



Memorandum

TO: Arundel Planning Board

CC: Ann Tardif, Land Use Office Manager, Town of Arundel
Paul Gadbois, Paul P. Gadbois Engineering
Ethan Braley, DCB Properties, LLC

FROM: Jamel Torres, Land Use Division Director, SMPDC

RE: **Preliminary Major Subdivision Review – Braley Subdivision**

DATE: August 13, 2024

Project Description

Ethan Braley is proposing a preliminary major subdivision application on an approximately 21.8-acre parcel located along Old Post Road on Assessor's Tax Map 12, Lot 6. The proposed three-lot cluster subdivision contains one detached single-family home and two duplex structures, totaling five total units. The total area to be developed is proposed to be approximately 13.43 acres

This review memorandum is in response to the submission materials dated August 6, 2024 submitted by Paul Gadbois of Paul P. Gadbois Engineering and Scott Dixon of Main-Land Development Consultants, Inc.

Applicant: Ethan Braley

Owner: DCB Properties, LLC

Location: Old Post Road

Zoning: Rural Residential (R3) & Business/Office Park/Industrial (BI)

Tax Map Number: Map 12, Lot 6

Existing Land Use: Wooded, undeveloped lot

Proposed Land Use: 3-Lot Cluster Subdivision with 5 dwelling units

Acreeage: Total Parcel – 21.8 acres; Developed Area – 13.43 acres

Complete Application: At the July 2, 2024 meeting, the Planning Board determined that the application was complete pending the submission of the required hydrogeologic assessment. The applicant has submitted this assessment with this submission.

Waivers: None at this time

Site Walk: A sitewalk was completed by the Planning Board on July 2, 2024.

Public Hearing: The Planning Board will hold a public hearing at the August 20, 2024 meeting.

Article XI – Performance Standards Review

- Section 11.1 – Pollution
 - The applicant should provide additional information related to how any discharges of stormwater will be treated to remove oil, grease, and sediment prior to discharge into the existing wetlands on the property with future submissions to the Board.
- Section 11.2 – Sufficient Water
 - The applicant should provide a letter of compliance from the Arundel Fire Chief indicating that adequate fire protection measures will be provided for the proposed development with future submissions to the Board.
- Section 11.4 – Soil Erosion
 - In accordance with Section 11.4.B. in the Subdivision Ordinance, the procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction and clean-up stages. The applicant should provide a plan note indicating such on the final subdivision plan.
- Section 11.5 – Traffic Conditions
 - The applicant has provided a letter from the abutter located directly to the north of the proposed development indicating that an easement will be provided to the applicant to clear trees in order to provide sufficient sight distance for the project.

- The applicant should provide a letter of compliance from the Arundel Public Works Director indicating that the proposed development will not result in negative impacts to traffic conditions along public roadways adjacent to the proposed development with future submissions to the Board.
- The curb cut and driveway for the proposed single-family home on Lot 1 are not dimensioned. Please provide width measurements at the driveway apron as well as across the proposed driveway.
- Section 11.6 – Sewage Disposal
 - The applicant should more specifically depict the proposed private onsite subsurface wastewater disposal systems (holding tanks and leach fields) on the final subdivision plan.
- Section 11.8 – Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline
 - It appears that the applicant is depicting the proposed limit of tree clearing areas on the plan utilizing green bubble lines. The applicant should specifically identify the proposed tree clearing limits on the plans with plan notes.
 - The applicant should provide a plan note on the final subdivision plan indicating that the limit of tree clearing shall be designated to those areas depicted on the plan.
- Section 11.9 – Conformance with Comprehensive Plan, Zoning Ordinance, and other Land Use Ordinances
 - It appears that the applicant is proposing to reduce the minimum side yard setbacks from the required 25-feet to 12.5-feet for side yards interior to the proposed development. The Planning Board should determine if they are comfortable with this approach. When making this decision, the Planning Board should refer to Section 9.3.12.2.e. in the Land Use Ordinance.
 - It appears that the applicant is proposing a minimum lot size of 1 acre for the proposed development. The Planning Board should determine if they are comfortable with this approach. When making this decision, the Planning Board should refer to Section 9.3.12.2.f. in the Land Use Ordinance.
 - In accordance with Section 9.3.12.2.p. in the Land Use Ordinance, the exterior perimeter of the development shall be designed with a continuous landscaped buffer not less than fifty (50) feet in width, owned in common by the Homeowner's Association or conveyed to an existing land use organization, and maintained to form an effective visual buffer to observation from external properties, dwellings and streets. The plans should be modified to depict this required 50-foot buffer accordingly. A plan note should also be provided indicating such.

- In accordance with Section 9.3.12.3.a. in the Land Use Ordinance, the common open space land shall be jointly owned in common by the owners of the dwelling units/lots invested in an association. Covenants for mandatory membership in the association, setting forth the owner's rights and interests, shall be included in the deed for each lot or dwelling. The applicant should provide this information with future submissions to the Board and provide a plan note indicating such.
- Section 11.11 – Impact on Water Quality or Shoreline
 - The applicant should provide additional information to ensure the standards set forth in this section of the Subdivision Ordinance are being met with future submissions to the Board.
- Section 11.12 – Impact on Ground Water Quality or Quantity
 - The applicant has provided a hydrogeologic assessment as required and the assessment appears to meet all applicable standards set forth in this section of the Subdivision Ordinance.
- Section 11.14 – Identification of Freshwater Wetlands
 - The 2.2 acres of onsite wetlands are not clearly identified on the plans. Please employ hatchings/shadings to ensure that wetlands, existing onsite mature trees to be preserved, and other natural features of significance are legible. For the wetlands specifically, if the potential exists for any impacts, wetlands preservation measure details should be provided for review.
- Section 11.15 – Stormwater Management
 - It is unclear if stormwater maintenance best management practices will be employed on the site. Please provide such information needed to address this section in the Subdivision Ordinance and Performance Standard 5.20, Stormwater Management in the Land Use Ordinance.
- Section 11.16 – Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities & Services
 - The applicant should provide additional information to ensure the standards set forth in this section of the Subdivision Ordinance are being met with future submissions to the Board.
- Section 11.17 – Compliance with Timber Harvesting Standards
 - The applicant should provide a plan note indicating the standards set forth in this section of the Subdivision Ordinance are being met with future submissions to the Board.
- Other
 - Please update the subdivision plan to include contour lines at the required two-foot intervals.

Article XII – Design Guidelines Review

- In accordance with this section in the Subdivision Ordinance, this article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article XI. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met. The applicant should provide all required information set forth in this section of the Subdivision Ordinance to ensure these standards are being met with future submissions to the Board.

Next Steps

The application will be before the Planning Board at its August 6, 2024 meeting as a pending business item. At the meeting, the applicant's team will present the project to the Planning Board and the public. The Board will also hold a public hearing for the proposed project.

The applicant is seeking preliminary subdivision approval for the proposed project. The Planning Board should review the information provided by the applicant and the standards set forth in Article XI – Performance Standards and Article XII – Design Guidelines in the Subdivision Ordinance and determine if the submission materials provided to date meet these standards.

In accordance with Section 7.1.J. in the Subdivision Ordinance, when granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

- The specific changes which it will require in the Final Plan;
- The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
- The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the Final Plan.