OLD ORCHARD BEACH PLANNING BOARD

Regular Meeting
August 11, 2016 7:00 PM
Town Council Chambers

Roll Call: Chair Mark Koenigs, Vice Chair Linda Mailhot, Ryan Kelley, Win Winch, Mike Fortunato, and Eber Weinstein. Absent: Laura Bolduc. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner, Valdine Camire, Administrative Assistant. It is with regret that we received a resignation notice from Alternate Planning Board	
Fortunato, and Eber Weinstein. Absent: Laura Bolduc. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner, Valdine Camire, Administrative Assistant.	
Megan McLaughlin; Assistant Planner, Valdine Camire, Administrative Assistant.	
It is with regret that we received a resignation notice from Alternate Planning Board	
Member Laura Bolduc. The Town Council will act on accepting her resignation with regrets on August 16, 2016.	
Public Hearing	
ITEM 1	ITEM 1
Proposal: Conditional Use: Accessory Dwelling Unit	
Owner: Frederick O'Neal	
Location: 15 Willow Ave., MBL: 204-3-48, R1	
The Chair opened the public hearing at 7:03 pm.	
There being no one speaking for or against this proposal, the public hearing closed at 7:04 pm.	
APPROVAL OF MINUTES:	
APPROVAL OF MINUTES: 7/7/16, 7/14/16	
Chair Koenigs received an explanation that due to staffing issues, Val has had to step in to do her coworkers job as well as her own and has not had enough time to complete the minutes. The meeting minutes will be available for the next Planning Board meeting.	
The order of agenda is typically set by order of precedence of a first come first served basis, however there are a couple of items that are minor in nature items which are items 5 & 6.	
Win Winch moved that they take items 5 & 6 out of sequence and put them before item 2. Seconded	MOTION
by Eber Weinstein.	
	<u>VOTE</u> <u>UNANIMOUS</u>
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Regular Business ITEM 5	ITEM 5
Proposal: Subdivision Amendment: Creation of connecting road between Juniper and	
Kapok, lot line change	
Action: Amendment decision	
Owner: HP Developers LLC	
Location: Juniper and Kapok Streets (Homewood Park), MBL: 402-2-4,5,6,7, R5	
Planner Hinderliter stated that back in June of 2016 this proposal was brought to the Planning Board. He explained that this is a little different because the development in Homewood Park predates sub	

division statutes, so the Planning Boards role is very limited.

In June the Board Members considered an application for an amendment which included adjustments to lot boundaries and also an overall proposal that was presented by Mike Gotto from Stoneybrook Consultants.

At that time staff presented a couple of options and it was decided by the Planning Board that due to the Boards limited role, they will be exclusively looking at just the adjustments to the boundary lines. That is the only thing that the Board has jurisdiction over in terms of their decision making. As another part of this, staff is internally reviewing the roads which will be presented to the council for acceptance. To address staffs comments, the June proposal didn't work so the applicant decided to table the June and July applications to show a change that reflected an adjustment to boundary lines that was in line with what staff was recommending. This is what the Board Members have in front of them tonight. The changes are a curb along Juniper Street that was previously at 90 degrees. There is square footage added to subdivision lots 10 and 15. Previously (June/July submission) there was no square footage change.

No square footage changes for lots 12 & 13.

Planner Hinderliter recommends approval of this amendment.

Basically what they are doing is taking 2 lots out and putting a road in instead and enlarging the other 2 lots. Eber Weinstein asked why are they putting in the road there? Mr. Gotto stated that all of the roads in the original development were dead end roads and staff did not want to have a bunch of dead end roads. They are trying to connect the roads so that they can loop around. There are plans to do this in several other locations and they will also come back to the board for minor amendments.

Chair Koenigs mentioned that the Conservation Commission has a trail system that abuts the old animal shelter off of Portland Avenue. As staff and the developer moves forward, he would like for them to keep in mind that the public access way on Kapok Street up to the property line will have a trail on it and he would like to make sure that the public R.O.W. is always maintained. The Chair feels that this benefits the community as a whole.

Win Winch made a motion to approve the Homewood Park amendment #1 on the plan. Seconded by Vice Chair Mailhot.

MOTION

Planner Hinderliter called for the vote:

Win Winch - Yes Eber Weinstein - Yes Mike Fortunato - Yes

Vice Chair Linda Mailhot - Yes

Chair Mark Koenigs - Yes

VOTE

(5-0)

ITEM 6

ITEM 6

Proposal: **Conditional Use: Accessory Dwelling Unit**

Action: Final Ruling Owner: Frederick O'Neal

Location: 15 Willow Ave., MBL: 204-3-48, R1

The Town Planner stated that they had advertised for the public hearing and the site walk and received no comments from the public on this proposal. The Planning Board had a site walk to make sure where the common entrance was located and that there would only be one electrical meter.

The Planner feels that this is a straight forward proposal with no issues and staff feels that we can recommend that the board approve this proposal.

The ordinance that requires just one electrical meter in an accessory dwelling unit is in Section 78-1272

item #3.

Mr. O'Neal stated that there will only be one electrical meter which is existing now and there will be no change in the meter.

Vice Chair Mailhot made a motion to approve this application for the accessory dwelling unit as a conditional use. Win Winch seconded that motion.

Planner Hinderliter called for the vote:

Win Winch - Yes
Eber Weinstein - Yes
Mike Fortunato - Yes
Vice Chair Linda Mailhot - Yes
Chair Mark Koenigs - Yes

ITEM 2 ITEM 2

Proposal: Conditional Use Amendment of Approved Plan/Appeals from Restrictions on

Nonconforming Uses (Overnight Cabins): Change use of 7 units from seasonal to

year-round (currently 5 year-round use for a total of 12)

Action: Discussion; Board action

Owner: SRA Varieties Inc., D.B.A. Paul's II Location: 141 Saco Ave., MBL: 311-1-10, GB2

The Town Planner gave an update on this proposal.

Nothing has changed since June of 2016. The Planning Board and Staff have requested from the owner responses to Staff comments, Department Head comments and Planning Board comments. We have not yet received responses to these comments. These comments are associated with ordinance standards that are directly related to the applicant being able to meet their burden of proof to have a successful application. Without these responses to these standards, staff would have no other choice than to deny the application. This has continued to drag on no matter what efforts we have made. Staff is recommending 2 options.

- Schedule final review and to have a formal vote on what exists at the time of final review. Whatever we received by the deadline of the September meeting.
- At the September meeting to remove this item from the agenda.

Chair Koenigs asked for an update on the Code Office status with the original application. Planner Hinderliter mentioned 2 that he is aware that the Planning Board originally required a buffer. Planner Hinderliter recommended to the applicant that we wait for that buffer until the Planning Board makes a decision, because that could alter the location of the buffer. Also the Public Works Department has had concerns about the entrance/exit off of Union Avenue. He is not sure what the status of this is.

They do have their occupancy permits for all the buildings along with the infrastructure.

Eber Weinstein asked if we were allowing the 3 additional units.

Planner Hinderliter stated that we are not allowing them. They only have 12 units.

They want to make 7 of the units year round.

Eber Weinstein stated that the board has been more than fair, and he would recommend removing this item from the agenda but would allow if they want to start over at a later date.

Chair Koenigs stated that this is an amendment of a non-conforming use.

Win Winch added that it was a resumption of a non-conforming use with a 10 year period.

Chair Koenigs asked the Planner that in regards to the information about the licensing, to make sure

that it didn't lapse the 10 years. Also the second license that was listed had 2016 twice in the same year. He believes that was 2014. The Planner believes that it was 2015 but he will check that date.

Eber Weinstein made a motion to remove this item from the agenda. Seconded by Win Winch.

The applicants have the option of starting this process over when they are ready. Planner Hinderliter will send out the notice to the applicants on Monday, August 15, 2016.

Planner Hinderliter called for the vote:

Win Winch - Yes
Eber Weinstein - Yes
Mike Fortunato - Yes
Vice Chair Linda Mailhot - Yes
Chair Mark Koenigs - Yes

ITEM 3 ITEM 3

Proposal: Zoning District Amendment: Expand the Campground Overlay District over

three parcels zoned R1 and GB1 (Paradise Park)

Action: Discussion; Recommendation for Council

Owner: Paradise Acquisitions LLC

Location: 60 Portland Ave, MBL: 205-1-32; 58 Portland Ave, MBL: 205-1-30 (portion of);

50 Adelaide Rd, MBL: 106-2-2 (portion of)

Planner Hinderliter stated that at the last meeting there were a number of questions from the public and the Planning Board members. We developed about 30 questions and provided answers within the timeframe that we had. One of the questions was what land was within the registered campground or within the campground overlay. At the time of the big campground ordinance changes in 2003, it created what looks like today to the point where the campground overlay district doesn't exist in a zoning district to the point that whatever was registered as part of the campgrounds in 2004 even if those parcels are not shown as the campground overlay on our zoning maps. These parcels are legally existing campgrounds and it appears that they can be expanded where you can have campground development. That leads us into Paradise Park and what exactly was part of the 2004 registration of the campground.

Planner Hinderliter went on to say that we have some documentation that appears to show that some of the lots that are currently in front of the Board tonight for a zoning change were part of the registered campground. This would mean (according to our attorney) that even though the campground overlay district is shown on our zoning map, it does not cover these particular parcels or lots and that they may be able to expand in that area if it was part of the campground registration because the campground overlay district as a formal district does not exist.

If any of these lots are not part of the 2004 campground registration, then it goes to whether it is a permissible use or not in the base district. In this particular case there are 2 base districts.

- Primary District R-1
- Secondary District GB-1

Based on the base zoning districts, a campground could not be established in these areas because the base district does not allow it. PMUD says it is prohibited. Rural says it is a conditional use.

If the applicant wanted to change the zoning, there is no campground overlay district to change because it really doesn't exist.

There would need to be an amendment to the base zoning district to make it a permissible or a conditional use.

Planner Hinderliter stated that the Planning Board really cannot rule on an amendment to the

campground overlay because there is no campground overlay as a formal zoning district.

This is more like a floating zone. We have approved the official zoning map and it shows the campground overlay that the council signed off on.

When it comes down to what is registered as part of the 2004 registration process, it is shown on the map as a campground overlay and is what you can legally expand into.

Staff needs more time to make sure that the records are correct.

Win Winch stated that we need to check that the ownership is all one entity on the deeds.

Linda Mailhot stated that as she recalls going through the campground permitting process, the intent of the campground overlay area was to take all of the non-conforming campgrounds, to accept them with their present standard as they were in 2003 to be registered with a certain date then they would come under that umbrella. They would all be conforming and if there is anything new moving forward, they would be subject to what the condition and standards are in the ordinances.

Planner Hinderliter stated that a big part of the campground overlay ordinance was to make the existing campgrounds conforming and to apply standards for development for existing campgrounds if you were to expand a campground or create a new campground.

The Planning Board cannot take action on a district that doesn't exist. We have to remove this item from the agenda with no action. Staff, the town and the campground owner has to come back and rethink this and figure out what the next action step is that they want to bring back to the Planning Board.

Planner Hinderliter stated that if these lots are part of the registered campground, they already have the right to expand into these lots in accordance with the ordinance.

Chair Koenigs asked what are the plans going forth.

Planner Hinderliter stated that we need to be pro-active with this because we will see future campground expansions. The plan to move forward is to go through the licensing and to see what we can find in the old files to see what was registered.

Chair Koenigs recommends that the Town Planner keep the public aware of the status on a regular monthly bases under good and welfare so they are duly informed.

Win Winch made a motion to remove this item from the agenda, seconded by Eber Weinstein.

Planner Hinderliter called for the vote:

Win Winch - Yes Eber Weinstein - Yes Mike Fortunato - Yes

Vice Chair Linda Mailhot - Yes

Chair Mark Koenigs - Yes

VOTE

(5-0)

MOTION

ITEM 4

Proposal: Major Subdivision and Site Plan: 40 unit condominium project Action: Preliminary Plan review and decision; Schedule Final Review

Owner: **Church Street LLC**

Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

Bill Thompson, Project Manager from BH2M Engineering introduced himself. There was a site walk in July and they were last here on July 14, 2016. The latest amendment date was July 21, 2016.

ITEM 4

The following are the things that they have amended:

- Wright Pierce had a question about the date on the application. They have redone the application to reflect the 2015 date which responded to the comments of the Planning Board and the Peer Review Engineer.
- In regards to the access drives, there are existing curb cuts. They show the ones across the street on Saco Avenue.
- They have moved the parking on unit 8 around.
- Faith Lane is 20' wide and can serve as a secondary turn around.
- There is parking along the 24' roadway.
- They are requesting a waiver for the 20' aisle width.
- Parking space dimensions were added to the plan.
- Curb roadway clearly show where the curbs are.
- 4' sidewalk question from Wright Pierce. The Ordinance talks about a 5' sidewalk. The applicant would like to stand by a 4' sidewalk. This was done purposely to result in less pavement. They feel that this is adequate.
- Wright Pierce is still asking for ramp crossings on the Main Road in the event there is a handicapped buyer and wanted to come down thru the sidewalk system. They will revise the plan and add the ramps.
- They made another connection to the sidewalk between units 34 & 35.
- The dumpster detail has been shown. There is detail on the dumpster location and enclosure.
- There was a comment from Public Works about a sewer easement. They have created a 30' sewer easement to be offered to the town or the sewer district. They will connect to the 16" water main. There will be 2 water mains on Saco Avenue.
- All of the roads now have names.
- They will put a 4" water main on Faith Lane and 1" water services.
- The stormwater will not be in the impaired water shed, which is the DEP standard. But with the town we are in the Goosefare Water shed and their design meets that requirement.
- In regards to the vegetative soil filters for access, we have moved units around so that they can get a vehicle in should they require maintenance.
- Have done some regrading. Construction oversite notes on sheet #7 have been revised.
- Plans have been revised to show that the silt fence is used as part of erosion control.
- O&M plan has been revised.
- MS4 requirements, not discharging any water from this site into the town sewer system so this shouldn't be an issue.
- Requested letter from Wastewater Management and still no response from them.
- Have shown a buffering fence which was requested. Proposing a 6'-8' high buffer.
- Proposing to set 3 granite monuments to delineate the major corners.
- Have project sign detail as part of the revised submission.
- Sign permitting will go through the Code Enforcement Office.
- Added landscaping to front of property.
- They do not anticipate any blasting of ledge.
- The legend has been amended.
- Open space has been labeled.
- Common elements will be part of the condominium plan.
- Moved some units around for better snow storage.
- A memo came out just today from Wright Pierce and they will respond to their comments.

Planner Hinderliter stated that it looks like a waiver will be necessary for the aisle width for Faith Lane. They will not need a waiver for the width of the approved surface for the small stretch of road on Faith Lane because it is considered a minor street and it serves less than 15 lots.

As part of the preliminary plan application, the Planning Board should vote on the waiver.

The 3rd part of the preliminary plan is the amount of bonds that are associated with the project. Costs were broken down in Phase I and Phase II. This is something that staff works with the engineers to get those numbers finalized and we do have those estimates.

Planner Hinderliter recommends that the Planning Board identify any changes they would like to see for the final plan and rule on the waiver (aisle width).

Eber Weinstein asked about the 4' vs 5' sidewalks and if this is a requirements.

Planner Hinderliter stated that 5' is a requirement so there would have to be a waiver on that also.

Eber Weinstein feels that in regards to a traffic study, we should at least have a traffic engineer look at the project just to say that they feel it is ok.

Chair Koenigs stated that it would be good for the applicant to take charge of that so that they could move it along faster.

Linda Mailhot stated that what she is interested in regards to the traffic is the reaction times from drivers.

Chair Koenigs would like the planner to have someone do research on the impact fees status of all the intersections that are impaired.

Eber Weinstein asked how far the fence will go next to Duffy's restaurant?

Mr. Thompson stated that it will go just past the units.

Eber Weinstein asked if Cider Hill approved their proposal.

Mr. Thompson stated that he didn't think they had a problem.

Eber Weinstein asked about the drainage.

Mr. Thompson stated that there is a very shallow swale right near the lot line so they are going to regrade and enhance that area. Mr. Thompson will have that reflected on the plan with a construction note

Chair Koenigs asked if the fence between Cider Hill and units 32 & 30 will visually block Cider Hill and suggested to cover that with a note or extend the fence so it is doing its purpose in providing a buffer.

Chair Koenigs also suggested that in regards to the 6' high vinyl stockade fence, he would like for the engineer to carry the same detail on the detail sheets.

Detail needs to be added to the final plan to be consistent.

Eber Weinstein asked if the lighting is sufficient. They agreed that it was sufficient.

Mr. Weinstein was also concerned about Church Street Station and would it be confusing with Church Street. Planner Hinderliter stated that he checked with the assessing office and it didn't seem to be a problem.

Chair Koenigs suggested to make a note to update the legend on C-2 and also on actual lot that says existing surveys, it actually shows symbols for granite markings on 3 corners and it should say GMS. The waterline is going to be tapped into the 16" water main so sheet 3 should be very clear to what is

going on there.

Linda Mailhot asked if there is a standard for parking.

Planner Hinderliter stated that there are no standards for guest parking.

Ryan Kelly asked if there is a requirement for handicapped ramps for individual parking areas and added that it would be user friendly.

Planner Hinderliter stated that there are handicapped parking standards in our performance standards in Chapter 78 throughout the entire town "for all parking lots serving the public".

Chair Koenigs brought up a comment that the Public Works Director had for power maintenance for street lights and should it be the responsibility of the development and not the town.

Planner Hinderliter recommends expanding on a separate note on the plan in regards to who maintains maintenance for lighting.

On page 3 of the applicants responses about hours of operation. It should say hours of construction

operation of the facility before 8:00 am. Eber Weinstein made a motion to grant the waiver for the Faith Lane width parking lot aisle width area from 24' to 20' (Section 78-1542B) and also to grant the waiver for the sidewalk width within the entire development from 5' to 4' (Section 74-309M). Seconded by Win Winch. Planner Hinderliter called for the vote: Win Winch - Yes Eber Weinstein - Yes Mike Fortunato - Yes Vice Chair Linda Mailhot - No Chair Mark Koenigs - Yes Eber Weinstein made a motion to grant the preliminary approval with conditions which include the traffic letter, Wright Pierce latest comments, Planning Board feedback and a condition that the construction in the rear area facing Cider Hill does not begin until 8:00 am. Seconded by Win Winch. Planner Hinderliter called for the vote: Win Winch - Yes Eber Weinstein - Yes Mike Fortunato - Yes Vice Chair Linda Mailhot - Yes Chair Mark Koenigs - Yes	<u>WOTE</u> (4-1) <u>MOTION</u> <u>VOTE</u> (5-0)
TTEM 7	ITEM 7

- Sidewalks and walkway areas will be Portland cement concrete.
- Tip downs at crosswalks detectible warning devices have been included on the proposed road crossing.
- Added some spot grades.
- Notes on sheet one have been revised to specify that all utilities will remain private.
- Street lighting has been shown in the prosed turnaround.
- The applicant intends to protect existing wooded area to the greatest extent possible.
- There will be E1 pumps to collect the sewer from each unit and pump it into the collection system that goes out by gravity.
- A letter was sent to the Fire Department and to date we have not received any correspondence.
- We are not in the urban impaired stream and the stormwater design will meet those requirements.
- O & M questions.
- This will become part of the overall Summer winds Association.
- Have a stormwater permit and the FEMA map

Planner Hinderliter stated that this has received a considerable amount of interest and we have not had the public hearing yet.

He suggested that we should schedule a site walk and public hearing for September while some of these residents are still around. Having a public hearing will also help staff provide more preliminary review of the proposal.

Mr. Hinderliter stated that we have a standard where the Planning Board cannot approve a plan if the subdivision is in default on another previously approved plan. This would be a default in regards to their performance guarantee on other projects. We have sent a letter asking for this to be resolved which was partially but not fully resolved. The question that we have is the sub-divider.

In this particular case, since we have had problems with this sub-divider, this is where we need to be firm with a standard like this.

There has also been a question about the 54 units and why is that capped.

Eber Weinstein stated that in Phase I they wanted to go for a full subdivision plan. The Planning Board stipulated that if they wanted to go through the requirements of a subdivision they could get a waiver and go unit for unit.

Mr. Weinstein stated that he is upset that they want to go for more units.

Win Winch stated that it was 53 seasonal replacing 53 seasonal units.

Mr. Weinstein also mentioned that we let them have roads that were built for seasonal.

Some issues that Mr. Hinderliter brought up were the 36" culvert and still unclear about the role of the homeowners association. This development impacts the existing development in one way or another so we need to consider that as part of the review.

Mr. Weinstein stated that it would help if the Planning Board could request the homeowner's association documentation.

Chair Koenigs questioned the snow removal amendment plan.

Mr. Thompson stated that this is something that he still needs to address.

Planner Hinderliter stated that the 36" culvert is still a problem. We are still unclear about the role of the homeownership association. This development impacts the existing development in one way or another so we need to consider that as part of the review.

Eber Weinstein suggested that it would help if the Planning Board could see the homeowner's association documentation.

Mr. Hinderliter will request that from them.

Linda Mailhot stated that the owner is mentioned as Saulnier Development, but all of the application materials says 180 Saco Avenue Development, LLC. Wondering who has right title and interest on this property.

Mr. Thompson will get clarification on this.

Chair Koenigs scheduled the site walk for Thursday, September 1, 2016 at 5:30 pm. He would like to see some of the limits of the parking lot and the building corners staked. Planner Hinderliter and Bill Thompson need to work on identifying what would be requested for waivers with this proposal. The only comments that they have received from Department Heads is Public Works. Still waiting on Wright Pierce comments. Chair Koenigs scheduled a public hearing for this proposal on September 8, 2016. Mike Fortunato asked who gets notified for the public hearing in regards to condo owners. Planner Hinderliter stated that for our site plan subdivision and conditional use we have specific notification requirements. For the zoning recommendations there are no notification requirements. Other Business The Chair commented on items to be discussed in the workshop on September 1st. Ordinance revisions, updates and recommendations Dunegrass subdivision status. GOOD AND WELFARE Update on Goosefare Grant. Assistant Planner Megan McLaughlin stated that we submitted the grant application but we wouldn't hear back until September. Chair Koenigs also asked who is following up on Healthy Beaches since John Bird. Planner Hinderliter stated that he doesn't have an answer for this. Chair Koenigs stated that he emailed out the Milliken Mill Trail map that he has been working on. ADJOURNMENT MARK KOENIGS, CHAIR Meeting adjourned at 10:21 pm Adjournment

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 Ten (10) pages is a true copy of the original minutes of the Planning Board Meeting of August 11, 2016.

