

MINUTES
OLD ORCHARD BEACH PLANNING BOARD
Site Walk and Workshop – 5:45 and 6:00 p.m.
January 5, 2012 Council Chambers – Town Hall

Site Walk Present: Chair Win Winch; Staff Jeffrey Hinderliter; Public: Robert Baggs Jr., Gordon Anderson (abutter), John Bird.

Site Walk Begins at 5:45 PM. Discussion begins with the location of the proposed access. Jeffrey takes out the drawing of the proposed access and he and Mr. Baggs explain where it will be. Mr. Baggs indicates the lot could be developed for a single family home and there are some folks interested in doing this. Mr. Andersen discusses some of his thoughts on the location of the access, a potential house location and if the trees on the property will be removed. He states there is a water drainage issue on his property and feels if the trees are removed and development begins on the Baggs lot the drainage issue will get worse. He would be more comfortable if the removal of trees could be limited in some way. The Site Walk closed at 6:04 PM

Workshop Present: Chair Win Winch, Mark Koenigs, David Darling, Michael Russo. Staff: Jeffrey Hinderliter, Town Planner.

The meeting was called to Order 6:10 P.M.

ITEM 1

Proposal: Private Way Application: Access to 1 lot
Action: Public Hearing; Schedule Final Review
Owner: Robert and Shirley Baggs
Location: Connecticut Avenue, MBL: 322-1-7, R3 Zone

Jeffrey briefs the board on the status of the proposal. He states he and Win just came back from a site walk and recommends the other members take a look at the site before next Thursday. Mr. Hinderliter then does one of his typical long and boring speeches about the benefits of seeing a proposal in the field and how much more it can be helpful as opposed to just looking at a proposal on paper. Mr. Hinderliter stated to the Board Members that in his opinion, the most crucial issues are:

1. Has the applicant successfully represented right, title or interest and that there is no private right issues.
2. The Public Works Director will need to review stormwater drainage.
3. The applicant has requested several waivers. The PB should consider and rule on these waivers before any final action is taken on the proposal.

ITEM 2

Proposal: Site Plan Review Amendment to 2001 approval: Install fencing, adjust lot lines, construct vehicular access
Action: Public Hearing; Final Review and Findings of Fact
Owner: BBI Waste Industries
Location: 1 Vallee Lane, MBL: 107-2-28, ID Zone

Mr. Hinderliter stated to the Board that this item is a straight-forward proposal and he has received no public comment. He believes the only outstanding matter is to ensure all legal agreements for the establishment of the access way is in place- this can be applied as a condition

ITEM 3

Proposal: Conditional Use: Addition of 20 feet to existing radio antennae
Action: Public Hearing; Final Review and Findings of Fact
Owner: Town of Old Orchard Beach
Location: 136 Saco Ave. (Fire Department), MBL: 207-3-8, GB1 Zone

Mr. Hinderliter states this is another straightforward proposal and he received no comments on this. He expects this can be approved next Thursday.

ITEM 4

Proposal: Private Way Application: Access to 1 lot
Action: Review submissions; Schedule Final Review
Owner: Matthew G. Chamberlin
Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone

Mr. Hinderliter stated that this proposal is nearing some sort of decision to be made by the Planning Board. There were a number of items the Board requested and Jeffrey states he has not received these. Chair Winch states the item will most likely be tabled and Jeffrey agrees.

ITEM 5

Proposal: Private Way Application: Access to 3 residential lots
Action: Review submissions; Final Review
Owner: Harry L. Smith
Location: 19 Smith Wheel Road, MBL: 210-1-11, R4 Zone

Jeffrey goes over Mr. Smith's proposal and indicates the only remaining items requested by the board, the Private way Application and Maintenance Agreement, have been submitted and they appear to address what the Board requested. Jeffrey believes the proposal can be approved at next Thursday's meeting. He indicates he received comments from public works and they are fine as long as there are no new cuts in Smith Wheel Road. Public Safety had no concerns. Mr. Darling indicated he checked the property out.

ITEM 6

Proposal: Conditional Use: add 1 motel unit within existing building
Action: Determination of completeness; schedule public hearing and site walk
Owner: Larry Pyle
Location: 34 Washington Ave, MBL: 311-16-15, NC3 Zone

Jeffrey indicated this is a new proposal but it is similar to King Weinstein's proposal at 30 Washington which happens to be next door. This proposal is very similar to a proposal we reviewed last summer. As you may recall, Mr. King Weinstein was conditionally approved to add a motel unit at his property located on 30 Washington Avenue. The zoning district allows lodging as a conditional use with NO DENSITY standards. Jeffrey points out a memo from the town attorney discussing why there is no density. This letter is attached to Jeffrey's memo. One of the primary issues associated with this proposal, much like Mr. Weinstein's, is parking. This property currently has no off-street parking available- the structure basically fills up the entire lot. There are parking requirements but they can be waived. If this proposal is to move forward, the applicant must make a formal written request for waiver of the parking standards. The PB applied specific conditions to Mr. Weinstein's proposal to ensure it remains a lodging unit such as a minimum 30 day stay and the PB should considering doing the same for this proposal. Planning Board action will be to determine if the application is complete and if so, scheduling a public hearing date and site walk. Also, the PB may choose to request any additional items from the applicant such as the written waiver request.

ITEM 7

Proposal: Convert existing plumbing building into 1-family home (30% Shoreland Expansion)
Action: Determination of completeness; schedule public hearing and site walk
Owner: Robert Stevenson
Location: 34 Oceana Ave; MBL: 320-9-2; RA Zone

Mr. Hinderliter states this is a new Conditional Use application. This proposal is to convert an existing vacant building which was used as a plumbing shop into a single family dwelling. The reason this is before the PB is because it is a 30% expansion within the shoreland zone. As a result of the 2011 shoreland zoning ordinance changes, proposal that involve 30% expansions now require PB Conditional Use review. Also, this requires PB approval because the project involves removal of more than 50% of the structures market value and for the conversion to a single family home. There has been a fair amount of work and correspondence between the applicant, former Code Officer Mike Nugent and the Department of Environmental Protection. Jeffrey recommends the PB review this correspondence. Jeffrey recommends the applicant work with the code officer on the understanding the regulations and complying with the Floodplain Management Ordinance. The code officer can offer comments to the PB concerning his findings. He believes the application is well put together and the PB can determine it is complete and schedule a public hearing and site walk. Jeffrey notes there are a few issues that should be considered:

1. The removal of more than 50% of the structures market value requires the PB to determine that the proposed reconstruction complies with the shoreland setback to the greatest practical extent. A site walk will be helpful for this).
2. The structure cannot encroach on the wetland further then what the existing structures setback is; although, rip rap can typically be placed within this area as long that it receives applicable DEP approvals.
3. The existing foundation, 1st and 2nd floors all count in calculating the volume and square footage for the 30% expansion (these calculations are included in the applicants packet).
4. Trees that are removed as part of this project will need to be replaced with trees that are native to the area.
5. The proposal will need to comply with the Floodplain Management Ordinance. I believe the applicant should discuss with the code officer how this needs to be done before the PB provides a final ruling.
6. Public water and sewer connections exists, we should just receive assurance they are in good working order.

ADJOURNMENT: 6:35 P.M.

WINTHROP WINCH, CHAIRMAN

I, Jeffrey Hinderliter, Town Planner of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original minutes of the Planning Board Site Walk and Workshop January 5, 2012.