

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: April Planning Board Meeting Summary
DATE: 11 April 2013

*****APPLICANT NOTE- May PB meeting submissions due on 24 April*****

*****APPLICANT NOTE- Please remember the town needs digital plan submissions*****

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

ITEM 1 & 2 - Seacoast RV Resort LLC – 22 Site Campground Expansion (Site Plan Review Amendment and Conditional Use- Public Hearing, Applicant Update, Schedule Final Review)

Background:

- Seacoast RV is proposing 22 new campsites, 220 feet of new roadway, new sewer/water/underground electric, and relocated dumpsters.
- You may recall Seacoast RV brought a conceptual plan to the town for purposes of discussing whether a 100' or 30' buffer is required. The proposed expansion could not move forward if the 100' buffer applied; therefore, the applicant requested the PB offer guidance on which buffer standard is applicable. The PB considered this over 2 meetings and after research and discussion, the PB determined the 30' buffer applies.
- At the time this was proposed as a conceptual plan, 12 campsites were proposed. The applicant contacted Police, Fire, Public Works, Sewer, and Water and each were comfortable with the expansion. Since the new proposal has increased to 22 campsites, the applicant should secure comments from each department again. I believe the applicant has done this but I've yet to receive written or oral comments from each department. Note: I just received PD and FD comments and they have no issues.
- The relocated dumpsters will need to be shielded. Please include the method of shielding in the plan details sheets.
- Please provide a written response to the Campground Overlay District Performance Standards, Chapter 78, Sec. 78-1229 (1) – (8).
- Please provide a written response demonstrating how this proposal complies with each of the standards in Chapter 18, Article IX Campgrounds, Sections 18-524 – 18-531.
- Please provide a written response to the Site Plan Review, Criteria for Approval standards, Chapter 78, Sec. 78-216 (d) (1) – (9).
- As you know, the town recently adopted a Post Construction Stormwater Ordinance. Please document how this proposal complies with the applicable standards of this ordinance.
- What is the post-development percentage of open space (15% is the minimum). Please add this number in the Amended Site Plan (sheet 1) notes.
- The proposal meets all campground density requirements, including minimum lot size per campsite and overall density.
- Please add Campground Overlay District as part of the Zoning on the Amended Site Plan notes.

- This proposal requires DEP approval- what is the status? Also, does this proposal require an amendment to the Army Corp of Engineer's Maine Programmatic General Permit? If so, what is the status?

Update:

- Tonight, the PB will hold a public hearing, report on the site walk, the applicant will update the PB on the new submissions, and final review can be scheduled.
- At our previous meeting, we recommended that the applicant address the following:
 1. Secure comments from Public Works, Sewer, and the Biddeford & Saco Water Co.
 2. Written response demonstrating how the proposal complies with the Post Construction Stormwater Ordinance.
 3. Written responses to the Campground Overlay District Performance Standards, Chapter 78, Sec. 78-1229 (1) – (8).
 4. Written responses demonstrating how this proposal complies with each of the standards in Chapter 18, Article IX Campgrounds, Sections 18-524 – 18-531.
 5. Written responses to the Site Plan Review, Criteria for Approval standards, Chapter 78, Sec. 78-216 (d) (1) – (9).
- The applicant has secured final comments from PW, Sewer and Biddeford/Saco Water. All are comfortable with the proposal.
- Regarding conformance with the Post Construction Stormwater Ordinance, BH2M's 21 March submission cover letter states the applicant shall be responsible for the management of the quantity and quality of all stormwater generated by the new development. If the PB approves this proposal, it may be a good idea to attach a condition to insure the property owner is responsible for compliance with stormwater maintenance and inspections.
- I believe the applicants responses to the ordinance standards I mention above (3, 4, 5) are acceptable.
- What is the status of state/federal permitting? Does the PB feel these permits should be secured before a final ruling? For some past approvals, if the state/federal permitting has not been secured, the PB has conditioned approval that these permits must be secured before construction begins and if the approvals alter the plans, the proposal must be brought to the PB for further review.
- **RECOMMENDATIONS:** I recommend the PB schedule final review to be held on 9 May.

ITEM 3 – Dominator Golf, LLC – Proposed 11 Lot, Single-Family Subdivision (Major Subdivision: Applicant Update, Schedule Final Review).

Background:

- This proposal includes the creation of a 11-lot single family subdivision, new roads, infrastructure, stormwater management systems, and utilities.
- This proposal is located within Dunegrass off Oakmont Drive adjacent to a CMP easement. This portion of land is identified as a maintenance area and part of the golf course.
- Dunegrass Golf Course and 589-unit condo development was approved as a single subdivision project in 1988. This subdivision was divided into sections. Each section was allotted a specific number of condo units. As the subdivision has been amended and built, the condo units shifted between sections, some sections to have more units at build out and some sections less with the understanding overall project build out is capped at 589 units.

- This particular proposal seeks to transfer development rights to up to 11 unit sites from the unused inventory of unit sites in Section B to allow Dominator Golf to develop 11 single-family lots within the maintenance area identified on the Dunegrass Master Plan (see Memorandum of Understanding in the BH2M submission).
- It is my understanding Section B had 71 unit sites as of 2009. I believe approximately 24 unit sites are currently being developed within Section B, the PB recently approved 4 lots and this proposal will remove an additional 11 unit sites which means approximately 36 unit sites remain; therefore, it appears the unit sites can be transferred.
- Transfer of Development Rights and units shifting between sections has been part of Dunegrass build out since the subdivision was originally approved. In fact, the PB approved a proposal's similar to this in the past. A few of the keys to build out is to be sure open space (the golf course is significant amount of area allocated to open space) remains and the unit count remains capped at 589. As I understand, the 11 lot subdivision is located in a identified maintenance area and includes a very small amount (0.03 acres) of open space; therefore, it will not violate open space provisions. Note: the ordinance requires Dunegrass provide a minimum of 35% of the project area (that is the entire Dunegrass development) as open space. The golf course is part of Dunegrass open space.

A Few Misc. Comments and Questions (Background):

- The town recently passed a Post Construction Stormwater Ordinance. How does this proposal conform to the applicable standards in that ordinance?
- Is the stormwater system designed to meet the criteria of a five-year storm based on rainfall data from Portland weather bureau records?
- Nicklaus Drive: the small piece of land between Oakmont Dr. and the CMP ROW- who owns this?
- Is Oakmont Drive built to a standard to accommodate the additional traffic?
- What is the site distance at the proposed Oakmont/Nicklaus intersection?
- The applicant is proposing a waiver of 74-309 (m) for the maximum street grade at intersection (2%). The subdivision ordinance allows to PB to grant waivers as long as the applicant can document the waiver request meets provisions in 74-34. I recommend the applicant provide a written response.
- I recommend lot 8 driveway be located so there is a vegetative buffer between the subdivision and the adjacent property line. Note there is no specific distance required.
- It would be nice to see a quality landscape plan be part of this proposal.
- Please include a chart on the plan updating Section B lots.
- Streetlights: I see one streetlight at located at the intersection of Nicklaus/Palmer. Is this enough? How does lighting conform to the PMUD performance standards 78-1027 (h)- shielded, average of 1.0 footcandle on the road and sidewalk surface, not exceed 15' in height, no glare, visual discomfort, or nuisance to motorist and residential properties?
- The proposal is located within the maintenance and golf course area. Will the maintenance area be relocated? If so, where?
- This proposal will require an amendment to the Dunegrass DEP Site Location permit. Status?

- As part of the road design standards, 74-309 I states the PB may require a 20' easement to provide continuation of pedestrian traffic or utilities to the next street. The plan does not show this nor do I see the need.
- Although the sidewalks and road surface meet the maximum and minimum grade requirements, they are quite level- have adequate systems been designed to effectively drain stormwater and prevent ponding?
- Hydrant: It appears there is one hydrant proposed. Will this hydrant provide adequate service to the development- especially the home on lot 8? We'll need Chief Glass' input. Also, please note there are Fire Hydrant standards (Sec. 30-91 – 30-96).
- Does the public sewer system have capacity? We'll need Chris White's input.
- Concerned about snowplowing at the locations where dead ends connect directly to driveways.
- How will the rain gardens be maintained and not altered by the future homeowners?
- How does the new development comply with the construction requirements set forth in the Declaration of Restrictive Covenants for WDW Community Association? Has permission been secured through the WDW Community Association?
- Who will be responsible for maintenance and upkeep of the stormwater drainage systems (Post Construction Stormwater Ordinance)?
- Minimum standards note on the plan regarding setbacks- it's my understanding there are no setbacks required for individual lots within the project (Dunegrass as a whole). The setbacks are for the project area boundaries. Is the applicant proposing their own setbacks?
- I recommend the applicant provide responses to each of the Purpose statement standards (Chapter 74 – Subdivision, 74-2 (1) through (14)).
- Please submit a completed performance worksheet.
- Please remember our GIS consultant needs a digital submission
- The applicant should check with the Fire Department (Chief John Glass 934-4911), Sewer Treatment (Chris White 934-4416), Public Works (Bill Robertson 934-2250), Police Department (Chief Kelley or Deputy Chief Babin 937-5805) and Biddeford/Saco Water Department (Tom Carr) to be sure the proposal is ok with them. Please provide info of these conversations and any recommendations.
- The proposal was submitted to Wright-Pierce for peer review.
- I have heard a number of concerns from neighboring property owners; two are documented and will be submitted to you as part of this month's packet. The comments are primarily associated with concerns about impacts to water pressure, insuring the woody vegetation between the CMP easement and 16th golf course hole remains intact, stormwater runoff to neighboring properties, buffers around the perimeter of the subdivision, impacts to the wetland/seasonal stream, impacts to groundwater and well water.

Update:

- As you may recall from our last meeting, the PB tabled further consideration until we receive response to comments from the town planner, public works director, town engineer, PB members, and the public.
- The applicants resubmission addresses many of the comments and I appreciate they took the extra time to do this.
- Home Owner's Association Documents?

- Please remember the applicant requesting the PB waive the minimum grade at intersection (74-309 m). The PB has the authority as long as the PB finds the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare or is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed subdivision. As long as surface water drainage is properly planned for, I believe the PB can grant this waiver.
- One of the primary concerns from abutters is water pressure and supply. The resubmission goes into some detail concerning this matter. I've been asked to pass along the following from an abutter, Phil Bergeron (via email 9 April):

“Just in case I am not able to attend the Thursday evening Planning Board Committee meeting – The President of the DCA water company ask me to convey this message to the Planning Board Committee: “We have not received a request from Dominic to connect his waterline to the DCA water company Oakmont Drive waterline. The existing Oakmont Drive line was not built to standards and was built just for the homes on Oakmont Drive. Since the original Dunegrass Development Plan does not include this new 11 unit development – we have no idea what this is going to do to our Oakmont Drive waterline.”

“We are requesting that Dominic’s sub-division should be tabled until this water issue has been solved.”

*Phil Bergeron
For Neil Oelstrom
President of the DCA Water Company*

I sent the above comment to project owner, Dominic Pugliares, and he replied with the following:

“Jeffrey as you are aware the water line is already stubbed to the development. Clearly water was intended to supply the already approved maintenance area. As you are also aware there are 587 approved sites and there is a lot of history how they have been moved from section to section. The good news is my development will have a water supply that is up to code. I hope this helps. Also of note is that the water dept. and the fire dept. are on record that there is not a water pressure issue. That is an issue that is unique to Phil. Actually at the last planning board meeting Les explained why he is having an issue. Phil went so far as to thank me for letting him speak to Les and that he understood what he needed to do in his own home.”

- The resubmission states BH2M had conversations with Biddeford and Saco Water Department (documented in the resubmission packet pgs. 7 and 8) but have not received any formal review comments as of 29 March. Have formal comments been received yet? Does BH2M expect to receive formal comments? Will they provide formal comments (my thinking is maybe not because they supply the water but do not own the pipes)? Does the PB feel they need formal comments?
- Other abutter comments/concerns include insuring the woody vegetation between the CMP easement and 16th golf course hole remains intact, stormwater runoff to neighboring properties, buffers around the perimeter of the subdivision, impacts to

the wetland/seasonal stream, impacts to groundwater and well water. How does the resubmission address these?

- The only additional comments received from department heads and the town engineer is from the Public Works Director. I or the applicant typically receives comments if there is an issue so I assume department heads are comfortable with the proposal. The one question I have for BH2M is did they submit the revised plans to our town engineer?
- Public Works Director, Bill Robertson, comments associated with the resubmission:

I offer the following comments with respect to the revisions submitted March 29, 2013 by BH2M Engineers & Surveyors.

1. *It is stated that there are a “series” of snow storage areas on sheet #1, although I only see two with an approximate area of 1650 sf and question whether this is sufficient especially with respect to this past winters snow fall amounts.*
2. *On sheet #3 it shows the overall Dunegrass development area and it should be noted that every dead end is designed as a cul-de-sac, why the change to hammerheads all of a sudden, was this hole #16 area shown with cul-de-sacs originally?*
3. *Hammerheads are extremely difficult to plow, property owners do plow trucks backing into their driveways to plow the snow and if the trucks need to stay within the roadway pavement often times the driveways get blocked with snow because of the tight maneuvering and the operators must make 3 and even 6 point turns. We have this situation presently at the end of Longcove Drive with difficulty turning the plow around even though it’s not a hammerhead but presents the same problem. This is why this office may be reluctant to accept these streets in the future.*
4. *Who maintains the street lighting?*
5. *According to the Stormwater Management Report the maintenance of ALL drainage, i.e. stormwater inlets and outlets, vegetated swales and check dams, infiltration ditches, storm drainage system including drainage structures and rain gardens will be the responsibility of the applicant and /or an Association if formed and never the responsibility of the Town now or at any time in the future.*

- DEP permitting status?
- Regarding conformance with the Post Construction Stormwater Ordinance, BH2M’s 29 March submission states the applicant shall be responsible for the management of the quantity and quality of all stormwater generated by the new development. If the PB approves this proposal, it may be a good idea to attach a condition to insure the property owner and/or home owners association is responsible for compliance with stormwater maintenance and inspections.
- The building property line setback standards in Dunegrass can be confusing. As I have discussed before, there are no required property line setbacks for building on lots within the interior of Dunegrass. Setbacks do apply if the lot is part of the exterior boundary of Dunegrass, which is the case with this subdivision. The applicant shows conformance with this on the plan but because this could be missed at the time of building permit review, the PB may want to memorialize this in some way so it clearly stands out.

- Please remember any work within the town right-of-way will need to secure permits through Public Works.
- **RECOMMENDATIONS:** I believe the applicants resubmission is well done and provides documentation and plans that show conformance with applicable ordinances. I recommend the applicant address any outstanding comments as part of a final submission. Assuming the applicant can do this before our next meeting, I feel the proposal can be scheduled for final review on 9 May.

ITEM 4 – Dominator Golf, LLC – Hole 13 Subdivision Amendment: setback change (Rule on plan amendment).

- During December of last year, the PB approved a 4 lot subdivision named Hole 13.
- The approved plans included property line setbacks for each of the lots. The amendment is proposing to remove this setback.
- This proposal is located in the Planned Mixed Use Development (PMUD) Zoning District. The PMUD property line setbacks are applicable for the projects property lines, not necessarily the individual lots with the project. The project is Dunegrass.
- Since the project is Dunegrass, which these 4 lots are part of, it's my understanding the setbacks are applicable only for the outermost property boundaries of the entire Dunegrass site and not the individual sections or lots within Dunegrass (unless one of the sections or lot boundaries happen to be part of the outer property lines of Dunegrass). These 4 lots property boundaries are not part of the outer boundaries of Dunegrass.
- Developers can create their own setbacks, but if the property boundary lines are within Dunegrass and not part of the outermost boundaries of Dunegrass, than this is voluntary.
- Las year, he PB approved a similar proposal in the Cherry Hills section of Dunegrass.
- I see no issues with this proposal.
- **RECOMMENDATIONS:** I recommend the PB approve the amended Hole 13 Subdivision Plan to allow zero building setbacks.

ITEM 5 – KRE Properties, Inc. – Pilgrim Place Subdivision Amendment: name change (Rule on plan amendment).

- This proposal subdivision amendment is only for a name change on the subdivision plan- from Pilgrim Place to Settler's Ridge.
- You'll probably not get an easier proposal than this!
- **RECOMMENDATIONS:** I recommend the PB approve the subdivision amendment to change the name of Pilgrim Place to Settler's Ridge. Please remember to sign the plans.

ITEM 6 – Sawgrass LLC – Sawgrass Subdivision Amendment: modified project (Rule on plan amendment).

- This proposal amends another amended plan which was last approved (with conditions) by the PB during November 2008.
- The November 2008 proposal amended portions of Dunegrass Sections J and L (and modifies unit numbers in Section M) in order to develop Sawgrass Condominiums: a five phase – 40 unit condominium project. One 8-unit building will be constructed in each of the five phases. The Plan is included within your packet. The owner at that time was Suncor LLC.

- **The November 2008 conditions of approval were:**
 - 1. **The final site plan (to be signed by the Planning Board) will include:**
 - a. There shall be 5 iron survey markers to be set at the angular points of the property line between the development area and the golf course.
 - b. The lighting shall be shown on the plan and in detail to agree with Section 78-1026 of the ordinance (full cutoff light fixtures).
 - 2. **Prior to the commencement of construction,** the cost of the site work for the phase(s) to be constructed shall be approved by the Town's inspection engineer; a Performance Assurance for the cost of the site work shall be established; and 2% of the construction costs shall be put in an escrow account to pay for the necessary engineering inspections.
 - 3. **Prior to the issuance of building permits,** the Condo Association Documents shall be reviewed and accepted as satisfactory by the Town's Legal Counsel. They shall also be recorded in the York County Registry of Deeds, and a copy of the recorded document submitted to the Town Planner.
 - 4. **Prior to Planning Board Signatures,** the site plan shall be submitted in digital format for the Town GIS mapping system. Contact the Town Planning staff for the detailed submission requirements.
- **The new, 2013 proposed subdivision amendments include a complete redesign of the 2008 proposal. Instead of 5 buildings with 8 units in each, the amendment now proposes 22 individual homes on their own parcel of land. The unit count, impervious surface will be reduced and the overall concept changes.**
 - **During 1987/1988, Dunegrass was approved as 18 separate sections (Sections A – R) with a total of 589 dwelling units and a golf course. The Dunegrass development has evolved since the original 1987/1988 approval through various amendments. It is somewhat unique in the way it was approved by both the town and DEP so it is allowed to change overtime and adjust to market conditions. These changes have varied from minor to major revisions.**
 - **I believe the primary question the PB should consider is if this 2013 change is minor enough to rule on this evening or is the change is major enough to warrant a more detailed review and additional meetings (e.g., site walk, public hearing). If the PB feels the change is minor, is their enough information to allow proper review? If the PB feels it is a major change, I believe the PB should indicate what additional material they need to provide a proper review and what meeting(s) will be held (e.g., site walk, public hearing, etc.).**
 - **Stormwater/drainage management- The applicant provides a written response to the subdivision criteria but we don't have a plan or report; therefore, it is difficult to determine where the water is going and what systems will be in place to handle the flow. As I understand the 2008 proposal was to pipe stormwater across Long Cove Drive which would lead to an open drainage ditch along Wild Dunes Way and eventually draining into a pond by Hole 5. I believe the open drainage ditch along Wild Dunes Way no longer exists. If the 2013 proposal is to use the same method of stormwater drainage, this could be an issue- especially for the properties located at the Glen Eagle section.**
 - **Note- the notice of decision in the applicant's packet is only for the 2008 amendment preliminary plan. This is not the final notice.**
 - **Submission of home owner's association documents?**
 - **The applicant should check with the Fire Department (Chief John Glass 934-4911), Police (Chief Dana Kelley 937-5805 Sewer Treatment (Chris White 934-4416), Public Works (Bill Robertson 934-2250) and Biddeford/Saco Water Department**

(Tom Carr) to be sure the proposal is ok with them. Note- I submitted the application packet to Public Works.

- I believe the applicant submitted plans to the town's engineer for peer review. I have not received a response from the town engineer as of 4 April.
- Will the proposal include new fire hydrants and street lights? I see none on the plan.
- How will the future residents dispose of solid waste?
- Water/sewer/road design, specs, plans?
- I know there have been concerns about water supply and pressure in Dunegrass and I believe there are two separate systems, one partially owned by Dunegrass and the other entirely under the control of Biddeford and Saco WD. Which water source will be used- where is the water coming from? Note that for the 2008 40-unit approval it was determined the project will not cause a burden on water supply. Biddeford Saco Water Co. has confirmed available capacity for this project in a letter dated 9/6/2007.
- Consider shared driveways?
- Snow plowing/disposal/storage method and location?
- DEP permitting status?
- Please provide a dwelling unit count update as a plan note. Please include where units are coming from and/or remaining in sections J and L.
- Proposed sidewalk- ADA accessible? The sidewalk is within the right-of-way. If the town accepted Wild Dunes Way, will the town be responsible for maintain the sidewalk? I'll check with Public Works.
- Currently there's an Island View Avenue in OOB- will this be an issue the proposed road name "Island Drive?" I recommend the applicant check with Police and Fire.
- Bill Robertson, PW Director comments:
 1. *Where is the design for the Sewer system, Drainage system and water utilities?*
 2. *The Conservation Commission is already proposing a trail along the southerly side of Wild Dunes Way for a connection from Veterans Memorial Park to the Eastern Trail, therefore is this sidewalk necessary. The proposed trail I believe will be 6 feet or so wide and be constructed of reclaim material. In fact it's already in place in this section and merely needs to be regarded and rolled.*
 3. *I don't particularly care for the short distance between Long Cove Drive and Ponte Vedra Drive on Wild Dunes Way, and that may be the site distance but no one travels at 25mph. Perhaps the developer could eliminate this entrance make Ponte Vedra Drive a cul-de-sac with a partial cul-de-sac to the west and expand lot #17 back to get the required area.*
- Overall, I believe this plan is better than the 2008 proposal and will be a better fit with the surrounding development. Even though the 2013 proposal is scaled down from the 2008 approval, my primary concern is if we have enough information to properly evaluate this proposal.
- **RECOMMENDATIONS:** I believe the PB should: 1. Determine if this is a minor change and can be ruled upon with the information submitted; 2. Determine if this is a minor proposal but request additional information and schedule another meeting; 3. Determine if this is a major change, request additional information including submissions in accordance with the Major Subdivision requirements and schedule a site walk, public hearing, etc.

If the PB decides number 2 is applicable, please let the applicant know what additional information is needed. If the PB decides number 3 is applicable, I recommend the PB determine the application complete contingent upon receiving documentation in accordance with major subdivision submissions, schedule a site walk and public hearing.