

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: November Planning Board Meeting Summary
DATE: 12 November 2015

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

PUBLIC HEARINGS

ITEM 1

Proposal: Site Plan: Construct 4,000 sq. ft. equipment building
Owner: Town of Old Orchard Beach
Location: 24 Manor St. (Waste Water Treatment Facility), MBL: 108-1-3, R3

REGULAR BUSINESS

ITEM 2

Proposal: Site Plan: Construct 4,000 sq. ft. equipment building
Action: Applicant Update; Final Review
Owner: Town of Old Orchard Beach
Location: 24 Manor St. (Waste Water Treatment Facility), MBL: 108-1-3, R3

This proposal is for the construction of a 50 x 80 equipment building that will be used to store Waste Water Treatment Facility equipment and used for training staff. Engineered plans are be worked on and will be submitted for the November meeting. One question that is typically asked when construction is done at the Facility involves odor. Please note the equipment building will not produce the odors that people commonly think of and/or smell from a Waste Water Treatment Facility. Chris White, Waste Water Treatment Facility Superintendent, will be at the meeting to explain in more detail.

At our November meeting, we have a public hearing and final review scheduled. On 5 Nov., a site walk was held. 3 members of the public attended. Chris White, WWTF Superintendent, explained the proposal. There were no major issues identified while at the site walk.

At our October meeting, the PB requested building and site plans. These plans as well as the building design bid specs have been submitted for the Nov. meeting. During our Nov. workshop, the PB reviewed the new submissions and determined more information in regards to stormwater and the site plan is needed. This includes:

- How the stormwater systems will handle a 25-yr storm event. The PB would like to see a plan that shows the proposed stormwater systems as well as a description of how it is designed to meet a 25-year storm.
- Revised site plan so it shows building setbacks, building dimensions and all site improvements (new pavement, stormwater systems) associated with the proposal.

After the workshop, I sent the PB comments to Chris and he received this from the consulting engineer:

November 10, 2015

Re: Old Orchard Beach Wastewater Treatment Facility - Proposed Equipment Storage Garage Stormwater Management System Design

Dear Mr. Hinderliter:

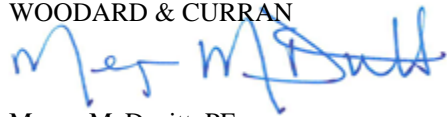
The Town of Old Orchard Beach is currently seeking Planning Board approval for the construction of a 4,000 square foot equipment storage garage at the Town's Wastewater Treatment Facility. Based on feedback received by Town staff and shared with Woodard & Curran, we understand the need to design a stormwater management system for a 25-year storm event in accordance with the Town's Code of Ordinances. Woodard & Curran will be completing this engineering effort over the coming weeks, and plans to incorporate a roof dripline filtration Best Management Practice (BMP) to manage the stormwater runoff created by the net increase of impervious area resulting from the demolition of the existing garage and construction of the new garage. The roof dripline filtration BMP will be designed and sized in accordance with the MaineDEP Stormwater BMP Manual.

Given the timing of the next Planning Board meeting (November 12th) and date of the following meeting (December 10th), we respectfully request the review and acceptance of the stormwater management design by Planning staff be a condition of approval for the proposed equipment storage garage.

If you have any questions, please contact me at 207.558.3785.

Sincerely,

WOODARD & CURRAN



Megan McDevitt, PE
Project Engineer

As you can see in the letter above, the consulting engineer is in the process of designing a stormwater system for a 25-year storm event. The letter requests that because the design will not be ready for the Nov. and Dec. meetings, that review and acceptance of the stormwater management plan by planning staff be a condition of approval. I have no problem with this but suggest that we include Wright-Pierce to assist with review.

Recommendations: At this time, the PB has two requests for additional info: 1. Submission of a Stormwater Plan designed for a 25-year storm event and 2. Revised site plan to include building setbacks, building dimensions, proposed site improvements. It appears that the stormwater system design will not be completed in-time for our Nov. and Dec. meetings. Because the design may change the site plan, this, too, may not be completed. So, I believe the PB can approve conditionally or table until the stormwater plan and site plan are submitted to the Board. If you choose conditional approval, I offer the following conditions:

1. The stormwater management plan shall be designed for a 25-year storm event. The plan shall not be implemented until it receives approval from the Planning Office. Stormwater systems shall be constructed before building occupancy.
2. A revised site plan shall be prepared showing building setbacks, building dimensions and all site improvements (new pavement, stormwater systems) associated with the proposal. The construction associated with this plan may begin after it receives Planning staff approval.

ITEM 3

Proposal: Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project
Action: Applicant Update; Final Review
Owner: Sawgrass LLC
Location: Wild Dunes Way (Dunegrass Sections J & L- Sawgrass); MBL: 105A, Lot 1, PMUD

BACKGROUND

- 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.

OCTOBER UPDATE

Department Head Comments:
30-September 2015

Public Works Comments:

5. The plan states the two roads will remain private. This means no road maintenance nor trash pickup.
6. Sewer and water are to be public facilities. Where does the Town responsibility for the sewer mains begin? I assume where the sewer is within a public way, i.e. Long Cove Road or Wild dunes Way.
7. Who will maintain the drainage system including the retention pond? There are dry wells shown on the plan. Dry wells are not identified in the Legend. Are the pipes into the dry well underdrains or a leaching system? What is the soil where the dry wells are shown?
8. There is no typical road section. This needs to be shown. There is no typical detail sheet. There are no cross sections. More details are needed.

9. Sewer mains should be 8" diameter and sewer services should be 6" diameter.
10. Will easements be granted to Maine Water?
11. Will underground utilities be placed in conduits.
12. Will the home owner's association locate utilities for DIGSAFE as these are private roads?

1-October 2015

Public Works Comment:

I just read the documentation of Sawgrass submitted by Jason Vafiades dated September 17, 2015. In that document it is stated

The Department of Public Works is responsible for all sewer lines and structures....

No! These are on private property and must be maintained by a private entity. This will not work.

Also, there are no sidewalks within the development. There is a path along Wild Dunes Ways that seems to be for golf carts. More and more people are walking; we should provide for them.

Fire Department Comments:

The hydrants need to be shown on the Sawgrass plan. There should be one at the corner of Long Cove which isn't shown. Another at the corner of Eagle Drive and Long Cove. A hydrant between lots 7 and 8 to cover and another by lot 1 which might already exist, if not it needs to be put in. There should also be one along Wild Dunes Way.

7-October 2015

Wastewater Comment (Chris White):

A 2007 pump station study indicated that the pump station(s) in Dune Grass has adequate capacity for the original 589 units. The 22 units in SawGrass will count towards the original 589 units approved. Units that have built outside Dune Grass and enter the Dune Grass sewer system also will count against the original approval.

I would recommend that we get a current count on the total number of units entering the Dune Grass sewer system. As we get closer to the original 589 units, an evaluation of the sewer system should take place to help identify the costs associated with increasing capacity. The town has not instituted any impact fees to fund an evaluation or potential upgrades in this area. It is expected that these costs will be borne by general taxation.

Additional Comments:

Street Lighting. Street lighting is not shown on the Utility Plan (C-103). Staff recommends street lighting be added to following locations: 1. Two Wild Dunes Way Intersections; 2. One Long Cove Dr. intersection; 3. The Ponte Verde Dr./Island Dr. Intersection. If the applicants intends to present the road and associated utilities for town acceptance, DPW recommends that the lights poles and fixtures conform to applicable Central Maine Power Street Lighting standards.

Sidewalks. Internal sidewalks appear to be not included with this proposal. Staff recommends that the PB require 5' wide, asphalt sidewalks on the interior roads. Regarding the proposed sidewalk along Wild Dunes Way, staff recommends this sidewalk to be 6' wide and bituminous.

Planning and Engineering. Regarding planning, staff will have additional comments after a more thorough review of the materials. Staff comments will primarily reflect 1. Whether we feel the applicant has addressed our comments from previous meetings and 2. Updates on applicant's response to department head and PB member comments. Regarding Engineer comments, we'll have these in time (and I expect the applicants response) for our next meeting.

OCTOBER FOLLOW-UP (follow-up with applicants engineer after the October meeting)

After the October meeting, Assistant Planner prepared a list of all the remaining issues. We meet with the applicants engineer and asked that they address these issues. The November submission provides responses to each issue and based upon our review, does a good job complying with all. Remaining issues list provided by Megan:

DPW Comments –

- Private Roads vs. Public
- Sewer and Water – where does Town responsibility for sewer mains begin? Assuming sewer main is within a public way i.e. Long Cove Road or Wild Dunes Way
- Drainage system maintenance including retention pond – dry wells shown on plan but not identified in legend. Are the pipes into the dry well underdrains or a leaching system? What type of soil is it where the dry wells are shown?
- Show a typical road section and detail sheet – there are no cross sections, more details are required
- Sewer mains should be 8” in diameter and sewer services should be 6” in diameter
- Will easements be granted to Maine Water?
- Will underground utilities be placed in conduits?
- Will the Home Owner’s Association locate utilities for DIGSAFE as these are private roads?
- The Department of Public Works is **NOT** responsible for all sewer lines and structures – these are on private property and must be maintained by a private entity
- There are no sidewalks within the development – there is a path along Wild Dunes Way for golf carts
- Minimum width for streets in Sawgrass is 20 Feet – too narrow, no curbing so edge of pavement is the lawn – visitors will park along roadway and the edge of the pavement will break up – bituminous curb and street width should be 24 feet – a car parked on the road will create a single lane road

Fire Department Comments –

- Hydrants need to be shown on Sawgrass Plan.
- Hydrants should be located:
 - One at corner of Long Cove
 - One at corner of Eagle Drive and Long Cove
 - One between lots 7 and 8
 - One by lot 1 – might already exist... needs to be shown on plan
 - One along Wild Dunes Way – not shown on plan

Wastewater Comments -

- There should be a current count on the total number of units entering Dunegrass sewer system – closer to original 589 units, an evaluation of the sewer system should take place to help identify costs associated with increasing capacity

Staff Comments –

- Street Lighting – not shown on Utility Plan (C-103). Street lighting should be added to following locations: 1. Two Wild Dunes Way Intersections; 2. One Long Cove Drive Intersection; 3. Ponte Verde Drive/Island Drive Intersection. If applicant intends on presenting road and associated utilities for Town acceptance, DPW recommends light poles and fixtures conform on CMP Street Lighting standards.
Sidewalks – Staff recommends PB require 5’ wide, asphalt sidewalk on interior roads, proposed sidewalk along Wild Dunes Way should be 6’ wide and bituminous.

Recommendations: I recommend the PB grant the following waiver:

1. 78-1466 (e) to allow the driveways of Lots 11, 12, 16, and 19 be within 50 feet of the curblin tangent of an intersecting local street and/or private way

I recommend the PB conditionally approve: Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project, owner Sawgrass LLC, location Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project. Conditions:

1. Hydrant located in the complex to be serviced by a qualified party to meet NFPA code. This would include flushing the hydrant and having a document stating that is was completed. This shall be done on an annual basis with the service report sent to the fire department.

ITEM 4

Proposal: Conditional Use/Relocation of Non-Conforming Structures: Remove two detached residential units and replace with one residential duplex.
Action: Consideration of Amended Proposal
Owner: Estate of Stanley Weinstein Et Al
Location: 2 Puffin St., MBL: 303-7-2, BRD and Limited Commercial Districts

BACKGROUND

This proposal included the removal of two detached residential cottages to be replaced by one residential duplex. After several meetings with PB and staff, it was determined that the proposal, as submitted, would most likely not meet applicable nonconforming structure standards. The applicant decided to not move forward with the proposal that was presented to the PB and to submit a different plan, which requires only Code Enforcement review.

As a result of the applicant’s decision to move in a different direction, the PB decided to table the application until staff receives a formal request to withdraw. I spoke to the applicant after the September meeting and he indicated that it is his preference to table without prejudice.

UPDATE

The applicant proposed a redesign of the original proposal and requested to be placed on the Nov. agenda. I received no new plans or other documentation. Because we will have not have information to review or a quorum, the PB can take no action on this proposal

Recommendations: I recommend the PB take no action.

ITEM 5

Proposal: Conditional Use (Home Occupation): Establish Bakery within existing accessory structure
Action: Ruling
Owner: Ruling on Application: Table/Withdrawal
Location: 165 Portland Ave., MBL: 103-6-4, RD

BACKGROUND

As you may recall, this proposal was for the establishment of a bakery as a home occupation. As part of the PB’s review, their primary responsibility is to determine if the proposal successfully meets all of the home occupation requirements. The one standard that proved to be difficult to meet was:

- (6) No retail sales shall be permitted, except those sales which are incidental to the services provided by the home occupation.

The PB received legal guidance on this and, based upon this guidance, the PB decided that because the bakery was selling the food it produced on-site, it could not meet the above-mentioned home occupation standard because the retail sales are not incidental to the services provided by the home occupation. Because this proposal could not meet all home occupation standards, the PB cannot approve the bakery as a home occupation.

At the September meeting, the PB gave the applicant the opportunity to formally withdraw the application by submitting a letter or email stating this as opposed to a denial. The PB passed this message to the owner's father, who was representing the owner at this meeting. Planning staff has not received a formal withdrawal so the only options for the PB are to deny this proposal or table for 1 more month.

Recommendations from the October meeting:

1. Deny. If it is denied, the PB may state: The Conditional Use Application proposing to establish a bakery as a home occupation at 165 Portland Ave. is denied by the Planning Board because the proposal cannot comply with Town of Old Orchard Beach Code of Ordinances, Chapter 78, Sec. 78-1267, Home Occupations, condition (6) No retail sales shall be permitted, except those sales which are incidental to the services provided by the home occupation.
2. Table for withdrawal. If the PB decides to table this proposal and extend the option for withdrawal until the November meetings, I recommend that the PB require a formal letter withdrawing the Conditional Use Application proposing to establish a bakery as a home occupation at 165 Portland Ave. be submitted to planning staff on or before 26 October 2015. If the letter is not received by this date, the PB will deny the proposal at their November 2015 meeting.

UPDATE

The applicant is requesting to withdraw the proposal currently before the PB. He is amending the proposal and I expect will be back to the PB this month. At the Nov. meeting, the PB decision is only associated with the withdrawal of the original application.

Recommendation: I recommend the PB accept the withdrawal of the Home Occupation Application to establish a bakery (dated 7/13/2015) for the property owned by Bryan Murphy, located at 165 Portland Ave.

ITEM 6

Proposal: To provide a recommendation to Town Council concerning the proposal to allow Cafes as a Conditional Use within the General Business District 2 (GB 2). Amendments: Chapter 78 – ZONING, Article VI – DISTRICTS, Division 9 – GENERAL BUSINESS DISTRICT 2 (GB-2), Section 78-833. – CONDITIONAL USES.

Action: Review Proposed Amendments, Schedule Public Hearing and Ordinance Recommendation to be Held on 10 December 2015

Applicant: Toni Maestre

Location: General Business 2 Zoning District

This proposal is to amend Chapter 78 (Zoning) to allow Cafes as a conditional Use within the General Business 2 (GB2) Zoning District. Cafes are defined as:

Cafe means a food service establishment providing foodstuffs and/or nonalcoholic beverages for consumption on or off the premises with a service counter not directly accessible to the public from outside of the building, and indoor seating for not less than eight persons. Cafes may offer sidewalk cafe service provided that the number of outdoor seats does not exceed the number of indoor seats provided.

After learning that she could not establish a food service-related business at her property on Saco Ave. (Curl-Up and Dye), the applicant approached me to discuss how she could proceed with establishing a

food service business at this location. She stated that it has been on the market for some time and most of those who have serious interest in the property want to use it as a restaurant or some type of business related to food service. At one time, a restaurant existed on the property (over 10 years ago) but it was replaced by a hairdresser.

When the proposal was brought to me, I found that the food service businesses similar to what the potential buyers wanted were not permissible in the GB2. This is not because they are specifically identified as ‘Not Permitted.’ It is because they are not identified as “Permitted” or “Conditional Use” when in other districts, food service-related businesses are identified as Permitted or Conditional.

During my review of this proposal to see if I could make a food service business fit within the GB2, I considered:

- Food service-related land uses currently identified in town ordinances.
- Food service-related land uses that may be appropriate and compatible for this property and surrounding area.
- Potential impacts (e.g., traffic, noise) the uses could introduce.
- Existing land uses.
- Guidance from the Comprehensive Plan.
- The ordinance standards that may apply, including if the current standards could properly regulate a food service-related land use in this area.
- Who should be responsible for municipal review (e.g., PB, planning staff, codes).

After my evaluation of the proposal, I determined that allowing Cafes as a Conditional Use within the GB2 was the best way to proceed. To do this requires a pretty simple ordinance amendment which identifies Cafes as a Conditional Use within the GB2. I discussed this with the applicant and she felt comfortable with my recommendation.

The PB’s responsibility is to review the proposal and provide a recommendation to the Council. This recommendation could be one of the following:

1. Recommend the Council adopt the ordinance amendment as presented.
2. Change the proposed amendment and include these changes with a recommendation that the Council adopt the ordinance amendment.
3. Recommend the Council not adopt the ordinance amendment.

At our Nov. meeting, the PB does not need to provide a recommendation to the Council- the only formal action is to schedule a public hearing. The Board also can suggest additional changes to the language.

Recommendation: I recommend the PB schedule a public hearing to be held on 10 December. The PB can hold a site walk but I believe we all are quite familiar with this properties in the GB2 (both sides of Saco Ave. from Heath St. to the Union Ave. traffic light).

ITEM 7

Proposal: Conditional Use (Home Occupation): Establish off-site delivery catering business existing accessory structure
Action: Discussion; Determination of Completeness; Schedule Site Walk and Public Hearing
Owner: Kathi Russman
Location: 163 Portland Ave., MBL: 103-6-604, RD

This proposal is to establish a Home Occupation within the applicants’ single-family home. The Home Occ. includes the preparation of food for delivery to off-site locations. There will be no customers on-site, no retail sales on-site and no signage. The applicant will prepare food in her own kitchen and deliver finished product.

The proposal must meet applicable Conditional Use Review Criteria and the Home Occupation standards. Responses to these standards as well as the floor plan, survey and other applicable information is included with your Nov. packets.

This appears to be pretty straight-forward to me and seems to be what a Home Occupation is all about- allow a person to begin a business venture in their home with the hope they will be successful enough to purchase or rent commercial space.

Recommendation: I recommend the PB determine the application complete and schedule a site walk on 3 Dec. and public hearing on 10 Dec.

ITEM 8

Proposal: Major Subdivision: 8 Lot Residential Subdivision
Action: Preliminary Subdivision Review; Schedule Site Walk and Public Hearing
Owner: Dominator Golf LLC
Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD

This proposal is for the creation of 8 lots (unit sites) at several locations along Wild Dunes Way. These are new unit sites that were not part of the originally approved Dunegrass plan or subsequent amendments. A few months ago, this proposal was brought to the PB as an informal sketch plan. It is now submitted as a formal Preliminary Plan.

Because this proposal has some matters in common with the recently approved “The Turn” subdivision, I expect the PB will have many of the same questions and concerns. Also, due to the fact The Turn is in court and the court’s decision will most likely apply, in some way, to the outcome of this proposal, we’ll have the town attorney assist us.

My objective for the Nov. meeting is to hear the applicant’s presentation; the town attorney’s thoughts including an update of the courts actions to date and how the PB should proceed; the PB’s thought’s including any particular matters you’d like staff to concentrate on. Staff is looking into matters such as traffic studies and sewer capacity but would like to receive the town attorney and PB members thoughts be we get to deep into our research. Wright-Pierce reviewed the most recent submission and provided comments which are attached to this memo.

Recommendations: I recommend that we:

1. Listen to the applicant’s presentation and ask questions.
2. Allow the town attorney to update us on court matters and advise us on how to move forward.
3. Receive your thoughts on the proposal including any particular areas you’d like staff to concentrate on.
4. Schedule a site walk (before snow) to be held on 3 December.
5. Initial public hearing on 10 December. So we can receive abutter comments early.

Design Review Certificates

ITEM 9

Proposal: Parking lot buffer plan
Action: Certificate of Appropriateness Decision
Owner: Good Shepard Parish
Location: 6 Saco Ave., MBL: 206-30-1, DD-2

This proposal is the second part of the church parsonage project. This part is for the creation of a buffer/landscaping plan around the proposed parking lot. The first part, demo of the parsonage, was approved at the October meeting. You may recall that at the Design Review Committee’s

21 September meeting, the Committee decided to recommend conditional approval of only the demolition of the Parsonage and wait for a decision on the parking lot until the Good Shepard Parish submitted a complete landscaping plan.

A landscaping plan was submitted and reviewed by the DRC at their meeting earlier this month. The DRC tabled their decision because they felt the plan needed more information in regards to site lighting and curb material. The DRC requested that the applicant return to the Committee with a plan that shows site lighting and identifies curbing material.

Recommendation: I recommend the DRC table their decision until the DRC provides a recommendation.

Note: The existing parking lot is used for the Church as well as a commercial lot. Commercial lots are allowed in the DD2 as a Complimentary Use. Complimentary Use review falls under the Code Officers jurisdiction. I expect the Code Officer will have additional input in regards to matters such as stormwater, etc.

Other Business

1. Cherry Hills Pump Station. At the October PB meeting, the Board asked for information regarding the Cherry Hills pump station. Below is a question and answer that I believe will help you to better understand the pump station.

A. My understanding is that the specifications of the pump station do not meet a standard that would permit the pump station to be accepted by the Town? Is that in fact the case?

As I understand, the pump station currently in use (pump station 600) is a temporary pump station and can only accept a limited number of units until it reaches its capacity and/or no longer properly functions. According to the 12 November 2009 Findings of Fact:

“A) The proposed pump station (PS600) will remain private and maintained by the Home Owners Association. The Home Owners Association is responsible for all operation and maintenance, including provisions for emergency power during power outages. See Exhibit A - note 22 on sheet 1 on plan set.”

“B) If in the future, the Association wishes to have the pump station accepted by the Town, all required upgrades must be made to the system prior to requesting acceptance from the Town Council. Upgrades may include pump station components required by the Town Wastewater Department, adequate area for maintenance vehicles, appropriate generator, etc. See Exhibit B.”

B. What specifications were approved for the pump station during subdivision review and approval?

I've found it difficult to find precise information on this because there is the pump station that was installed, which is temporary, and another pump station which is to be permanent and the information is scattered. It does appear a permanent pump station and some kind of temporary pump station were part of the 2009 approval.

I believe the installed, temporary pump station is a duplex station installed by the George Roberts Company. Each pump is a 2HP Myers MG200 pump with a capacity of 40-45 gpm for

up to 60 feet TDH. As a general rule, each house requires 1 gpm capacity for peak flows (5.5 times average flow). Therefore, the installed pump station will probably function properly to serve up to 40 homes.

Regarding the permanent pump station, I have attached a plan that was included with the 2009 approved plan set. I believe this is the permanent pump station.

C. As approved by the Town, how many residential units may be served by the pump station?

There is a lot of information concerning the pump station including numerous discussions, opinions, reports, planning board decisions, and confusion. To the best of my knowledge (obtained through my research), it appears the allowable number of units depends on the flow rates and operation of the existing, temporary pump station 600. The most recent information I found, which is part of a 10 February 2011 Planning Board decision is:

“The Planning Board directs the applicant's engineer to verify operation of the existing temporary pump station, monitor flow to this pump station and coordinate with the Town's engineer to determine the timing of when new Pump Station 600 shall be installed and brought online. This could include conducting a drawdown test and installing a pump running meter. When both applicant's and town's engineers agree existing Pump Station 600 cannot handle any more flow, no more building permits will be issued until new Pump Station 600 is brought online.”

The town and town engineer are supposed to receive monthly (?) reports from Mr. Cary Seaman and/or his engineer in order to show the pump station is properly functioning. Once the pump station cannot handle additional flow and/or properly function based on the information in these reports, no more building permits can be issued until the temporary pump station is replaced with a permanent pump station. The permanent pump station is sized to accommodate significantly more development.

As stated above, there is a lot of information concerning the pump station matter, including information which appears to establish the temporary pump station is designed to accommodate 24 homes on Cherry Hills Road and 12 homes on Wild Dunes Ways. In fact, it does appear that at least 5 homes on Wild Dunes Way are connected to this pump station. Nonetheless, I believe the most accurate reply to this question is the number of units allowed to connect to the existing, temporary pump station is determined by the proper operation of this pump station which is supposed to be based on monitoring reports provided by Mr. Seaman's and/or his engineer. I assume that if the residents of Cherry Hills established their own Home Owners Association, they would need to take on the monitoring responsibility. Note: approx. 2 years ago the pump station had some problems with the pump running too much and exceeding its gpm capacity. Mr. Seaman appears to have fixed this- I've not heard of problems since that time.

As you know, the temporary pump station is not a long-term solution and the town, Cherry Hills HOA and the developer will soon need to decide on how and when to move forward with construction of a permanent pump station.

2. Orchard Estates. At the October PB meeting, the PB requested an update on the recently approved Orchard Estates Subdivision. After meeting with the developers and performing site visits, I offer the following:

- Site Work. Site work, including clearing, infrastructure installation and road construction is moving along quite rapidly. The construction plan is two construct in two phases which basically splits the subdivision in two- phase 1 being the area closest to Portland Ave. and phase 2 the rear portion of the subdivision. Clearing and infrastructure associated with phase 1 is complete and the base coat of paving will begin next week. Phase 2 is scheduled to begin next spring with completion by the summer.
- Home development and sales. A model home will be placed on the first lot (adjacent to Portland Ave.) around mid-December. Interest in purchasing lots and home construction is quite good with 5 potential buyers ready to move. The developers informed me that a big part of the interest in the subdivision is due to the design- they receiving a lot of positive feedback from potential buyers and those in the industry.
- Brick house. The developers informed me that they have a design professional evaluating the house in regards to its structural integrity and style. They are trying to determine if the building is structurally sound, if the interior can be modernized and how to keep the exterior style. The design professional will prepare and submit a report before anything happens to the home. I'll forward this to the PB once I receive it.
- Abutter concerns and questions. I received two abutter concerns and questions. One, from a homeowner in Beachmont, was regarding how close the development is supposed to come to their property. I met with this person at their home and we reviewed where it appeared the subdivision will be in relation to his lot. He seemed satisfied with the result of this meeting. The second, from the abutter who lives in the home off Portland Ave. (in the middle of the development), has concerns about drainage running parallel to Portland Ave. and continues to the culvert that crosses Portland Ave. I've met with her on-site twice and met with the site work foreman. There are some issues out here that are not resolved as of this date. One of these is an apparent encroachment on the abutters with some of the drainage site work. I continue to work on this and hope to have a plan on how to move forward by next week.

Minutes

Val is working diligently on the minutes. You'll have a bunch at the December meeting.