

TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING PLANNING BOARD MEETING MINUTES
 April 11, 2013 – Police Department Community Room

Call to Order at 7:03 pm	Call to Order
Pledge to the Flag	
Roll Call: Chair Eber Weinstein, Carl D’Agostino, Win Winch, Mark Koenigs. Absent: David Darling. Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<p><u>APPROVAL OF MINUTES –12/13/12, 1/10/13, 3/14/13</u></p> <p>Win Winch moved to approve the meeting minutes for 12/13/2013. Seconded by Carl D’Agostino. All approved. Chair Weinstein abstained as he was not present at this meeting.</p> <p>Win Winch moved to approve the meeting minutes for 1/10/2013. Seconded by Mark Koenigs. All approved. Chair Weinstein abstained as he was not present at this meeting.</p> <p>Chair Weinstein had a question on page 7 of 8 of the meeting minutes for 2/14/3013 to clear up what was talked about concerning the determination of completeness, how many are necessary. How many what? Win Winch moved to approve the meeting minutes for 2/14/2013 with the minimum amount of changes. Seconded by Carl D’Agostino. Mark Koenigs abstained from the vote as he was not present at this meeting.</p>	<p><u>MINUTES</u></p> <p><u>Motion</u></p> <p><u>Vote</u> (3-0-1)</p> <p><u>Motion</u></p> <p><u>Vote</u> (3-0-1)</p> <p><u>Motion</u></p> <p><u>Vote</u> (3-0-1)</p>
<p><u>PUBLIC HEARING</u></p> <p><u>ITEM 1</u> Proposal: Site Plan Amendment and Conditional Use: Add 22 seasonal camp sites Owner: Seacoast RV Resort, LLC Location: 1 Seacoast Lane, MBL: 102-3-5</p> <p>Chair Weinstein opened the public hearing at 7:08 pm. There being no one speaking, the public hearing closed at 7:08 pm.</p>	<p><u>PUBLIC HEARING</u></p> <p><u>ITEM 1</u></p>

ITEM 2

Proposal: Site Plan Amendment and Conditional Use: Add 22 seasonal camp sites
Action: Site Walk Report, Applicant Update, Schedule Final Review
Owner: Seacoast RV Resort, LLC
Location: 1 Seacoast Lane, MBL: 102-3-5

ITEM 2

Bill Thompson from BMH2 Engineering along with Mike Mailhot introduced themselves to the Board Members. Seacoast RV Resort is proposing 22 new seasonal campsites. The existing plan had 88 sites.

When the first phase was constructed, utilities were installed anticipating a future expansion if the project warranted. The site shows that it is quite level, the utilities are in, it is a gravel road with the exception that they are going to add 220' of road to serve the last 8 units on the end of this second phase. They meet all of the setbacks, buffers, water, sewer, electric. It will need to go to DEP for an amended site permit. They have the application ready for that permit. They have had a pre-application meeting with Bob Green at DEP and they just want to take a look at storm water/sewer issues and make sure that there are no wetland issues (which there isn't). They are not impacting anything, they are leaving the existing site completely alone. They meet all of the requirements for storm water.

Jeffrey Hinderliter informed the Board Members that we have received all comments back and everyone is comfortable with the proposal. BH2M has documented their conformance with our new post construction storm water ordinance. Mr. Hinderliter recommends that it is important that it is memorialized by a condition of approval. The resubmission addressed all of the issues that had been brought up at the prior meetings but we are waiting on DEP to permit the State and Federal permitting.

Mr. Hinderliter recommends final review to be held at the Planning Boards next regular meeting on May 9, 2013.

Mark Koenigs asked Mr. Thompson if they had a maintenance plan along with a checklist for the inspections.

Mr. Thompson stated that they have it as part of the March 21st submission and in Chapter 71 they show that they identify what the requirements are.

Also in the back of the storm water management report is the checklist for all of the BMP inspections. The owner of the campground maintains the checklist.

All agreed to schedule the final review at the next regular Planning Board meeting to be held on May 9, 2013.

ITEM 3

Proposal: Major Subdivision: 11-lot residential subdivision (Hole 16 Subdivision)
Action: Applicant Update, Schedule Final Review
Owner: Dominator Golf, LLC
Location: Oakmont Dr. (Adjacent to hole 16 in Dunegrass), Map 105A, Lot 200

Les Berry, Engineer from BH2M Engineers introduced himself to the Board Members.
Mr. Berry went over the miscellaneous comments and questions list from Jeffery's' memo:

A Few Misc. Comments and Questions (Background):

- The town recently passed a Post Construction Storm water Ordinance. How does this proposal conform to the applicable standards in that ordinance?

Mr. Berry: this post construction storm water ordinance consists of inspecting and making sure that it works which they have included in the storm water maintenance plan. Mr. Hinderliter agrees that this is for long term maintenance inspection.

The Homeowners Association will be in charge of the maintenance and they will have BH2M's operation maintenance plan to tell them what to do for periodic maintenance inspections.

- Is the storm water system designed to meet the criteria of a five-year storm based on rainfall data from Portland weather bureau records?

Mr. Berry : we design on 2, 10 and 25 year storms per DEP standards.

- Nicklaus Drive: the small piece of land between Oakmont Dr. and the CMP ROW- who owns this?

Mr. Berry: this is owned by the golf course. It is open space.

- Is Oakmont Drive built to a standard to accommodate the additional traffic?

Mr. Berry: Yes. This is for residential use.

- What is the site distance at the proposed Oakmont/Nicklaus intersection?

Mr. Berry: North 300' and South 500'

- The applicant is proposing a waiver of 74-309 (m) for the maximum street grade at intersection (2%). The subdivision ordinance allows to PB to grant waivers as long as the applicant can document the waiver request meets provisions in 74-34. I recommend the applicant provide a written response.

Mr. Berry: CMP easement per that R.O.W. doesn't allow them to fill or raise the grade. The natural grade between Oakmont Drive and CMP is about 5% grade.

Mark Koenigs stated that he is not completely opposed to the waiver, he just wants to make sure that there is no way that we could not leave it at the 2% standard.

Mr. Koenigs also asked Mr. Pulgaris if the original plan for the maintenance area was primarily for maintenance or was it put there to have an open space and dumping of materials.

Mr. Pulgaris stated that this was the original area for maintenance.

Mr. Koenigs would like to see the maintenance area cleaned up and the applicant stated that he will make an effort to contain the equipment and clean that area up.

Dunegrass developer Ronnie Boutet added that:

1.) that area was never included in the golf course as open space and,

2.) that was approved to be a maintenance area plus a storage area for residents of the development.

- I recommend lot 8 driveway be located so there is a vegetative buffer between the subdivision and the adjacent property line. Note there is no specific distance required.

Mr. Berry stated that he agrees with this and will fix this.

- It would be nice to see a quality landscape plan be part of this proposal.

Mr. Hinderliter suggested that they have something that shows that this will be a well designed neighborhood and to make sure that the neighborhood blends into how Dunegrass has been planned and

ITEM 3

developed over time.

Mr. Berry agrees that they will add some trees and landscaping.

- Please include a chart on the plan updating Section B lots.

This is on sheet #3 of the plans.

- Streetlights: I see one streetlight at located at the intersection of Nicklaus/Palmer. Is this enough? How does lighting conform to the PMUD performance standards 78-1027 (h)- shielded, average of 1.0 foot-candle on the road and sidewalk surface, not exceed 15' in height, no glare, visual discomfort, or nuisance to motorist and residential properties?

Mr. Hinderliter stated that in the PMUD district there is a site lighting standard where street lights in all private ways should provide an average of 1.0 foot candle of illumination.

All roads are private ways, until they are accepted by the town. This will be accepted as a private way.

- The proposal is located within the maintenance and golf course area. Will the maintenance area be relocated? If so, where?

Mr. Berry stated that this has already been addressed.

- This proposal will require an amendment to the Dunegrass DEP Site Location permit. Status?

This is an in progress item and we just have to wait to get that back from DEP. They have already had a pre application meeting with DEP.

- As part of the road design standards, 74-309 I states the PB may require a 20' easement to provide continuation of pedestrian traffic or utilities to the next street. The plan does not show this nor do I see the need.

This is a non issue.

- Although the sidewalks and road surface meet the maximum and minimum grade requirements, they are quite level- have adequate systems been designed to effectively drain storm water and prevent ponding?

Yes, but they will also leave rain gardens as an open item.

- Hydrant: It appears there is one hydrant proposed. Will this hydrant provide adequate service to the development- especially the home on lot 8? We'll need Chief Glass' input. Also, please note there are Fire Hydrant standards (Sec. 30-91 – 30-96).

Haven't had any response from the Fire Chief but the lot #8 house is within 500' of the hydrant, and that is the typical standard for a hydrant.

- Does the public sewer system have capacity? We'll need Chris White's input.

Mr. Berry has talked with Chris White and in item #16 of their letter Mr. White states that the pump stations have plenty of capacity.

- Concerned about snowplowing at the locations where dead ends connect directly to driveways.

Mr. Berry doesn't see a big problem with this as this is a road that is 20' wide with 15' of space between the right of way.

- How will the rain gardens be maintained and not altered by the future homeowners?

The Homeowners Association.

- How does the new development comply with the construction requirements set forth in the Declaration of Restrictive Covenants for WDW Community Association? Has permission been secured through the WDW Community Association?

Mr. Berry stated that they will have to meet all of the requirements.

- Who will be responsible for maintenance and upkeep of the storm water drainage systems (Post Construction Storm water Ordinance)?

This has already been discussed.

- Minimum standards note on the plan regarding setbacks- it's my understanding there are no setbacks required for individual lots within the project (Dunegrass as a whole). The setbacks are for the project area boundaries. Is the applicant proposing their own setbacks?

Jeffrey Hinderliter informed the Board Members that there is no set backs for the easement. Mr. Berry stated that he will contact the Code Enforcement Officer to see what his interpretation is.

- I recommend the applicant provide responses to each of the Purpose statement standards (Chapter 74 – Subdivision, 74-2 (1) through (14) .

Mr. Berry stated that this was included in the submission.

- Please submit a completed performance worksheet.

This was also included in the submission.

- Please remember our GIS consultant needs a digital submission.

Yes they do have GIS numbers on the plans.

- The applicant should check with the Fire Department (Chief John Glass 934-4911), Sewer Treatment (Chris White 934-4416), Public Works (Bill Robertson 934-2250), Police Department (Chief Kelley or Deputy Chief Babin 937-5805) and Biddeford/Saco Water Department (Tom Carr) to be sure the proposal is ok with them. Please provide info of these conversations and any recommendations.

Mr. Berry said that he has gotten verbal but not written responses back except for Bill Robertson. He will work on getting written responses from the rest of the departments.

- The proposal was submitted to Wright-Pierce for peer review.

They have received comments from Wright-Pierce and they did address those comments and are included.

- I have heard a number of concerns from neighboring property owners; two are documented and will be submitted to you as part of this month's packet. The comments are primarily associated with concerns about impacts to water pressure, insuring the woody vegetation between the CMP easement and 16th golf course hole remains intact, storm water runoff to neighboring properties, buffers around the perimeter of the subdivision, impacts to the wetland/seasonal stream, impacts to groundwater and well water.

Mr. Berry stated that they have submitted data from the flow tests and the Biddeford Water and Sewer Company showed adequate water pressure on all the hydrant locations on the site.

Chair Weinstein asked Mr. Berry who owns the waterline that goes to the project. Mr. Berry stated that this is owned by the DCA (Dunegrass Community Association).

Carl D'Agostino asked if these houses are going to be put on slabs.

Mr. Berry informed him that they will be put on slabs because the groundwater is too high. Mr. Berry also added that the grading will be adjusted because the rain gardens designed here are too low.

Mark Koenigs would like to have some feedback at the next meeting on the solid waste issue regarding who is responsible for trash pickup and where will the dumpsters be located.

Mr. Boutet stated that every Association has a dumpster site, and they take care of it themselves.

Chair Weinstein asked who will be responsible for the separate grinder pumps that they are proposing.

Mr. Berry informed the Board Members that each individual homeowner will have their own separate 220 volt grinder pump and the homeowner will be responsible for their own pump.

Chair Weinstein asked that the answers that they talked about tonight be in writing for the next Planning Board Meeting.

The Planning Board will schedule a final review as soon as they get everything in writing by the 24th of April 2013.

<p><u>ITEM 4</u> Proposal: Hole 13 Subdivision Amendment: Adjust setbacks on approved plan Action: Rule on plan amendment; sign amended plans (if approved) Owner: Dominator Golf, LLC Location: Wild Dunes Way (Adjacent to hole 13 in Dunegrass), Map 105A, Lot 200</p> <p>Les Berry from BH2M Engineers introduced himself. They want an amendment for 10’ setbacks per DCA (Dunegrass Community Association) 10’ from the road to the front property line. Mr. Berry also stated that there also cutting restrictions from DCA 10’ inside and 25’ back. This doesn’t restrict them from building there. They will also maintain the tree line that exists there now.</p> <p>Ronnie Boutet, original developer for Dunegrass informed the Board Members that Wild Dunes Way has a set of standards and Mr. Boutet’s agreement with Domenic states that to transfer 4 sites, they were subject to an agreement that they both signed for Pineridge Realty setting standards for what had to be done is that lot in order to build on it. The lots turned out to be 75’ deep. There is a 25’ no cut zone of anything over 4” on the back line and 10’ to the side lines. There also is a restriction that the house foundation, if it is a 1 story house, has to be a minimum of 1500 sq. ft. not including the garage. Mr. Boutot also states that Chris Vanier’s letter to the town says that if any change to the plan was done that wasn’t shown in the original approval, they had to meet the requirements of the zoning ordinance as it was at that time. These are 4 lots that were never shown, so any setback would have to go to off road frontage of whatever the town standards are. Mr. Boutot added that the main thing is that in order to build there, they have to create a site plan and it is Mr. Boutot’s responsibility that Domenic meets the restrictions of the deed. As long as he meets these restrictions, he would give Mr. Boutot a site plan to sign off on it like he does all of the others, then he would make sure that Jeffrey Hinderliter gets it.</p> <p>Mark Koenigs made a motion to approve Hole 13 Subdivision Amendment to adjust the setbacks on the approved plan to the new plan as presented with 10’ setbacks dated 04-12-2014 by the owner Dominator Golf, LLC (adjacent to hole 13 in Dunegrass), Map 105A Lot 200. Seconded by Win Winch.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Mark Koenigs – Yes Win Winch – Yes Carl D’Agostino – Yes Chair Weinstein – Yes</p> <p>Unanimous.</p>	<p><u>ITEM 4</u></p> <p><u>Motion</u></p> <p><u>Vote</u></p> <p>(4-1)</p>
<p><u>ITEM 5</u> Proposal: Pilgrim Place Subdivision Amendment: Development name change Action: Rule on plan name change; sign amended plans (if approved) Owner: KRE Properties, Inc. Location: Ross Rd./New Colony Dr., MBL: 103-1-47</p> <p>Mark Koenigs moves to accept the amendment as presented by the applicant KRE Properties, Inc. name change from Pilgrim Place Subdivision to Settler’s Ridge at Ross Road/New Colony Drive. MBL: 103-1-47. Seconded by Carl D’Agostino.</p>	<p><u>ITEM 5</u></p> <p><u>Motion</u></p>

<p>Jeffrey Hinderliter called for the vote:</p> <p>Mark Koenigs – Yes Win Winch – Yes Carl D’Agostino – Yes Chair Weinstein – Abstain</p> <p>Eber Weinstein abstained from the vote as he is a family member of the applicant.</p>	<p>Vote</p> <p>(3-0-1)</p>
<p><u>ITEM 6</u></p> <p>Proposal: Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project</p> <p>Action: Rule on plan amendment; sign amended plans (if approved)</p> <p>Owner: Sawgrass LLC</p> <p>Location: Wild Dunes Way (Dunegrass Sections J & L) Map 105A, Lot 13</p> <p>Les Berry, BH2M Engineers and Ronnie Boutet introduced themselves. Mr. Berry informed the Board Members that this was a project that was approved back in 2008 as a 40 unit condominium project and have redesigned the project into 22 single family homes. A lot less impervious surface and a lot less dense. Asking for an amendment to the sub division plan.</p> <p>Chair Weinstein would like to see a new set of engineering plans and a little more data on this project. Sewage, street layout, etc.</p> <p>Mr. Koenigs asked assuming that they are still staying at the 589 lots through the whole development, he is concerned that eventually these lots are going to be overdeveloped. Mr. Boutet informed the Board Members that he doesn’t think that they will be looking to build all 589 units.</p> <p>David Ordway introduced himself to the Board Members and explained that the prior plan took 10-12 lots from Section M and moved them over, so this number goes back to the J & L sections and they would just revert back to Section M. Mr. Boutet added that these will be stick built homes. Mark Koenigs was curious as to where the storm water goes to towards Glen Eagle. Les Berry informed him that there is a culvert there, it is just buried. Mr. Berry also added that they performed some soil test pits and they have decided to use a series of infiltration basins and dry wells. Mark Koenigs also mentioned that there was a 5’ bituminous sidewalk on the plan that was originally submitted, but the sidewalk had gotten ground up by the previous DPW and there is reclaimed asphalt there. The Conservation Sub-Committee is trying to create a connector trail along the shoulder of the road. Bill Robertson stated that all it would take is to grade it for their purposes. Mr. Koenigs stated that if they are going to develop this he would like the shoulder be incorporated into the plans and see it paved. Mr. Berry stated that it wouldn’t be a problem. The Planning Board scheduled a site walk for Thursday, May 2, 2013 at 6:00 p.m. and scheduled the Public Hearing on May 9, 2013.</p> <p>Mark Koenigs mentioned that the Conservation Sub-Committee will be meeting on April 17, 2013 at 7:00 at the Public Works Department.</p>	<p><u>ITEM 6</u></p>

<p><u>GOOD & WELFARE:</u></p> <p>Win Winch mentioned that he would like to have a little more time to be able to go over the notes for the upcoming Planning Board meetings.</p>	
<p><u>ADJOURNMENT:</u></p> <p>Mark Koenigs made a motion to adjourn AT 8:56 p.m., seconded by Win Winch. So moved.</p> <p>EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 8:56 pm</p>	<p>Adjournment</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 Eight (8) is a true copy of the original minutes of the Planning Board Meeting of April 11, 2013.

Valdine L. Helstrom