



Bud Harmon, Chamber of Commerce. Mr. Harmon asked if these are recommended changes or are they mandatory. He also asked if the latest proposed changes were the final product, have we met all of the requirements.

Mr. Nugent felt that the town would go. He pointed out that the removal of some definitions were for words that were not in the text. Also some things were taken out which referred to Zoning Board of Appeals and since Old Orchard Beach has its own ZBA, there is no need for that. The documented changes that the state suggested were for the entire state and a "one size fits all" type of thing. Mr. Nugent then explained the original draft from the map and compared it to the newest version.

Mr. Bird felt that the current map is less restrictive and less than what we have now. The map should be gone over.

Pat Brown, 2 Fernald Street. She and Bud Harmon did a lot of research and are just trying to fully understand. Ms. Brown asked how the 250 feet is measured.

Mr. Nugent stated as the grow flies.

Questions ensued regarding sea level and how the 250 feet requirement is measured.

Chairman Kerr expressed his displeasure with a state and federal agency telling the town what to do with our land. He stated this was a fruitless exercise and that the DEP has more restrictions on the coastal sand dunes. He felt that no one values their resources more than the town.

Ms. Brown asked about the addition of the RBD zone.

Mr. Nugent explained it is not a new zone, but it is probably just fixing a prior oversight/mistake.

Ms. Brown then questioned the change in the 75 ft setback to 100 ft setback.

Mr. Bird stated the current ordinance was inconsistent.

Chairman Kerr stated that this is just to clear up inconsistencies were in one part of the ordinance it was 75 ft and other 100 ft. In order to make it consistent and to not decrease any current setbacks, it has been changed to 100 ft everywhere. The current DEP minimum is 75 ft.

Ms. Brown asked if 78-1202 was only for new construction or did it apply to everything.

Mr. Nugent verified only new construction or substantial renovations. It is consistent with current flood plain management.

Ms. Brown felt that 78-1203 seemed inconsistent and questioned what "existing conditions" referred to.

Mr. Bird clarified this as surrounding conditions.

Mr. Nugent interjected that this wording was modified to mirror the state minimum.

There was subsequent discussion on the difference between complimentary use and non-conforming. Mr. Nugent explained the difference.

Ms. Brown then asked what was considered "expansion of use" in the definition section regarding Shoreland Zoning. This seems to discourage year-round businesses. Chairman Kerr felt this was expansion of the footprint.

Mr. Nugent continued to say that if someone begins to use a seasonal business year round the town would want to just be aware and look at that. If a house is used seasonally, but then becomes a year-round use, things such as sewer impact or septic, the homeowner needs to be aware of that.

Chairman Kerr stated he felt that whatever minimums the state is asking us for he is in favor of, and that is all.

Mr. Nugent stated that even though "expansion of use" is in the definition section it does not mean it cannot be done. Because expansion of use is a term that is used in the Shoreland Zoning ordinance it needs to be addressed.

Mr. Bird continued to express his concern for increased protection of resources and how it protecting them would ultimately decrease the effects of flooding on the town. Chairman Kerr stated that was why the 100 ft setback was in there.

Vice Chair Mailhot stated she would support meeting the states minimum.

Mr. Bryant felt concern as to why the conservation commission had not seen the Shoreland Zoning.

Mr. Nugent stated they had initially when SMRPC was done. Chairman Kerr asked if the conservation commission gave recommendations and if so the committee would like to see them.

Mr. Bird felt that Mr. Nugent would be able to have that downstairs.

Chairman Kerr asked if there were any other questions. He then made the next meeting for 01-05-2010 and asked if the committee could be available that night until 10:00 p.m. in the event things go late. The committee felt that was reasonable.

Mr. Scoville asked if this should be made a public hearing. Mr. Nugent clarified that all of our meetings are such. Chairman Kerr stated it did not need to be specifically advertised that way due to there no vote.

Mr. Nugent stated he would be taking some time with Mike Morse from the DEP to see if we sent this different if it would be okay.

Chairman Kerr mentioned he would like to meet with the DEP representative, as well as some of the other board members if

TOWN OF OLD ORCHARD BEACH  
 ORDINANCE REVISION COMMITTEE MINUTES      December 1, 2010

<p>they are interested.                  Mr. Nugent explained that he invited Mr. Morse to the meeting, but he was unavailable. Generally, they usually do not come to a public meeting and comment, but he did state he would be happy to come and meet with staff, etc.</p>	
<p><u>Item 6: Good &amp; Welfare</u>                  None</p>	<p><u>Item 6: Good &amp; Welfare</u></p>
<p>Vice Chair Mailhot moved to adjourn.                  Mr. Scoville seconded.  <i>Motion passes unanimously.</i>                  MEETING ADJOURNED AT 7:12 P.M.</p>	<p><u>Motion</u>  <u>Vote</u>   <u>Adjournment</u></p>

*I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on December 1, 2010*

*Tori Geaumont*