

**TO: Old Orchard Beach Planning Board**  
**FROM: Jeffrey Hinderliter, Town Planner**  
**SUBJECT: August Planning Board Meeting Summary**  
**DATE: 8 August 2013**

**\*\*\*APPLICANT NOTE- September PB meeting submissions due on 28 August\*\*\***

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

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

**ITEM 1**

**Proposal:** Conditional Use, Site Plan, Subdivision Amendment: Revise buildings 3 and 5 from professional office space to Over-55 residential condominiums containing 6 units each (12 unit's total).  
**Action:** Determination of Completeness, Schedule Public Hearing and Site Walk  
**Owner:** CHA Builders, LLC.  
**Location:** Emerson Cummings Boulevard and McCallum Drive (Cider Hill), MBL: 107-3-1  
**District:** PMUD

This proposal is simply a change of use from office space to residential. Cider Hill was originally approved during 2002 as a project that contained age restricted housing, congregate care and office space. Over time, the project was adjusted and developed in phases. The phase associated with this proposal was approved during 2004 as office space and a large congregate care building.

The changes for this proposal only include a change of use from the approved office buildings (3 and 5, northern corner of the proposed plan) to 12 units (6 per building) of age restricted housing. Literally, nothing else is changing from the 2004 approval- the building location remains the same, parking the same, stormwater management the same, impervious surface, etc. (see 11 x 17 excerpt of the 2004 approved plan to compare).

I reviewed applicable zoning standards and a majority of the files (which if stacked, are probably 5 feet high) in order to determine if this project can be approved or if there are any restrictions and "red flags" that may not allow 12 additional units and found no reason that the proposal cannot move forward. I have a few comments:

1. Will the sewer system and pump station adequately handle the conversion from office to residential space?
2. Does the owner need to secure any permission from a home owners association and/or the property management company? Are they aware of this proposal?

**RECOMMENDATIONS:** I recommend the PB determine the Subdivision, Site Plan Review and Conditional Use amendment as complete and recommend scheduling a public hearing to be held in September. The PB may choose to schedule a site walk.

## **ITEM 2**

Proposal: Subdivision Amendment: Reduce impervious surface  
Action: Rule on Amendment  
Owner: Saland Development  
Location: 56 Ross Rd., MBL: 103-1-5 (Settler's Ridge)  
District: RD

Settler's Ridge (formerly Pilgrim Place- PB approved the name change last April) 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.

This proposal is to adjust the parking lot areas to reduce impervious surface by 4,000 sq. ft. To do this, the building locations are slightly adjusted, parking lots are rearranged and sidewalk width and locations are altered (see 11 x 17 attachment). This will conform to the parking ordinance (2 spaces/ unit and 3 of these must be handicap) because parking spaces are increasing (from 48 to 55) and 8 of these are handicap.

I have one comment: will the drainage plan need to be adjusted due to the rearranged parking lots and building locations?

Assuming the drainage design is acceptable, I feel comfortable with this proposal because while reducing impervious area, it gains 7 additional parking spaces as well as clearly identifying and adding handicap parking.

**RECOMMENDATIONS:** I recommend the PB approve the subdivision amendment to Settler's Ridge to allow the reduction of 4,000 sq. ft. of impervious surface in accordance with the BH2M Second Amendment Final Subdivision Plan date July 2013.

## **ITEM 3**

Proposal: Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned R-1  
Action: Discussion and set public hearing  
Owner: Pacy LLC  
Location: 9-11 St. John St., MBL: 206-26-7 (Ne're Beach Campground)

This purpose of this proposal is to extend the existing Campground Overlay District to a 0.23 acre lot. The current district is Residential 1 (R1) and this district will remain. What will change is the lot will, in addition to R1, have the Campground Overlay zoning designation and which allow the lot to take advantage of the Campground Overlay (CO) standards.

Alan Weinstein (Pacy LLC) approached me last year about what he could do concerning a blighted building on property he owns adjacent to the his campground, Ne're Beach. I visited the site and the building was a safety hazard and in my opinion, could not be rehabbed- it needed to be demolished. To move forward, Mr. Weinstein and I discussed several options and the best appeared to be removing the building and extending his campground. Mr. Weinstein brought a proposal to landscape and add 4 camp sites. I could see this was to be a considerable

improvement to the property (as well as surrounding area) and I approved this as an administrative site plan review.

As part of my review, I checked all the normal items, including the zoning district, and my interpretation of the zoning map was that the parcel was in the CO District. Since that time, a few zoning district discrepancies came up and I decided to work with our GIS consultant to update the maps to make sure the zoning districts were correctly represented by using the most recent, Council signed zoning map and to make the districts more clear by adding different colours and hatching for the overlay districts. When this was completed, sure enough, we found that Mr. Weinstein's redeveloped lot was not in the CO District- the CO District ended at the abutting lot.

So, to correct this mistake, it is in my opinion that the best way to move forward was to extend the existing CO District associated with Ne're Beach Campground to include this 0.23 Acre lot. If you look at the areas of Ne're Campground currently zoned CO, this appears to be a natural extension that makes complete sense.

Because the proposal is a zoning change and part of Chapter 78, it first requires a public hearing to be held by the Planning Board as well as the PB to offer a recommendation to the Council (see below). Once the PB's work is complete, the proposal will move to the Council for their consideration and decision.

**Sec. 78-31. - Amendments to chapter.**

(a) This chapter may be amended from time to time as the needs of the town require after public hearing on a proposed amendment held by the planning board and following posting and publishing of notice of the hearing.

(b) Such notice shall be posted in the town office at least 14 days before the public hearing and shall be published at least two times in a newspaper of general circulation in the town. The date of the first publication must be at least 14 days before the hearing, and the date of the second publication must be at least seven days before the hearing.

(c) Amendments to this chapter shall be adopted only after favorable vote of a majority of the members of the town council.

One of the primary tests for zoning changes- is it consistent with the adopted comprehensive plan. Our most recent adopted comp plan is from 1993. I reviewed the Community Goals and Policies and found "campgrounds should be allowed to expand as a conditional use with standards to assure their operation as good neighbors." Therefore, in my opinion, this proposal is in consistent with the adopted comprehensive plan.

Mr. Weinstein has made considerable improvements to this lot and surrounding area and it was my misinterpretation of the zoning boundary that allowed the proposal to move forward. I will recommend approval of this proposal at our next meeting.

**RECOMMENDATIONS:** I recommend the PB schedule a site walk and public hearing.

#### **ITEM 4**

Proposal: Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned GB-1  
Action: Discussion and set public hearing  
Owner: RBD Inc.  
Location: 17 Ocean Park Rd., MBL: 210-10-4 (OOB Campground)

This purpose of this proposal is to extend the existing Campground Overlay District to a 1 acre lot. The current district is General Business 1 (GB1) and this district will remain. What will change is the lot will, in addition to GB1, have the Campground Overlay zoning designation and which allow the lot to take advantage of the Campground Overlay (CO) standards.

Last year, Mike Daigle approached me and discussed his desire to improve his property, the OOB Campground. We met several times and reviewed several concepts. The proposal was to be done in several phases over a few years. The first phase was to create a safer, new entrance/exit to Ocean Park Road, reconfigure the interior front vehicle circulation patterns and landscaping. To do this (and to make the entire project work), Mr. Daigle had to purchase a 1 acre triangle-shaped lot (which is the lot associated with the proposed CO District) that included the Vacancy Pub and several overnight cabins. At the time this work was done, it was permissible in the GB1 District; therefore, a zoning change was not necessary. As many of you have probably seen, the first phase is close to completion.

Mr. Daigle would like to begin the second phase which includes significant updates to the campground sites. As part of this proposal, the campground will extend into a portion of the former Vacancy Pub lot. Since this lot is zoned GB1, the campground lots are not permissible. To make the proposal work, we are proposing to include the CO as an overlay zone. If you look at the areas of OOB Campground currently zoned CO, this appears to be a natural extension that makes complete sense.

Similar to the Ne're Beach CO proposal, because the proposal is a zoning change and part of Chapter 78, it first requires a public hearing to be held by the Planning Board as well as the PB to offer a recommendation to the Council (see below). Once the PB's work is complete, the proposal will move to the Council for their consideration and decision.

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Policies and found “campgrounds should be allowed to expand as a conditional use with standards to assure their operation as good neighbors.” Therefore, in my opinion, this proposal is in consistent with the adopted comprehensive plan.

Mr. Daigle has made considerable investment and improvements in this property and, according to his vision, will continue to do so. I will recommend approval of this proposal at our next meeting.

**RECOMMENDATIONS:** I recommend the PB schedule a site walk and public hearing.