

TOWN OF OLD ORCHARD BEACH  
**PUBLIC HEARING/PLANNING BOARD MEETING MINUTES**  
**Thursday April 12, 2012**

<b>Call to Order at 7:05 pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Carl D’Agostino, Mark Koenigs, Win Winch, David Darling, Michael Russo <b>Absent:</b> Eber Weinstein. <b>Staff:</b> Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<u><b>APPROVAL OF MINUTES:</b></u>  Mark Koenigs made a motion to approve the March 8, 2012 Meeting Minutes, seconded by Carl D’Agostino.  <b>Motion passes unanimously.</b>	<b>MINUTES</b>  <b>Motion</b>  <b>Vote (5-0)</b>
<u><b>ITEM 1</b></u> Proposal: Private Way Application: Access to 2 lots Action: Review submissions; Final review Owner: Matthew G. Chamberlin Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone  Mr. Chamberlain introduced himself to the Board. Jeffrey brought the Board up to date on this proposal. This proposal began last summer. The Board has had site walks and a public hearing. The Planning Board has done a thorough job in reviewing this proposal. Matthew has another person on board with this project and it is now a 2 lot private way as opposed to a 1 lot private way which means that the construction standards for the road are “beefed” up a bit. This creates a road that would be acceptable for subdivision purposes when you get into 3 or more lots in terms of its sub base and its base materials. One of the primary differences is pavement. When you get in the 3 plus lot category. Both Matthew and his partner for the second lot has provided some information on Right Title and Interest. They have a plan that has all the requested notes. Everything looks in order. A lot of work has gone into this proposal.  Mr. Koenigs questioned why the land goes to a certain extent and then stops. The plan doesn’t show how it gets onto the property along the ditch lines. Is that not shown for a reason?  Jeffrey stated that driveways usually get the Public Works Director involved to figure out where the appropriate place would be for a driveway when they would get a road opening.  Jeffrey stated that he suspects that the driveway would need to go somewhere within the approved roadway that is shown on the plans.  Chair Winch asked if this needed to be recorded.  Jeffrey informed the Board that yes it needs to be recorded as part of the private way. They have 60 days from the Planning Board’s approval to record it.  Mr. Chamberlain will bring in the mylar as soon as he can so that the Planning Board can sign it.	<u><b>ITEM 1</b></u>

<p>Mr. Koenigs made a motion to approve the Private Way Application to access 2 lots for the owner Matthew G. Chamberlain, MBL: 403-17-13, R5 Zone with the second lot being 403-1-14, Diane Seaman’s property, seconded by Mr. Darling.</p> <p>Mr. Hinderliter recorded the vote:</p> <p>Mr. Russo - Yes          Mr. D’Agostino - Yes          Mr. Darling - Yes          Mr. Koenigs - Yes          Chair Winch - Yes</p> <p><i>Motion passes unanimously.</i></p>	<p><b>Motion</b></p> <p><b>Vote</b> <b>(5-0)</b></p>
<p><b><u>ITEM 2</u></b></p> <p>Proposal: Site Plan Review: Remove 2 existing gas pump canopies and underground storage tanks and construct gas pump canopy and underground storage tanks</p> <p>Action: Determination of completeness; schedule public hearing and site walk</p> <p>Owner: 7-Eleven</p> <p>Location: 219 Saco Ave., MBL: 211-9-16</p> <p>This is a new Site Plan Review application. The proposal is to replace existing fuel dispensers, canopies, underground storage tanks and necessary piping and replacing with new. This includes removing the two existing canopies and installing one new canopy and four new fuel dispensers. The proposal required a setback variance, which it received at the February ZBA meeting (2 existing canopies are nonconforming in regards to the setback requirements. The proposed canopy also are nonconforming to the setback requirements and one setback will become more nonconforming.)</p> <p>The Site Plan Review criteria for Approval (78-216 d. 1-9), have not been specifically addressed. Providing written responses and supporting documentation for each of these 9 standards is important because this, along with plan requirements, is how the PB determines if a proposal complies with the Site Plan Review Ordinance. The PB may choose to conditionally determine the proposal is complete, requesting that the review criteria responses are submitted by April 23 (submission deadline for May meetings.) One particular item the PB should consider is traffic movement in and out of the site. As we all know the halfway section is dangerous. By relocating the canopy, which means relocating the fuel dispensers, will this create or further exacerbate a problem traffic area? Also, the underground fuel tanks will be relocated so they are closer to the road. How will the trucks refuel these? Where will the trucks be parked when refueling? What time of day will truck refuel? When reviewing the proposed canopy location, further consideration should be applied to internal vehicular and pedestrian circulation. The applicant should check with Department Heads to be sure the proposal is ok with them.</p> <p>Jeffrey’s recommendations to the applicant are that they must provide responses and any applicable supporting documentation of completeness based on the applicant’s submission of review criteria responses by the 23<sup>rd</sup> of April. Jeffrey believes that traffic movement into and out of the site (including the trucks that refill the underground tanks) and internal vehicular and pedestrian circulation are the most critical matters associated with this proposal. He recommends the applicant address the parking and traffic movement issues within and exiting/entering the site.</p> <p>Mr. Brett Davenport, representing the 7-11 introduced himself to the Board.          Chair Winch suggested to plan a site walk for Thursday, May 3<sup>rd</sup> at 5:30 p.m.</p> <p>Chair Winch asked Mr. Davenport if he could have the specific responses completed by the 23<sup>rd</sup> of</p>	<p><b><u>ITEM 2</u></b></p>

<p>April for the Planning Board. Mr. Davenport stated that he will have these completed by the 23<sup>rd</sup>.</p> <p>Mr. Koenigs expressed concern that if the applicant or the Town Planner is aware of what was proposed a couple of years back as far as the rotary intersection and how that would affect the 7-11 property that they are talking about changing. Even though this rotary project has been put on hold, it is something we should look into because it could greatly affect what the applicant has planned and how the traffic is going to work. Mr. Koenigs suggested to pull up the old files and find out what the status of that project is for the Board Members. Mr. Koenigs also mentioned that traffic will be jammed starting around Memorial Weekend.</p> <p>Mark Koenigs made a motion to conditionally approve the site plan review based on the Town Planners submission of questions to the Applicant for a preliminary application acceptance.          Seconded by Dave Darling.</p> <p><b><i>Motion passes unanimously.</i></b></p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b> <b>(5-0)</b></p>
<p><b><u>ITEM 3</u></b></p> <p>Proposal: Subdivision: Amendment to approved subdivision (30 residential dwelling units)          Action: Consideration of subdivision amendment          Owner: Pine Ridge Reality Corp. (Applicant: LaCosta Development LLC)          Location Wild Dunes Way (Dunegrass-LaCosta Pines), MBL: 105A-1-200A, PMUD Zone</p> <p>Bill Thompson, Project Manager with BH2M Engineers introduced himself to the Planning Board. LaCosta Pines, which is also known as Section A in the Dunegrass Development is part of the master plan from 1988. In 2007 the engineering was done and received approval from the towns. It remained unbuilt in late 2011. The owner came forward and requested an amendment to basically change the style of the building. From town house style to single family residential project. The roadway utilities are not changing. The repositioning of all these units further reduce the amount of impervious pavement given the fact that the driveways aren't as long and they park out at the street and have walkways up to their unit. It's a very simple amendment. Jeffrey asked if they would contact the Department Heads just to make sure that there are no issues. Mr. Thompson spoke with Chief Glass, he was fine with it. He did want another hydrant out on Wild Dunes Way which will be incorporated in the construction. Deputy Chief Babin from the Police Dept. has no issues. Chris White from the treatment plant is all set. Bill Robertson from Public Works has no problem. Tom Carr from the Biddeford/Saco Water District. He just wants a new copy of the utility sheet showing the water main. He has re-submitted the plans in the documents on March 7<sup>th</sup> and request to the Board to ask for a second amendment.</p> <p>Mr. Koenigs directed a question to either the applicant or the planner. He questioned the 37 units vs. the 30 units on the current plan.          Mr. Robertson informed him that the numbering system done by the other engineering firm was confusing. They were trying to alternate the even/odd numbers. The number of units is the same, (30 units)</p> <p>Mr. Koenigs second question is the request for the 10' sidewalk easement that we had talked about. We were talking maybe tie it into Ross Road and what Mr. Koenigs noticed that on the plan (note 13) it doesn't show the applicant shall work with the Old Orchard Beach Public Works Department and Town Planner to relocate the proposed 5' wide bituminous walkway as requested. The applicant shall work with the Maine DOT if necessary, It didn't show any change from where the location was but the intent is still there is to do something which works between the Public Works/Town Planner. Mr. Thompson stated that they will do what works well at that point of the process.</p>	<p style="text-align: center;"><b><u>ITEM 3</u></b></p>

<p>Mr. Darling questioned about the individual property lines/boundary lines and do they conform to the overall Dunegrass master plan and the Zoning Ordinance? Mr. Thompson then turned the meeting over to Attorney David Ordway to clarify the boundary issues. Attorney Ordway introduced himself to the Board Members. Mr. Ordway brought in a copy of the approved plan (Section P – Pine Valley Drive) to demonstrate what is being proposed tonight. This proposal is the original concept. Each unit has its own space. They each have their own individual units and they are responsible for their own maintenance.</p> <p>Mr. Darling made a motion to make an amendment to approve the subdivision at Pine Ridge, owner being Pine Ridge Realty Group/Wild Dunes Way. MBL 105A-1-200A. PMUD Zone and will consider it as a sub-division amendment. Seconded by Carl D’Agostina.</p> <p><i>Motion passes unanimously.</i></p>	<p><b>Motion</b></p> <p><b>Vote</b> <b>(5-0)</b></p>
<p><b><u>ITEM 4</u></b> Proposal: Private Way Application: Access to 1 lot Action: Determination of completeness, Schedule site walk and public hearing (optional) Owner: Casey Morris Location: 157 Portland Ave, MBL: 103-7-2</p> <p>Jeffrey gave a brief overview of this Private Way Application. Mr. Morris would like to divide a portion of this off to create a home for himself and his wife. It was determined previously that there was not enough frontage to create a second lot. It was finally determined that Mr. Morris could get frontage if he created a private way in accordance with the Planning Board Ordinance as well as the road itself. This proposal looks complete and Jeffrey agrees that this could move forward. Jeffrey would recommend having a site walk. He doesn’t think that a public hearing is necessary and it is not required. There are no public or private rights that are at stake here.</p> <p>Casey Morris then introduced himself to the Board Members.</p> <p>Mark asked Mr. Morris that in looking at the road itself, in any type of driveway, when you meet a public road it should be flared out so that you are not driving over the edge and this should probably be on the plans just so that it is clear.</p> <p>The proposed lot is across a stream so Mr. Koenigs asked Mr. Morris if he had done a wetland survey?</p> <p>Mr. Morris explained that what it is is a natural spring and the pond that is shown on there is a hand dug pond that was built 10-15 years ago. There is just a little water coming down there and what Mr. Morris is planning to do is to have a small catch basin and he is going to redirect it and will have a culvert and the driveway will cross over it. There will be a culvert all the way underneath the driveway. It has been a little wet for a few years because the pond had been back up, but he has since drained the pond and removed some trees and it has dried up a bit. He has also taken a few test holes and it’s only about 12” to 1 ½’ right down to the sand.</p> <p>It was agreed to set up a site walk for 6:30 P.M. on May 3, 2012.</p>	<p><b><u>ITEM 4</u></b></p>

<p>Mark Koenigs made a motion to accept the private way application as complete for Casey Morris at 157 Portland Avenue. MBL 103-7-2.                  Seconded by David Darling.</p> <p><i>Motion passes unanimously.</i></p>	<p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(5-0)</b></p>
<p><b><u>ITEM 5</u></b>                  Proposal: Site Plan Review: Remove Existing clubhouse and replace with new 2 story clubhouse                  Action: Determination of completeness, Schedule site walk and public hearing                  Owner: Virginia Tent, LLC (Robert Moser)                  Location: 4 Williams Street, MBL: 208-3-6</p> <p>Chair Winch stated that the Planning Board will be making a determination of completeness to remove an existing clubhouse and replacing it with a new 2 story clubhouse and schedule a site walk.                  Mr. Hinderliter informed the applicant that we need to get the Review Criteria by April 23<sup>rd</sup>. Jeffrey stated that #6 is the buffer requirement in Division 7 that he and Edward E. Belski, PE from Morgan RV Resorts discussed that this is the only real outstanding item. In Jeffrey’s opinion, the 100’ buffer that is part of the Campground Overlay District clearly doesn’t apply here, but there maybe another buffer that applies that is also part of the Campground Overlay District and that buffer is part of Article 8 Division 7. It is just something to bring to the Planning Board’s attention as well as the applicant before attending the site walk.                  Chair Winch asked Jeffrey what the key paragraph in the Campground Overlay is.                  Mr. Hinderliter informed him that this is Section C 78-1229 (C). This is one of the “key” campground overlay items as a portion of this applies to the proposal. That is why we have that other standard that may apply which is in Article 8 Division 7.</p> <p>David Darling made a motion to grant a conditional determination of completeness subject to the applicant’s submission of review criteria responses for Virginia Tent, LLC at 4 Williams Street. MBL 208-3-6. Seconded by Mark Koenigs.</p> <p>It was agreed that they will meet for a site walk at 6:00 P.M. on May 3<sup>rd</sup>.</p> <p><i>Motion passes unanimously.</i></p>	<p><b><u>ITEM 5</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(5-0)</b></p>
<p><b><u>ITEM 6</u></b>                  Proposal: Site Plan Amendment: Add 12 seasonal camp sites                  Action: Concept plan review                  Owner: Seacoast RV Resort, LLC                  Location: 1 Seacoast Lane, MBL: 102-3-5</p> <p>Bill Thompson introduced himself to the Board. He is here representing the applicant for a Site Plan Amendment to add 12 seasonal campsites. This is just a concept plan review. There are 11 new campsites from the original plan/approval. This is an expansion not an addition. This site is in the Campground Overlay District and has been in this district since the inception of the ordinance.</p>	<p><b><u>ITEM 6</u></b></p>

Mr. Thompson stated that their interpretation/ruling of it is basically that section 78-1229 (1C) , at the end of the statement (all of the setbacks referring to the 100' buffer shall not apply the campsite upgrade and campsite expansion within a registered campground). Mr. Thompson informed the Board Members that it is an expansion, not a not an addition. We are not buying anymore land and we are working within the property that we have so we feel like we fall under that exemption. It also allows us to get down to a 30' buffer and we do have approximately 47'. We will be building the sites a little bit bigger than the ordinance requires. It gives a little more room for the type of units that go in there. There was discussion of the interpretation on the section (and also the use of extension and expansion). Jeffrey's interpretation is that if you have a registered campground and that land beside the campground isn't registered, then if you extend into that land it is now something that is now part of the 100' buffer. But if you are a registered campground and you are expanding within that existing registered campground, then the 100' buffer doesn't apply. The wording of this particular section can have many interpretations.

Carl D'Agostino's interpretation is that the 100' buffer zone is not relevant and the 30' is.

The Board questioned when and if the campsite was registered.

Mr. Hinderliter stated that he knows that the campsite was registered, he just doesn't know the specific date it was registered. He thinks that it was sometime in 2004.

Chair Winch mentioned that there is no action required tonight, just a determination.

Mark Koenigs stated that it looks like the original plan adheres to the 100' buffer. They didn't put any campsites within that 100' buffer at the time on both sides of the abutters. That is why the timing is so important as to when the campsite was registered.

Chair Winch asked Jeffrey is he could research when this campsite was registered and also what the timing was of the section when it was adopted.

Jeffrey informed the Board Members that a portion of it was approved on November 5, 2003, and there was also another change approved in 2009. It looks like the entire Campground Overlay Ordinance went through a complete overhaul in 2003.

Mark Koenigs also would like for Jeffrey to research the file on when the previous submitted application was approved (The Findings of Fact) this could tell as to why they arrived at the 100' buffer to begin with.

Dave Darling asked Jeffrey if he is comfortable of rendering a recommendation without a legal opinion. Jeffrey stated that yes he does feel comfortable, he just wants to make sure that the Board is comfortable with their decision without a legal opinion.

Chair Winch stated that the Board will make a determination at the next meeting.

Bill Thompson stated that they will also do a little research on their end.

**ITEM 7**

Proposal: Design Review Certificate: Façade Renovation  
Action: Design Review Certificate Approval  
Owner: Ferret Reality (Robert J. Harrisburg)  
Location: 32 East Grand Ave., MBL 305-6-1, DD2 Zone

This proposal is for a Design Review Certificate Approval for a Façade Renovation.

**ITEM 7**

<p>Mark Koenigs stated that this is a renovation of something that was just done less than 10 years ago. Mark asked Jeffrey if they are doing this renovation under a façade grant or are they doing it on their own. Jeffrey informed the Board Members that they are doing it on their own.</p> <p>Mark Koenigs made a motion to accept the Design Review Committee’s recommendation to issue a Design Review Certificate to Ferret Realty (Robert J. Harrisburg) for 32 East Grand Avenue. Seconded by David Darling.</p> <p>Mr. Hinderliter recorded the vote:</p> <p>Mr. Russo - Yes Mr. D’Agostino - Yes Mr. Koenigs - Yes Mr. Darling - Yes Chair Winch - Yes</p> <p><i>Motion passes unanimously</i></p>	<p><b>Motion</b> <b>Vote</b> <b>(5-0)</b></p>
<p><b><u>OTHER BUSINESS</u></b></p> <p><b><u>GOOD &amp; WELFARE</u></b></p> <p>Mark Koenigs informed everyone that the Comprehensive Committee is going to have a workshop on Thursday, April 19, 2012 at 7:00 P.M. in the Old Orchard Beach Town Office Council Chambers. Also a notice went out to the abutters for the School Street Extension. There will also be kind of a walkway-pathway-bikeway to look at making a connection between the downtown area near memorial park and the train station all the way up to the Eastern Trail going through Dunegrass on Wild Dunes Way, Ross Road, Pondview and right to the end of the circle on Pondview and across into the Eastern Trail.</p> <p>This is basically a brain storm session right now to get the public’s opinion and maybe develop some new ideas.</p>	
<p><b>ADJOURNMENT</b></p> <p>Meeting adjourned at 8:30 pm</p> <p>WINTHROP WINCH, CHAIRMAN</p>	

*I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Seven (7) is a true copy of the original minutes of the Planning Board Meeting of April 12, 2012.*

*Valdine L. Helstrom*