

OLD ORCHARD BEACH PLANNING BOARD

Regular Meeting
 April 14, 2016 - 7:00 PM
 Town Council Chambers

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
<p>Roll Call: Ryan Kelley, Vice Chair Linda Mailhot, Eber Weinstein, Mike Fortunato, Win Winch, Laura Bolduc, Chair Mark Koenigs. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner.</p>	
<p>Chair Koenigs introduced and welcomed the two new members: First alternate Laura Bolduc and second alternate Ryan Kelley.</p>	
<p>APPROVAL OF MINUTES: 2/11/16; 3/3/16; 3/10/16</p> <p>2/11/16 (regular meeting) Corrections: Correction on this being a <u>regular meeting</u> vs. workshop meeting and called to order at <u>7:00</u> pm not 6:00 pm. Add to roll call: <u>Town Consultant Randy Dunton, Traffic Consultant from Gorrill Palmer.</u></p> <p>Correction: add attending. The meeting minutes were postponed until the next meeting as there were not enough <u>attending</u> members present to approve these meeting dates.</p> <p>Linda Mailhot stated that during the MMA workshop, they specifically stated that it was perfectly allowable and acceptable for board meeting minutes to be approved by the quorum of whomever is present for that evening that the minutes are being voted on and that it did not have to be a quorum of people that were in attendance at said meeting of those minutes.</p> <p>Page 2 (c) Addition: This site is served by public sewer with <u>no</u> on-site septic systems discharging effluents.</p> <p>Page 4. Chair Koenigs suggested to have minutes of conditions reflect conditions in the actual motion.</p> <p>Page 6. Name should be Karen <u>Brozek</u> instead of Karen Rozek.</p> <p>Page 7. Name should be Freddie <u>Dolgon</u> instead of Dahlgren.</p> <p>Other business: update on (Orchard Estates) now called Village at Pond View Woods update. Add: <u>The update was postponed.</u></p> <p>Win Winch made a motion to accept the amended 2-11-2016 meeting minutes, seconded by Eber Weinstein.</p> <p>Unanimous.</p> <p>3/03/2016 (workshop) Corrections:</p> <p>Linda Mailhot made a motion to approve the 3/03/2016 meeting minutes pending the spelling and grammatical errors, seconded by Win Winch.</p> <p>Unanimous.</p>	<p><u>MOTION</u> <u>VOTE</u></p> <p>UNANIMOUS (5-0)</p> <p><u>MOTION</u> <u>VOTE</u></p> <p>UNANIMOUS (5-0)</p>

<p>03/10/2016 (regular meeting) Corrections:</p> <p>Eber Weinstein suggested that on each of the performance standards, needs vote added in the right hand column.</p> <p>Linda Mailhot made a motion to approve the 03/10/2016 meeting minutes pending the spelling and grammatical errors, <u>adding performance standard votes on right hand column</u> and striking out “<u>product</u>” in her motion. Seconded by Win Winch.</p> <p>Unanimous.</p>	<p style="text-align: center;"><u>MOTION</u> <u>VOTE</u></p> <p style="text-align: center;"><u>UNANIMOUS</u> <u>(5-0)</u></p>
<p>Chair Koenigs asked the Planner if he would elaborate on the three documents that were provided to the Board Members.</p> <p>Planner Hinderliter stated that the first document includes the edits from the Chair on the Findings of Facts for the 8 lot subdivision in Dunegrass.</p> <p>The second document includes the edits from the Chair on the Findings of Facts for Dunkin Donuts. Planner Hinderliter suggested to combine the original approval with the amended approval although they are 2 separate applications.</p> <p>And the third document includes edits from the Chair associated with our procedure discussion that was discussed at the previous workshop meeting.</p>	
<p>ITEM 1</p> <p>Proposal: Site Plan Amendment: Dunkin Donuts delivery times condition change Action: Discussion; Decision on Amendment Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>Planner Hinderliter provided a summary of this amendment proposal.</p> <p>This proposal changes one of the conditions of approval. The previous proposal restricted all deliveries for this site to be in a certain timeframe: 9am – 3pm and 6pm – 9pm.</p> <p>The applicant found this to be acceptable for the large trucks that come once a week, however the smaller trucks which provide daily deliveries would be difficult to abide by that condition.</p> <p>The applicant would like to amend the condition to exempt the smaller trucks from these delivery times.</p> <p>Planner Hinderliter stated that within the packet, the applicant provided a noise analysis for these smaller vehicles and also to amend the particular review criteria that is associated with noise to reflect this proposed change. They have also enclosed data that shows the 26’ smaller vehicles entering in and exiting the site.</p> <p>Scott Braley, the applicants Engineer from Plymouth Engineering introduced himself and brought back to the Board Members the information that they had requested.</p> <p>Mr. Braley stated that the 26’ box truck does have a hydraulic lift gate. There is no change to the noise of the truck when the hydraulic operates. The box trucks do not need to back up. All of these box trucks are leased.</p> <p>The truck deliveries will consist of moving 2 wheeled stacks of racks of donuts up to the locked door, drop off and then lock door for security purposes. Doors are not open to the public.</p> <p>The hours of deliveries for the box trucks are within 2 hours of opening. The morning delivery would show up between 3am – 5am and the second delivery will show up during midday (within the DOT allowed hours).</p> <p>The application that they submitted for amendment has a noise study from the traffic consultant that these trucks show that they are well below the 60 DBA limit for the zone. They are in the 40 DBA limit at the resident property lines.</p> <p>That limit is within the Town Ordinance in Section 26-63 Page 265 which states that in the GB1 & GB2 Districts the day DBA is 70 and the night DBA is 60.</p>	<p style="text-align: center;"><u>ITEM 1</u></p>

<p>Mr. Hinderliter stated that it would be appropriate to add “Planning Board allowed further comment at this meeting”.</p> <p>Exhibit W has no name and no date. Should be described better.</p> <p>It was agreed by the Board to make the following suggested change: The words “no significant” vs “no undue or adverse impact.</p> <p>Need to strike “product” from condition 1.</p> <p>The Planning Board will not be signing the findings of facts tonight.</p> <p>Planner Hinderliter will work on these changes and bring back to the May 5, 2016 workshop meeting. The Board Members can review and sign these at the workshop.</p>	
<p>ITEM 3</p> <p>Proposal: Major Subdivision: 8 Lot Residential Subdivision</p> <p>Action: Findings of Fact review and signature</p> <p>Owner: Dominator Golf LLC</p> <p>Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</p> <p>Chair Koenigs stated that this proposal was approved in February 2016 and members present were Linda Mailhot, Win Winch and Mark Koenigs, acting Chair.</p> <p>The 5 active members that were active and involved should represent the town and sign the findings of facts.</p> <p>Chair Koenigs suggested that if a member votes in opposition to the approval, that member write their own basis of their vote and attach it to the findings of facts so for the record, it is understood that there was some debate and some opposition.</p> <p>Eber Weinstein suggested that if we have our own procedures written out, we can present it to our Town Attorney and find out if it meets the criteria of the law.</p> <p>Planner Hinderliter added an adjustment to condition #3, which is moving the last sentence “<u>Also the post construction stormwater ordinance management plan</u>” and redraft into condition #2.</p> <p>Assistant Planner Megan McLaughlin stated that technically this is supposed to be submitted during the Planning Board process.</p> <p>On 1c. Page 3 of 5, “o” should be “no”.</p> <p>Zoning ordinance should be taken out.</p> <p>#2 page 4, public water of these lots, “we will secure a letter stating the ability to serve from Maine Water”.</p> <p>Mr. Hinderliter stated that we do have the Maine Water letter as an exhibit however, he explained that when it comes to what you vote on, it is basically that same language.</p> <p>Chair Koenigs stated that he had made the statement “The manmade water body that is next to the pond didn’t meet the requirements of this condition” and it should have been reflected in the findings of facts.</p> <p>#13 Discussion about the rain gardens. The purpose of the rain garden is to collect the storm water and have it go into the ground water. This was a DEP requirement that they had it in their storm water permit.</p> <p>Planner Hinderliter will have these adjustments ready at the next workshop meeting.</p>	<p><u>ITEM 3</u></p>

Other Business

Chair Koenigs stated that he made some changes from the original ordinance documents. Vice Chair Mailhot reviewed these and made comments and corrections.

9.4 suggestion from Mr. Weinstein’s recommendation that we add a conflict of interest.

Workshop meeting should start by 6 pm and conclude no later than 8pm. to a maximum of 3 hours.

Win Winch suggested that we should say that “no new item” shall be taken up after a certain time.

Chair Koenigs referenced 5.2 request for number of items on the agenda.

Agenda shall be created by the Chair with recommendations from the Town Planner. These rolls should be reversed.

John Bird introduced himself and asked whether Mr. Winch’s suggested should read “No further agenda items will be taken up after a certain time”. Board Members agreed.

Chair Koenigs mentioned that at the next workshop meeting, they will review the Planning Board procedures and once they get done with the procedures, they will then focus on the Dunegrass Subdivision.

Planner Hinderliter gave an update on Orchard Estates (now called Village at Pond View Woods).

Mr. Hinderliter met with the owners of Village at Pond View Woods. In regards to the trails, there is no formal trail network being created. They are improving the existing trails. They are removing general brush and dead trees at this time. Vegetation within the open space to be left in its natural state except for the stormwater improvements and removal of dead and dying trees.

The trails are to be left for the use of the lot owners. The common open space is permitted by lot owners only.

Based on review of this site there is no reason to come back to the Planning Board as there is nothing being done outside of what the town has approved.

There are 2 temporary seasonal docks that are proposed and have received DEP approval and they are ok with prior DEP approvals.

Temporary docks requires a CEO permit inspection but if there is no soil disturbance then there is nothing required. This is within the shore land zone. This is not considered to be a “great pond”.

Public Access:

Permanent public easement adjacent to the pond and Portland Avenue will continue to allow public access. This area will remain undisturbed.

Preserving the Brick House:

Their intent is to preserve the brick house but what they found when they got into the brick house is that it was going to be difficult and possibly more expensive to preserve than originally thought.

They are having a design professional and engineer go in and provide an analysis of both the interior and exterior of the home.

Mr. Hinderliter asked for them to provide that report to him when it is completed and he will forward the report to the Planning Board Members.

Interpreting the condition of this proposal. You could say that it must remain no matter what, or you could say that basically the appearance must remain.

The original condition was about the style of the home.

<p>The Shoulder Culvert: The issues have been resolved. The conditions required that the applicant and/or owner work with the Town Engineer and DPW Director with the DPW Director responsible for final approval. The applicant did work with the Town Engineer and DPW Director and within the past week, what has been constructed has received the DPW Director’s approval. This now is all up to the Planning Board conditions.</p> <p>Chair Koenigs stated that in regards to the service of the culverts, he wants to make sure that it has DPW approval. Mr. Hinderliter recommends that the Chair get in touch with the DPW Director about this issue. Mr. Hinderliter stated that he believes that Shaw Brothers Construction will be coming back in the Spring/Summer to finish the rock blasting to be able to get to the back of the land.</p>	
<p>Good & Welfare</p> <p>Arlene Dolgon, who lives at 14 Ryefield Drive introduced herself to the Board Members. She expressed her displeasure with the approval of the Dunkin Donuts proposal. She is concerned with the fact that they are able to deliver at 3:00 am. She is concerned that her property value will go down. She is concerned with the town being able to burn down the cabins. They cabins are full of rodents and she is concerned that these rodents will enter her home. She is concerned that this will become a traffic hazard. Mrs. Dolgon is very disappointed and she wanted to express her concerns with the Board Members.</p>	
<p>ADJOURNMENT</p> <p>MARK KOENIGS, CHAIR</p>	
<p>Meeting adjourned at 9:43 pm</p>	<p>Adjournment</p>

I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Six (6) pages is a true copy of the original minutes of the Planning Board Meeting of April 14, 2016.

Valdine Camire