

**PUBLIC HEARING PLANNING BOARD  
MEETING MINUTES  
Thursday, August 14, 2014**

<b>Call to Order at 7:17 pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Win Winch, Chair Eber Weinstein, Mark Koenigs <b>Absent:</b> Mike Fortunato. <b>Staff:</b> Jeffery Hinderliter; Town Planner, Valdine Camire; Administrative Assistant.	
<b>PUBLIC HEARING</b>	
<p><b><u>ITEM 1</u></b>  <b>Proposal:</b> Private Way: Establish access to one lot across a paper street to develop a single-family dwelling  <b>Owner:</b> Aeron and Eric Dupee  <b>Location:</b> Hemlock Street, MBL: 403-1-5</p> <p>The public hearing opened to the public at 7:17 pm. There being no one speaking for or against this proposal, the public hearing closed at 7:18 pm.</p>	<p style="text-align: center;"><b><u>ITEM 1</u></b></p>
<p><b><u>ITEM 2</u></b>  <b>Proposal:</b> Subdivision and Conditional Use Amendment: construct an inn facility consisting of 24 guestrooms with ancillary features common to golf course facilities. The proposed project includes three carriage house structures with associated parking and site features.  <b>Owner:</b> Pine Ridge Realty Corporation  <b>Location:</b> Wild Dunes Way (Adjacent to existing Dunegrass Clubhouse Facility)., MBL: 105A-1-200</p> <p>The public hearing opened to the public at 7:19 pm.</p> <p>Jolene Roop from 71 Wild Dunes Way, the neighbor immediately abutting the proposed project, introduced herself to the Board Members and expressed her concerns and questions:</p> <p>Who is coming to the Inn to stay? What is the target market? Has there been any studies done to assess the usage and the clientele? Who will manage the inn? How many hours a day will it be staffed? Who will monitor the people in each room? She is concerned about traffic. How congested will things get? Sewer and water system? Concerned about water pressure and the pump station that is across from their house. Concerned about the trees that line the back of the clubhouse that may be taken away. What would happen to this Inn if Dunegrass (the golf course itself) does not make it? What will the buildings look like? Will the buildings be low enough to blend in with the existing homes? What about the property values if the Inn is located there? What would it do for zoning in the area? When will the law suit be settled to see who has title to the land? How can construction occur until this is settled? Will the facility be seasonal or year round? Where would the visitors park? Where will the lighting be and what kind of lighting will there be? Will there be lights shining on residential properties? How will the Inn coordinate with the golf club when they are 2 separate entities? Where will staff find places to park? Why are they proposing to build in Dunegrass? People love living at Dunegrass because it has a</p>	<p style="text-align: center;"><b><u>ITEM 2</u></b></p>

quiet peaceful atmosphere and reputation. Why not encourage the use of other places in the downtown area of Old Orchard Beach for these people to stay? There is a much better use for this piece of property.

George Heseltine from 51 Wild Dunes Way #6 and President of the DCA introduced himself. His concern is why have a meeting tonight when there is such a disagreement as to who owns the land?

Chair Weinstein explained that this is the process that we have to go through and legally the Planning Board scheduled a public hearing for tonight's meeting.

Ivan and Susan Most from 2 Cypress Creek in Dunegrass read a letter to the Planning Board members (this letter is attached to these minutes).

Jody Balestra from 8 Cherry Hills stated that the pump there was originally established for Cherry Hills and is currently being used by people on Wild Dunes Way. Wild Dunes Way is a public way owned by the town. Cherry Hills is a private road and is owned by the residents of Cherry Hills. If something should happen to that pump, the residents of Cherry Hills will be responsible to pay for it. She would like to have re-assurance that more people on town accepted streets wont be added to the private pump or the that the town would finally accept their pump. Another concern is that it makes no sense to take the business from downtown and re-locate the Inn here.

John Beatty from 21 Cherry Hills Road was concerned because this was not in the original plan when Dunegrass was first thought of so why would we considerate it? The neighbors have no idea of what the Inn is going to look like and why would they set it back off the road instead of blending it in with the regular houses on the street? He is also concerned about a traffic issue, water and sewer issue. Are the neighbors going to be able to come back before the Board Members and talk again?

Jeffrey Hinderliter recommends that they keep the public hearing open for future discussions.

David Huntington from 22 Long Cove Drive questioned who has the approval to change the original plans and the language change? The golf course was the only business that was allowed. Who does the developer get zoning approval from? Are we looking to protect the current taxpayers or are we looking to bring in more tax dollars? He asked who is keeping tract of how many units are going in Dunegrass. Mr. Huntington is also concerned with the parking issue.

Mr. Hinderliter stated that we are doing what we can to keep count of the units and added that things are moving so fast in Dunegrass and we need to update our records.

Roland Haight from 4 Cherry Hills is concerned with the water, sewer and roads being impacted. We need to take into consideration the water pressure. The sewer system was designed strictly for Cherry Hills.

John Bird mentioned that these units are being proposed as seasonal units and if they become year round units, most of the time they are not built for year round use.

Chair Weinstein mentioned that the town is well aware of the pump station issue. They are working to make sure that it meets all of the necessary standards. The original plan called for 489 units. They can now do anything that they want, up to a certain point, as long as they meet the density requirements and there are no more than 489 units. The Planning Board is well aware of the legal problems and the town's attorney is looking into this. The Planning Board is taking all of the concerns into consideration and will do what is in the best interest of the town. And until we get a ruling from the town attorney, we will continue with the public hearing process.

<p>Sherry Gentry from 19 Pine Valley Road was concerned about the by-laws and how they play into these decisions.</p> <p>Mr. Hinderliter stated that the responsibility of the Planning Board is to enforce our ordinances and our ordinances are different than by laws. The Planning Board does not have the ability to change, enforce or amend those by laws. The Planning Board’s responsibility is to ruling on a proposal based on what the ordinance states and we also need to consider the changes to what was previously approved. The by laws are separate from the town. Mr. Hinderliter also added that although this proposal is preliminary, he wanted to include the public in their thoughts and opinions. The public hearing will still be open for comment at another time. Mr. Hinderliter also mentioned that he will gather all of the information and get this in one consolidated form.</p> <p>David Baird from 80 Wild Dunes Way expressed concern that this is a project that simply doesn’t fit. Would like to ask the Planning Board to give every consideration to the neighbors in that development going forward.</p> <p>George Aube from 23 Cherry Hills expressed his concerns that the homeowners in that development probably wouldn’t have built their homes there if they had known that there was an Inn going in. Please take into consideration that these are retirement homes and he is also concerned about the sewer issue.</p> <p>Vanessa from Pine Valley at Dunegrass asked if someone has an existing plan on record with the county, and if something changes without having another plan, is it legal?</p> <p>Mr. Hinderliter stated that if there is an approved Plan and something changes, the applicant is supposed to go through the amendment process, through the Planning Board, to change that plan legally. Subdivision plans are required to be recorded with the county, site plan reviews are not required.</p> <p>John Beatty from 21 Cherry Hills Drive asked if it would help for the homeowners to put a moratorium and stop construction in the Dunegrass area?</p> <p>Mr. Hinderliter stated that moratoriums have very specific statutory guidelines. Usually moratoriums are created for a specific use in an area of town. Mr. Hinderliter also mentioned that there is part of the comprehensive plan that is called the future land use plan which lays the foundation for future land use ordinances. The Comprehensive Plan is currently working on the updated future land use plan. The future land use plan creates the foundation for reevaluating changes such as Dunegrass. He encouraged all to attend the Comprehensive meetings with their input in future development to help to establish the foundation to make the changes.</p> <p>Mark Koenigs made a motion to continue this public hearing at a later time at the Chairs discretion.          Seconded by Win Winch.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Win Winch – Yes          Mark Koenigs – Yes          Eber Weinstein – Yes</p>	<p><b><u>MOTION</u></b></p> <p><b>VOTE</b></p> <p><b>(3-0)</b></p>
<p><b>REGULAR MEETING</b></p>	
<p><b>APPROVAL OF MINUTES – 6/12/14, 7/10/14</b></p>	

<p>Win Winch made a motion to approve the June 12, 2014 meeting minutes with one correction. The name Coulombe in item 3 is spelled incorrectly. Seconded by Mark Koenigs.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Win Winch – Yes          Mark Koenigs – Yes          Eber Weinstein – Yes</p> <p>Mark Koenigs made a motion to approve the July 10, 2014 meeting minutes with typographic corrections from Mark Koenigs, Seconded by Win Winch.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Win Winch – Yes          Mark Koenigs – Yes          Eber Weinstein – Yes</p>	<p><b><u>MOTION</u></b></p> <p><b>VOTE</b></p> <p><b>(3-0)</b></p> <p><b><u>MOTION</u></b></p> <p><b>VOTE</b></p> <p><b>(3-0)</b></p>
<p><b><u>ITEM 3</u></b>  <b>Proposal:</b> Private Way: Establish access to one lot across a paper street to develop a single-family dwelling  <b>Action:</b> Site Walk Report, Discussion, Schedule Final Review  <b>Owner:</b> Aeron and Eric Dupee  <b>Location:</b> Hemlock Street, MBL: 403-1-5</p> <p>Jeffrey Hinderliter stated that there are two issues that have been addressed:</p> <ul style="list-style-type: none"> <li>• Culvert amendment on plan with public works director review.</li> <li>• Maintenance Agreement changes.</li> </ul> <p>Jeffrey Hinderliter recommends final review for the September meeting when we they get this information back to the Planning Board.</p>	<p><b><u>ITEM 3</u></b></p>
<p><b><u>ITEM 4</u></b>  <b>Proposal:</b> Subdivision and Conditional Use Amendment: construct an inn facility consisting of 24 guestrooms with ancillary features common to golf course facilities. The proposed project includes three carriage house structures with associated parking and site features.  <b>Action:</b> Site Walk Report, Discussion  <b>Owner:</b> Pine Ridge Realty Corporation  <b>Location:</b> Wild Dunes Way (Adjacent to existing Dunegrass Clubhouse Facility)., MBL: 105A-1-200</p> <p>Jeffrey Hinderliter stated that he will gather all of the comments from public, staff, town attorney and the Planning Board, and consolidate them. He added that there are a number of questions, issues and concerns and he will get these to the Planning Board for the September meeting. There is currently a lawsuit pending on the outcome of the ownership of this property, therefore Mr. Hinderliter recommends that the Planning Board table this proposal.</p>	<p><b><u>ITEM 4</u></b></p>

<p>Win Winch made a motion to table this proposal pending resolution of legal issues. Seconded by Mark Koenigs.</p> <p>Jeffrey stated that he will keep the abutters informed of developing issues.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Win Winch – Yes          Mark Koenigs – Yes          Eber Weinstein – Yes</p>	<p><b><u>MOTION</u></b></p> <p><b>VOTE</b></p> <p><b>(3-0)</b></p>
<p><b><u>ITEM 5</u></b></p> <p><b>Proposal: Site Plan: Establish 9 new campsites within Paradise Park Campground</b>  <b>Action: Discussion, Final Review</b>  <b>Owner: Paradise Acquisition LLC</b>  <b>Location: 50 Adelaide Rd., MBL: 106-2-2</b></p> <p>Bill Thompson from BH2M Engineering introduced himself. He is representing the owners of Paradise Park Campground and requesting final approval to establish 9 new campsites within the park. The owners are here as well. They have already had a previous meeting and site walk with the Planning Board. There are 230 sites there now. The sites will be served with water, sewer, electricity and underground utilities. There is an existing walkway that will be a 15’ wide paved drive to serve these sites. They have gone through the DEP process for a storm water permit. In addition, they were required to have a storm water retention pond.</p> <p>Jeffrey Hinderliter stated that this was originally brought up as an Administration Site Plan Review due to campsites being allowed to expand up to 5 sites per year. However, due to the number of comments that were received from the neighbors, he thought it should receive a higher level of review which would be to come before the Planning Board. The neighbors had some concerns and Mr. Hinderliter met with them. A majority of their concerns were about the campground as it exists. The 2 primary concerns that apply to this proposal are concerns about buffering and storm water. These issues have been appropriately addressed.</p> <p>Mr. Hinderliter also met with Paradise Park Campground owners to address the neighbors concerns with them.</p> <p>Mr. Hinderliter stated that he would like to be a moderator between the Planning Board, Paradise Park Camp owners and the neighbors to discuss the concerns that are not associated with this particular proposal.</p> <p>Mr. Hinderliter recommends approval and he recommends and encourage abutters and owners to discuss other issues that have been brought to his attention.</p> <p>Mark Koenigs made a motion to approve the site plan to establish 9 new campsites within Paradise Park Campground, 50 Adelaide Road, MBL 106-2-2. Seconded by Win Winch.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mark Koenigs - Yes          Win Winch - Yes          Eber Weinstein - Yes</p>	<p><b><u>ITEM 5</u></b></p> <p><b><u>MOTION</u></b></p> <p><b>VOTE</b></p> <p><b>(3-0)</b></p>



August 8, 2014

Mr Win Winch  
Chairman  
Old Orchard Beach Planning Board  
Town Hall  
Old Orchard Beach, Maine, 04064

Re: Planned Dunegrass Inn MBL: 105A-1-200

Dear Win;

We are writing in opposition to the planned development adjacent to the clubhouse at Dunegrass. After viewing the drawings and attending the site walk Thursday evening (8/7/2014) we are convinced this development is not consistent with the residential nature of our neighborhood. It will detract from the full time residencies which we have all invested much time and money and will result ultimately in a deterioration of our property value.

Moreover this development as it was explained at the site walk will be 24 motel units packaged in three buildings seasonal in nature. This does not satisfy the definition of a unit as defined by the Declaration of covenants, conditions and restrictions for Dunegrass Community Association, Inc. Section 33 of the document is attached. It defines a unit as an attached or detached residency for a single family. This is not a motel room constructed for seasonal use.

Basically what is being proposed is a camp ground housed in three structures intended for seasonal use by a transient population. This is not consistent with a residential community. I hope you will take this into consideration and turn down this application.

Ivan and Susan Most

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*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 Seven (7) pages is a true copy of the original minutes of the Planning Board Meeting of August 14, 2014.*

*Valdine Camire*