

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: May Planning Board Meeting Summary
DATE: 9 May 2013

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

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

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

ITEM 1 & 2 – Sawgrass LLC – Sawgrass Subdivision Amendment: modified project (Site Walk Report, Public Hearing, Applicant Update, Final Review).

BACKGROUND (From 11 April Meeting):

- 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 form 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.

UPDATE (9 May Meeting):

- At the April PB meeting, the Board determined more information was needed in order to properly review the plans. The Board requested a full set of plans, scheduled a site walk and public hearing.
- The May submission includes a cover letter addressing comments from the April meeting, abbreviated stormwater management report and a set of plans.
- I believe the water supply issue is resolved because the supply is not part of the Dunegrass Community Association (DCA) water system.
- I have not received the HOA docs. Does the PB feel they need to review these before issuing a decision?
- Did the applicant check with Police and Fire about the Island Drive street name?
- The PW Director suggested eliminating the Ponte Vedra Dr. access to Wild Dunes Way. This has not be done- is this a concern to the PB?
- PW Director, Bill Robertson, offers the following:
I have not received comments from Bill- I know he's busy with construction projects. I expect his main concerns will be the Ponte Vedra Dr. access and stormwater drainage. He may recommend that the roads in the Sawgrass Subdivision remain private.
- I have not received a letter from Biddeford/Saco Water- what is the status of this?
- Stephanie Hubbard received her first set of plans on 30 April. I expect she will provide comments by the 9 May meeting. Will her suggestions require plan changes?
- Status of DEP permitting?
- As I understand, the DCA documents require structures to be located at least 10' from unit site lines (side and front) and there is a 25' no clearing (vegetation larger than 4" in diameter) for the rear lot line. Looking at Sheet 1, it appears most of these structures do not conform to these restrictions.
- Stormwater- this seems to be the primary issue associated with this proposal. Based on the new submission, it appears the method of drainage is similar to what was approved in 2008. I have concerns about this because I can see a potential impact to the Glen Eagle development. Also, the ditches appear to be filled along Wild Dunes Way, so how will the water travel? Is the drainage pipe (on and off site) that will carry drainage appropriately sized? As I understand, drainage will travel to Basin 5- what systems are in place to insure the water can appropriately travel there? Also, does the developer have ownership rights to allow drainage in the basin? Are

there other entity's that need to give permission in order for the developer to use the drainage basin?

- Stormwater- Gary Salamacha, acting on behalf of the Glen Eagle Board of Directors offered these comments:

I guess the big question is, if the water dumps onto Glen Eagle, where is the waterway to channel the water to the pond on Fairway 5, which is how it was planned to go.

Any waterway or piping system would have to be in the public right of way, they can't use our common land or my lots to create a ditch.

The other big question is, the culvert is only 12" between units 5 and 4, and I don't believe a culvert that small will handle all the water anyway.

To get to that culvert between 4&5, the only way to do so as I said.

Is go down the public right of way, and at some point they would also have to cross Glen Eagles common land.

- Stormwater- I see no reference in the Stormwater Report concerning conformance with the town's Post Construction Stormwater Ordinance. This can be a condition of approval but we must insure it is mentioned in the Home Owner's Documents.
- Street Lighting- As discussed at the April meeting, the PMUD District has street lighting standards. The applicant's engineer, Les Berry, sent these comments:

Sheet 5 of the Sawgrass plans show a lighting plan with 0.93 average illuminance which is just below the standard of 1.0 average.

This is 9 light poles for 700+/- feet of road in the Dunegrass project that currently has no light poles. This just strikes me as a big overreach by the land use code.

1. Light pollution - I did not see any specific reference on the OOB ordinance to light pollution except from car lights but 9 lights is overkill. It will be so bright that one could read a book at night as they walked down the street. This in my opinion is creating a nuisance condition.

2. Dunegrass - This project does not have any lights. Why would the Town want to create one bright neighborhood next to all the other neighborhoods.

3. Construction Cost - The cost 9 poles with underground wires for a separate electric service is just unnecessary.

4. Operational Costs - This is a big monthly cost to the Homeowners Association.

5. Environmental Cost - Excess light and energy use just seems to be not in step with current public policy to conserve energy and minimize environmental impacts.

In summary, I live in a small lot subdivision in Gorham that I developed and I begged the planning board to not have light poles. They finally agreed with me and the neighborhood is now complete. That turned out to be an excellent outcome. There is plenty of ambient light for walking with need to get blackout shades so one can sleep at night. Perhaps we can talk about this at the site walk and invite the planning board to do a nighttime driveby.

- I agree with these comments but I have been unable to find something specific that clearly allows the PB to approve the proposal without street lighting in conformance with the PMUD standards. What I did find is the very last sentence in the subdivision ordinance (74-313 c): “Street lighting shall be installed as required by the Planning Board.” Seeing “shall” means to me that street lighting is required; although, the PB appears to have flexibility as to how much street lighting is required. I looked through other Dunegrass approvals Findings of Fact and found the developments were required to have streetlights in conformance with the PMUD standards. Note: The most recent submission show conformance with the PMUD street lighting requirements.
- I have not received a landscaping plan but based on the PB’s April discussions, this is not an issue to prevent the proposal from moving forward.
- **RECOMMENDATIONS:** I believe stormwater drainage is the most important matter that needs to be resolved. I will feel more comfortable with this proposal once it is clearly shown that the off-site stormwater systems have the ability to handle the water and there are no impacts to abutting properties. I prefer this be resolved and not included as condition, but if the PB thinks the proposal can move forward, I recommend a condition be added so we can ensure the stormwater from this proposal does not impact adjacent properties and has the adequate off-site systems to allow it to properly flow. The PW Director prefers that Ponta Verde Dr. should not access Wild Dunes Way- does the PB feel this should be eliminated and Ponta Verde Dr. terminate in a hammerhead or cul-de-sac? Since this proposal is using Biddeford & Saco Water Department water supply and systems, I believe the applicant should provide a letter from them showing they have the ability to serve. I recommend setbacks be included as a note on the final plan. ****Please remember the town needs digital versions of the plans and a performance guarantee must be secured before construction begins.****

If the PB feels comfortable ruling on the revised Sawgrass residential subdivision, you may choose to apply the following conditions:

- 1. Construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board.**
- 2. Before any construction begins, the Home Owner’s Association Documents shall be submitted. Construction may begin once approved by the town.**
- 3. The Home Owner’s Association documents shall include the following language:
A. A maintenance and operation plan in accordance with the town’s Post Construction Stormwater Ordinance. All stormwater system operations, maintenance and repair shall be the responsibility of the Home Owner’s Association.**

- B. All operations, maintenance, repairs of the streetlights and associated electrical systems shall be the responsibility of the Home Owner's Association.
4. Before construction begins, the applicant shall provide proof that Biddeford and Saco Water Department has the ability to serve the subdivision.

ITEM 3 - Seacoast RV Resort LLC – 22 Site Campground Expansion (Site Plan Review Amendment and Conditional Use: 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 (From 11 April Meeting):

- 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.

UPDATE (9 May Meeting):

- The PB and staff did not request additional submissions.
 - The only outstanding issue is securing DEP permits. I recommend this be added as a condition of approval.
 - **RECOMMENDATIONS:** I recommend the PB conditionally approve the Site Plan Review Amendment and Conditional Use proposal for the addition of 22 seasonal campsites and associated road and infrastructure to be located at Seacoast RV Resort. ****Please remember the town needs digital versions of the plans****
- Condition:**
1. Construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board.

ITEM 4 – Dominator Golf, LLC – Proposed 11 Lot, Single-Family Subdivision (Major Subdivision: Applicant Update, 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 (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 (From 11 April Meeting):

- 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 the 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.

UPDATE (9 May Meeting):

- At the last PB meeting, the PB asked the applicant to address the following (please add to this if I missed something):

1. Be sure the operations and maintenance plan is included with the Home Owner's Association documents.

I have not received the Home Ownership Documents so I do not know if this was included. If the PB would like to move forward, this should be a condition of approval.

2. Contact CMP to see if it is feasible to raise the power lines so to decrease the proposed road grade.

The applicant states they have contacted CMP but have not received a response.

3. Add some information in regards to proposed development vegetation.

A landscaping plan is included (Sheet 7)- thank you.

4. What was the standard for street lighting for other Dunegrass proposals?

A lighting plan is included (Sheet 7) which shows conformance with the PMUD District lighting standards. I have researched Dunegrass approvals during the late 2000's and found the plans and Findings of Fact include street lighting.

5. Are there any other stormwater management options that could work better than rain gardens and can these options replace the currently proposed rain gardens?

The applicant completely redesigned the stormwater management plan. A detention pond will replace the rain gardens. Note: I received 2 copies of the revised stormwater report which are in my office.

6. If you choose, please amend the setbacks stated on the plan associated with the CMP easement property line.

The setbacks have been adjusted to 10' feet which are in conformance with the PMUD District requirements and the Dunegrass Community Association restrictions. Note: there also is a proposed 20' drainage easement adjacent to the CMP easement and Lots 1 -3- will this impact the 10' setback if someone decides to place a structure within the easement? Should the setback be revised to 20'?

7. Please discuss water supply with the DCA Water Company including those comments from Neil Oelstrom sent via email on 9 April (see above).

The applicant states this is a private issue, which I agree but the PB needs to insure the proposed development has a sufficient water supply and evaluate potential impacts to other users of this system that could be a result of this development. I believe the applicant has discussed and provided documentation concerning this.

8. Provide responses to the comments from Bill Robertson, PW Director, associated with his review of the 29 March submission (see above).

See PW Director's response below.

9. Submit Hole 16 Home Owner's Association documents.

The Homeowners Docs have not been submitted. Does the PB feel they need to see these before issuing a decision? Past PB decisions do not always require the home owners documents- I've seen decisions that include this as a condition of approval.

10. Please address solid waste disposal and pick-up including: will a dumpster be used? If so, show the dumpster on the plan and include the appropriate shielding. Will it be private pick-up at each house? If so, how will this be done?

This has not been addressed in the most recent submission. I feel this should be to be resolved. If a dumpster is proposed the location needs to be shown and it needs to be in the Details sheet. Also, it must be properly screened.

- 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. Note- the applicant contacted CMP but has not received a response. Perhaps the best action for the PB is to conditionally approve the waiver so if CMP agrees to allow fill, the road grade can be changed without a resubmission to the PB.
- One of the primary concerns from public works is the placement of driveways at the end of the hammerheads. The updated plans continue to show this. I'm not aware of an ordinance requirement that states this cannot be done; although, I understand the plowing concerns. What do PB members think?
- Status of DEP permitting?
- PW Director, Bill Robertson, offers the following:
 1. *We know what the "Post Construction Stormwater Ordinance is all future maintenance of detention/treatment pond, swales, culverts and stormwater structures will be the responsibility of the future Homeowners Association.*
 2. *The Sewer system will also be the responsibility of the future Homeowners Association including grinder pumps, force mains etc.*
 3. *It will be near impossible to adequately plow the hammerheads during a snow event without upsetting the homeowners whose driveways are at the end of each, therefore it is my strong recommendation that the Town "never" accepts these roads.*
 4. *Finally because we may not wish to accept the roads and will not accept the sewer system and the Homeowners Association being responsible for stormwater maintenance the Town should not be in a position to accept the street lights.*
- **RECOMMENDATIONS:** First, the PB should rule on the waiver. If CMP does not reply to applicants request I recommend a conditional waiver which is part of the conditions (below). Second, the PB should determine if the Home Owners Association Documents need to be submitted before a decision is made or should this be a condition of approval. Third, solid waste removal needs to be addressed. If a dumpster is proposed I recommend the applicant submit revised plans showing

the location, details and method off shielding. Fourth, does the PB feel the water issues were acceptably addressed? Fifth, if the setback from the CMP line is revised from 10' to 20' to take into account the 20' drainage easement, please submit a revise Plan Sheet 1 reflecting this change. Sixth, the Public Works Director recommends that sewer infrastructure, including the grinder pumps and force mains, and streetlights fall under the responsibility of the Homeowner's Association- we can include this as a condition. Seventh, the Public Works Director recommends that the town never accepts the roads associated with this subdivision. If the PB agrees, a note on the sign plan and a condition of approval should reflect this. ****Please remember the town needs digital versions of the plans and a performance guarantee must be secured before construction begins.****

If the PB feels comfortable ruling on the proposed 11 lot residential subdivision, you may choose to apply the following conditions:

1. Construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board.
2. The waiver of the maximum street grade at intersection (74-309 m) to allow a 5% grade is conditionally approved. If the CMP allows the placement of fill within the CMP right-of-way, than the maximum grade at street intersection shall conform to 74-309 (m).
3. Before any construction begins, the Home Owner's Association Documents shall be submitted. Construction may begin once approved by the town.
4. The Home Owner's Association documents shall include the following language:
 - A. A maintenance and operation plan in accordance with the town's Post Construction Stormwater Ordinance. All stormwater system operations, maintenance and repair shall be the responsibility of the Home Owner's Association.
 - B. All operations, maintenance and repair of onsite site sewer infrastructure, including grinder pumps and force mains, shall be the responsibility of the Home Owner's Association.
 - C. All operations, maintenance, repairs of the streetlights and associated electrical systems shall be the responsibility of the Home Owner's Association.
5. All roads within the subdivision shall remain private in perpetuity.

Item 5 – Robert Gurry (Beach Villa) – Rule on Design Review Certificate Recommendation

- Mr. Gurry is proposing several exterior building improvements at Beach Villa located at 17 Imperial St., MBL: 205-3-2.
- The improvements include new siding (vinyl clapboard and cedar shakes), new stairs, new railings, new windows, and replacement rook at the office entrance.
- At their 1 April meeting, the DRC recommended the PB approve a Certificate of Appropriateness for this project.
- **RECOMMENDATIONS:** I recommend the PB approve a Certificate of Appropriateness for exterior improvements in accordance with the applicants Design Review submissions. Please sign the Findings of Fact.

Other Business – KRE Properties, Inc. – Pilgrim Place Subdivision Amendment: name change).

- The PB approved the name change from Pilgrim Place to Settler's Ridge at the 11 April 2013 meeting.
- Please sign the plans.