

Pat Losik

1215 Ocean Boulevard
Memo re density

The PB has the authority to reduce density from that set forth in the conversion table. See Attorney Donovan letter of 7.9.19 re RZO 304.6D, in part: "...The Planning Board may require lower densities if necessary to make a proposed redevelopment compatible with its environs based on considerations of factors such as -

Wetlands

Configuration of the parcel

Septic capability

Setbacks of abutting buildings

Building massing

Drainage

Or other characteristics of the site which affect sound land planning

Attorney Phoenix notes in his 6.28.19 letter that, "Additional site factors related to density that the Planning Board might consider to reduce from 10 units **are the same factors** that prompted the design team to propose 8 units instead of 10 and **therefore no further reduction in units is appropriate.**" How is this objectively established? There is no precise formula.

It is up to the PB to make these determinations if environs warrant. In the case of 1215 Ocean Boulevard, the Applicant has presented a resource possessing such factors.

While the proposal, in part, enhances the wetland and wetland buffer, the Applicant has also served its own development quest by seeking extensive relief via the ZBA for buffer activity under 301.5A (cutting of trees, etc. within 50' of border zone of tidal marshes), 100' buffer relief under: 301.8B1 (surface alteration - fill), 301.8B(2) septic in buffer, and 301.8B(7) all other uses prohibited. All proposed structures and portions of the driveway received buffer relief. In summary per ZBA NOD dated 10.3.18:

Building 1 – 64' from the marsh

Building 2 – 80' from the marsh

Building 3 – 82' from the marsh

Building 4 – 84' from the marsh

Driveway – 24' from the marsh

The development must rely on its own septic systems. The current plan set dated 3.26.19 shows the Lot Loading Capacity Calculations based on the High Intensity Soil Survey by Soil Scientist Joel Noel, sheet SS-1. These calculations cannot consider the Very Poorly Drained soils (397 and 997) which in the aggregate represent approximately 73% of one acre or 31,619 sf of wetlands.

The recent site walk clarified the narrow upland resource that exists on the property to support the proposed development components. Abutting Parsons Creek, the wetlands are a unique and significant characteristic of this property. RZO 301 – Wetlands Conservation District provides significant protections in the interest of public health, convenience, safety and welfare for areas of land with extended periods of high water.

The Planning Board must carefully determine the impact of higher density on the wetland portion of the site adjacent to Parsons Creek which is vulnerable to flooding and lies within the FEMA 100 year floodplain. If the 4.5 units per acre conversion factor for the Wallis Sands area is applied to the uplands, 6.85 dwelling units would be allowed. An adjustment thereof, would allow greater flexibility to the Developer in protecting the wetlands, and therefore enhance sound development.

Other considerations:

Massing - Prior discussions regarding massing have occurred and it is incumbent on the Planning Board to evaluate final designs to assure compatibility with the neighborhood.

Drainage – the SWMP should include the 24 hour/100 yr calculations subject to review by Sebago and Waterstone Engineering,