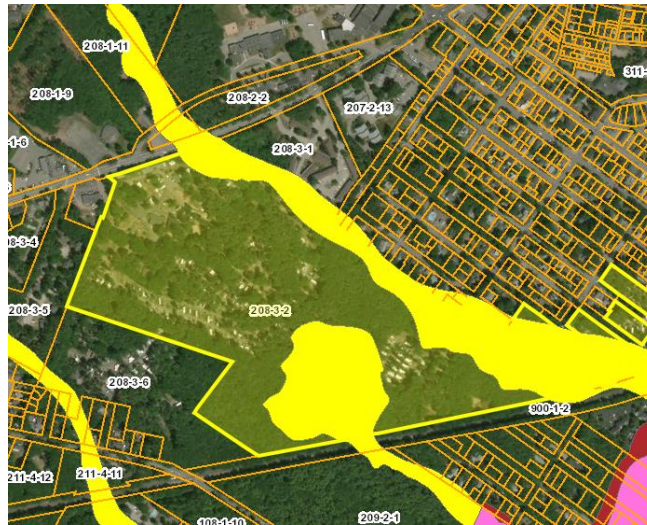
allowed for 400 campsites. It mentioned 444 originally but that number was changed in 2011 back down to 400. If that is the case, they would not be able to expand more than 12 sites.

Currently, the Town licensing shows the Campground licensed for 649 sites (2016-2018 license).

Given our discussion above, Planning Staff believes that this section of the MBL is in the Campground Overlay but wasn't shown on the official zoning map. Therefore, we believe the application can move forward as it has in 2007, 2008 and 2009 for expansions in this area. The Zoning Map will have to be updated to reflect this area in the Campground Overlay district but we do not believe this will affect the Planning Boards ability to rule on the application because it is already in the overlay.

For projects located in the Campground Overlay District, these are the items the PB should be aware of when reviewing the proposal:

- It appears that this portion of the lot is located in the A Flood Zone. This could have some implications on where campsites can be placed and will likely trigger review by the DEP.



- This will require Plenary Site Plan Review and will have to meet the Performance Standards under *Section 78-1229* of the Ordinance which apply to any campground expansions or campsite upgrades in the campground overlay district but do not affect existing conditions, buildings or sites. The applicable standards pertaining to this expansion are listed below:
 - **Buffering:** The perimeter of all campgrounds and areas that abut residential properties shall be visually-screened from adjacent properties in accordance with the standards of article VIII, division 7 (landscaping and buffering) of the zoning ordinance. *This area appears to be centralized so this likely will not apply in this case. The closest residential area, Beecherie, appears to be buffered by the 100-year floodplain.*
 - **Signage:** If they are proposing signage for the project, the ordinance standards say that there is no limit to informational signs within the campground but standards are spelled out for signage that may be viewed from a public way. *This is likely not applicable in this case but is good to keep in mind.*
 - **Parking and Circulation:** The Performance Standards for parking say that one off-road parking space shall be provided at each no hookup campsite and RV campsites. They say in their cover letter that they are proposing 19 “full utility campsites” with some designed for “pull thru” sites. Are the sites proposed to be RV campsites? Two off-road parking spaces shall be provided at each seasonal campsite. *In the cover letter and sketch plan, the Applicant indicates “seasonal full utility campsites” which may trigger the requirement for two off-road parking spaces per site.*
 - **Parking and Circulation:** It looks like a new 15’ access road is proposed for the project, the Performance Standards identify the internal roadways in a campground overlay district as driveways. Roads designated for one-way traffic shall be a minimum of ten feet wide and roads designed for two-

way travel shall be a minimum of 15 feet wide. In order to preserve the rustic character of the campground setting, driveway surface materials are permitted to remain as gravel or crushed stone, provided that the use of these materials is not determined by the Planning Board to pose an erosion or sedimentation hazard. *It appears that a 15' access way is proposed, it is assumed that this will be a two-way travel road.*

- **Lighting:** No campground lighting of buildings or road shall shed more than 0.1 foot-candles of illumination on any adjacent residential property. All external lighting shall consist of shielded luminaires or downlights so as not to produce point sources of glare and nuisances to adjacent properties and motorists on nearby streets. *These standards should not be applicable because of the buffer that already exists between these proposed sites and the closest adjacent residential area (Beecherie). There is also a 100-year floodplain adjacent to the property line on that side.*
- **Space and Bulk Requirements** for the Campground Overlay District that will have to be followed with this proposal:
 - Campground Density: 1 Site/2,500 s.f NDD
 - Minimum Site Width (30 feet for RV, 40 feet for Seasonal). *It appears the sites are proposed to be 40' x 60' sites so they meet this standard.*
 - Setbacks for RV and Seasonal Campsites: 30 Feet from Public Road, Side/Rear Property Line, Residential Property Line. *The 30 foot setback is shown on the plan and the new sites do not appear to encroach on this setback.*

RECOMMENDATIONS: This meeting is an opportunity for the Applicant to introduce the proposal to the PB and for the PB to provide comments/feedback on the proposal. A lot of the Performance Standards that apply to campground expansions are not necessarily applicable here because of the centralized location of the expansion area. No decisions are necessary at this meeting.

ITEM 6

Proposal: Conditional Use: Home Occupation
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Michael Goyet
Location: 114 Portland Avenue, MBL: 104-1-28

<u>Home Occupation: 114 Portland</u>	<u>Project Status</u>
<i>Sketch Plan</i>	Pending
<i>Application Complete</i>	Pending
<i>Site Walk</i>	Pending
<i>Public Hearing</i>	Pending
<i>Final Ruling</i>	Pending

PLEASE NOTE: The PB gave the Applicant until 10/2 to submit responses to the Home Occupation and Conditional Use standards. These were not received, therefore, the application is not complete. We recommend the PB table the item until the November meeting.

This proposal is for the establishment of a design business as a home occupation. The current use of the property is a single-family dwelling with a proposed Accessory Dwelling Unit (see item #6 below). The design business will be in the finished basement with a separate entrance from the garage. It will operate 4-6 hours a day Tuesday through Friday. There will not be any deliveries or clients at the home. Parking will be in the existing driveway which has space for 5-6 cars (see aerial below).



Home Occupations are a Conditional Use (CU) in the Rural District. In addition to the 12 CU Standards (78-1240), the proposal must comply with the home occupation definition and the standards specific to home occupations (78-1267). Responses to the Home Occupation standards as well as the Conditional Use standards were not received by the deadline.

Home Occupation definition: An occupation or profession which is customarily **carried on in a dwelling unit** or in a building or other structure accessory to a dwelling unit, **carried on by household members occupying the dwelling unit**, clearly **incidental and secondary to the use of the dwelling unit for residential purposes**, which can be conducted within a residential dwelling **without changing the appearance or condition of the residence** or accessory structures, and which **conforms to the requirements of Sec. 78-1267**.

The deed for the property identifies Michael and Karen Goyet as the owners. It appears the home occupation will be operated by Michael Goyet in the basement of the existing dwelling with no changes to the outside appearance aside from a sign which is discussed below.

Planning Staff had a comment on one of the Home Occupation standards:

#10: A single sign identifying the name, address, and profession of a permitted home occupation or lawfully existing nonconforming home occupation is permitted, provided such sign is nonilluminated and **does not exceed two square feet**. Freestanding signs shall not exceed six feet in height and shall be located on the principal property. Wall mounted signs shall be located on the principal building and shall not extend beyond the first story.

The proposed sign appears to be a 12"x18" sign to be located on the fence on Portland Avenue. This exceeds the 2 square feet. Planning Staff recommends further clarification be submitted on this.

RECOMMENDATIONS (OCTOBER):

The PB should not make a decision on the proposal until the responses to the Home Occupation as well as the Conditional Use Standards are received. Planning Staff also recommends the Applicant submit further information on the proposed signage.

ITEM 7

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Michael Goyet
Location: 114 Portland Avenue, MBL: 104-1-28

<u>ADU: 114 Portland</u>	<u>Project Status</u>
<i>Sketch Plan</i>	Pending
<i>Application Complete</i>	Pending
<i>Site Walk</i>	Pending
<i>Public Hearing</i>	Pending
<i>Final Ruling</i>	Pending

PLEASE NOTE: Responses to the Accessory Dwelling Unit Standards were not received by the extended deadline of 10/2. Therefore, Planning Staff recommends that the PB table this item until the November meeting.