



To: Ogunquit Planning Board
From: Lee Jay Feldman
Date: 8-10-20
Re: Sketch Subdivision plan-Richard Moody & Sons-Pine Hill Road North

I. Proposal

Richard Moody & Sons (Developer) and Atlantic Resources (Engineer) are seeking input for the potential development of a 10unit Residential Subdivision (PUD) on Pine Hill Road North.

The Net Residential Density as looked at by the applicant allows for 8 units on the 2.48 acres in the Residential zone however the applicant is seeking a development bonus allowing 2 additional units for a total of 10. The plan shows the Net Density calculations as developed by the applicant. The board will want to ask the developer to make sure as the plan is developed for further review that the complete calculation is laid out in a table format on the Preliminary plan.

The site can be serviced by utilities including Sewer & Water

II. Issues for Consideration

Staff sees several issues for consideration as the board goes through the review process. These issues include:

- The need for a full Traffic Impact study

The location of access to the site is very close to Tree Tops Lane in York. Access management would suggest that this is unacceptable. Section 8.13 B of the zoning ordinance indicates: All driveway and

entrance designs connecting to State or *State Aid Highways shall meet the most current Chapter 299 Highway Driveway and Entrance Rules of the Maine Department of Transportation, adopted pursuant to Title 23 M.R.S.A, sections 52 and 704. Commercial uses, multifamily residential uses, and subdivisions connecting to non-State or non-State Aid Highways within the Town of Ogunquit, shall also be required to meet said rules.*

- The need to notice the Town of York regarding the project
- Confirm that the Net residential Density includes all pavement in the access way and individual driveways
- Stormwater- How and where will it be handled? Low Impact Development Standards (LID) should be considered as well as Treatment pond(s) since this property is located in the Josias River watershed.
- The applicant has shown a “Turn Around” area which is a modified Hammerhead. Is this acceptable or does it need to be a Cul-de-sac as required in the Dead End Street standards or Hammerhead not associated with someone’s driveway? Please see section 10.3.4 for the Dead-End Street design.
- Will there be a sidewalk as part of the street access? This street is considered a Local Residential street and requires a 4’ sidewalk see 10.3.2 of the subdivision regulations for design standards.
- Article 9 Section 9.6 Cluster or Planned Unit Development reads as follows:

9.6 Clustered or Planned Unit Residential Development (Amended 4-7-07 ATM)

A. Standards

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential developments and other projects located in the Town, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship. Effective November 7, 2006, all subdivisions, containing five (5) or more dwelling units or lots, created on the west side of Route 1, shall be designed as clustered or planned unit developments, according to the standards of this Ordinance. Subdivisions created on the east side of Route 1 may be designed either utilizing the clustered or planned unit development approach, or by the traditional subdivision method without common open space.

1. There shall be compliance with all other applicable provisions of State and local law;
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures shall be considered;
3. Calculations and Density Bonus. For the purposes of conserving open space, minimizing land disturbance, and to protect wildlife habitat, a density bonus shall be provided for clustered or planned unit residential development. The maximum number of dwelling units in a clustered or planned unit residential development shall be calculated as follows:
 - a. Divide the minimum net residential area per dwelling unit proposed, according to Table 703.1, into the net residential area of the entire parcel or tract. The term "Net Residential Area" shall be as defined by this Ordinance in Article 2.
 - b. Multiply the result by 1.2, and round to the nearest whole number.
4. Within a cluster development or planned unit residential development, if multiple lots are proposed, an individual lot may contain less than the minimum net residential area per dwelling unit, or less than the minimum lot area, as long as the overall density, as calculated in subsection 3 above, is met for the entire parcel or tract.
5. At least fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall contain wetlands of any size. Common open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life, wildlife cover and the like. The use of any open space shall be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. -Common open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. There shall be no further subdivision of this land or buildings constructed upon it which would cause the net residential density to exceed the density permitted in that district. Such dedications shall include private covenants or arrangements to preserve the integrity of open spaces or their use for agricultural or conservation purposes.
6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:
 - a. Orientation: buildings and other improvements shall respect scenic vistas and natural features;

- b. Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means;
 - c. Water Supply: the primary source of water shall be the public water system;
 - d. Utilities: utilities shall be installed underground whenever possible. Transformer Boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public;
 - e. Recreation: facilities shall be provided consistent with the development proposal;
 - f. Buffering: planting, landscaping, disposition and form of building and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development;
 - g. Buildings: disposition of buildings shall recognize the need for natural light and ventilation.
7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.
8. There shall be no further subdivision of this land or buildings constructed upon it which would cause the overall density to exceed the maximum permitted in that district, as calculated in subsection 3 above.
9. Within 30 days of recording the approved plan, title to the common open space shall be transferred either to:
- a. The Town of Ogunquit;
 - b. A nonprofit organization whose primary purpose is the conservation of land; or
 - c. The neighborhood association established in accordance with Section 9.6.A.10 below.
10. If the common open space is transferred to either the Town or to a nonprofit organization as set forth in subsections 9a. or 9b. above, a conservation easement, prepared in accordance with 33 M.R.S.A, §476, naming the town or a the nonprofit organization as the holder, shall be recorded limiting development of the open space in accordance with the provisions of this Section and the terms of the approved plan. The common

space(s) shall be shown on the development plan with appropriate notation to indicate that:

- a. it shall not be used for future building lots; and
- b. it shall be subject to a conservation easement; and
- c. the applicant may choose to dedicate a part or all of the common open space for acceptance by the Town for operation as a municipal recreation facility.

11. If any or all of the common open space is to be reserved in common ownership by the residents as set forth in subsection 9c. above, the formation and incorporation by the developer of a neighborhood association shall be required. Bylaws of the proposed neighborhood association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The association shall be incorporated within 30 days of Planning Board approval.
12. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and must be included in the deed for each lot or unit.
13. This neighborhood association shall have the responsibility of maintaining the common open space(s), and other common facilities until accepted by the town.
14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of common open space, neighborhood recreational facilities and Town assessments.
15. The developer or subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place. The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.

- It is noted in the above section that a Homeowners Association documents need to be reviewed by both the Town Attorney and Town Planner which should occur prior to the final approval of the project.
- The applicant needs to confirm what level of Water system is available to the site. KKW has indicated that a portion of this line may be seasonal.