



To: Town of Arundel, Planning Board
From: Lee Jay Feldman, Director of Planning
Date: October 10, 2023
Re: Amended Clearview Estates & Preliminary Subdivision Sunset Place & Sunset Condominium

I. Proposal

The applicant, Michael Thomas, owns approximately 27-acres zoned R-1, R-4 and RP at the end of Clearview Drive. The applicant is proposing to develop a 6-lot subdivision on these parcels (Tax Map 17, Lot 14-14 & a portion of Map 9 Lot 3). The project will consist of 5 single family homes along the golf course known as the Sunset Place Subdivision as well as a 10-unit condominium community on Lot 6 known as Sunset Community Condominiums. The proposed project will be accessed by a public roadway. The proposed 15 units will be served by underground utilities, drilled wells and subsurface wastewater disposal systems as shown on the attached plans.

The applicant's residence, 189 Clearview Drive (Tax Map 17 Lot 14-14) was part of the Clearview Estates Subdivision from 1981. Please find attached a copy of this subdivision plan (Plan Book 112 Page 40). Since access to this project will be across this lot an amendment to this subdivision will be required.

This project requires the following permits from the Town of Arundel:

- A. Amended Subdivision - Lot 14 - Clearview Estates Subdivision (see sheet I of plans)
- B. Subdivision - 6 Lots - Sunset Place Subdivision (Lots 1-5) & Sunset Community Condominiums-Lot 6 (10 Units) (see sheets I & 4 of plans)

The Clearview Estates Subdivision is subject to Maine DEP Site Location of

Development permit (DEP Order #86-2978-31030). This project will likely require an amendment to this permit with the Maine DEP. This project will also be subject to the following other Federal Permits:

- A. NRPA Permit by Rule for work within 75-feet of a stream and for stormwater outfall with Maine DEP
- B. Maine General Permit for wetland impacts with Army Corps of Engineers

The applicant intends to submit to both the Maine DEP & ACOE after receiving 'preliminary subdivision approval.

As part of the application for the Amended subdivision, there is an outstanding issue that the town's attorney is looking into at my request. There is a long running history of issues surrounding the development of Clearview Estates that I will not get into in the memo, however, the one issue that I have requested assistance on is the following:

In 1995, the town entered into a consent agreement on several issues but the one issue that affects this project is the location of the cul-de-sac. It seems that the road was constructed and accepted by the town outside of the delineated Right of Way which can be seen on the submitted plan set. I wanted the town' attorney to review the document and plans to see how we should proceed with this matter.

II. Waivers

There are several aspects of this project, as described below, that the applicant would like to discuss with the Town and the Planning Board to see if a waiver would be considered by the board granting waivers of the following issues:

- A. Fire Suppression - The applicant understands that the sprinkler systems are required in the homes but would like to see if an alternative approach like a fire cistern or wet pond would be an option as has been approved lately for other projects in Arundel. The applicant has reached out to the fire chief to discuss this issue.
- B. Landscape Buffer - Golf Course (Dutch Elm), as discussed with the board in the past, the applicant would like to construct Lots 1-5 as homes along the golf course. Please find attached a letter from the owner of the golf course who supports this development approach.
- C. Buffer - Land of Buttarazzi - The applicant would like to discuss with the board the option of moving the proposed Clearview Drive Extension to the north and reducing the buffer provided along land of Buttarazzi.

The planning board needs to review these requests and determine if they are willing to grant these waivers. I would offer the following as part of the boards review:

In the last set of amendments to the subdivision regulations, the board had determined that moving away from cisterns and ponds and requiring individual sprinklers was for the betterment of the community so that it was not on the town to pay to inspect, repair or replace cisterns & Fire ponds as

they age. The town currently has a number of these systems around the community that need to be reviewed on a yearly basis.

The applicant is seeking a waiver from the buffer requirements found in the Shoreland zone standards. I am not aware that the board could or should waive this standard.

The applicant is seeking a waiver from the buffer requirements along the abutting property for the road entering the development. I am not aware that the board could or should waive this standard, in fact I would suggest maintaining or even expanding that buffer to protect the abutting property.

I would further suggest that if the board is going to consider these waivers, I would suggest that the board ask that the area be flagged to show the limit of the required buffer and the impacts on the proposed lots.

III. Technical Review

I have had a chance to review the plan set as well as the Stormwater and Traffic Impact analysis. I will start with the plan set and indicate the deficiencies with the plan.

- Sheet 1 On the easterly side of Michael Thomas land and all other plans showing the parcel includes the existing Access Easement. Since the applicant is now moving access to the north side of the property, this easement should be extinguished in return for the new access point. A note on the plan should be added to this effect.
- The Access Easement to lot 6 needs to be 50' not 40'.
- Sheet 3 is where most of the comments come with the overall design of the proposed infrastructure:
 - The “Roadway Section” calls for 12” of Type D gravel. The Street Design & Construction Ordinance Article 1 section 1.6.3 calls for 18” of Type D gravel.
 - The street design calls for 2’ shoulders, the ordinance calls for 3’ shoulders.
 - The Hammerhead design meets the required size, just designing it into a lot makes access to lot 2 awkward. If that street becomes a public way the driveway needs to be separated and not on the end of the hammerhead. The town plow will plow that driveway in during storm periods. A designated driveway location should be placed on the plan. As for Lot 1 and the stormwater design, I am not sure how the owner will get access to the lot. This does not make for a clean design.

- Sheet 4 Sunset way should have a 50’ right of way not a 40’ right of way. No streets private or public in Arundel have a 40’ right of way standard.
- The Hammerhead at the end of Sunset Way must meet the standard for a turnaround as found in Article 1 section 1.3 of the Street Design & Construction Ordinance. The design calls for a 50’ turn around and a 25’ radius.
- The 40’ Access Easement off the end of the Hammerhead should be noted as pedestrian only or be a 50’ Right of Way for future road access.
- Traffic Impact Study has been completed by TY Lin

As part of the study, utilizing standard data from the Institute of Transportation Engineers (which is common practice) the project is proposed to see an AM peak hour trip generation of 4 trips and a PM peak hour generation of 6 trips which equals approximately 1 vehicle every 9 minutes.

The Transportation Engineer also provided crash data which is kept on file by the Maine DOT. The data indicates that there is no high accident locations in the study area. The table below shows the accident data from the Maine DOT:

Table 2 Crash Summary		
Location	Number of Crashes from 2020 to 2022	Critical Rate Factor
Clearview Drive/Limerick Road/New Road	2	1.02
Limerick Road/Liberty Acres Drive	1	0.51
Limerick Road/Maplewood Drive to Liberty Acres Drive	3	0.44
Limerick Road/New Road to Liberty Acres Drive	1	0.36

In order to be considered a high crash location the threshold would need to be 8 accidents in a 3year period and a Critical Rate Factor of 1 (a measure of the types of accidents that have occurred). This threshold has not been met. The Engineer has however recommended the following as a way to address concerns of traffic and speeds in the neighborhood.

“The intersection of Maplewood Drive and Clearview Drive (near the project site at the roundabout) is controlled by a STOP sign on the Maplewood Drive approach. It is suggested that the STOP sign be relocated to the Clearview Drive approach. Another option would be to create a three-way STOP intersection, thus controlling all movements at the intersection. This could have some calming effects but may not be needed as the roundabout will calm traffic entering and exiting the project site.”

- Stormwater analysis

The applicants stormwater analysis has been completed utilizing the standard practice requirements for stormwater analysis used by both the town of Arundel and the Maine Department of Environmental Protection.

The applicant indicates that the stormwater design meets the required criteria, however, in Sections 5 5.20 5.20.2 states:

1. All applicable development activities cited in §5.20.1 shall maintain zero net increase in storm water runoff rates between pre-development and post development conditions on the site.

The applicant has provided a table that shows Pre and Post development conditions which suggest that there will be an increase in stormwater therefore not meeting the standards of the ordinance.

Peak Flow Comparison (cu. ft./sec)						
Analysis Point	2-Year		10-Year		25-Year	
	Pre	Post	Pre	Post	Pre	Post
AP-1	0.00	0.00	0.01	0.10	1.91	2.46
AP-2	0.00	0.15	3.42	3.63	10.93	11.12
AP-3	0.00	0.00	0.01	0.01	0.19	0.19

“The predicted increase at Analysis Point 2 (0.15, 0.21, & 0.19 cfs for the 2, 10, & 25- year storms) is due to the outlet pipe from the proposed soil filters being in close proximity to the existing 3’ stream culvert under Maplewood Drive in comparison to the upper extents of the watershed. Since the watershed is so large with shallow grades, the peak runoff event at the 26” culvert will likely take place after the 24-hour storm duration. The proposed filters will be drained via a 6” underdrain pipe that will be controlled by a 2” orifice. The filter basin will not overtop the spillway unless there is a storm event with greater than a 25-year rainfall. The proposed increase is minor and will not affect the abutting properties or create adverse impacts to the downstream conditions.”

Based on more recent data it is safe to say that we are seeing more storms that will top the 25-year storm period. While the ordinance only considers the 25-year storm as the highest storm period to measure at this time the applicant should consider designing a higher storm period, although it is not required.

IV. Staff Comments

Fire and Public Works will submit comments under separate cover. They have both received plans.

V. Recommendation

At this time, you can find the application complete if you choose to do so and set a date for the Public Hearing. The requested waivers in this memo have no bearing on application completeness and in fact the plans have been designed without the requested waivers by not including the waivers as part of the submission.

I do suggest that the plan design items need to be addressed prior to obtaining Preliminary approval.