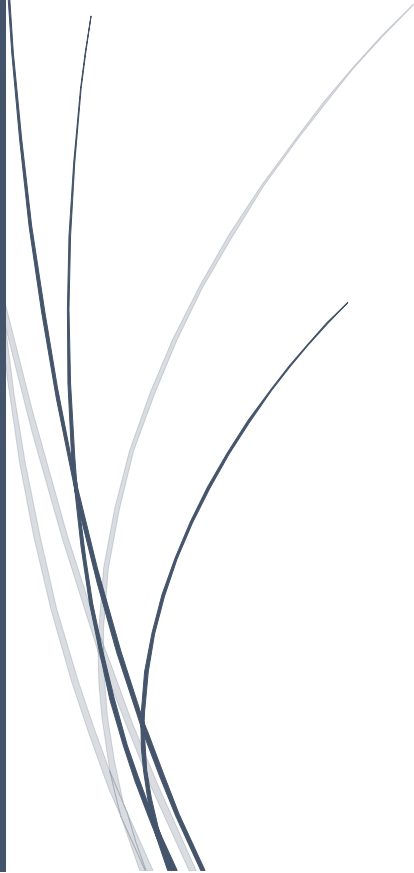


**OLD ORCHARD BEACH  
SEPTEMBER 2018  
PLANNING BOARD  
MEMO**



# September 2018 Planning Board Memo: Table of Contents

## *Regular Business*

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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

### CASCADE RD. GARDEN CENTER

### Project Status

<i>Sketch Plan</i>	April Meeting
<i>Application Complete</i>	Recommended for September pending Stormwater Concerns
<i>Site Walk</i>	Scheduled for September
<i>Public Hearing</i>	Recommended for October pending Stormwater Concerns
<i>Final Ruling</i>	Pending

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 13<sup>th</sup>.***

#### **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):**

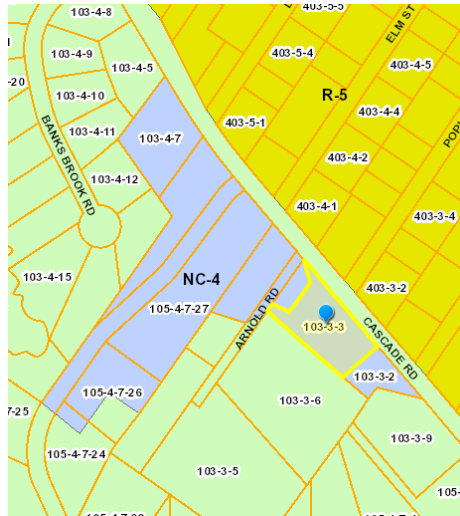
There were several items as discussed above that Planning Staff feels should be submitted for the September meeting:

- 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 curblineline 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

Curblineline 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 areas 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>	Recommended for September
<i>Site Walk</i>	Recommended for October
<i>Public Hearing</i>	Recommended for October
<i>Final Ruling</i>	Pending

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:

- (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

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:

- (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:**

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

***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 13<sup>th</sup>.*

**ITEM 3**

**Proposal:** Conditional Use: Addition to existing OOB Skatepark (Phase II)  
**Action:** Sketch Plan Review  
**Owner:** Town of Old Orchard Beach  
**Location:** 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6

<u>CONDITIONAL USE: Skateboard Park</u>	<u>Project Status</u>
<i>Sketch Plan</i>	N/A
<i>Application Complete</i>	To Be Determined
<i>Site Walk</i>	TBD
<i>Public Hearing</i>	TBD
<i>Final Ruling</i>	TBD

OOB Skatepark Phase I was approved by the PB during April 2014. Jason Webber, OOB Rec Director, is now proposing an addition to the skatepark (Phase II). Phase II includes a 1,300 sq. ft. addition to the halfpipe and a few more potential additions (“alternatives”). Proposed as a sketch plan right now, the PB has an opportunity to provide feedback before formal submission.

Some of the concerns during Phase I included hazards to pedestrians, parking, noise, glare from lights, adequate buffer, trash, crime, misc impacts to abutting properties. As I have heard and observed, overall, the skatepark has been a great success. Those who use it appear to take personal responsibility for the upkeep and oversight. I was made aware of some concerns during project construction and initial use, similar to those the PB had. But I’ve heard only good comments about the skatepark during the past few years.

The skatepark falls within the ballpark’s DEP site location and stormwater permitting. With the additional impervious surface, DEP permitting is much more comprehensive with Phase II compared to the original proposal. Wright-Pierce will oversee engineering.

Overall, this proposal seems straight forward. Quick review of the conditional use criteria and the sketch plan shows no red flags. Stormwater design will be the most technical piece of this proposal. A few comments:

- With DEP permitting having the most significant role with the proposal, does the PB think the applicant should secure all DEP permitting approvals before the PB provides a final ruling?
- Will light pole remain within skatepark? Proposed lighting locations?
- Parking still adequate?
- Buffer still adequate?
- Does the applicant expect any changes to the use as a result of the expansion? More traffic, noise, etc.
- We’ll need the definitive design at the time of formal submission.

**RECOMMENDATIONS:** Staff recommends the PB offer their thoughts. Motions are not necessary.

**ITEM 4**

**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

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.