

**Town of Old Orchard Beach  
 Planning Board Public Hearing & Meeting  
 December 11<sup>th</sup> 6pm.**

<b>Call to Order 7:12pm</b>	<b>Call to Order</b>
<b>Pledge of Allegiance</b>	<b>Pledge of Allegiance</b>
<b>Roll Call: Win Winch, Eber Weinstein Chair, Mike Fortunato    Staff: Jeffrey Hinderliter Town Planner, Molly Phillips Meeting Note Taker</b>	
<p><b>ITEM 1</b>  <b>Proposal:</b> To provide a recommendation to Town Council concerning the proposed Medical Marijuana Ordinance Amendments: Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES; Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA; Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved; Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES  <b>Action:</b> Review Proposed Amendments, Schedule Public Hearing and Ordinance Recommendation to be Held on 11 December 2014  <b>Applicant:</b> Town of Old Orchard Beach  <b>Location:</b> General Business 1 Zoning District</p> <p><b>Open to Public Comment: 7:13pm</b></p> <p>John Bird Of Ocean Park: Just speaking about the ordinance, One minor thing it says primary year-round residence in 3 places and only residence in one place. The thing I have a problem with is the medical marijuana caregiver definition. It says a person, licensed hospice provider or licensed nursing facility, as designated by a patient, qualified by state law. It reads a person designated by a qualifying patient. I think that needs to be tightened up a little bit. Why was it limited to GB1 district and not the Rural District? It seems it would be a little more out of the way and there would be a little more room than GB1. The GB1 goes right along our Saco border and then up to the high school. I think in Section 3: under proximity limits. It says one medical marijuana dispensary and one medical marijuana production facility allowed per lot. I don't know if those are mutually exclusive. Or are they combined? In one definition of the dispensary it says that the production facility can include a dispensary. There's a sentence: "This separation requirement will prevent a concentration of facilities and ensure compliance with the state's prohibition of collectives." I don't know what "collectives" are defined as, which may be limiting things in the future? Outside appearance says, "no signs displaying the word Marijuana shall be displayed on the outside of these facilities." I think that sentence, to my way of thinking, I would prohibit any signs indicating use of the building. I would suggest prohibiting any signs, because there is no need for any advertisement I think.</p> <p>Jim Stewart: 39 Old Orchard Street. In continuum with what the gentleman said, I would suggest also the display of pictures, neon signs shouldn't be</p>	<b>Item 1</b>

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<p>allowed. Under the rule of exemptions, under section 78: 1277, as an accessory medical marijuana production shall be allowed in qualifying patient’s residence or any medical marijuana caregiver’s primary year-round residence without any requirement for land use. I see no regulation on who shall oversee this. Are we going to create a special division in the town to oversee this? As far as the section for the proximity of locations, locations for daycares, schools, parks, and churches; I don’t believe churches should be included as far as church and state separation are concerned.</p> <p>Ed Bouchier: 8 Ocean Park, Why do we need an ordinance here? We don’t need an ordinance unless the state does allow more dispensaries. I am uncomfortable with the wording, there is no product called medical marijuana. There are three strains of marijuana Saliva, Indica and Hybrid. There is marijuana for medical use, and I think you ought to look at that language. Under 2428 558C paragraph 6D, a facility must be located 500 feet from a school or proposed school. Under your ordinance it says 250 feet. Why are you gracious? No where do I find that you are prohibited from smoking on the beach.</p> <p>Pierre Boutlier: I had a meeting with Jeffrey Hinderliter the Town Planner, he indicated that in his conversations with the Town Manager, that he would put forth in writing a suggestion that GB2 could be a suitable zone for this proposed project. He did make assurances that he would forward the planning board his recommendations for that. The primary focus is for a research and development facility that was originally proposed in April. We’ve had discussions with multiple parties at UNE, 2 biochemists, would help us to write the specific proposals to Health and Human Services. I want to make sure we are considering a research and development facility, but not a production facility. There are already several production facilities in private homes which seems to us unsafe. There is no available structure for a research and development facility. I want to make sure we emphasize, our proposal for the old post office, 650 Saco Ave. The researchers feel safe there, the proximity to its neighbors is actually far away, with no available buildings in GB1, it’s a better option. We wish to urge the board to make the recommendation with the language that GB2 should be included. We seek to strengthen regulations to also add additional recommendations for restricted access to our facility. At no point in time, this is not a dispensary, but a research facility with a portion to caregivers. We do not want patients to have access to the facility.</p> <p>Closed to Public Hearing at 7:34pm</p>	
<p><b>Item 1:</b>  <b>Approval of Meeting Minutes</b> 11/6/2014 and 11/13/14          Win Winch: Thank you for the effort of Jeffrey and Molly on these.</p>	<p style="text-align: center;"><b>Approval of          Minutes</b></p>

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<p>Eber Weinstein: On the side it says, same as Item 1. Not sure what's it's referring to.</p> <p>Mark Koenig: So they are verbatim notes.</p> <p>Win Winch moves approval of workshop minutes with corrections from 11/6/14. Mark Koenig seconds.</p> <p>Win Winch moves approval of regular meeting on 11/15/14. Mark Fortunate seconds.</p> <p>That carries at 4-0.</p> <p>Mark Koenig: Just a note before we move on, did we approve the notes from October and September?</p> <p>Molly Phillips: They are unapproved, but I did make those corrections, but I didn't get them to Jeffrey in time.</p>	
<p><b>Item 2</b></p> <p><b>Proposal:</b> To provide a recommendation to Town Council concerning the proposed Medical Marijuana Ordinance Amendments: Chapter 78 – ZONING, Article I – IN GENERAL, Section 78-1 – DEFINITIONS; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 8 – GENERAL BUSINESS DISTRICT 1 (GB-1), Section 78-803 – CONDITIONAL USES; Chapter 78 – ZONING, Article VI – DISTRICTS, Division 16 – HISTORIC OVERLAY DISTRICT (HO), Section 78-1135 – PROHIBITED USES; Chapter 78 – ZONING, Article VII – CONDITIONAL USES, Division 2 – CONDITIONS, Section 78-1277 – MEDICAL MARIJUANA; Chapter 18 – BUSINESSES, Article XI – RESERVED, Sections 18-601 – 18-606 – Reserved; Appendix A – SCHEDULE OF LICENSE, PERMIT AND APPLICATION FEES – LICENSE ORDINANCE CATEGORIES</p> <p><b>Action:</b> Review Proposed Amendments, Schedule Public Hearing and Ordinance Recommendation to be Held on 11 December 2014</p> <p><b>Applicant:</b> Town of Old Orchard Beach</p> <p><b>Location:</b> General Business 1 Zoning District</p> <p>Jeffrey Hinderliter: What the Planning Board responsibilities are as far as actions are to hold a public hearing, which we just did, and provide a recommendation to the council. The recommendation I give is one of three options: pass the recommendation "as is", adding additional language, or not recommend the ordinance. The Town Council has the ultimate authority as decision-making body. They will decide approval or non-approval or amended. Specifically we are in charge of are those associated with chapter 78 with zoning. Within the memo I go over the summary of the ordinance language. Chapter 18 and Appendix A were included in your packet but we do not have jurisdiction on those sections. Basically the proposed ordinance will do is allow the existence of medical marijuana production facilities and dispensaries</p>	<p style="text-align: center;"><b>Item 2</b></p>

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to be established as a conditional use within one zoning district, the GB1 zone. This does include a portion of the Historic Overlay, which is specifically identified as a zone as not permitted. If this goes through the process, and is adopted and approved, it doesn't end there. Someone couldn't come in the next day and establish a business. There is a conditional use permitting procedure, which would require planning board approval before it could be formally established. There are standards in the language to provide additional protection for abutting uses and those that may encounter these two uses. Page 3, the creation of the ordinance, which began in the summer of 2014, after we received inquiries about establishing a medical marijuana facility in town. In response to that, the Town Council enacted a moratorium because we determined that our current ordinances did not provide the language that would one: potentially allow such a use or two: provide the adequate protection. So town staff primarily myself, our Town Manager Larry Mead and Chief of Police Kelly worked on ordinance language. What we did after getting background information, we analyzed what we have in place, existing land use patterns, and narrowed it to three districts: GB1, GB2 and Rural District. We did more detailed analysis within those districts and began creating the ordinance using York, Maine as the template. There have been things added to the language of this ordinance to conform to our ordinances. The moratorium is still in place. We have opened it up to public comment and have gotten the Planning Board to provide recommendation to the Town Council. Page 4, there is comment about analyzing other zoning districts, which were considered by us, all the districts; at one point. When we looked at these, the three districts were most appropriate the GB1, GB2 and Rural District. The purpose statement and permitted use were analyzed, along with how the land has already developed. It was then determined that GB1 was the best fit for use and land development. On number 5, additional ordinance statements in the districts where medical marijuana is not identified as a permissible use, basically all other zoning districts, I provided some language where our current ordinance currently takes care of that. I am open to developing language allowing medical marijuana research facility. In my opinion, a medical marijuana production facility with additional protections, could work in the GB2 district. Pierre has always promoted the R&D aspect of the proposal and the Town contacted Ms. D'Agostino, no statutory language allowing a caregiver to open and operate and research and development enterprise unless any aspect of the operation falls under the parameters for being a caregiver. Basically they would have to abide by the requirements for the caregiver. So, in my opinion, the R&D should be a separate land usage. It appears as though the R&D is directly tied to the caregiver, which would allow the R&D wrap around the production facility for land use. So for example, if the ordinance was passed as proposed and a facility was proposed for the conditional use, as long as the applicant could establish that the R&D facility falls fully under the parameters of a caregiver than the facility could be permitted in this use.

Any questions or comments from the board:

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Eber Weinstein: It was brought up about the 500 feet being just 250 feet.

Jeffrey Hinderliter: Thank you Mr. Chairman for bringing that up. York ordinance was drafted by an attorney from the same firm the town uses. When we look at this distance, as it applies to the GB1, it excluded far more properties than would be practical. It would be extremely difficult to enforce the 500 feet and still keep the zone open.

Win Winch: Thank you for the four people that spoke, great and knowledgeable comments. John Bird's comments about the language, the designated person, the residency, the state policy on collectives, the outside appearance. I'm glad you mentioned about R&D vs. Production. We aren't talking about a particular application here, we are looking at the overall. The point you made has to be emphasized.

Eber Weinstein: I mentioned it before and I don't know if the board would agree with this. Under section 78-12-77 medical marijuana, I would just like to add, #9 legality, that the Town of Old Orchard Beach would not violate any state or federal law. Given that we are at the beginning of this thing. It would protect the town just in case as a general legality clause.

Mark Koenig: I think the definitions need to be in alignment with the state. The statute or the act for medical marijuana, has a bunch of rules. In that, you find 500 foot distance which is based on a point system to determine the eligibility of a dispensary. I think in the restriction to GB1, it's too restrictive. If you write an ordinance and then restrict it to the point that properties can't qualify, business potential for someone in the future isn't there. I think we should open it up to the GB2 and PMUD as well. Like you say, they still have to come before us to get a business use permitted, so I don't see the issue. There are places set up in the PMUD that are not close to the schools or are over 500 feet of the school that are still vacant. The security was mentioned, which I think is covered in the state statute. What's in the rules of the state should be followed. The way I interpret this is that there are 8 dispensaries in the state but that doesn't mean there can't be more. If they find a need, or a demand for it, then they may add more to it. I think it wise to put it in there and cover it.

Mike Fortunato: A lot of great work was put into putting this together. I do agree that it should be opened up to the other districts. As far as our recommendation the R&D facility should be allowed in GB2 and the PMUD. A dispensary would be a different issue.

Jeffrey Hinderliter: I think what Mike is saying that it would be a production facility. Which is what I would recommend. If the board does allow for other

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districts to be considered, a dispensary has the potential for more restrictions according to its use rather than a production facility.

Eber Weinstein: So, that's our recommendation, Jeffery, there you have it.

Jeffery Hinderliter: So, let me see if I have it. Tightening up the language as John Bird suggested. Adding language to 78-12-77 so it's acknowledged that OOB isn't over ruling state rules or statutes. Definitions need to be aligned with state statutes and rules. Adding other zones like GB2 and PMUD, is it both? Yes. And is it just production facility, the medical marijuana production facility? Just to let you know we did consult an attorney about the distance so I would think that he would know better than I do what's required. That was a standard that I added for additional protection.

Mark Koenig: On item #9 with the legality, I think it should be that we remain current with state statutes and rules. The problem is that we have to come up with our own rules and if those don't comply with state guidelines then we have a conflict. Same thing with the DEP is we rely on them to do zoning for water and soil so that we don't have to re-write our ordinances and put them in here. When the applicant goes to get their certificate, or license for production facility, they have to have a known location in town. Just like we do with the DEP, it's a condition of the final approval.

Jeffery Hinderliter: I think it's covered in the proposed language of the ordinance that if we make a condition of approval, similar to the DEP, before they even submit the application for conditional use permit they have to have state authorization.

Mark Koenig: Knowing that the state has a limited number of dispensary permits available, and it could change, is it something we have in the ordinance, would it be something that's beyond the Town Council and would we want a referendum vote. Wouldn't getting it passed by town vote be tougher than getting it passed with a board vote of five.

Jeffery Hinderliter: That's a tough one. With our form of government being a Town Council. Someone could always propose a contract zone. That's always an option. But to go to a referendum vote for a use that comes to the planning board just doesn't...

Mark Koenig: So is it possible for a person to go through the approvals and set up a dispensary in town?

Jeffery Hinderliter: With my notes, the dispensaries would only be allowed in the GB1, production facilities would be allowed in GB1, GB2 and the PMUD. So, yes if they were in the GB1.

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<p>Mark Koenig: So there are a couple lots open in the GB1 that might be right next to someone's house, but on the main drag.</p> <p>Win Winch: I cannot be supportive of the addition of GB2, it's very dense. I know there's an interest in a building that's right in the middle of that. But you can't resolve a whole area on just one project. That borders on spot zoning. Even contract zoning has to be a give and take. What are they going to give? The only contract zoning in town is with the Grand Victorian. For aesthetic reasons they wanted a roofline that went a little higher at a steeper angle instead of shorter and flatter, and there was more give and take on that. You can't just have a contract zone, that's spot zoning which is highly illegal. That just doesn't make sense in that dense of a zone. I understand it might be an ideal location, but that can't dictate a whole zone.</p> <p>Mark Koenig: So, was in this use would impact the density in this zone?</p> <p>Win Winch: Well, according to Time magazine in an article last week, there's an odor problem. Everything I've read talks about the odor and it's a very tight area. We are the highest density in the state for year-round. It would be nice to get some tax diversification but it's just too tight.</p> <p>Mark Koenig: I know it's a recognizable odor when it's burnt. My point is that if we are just going to regulate it based on density then why not just ban it and be done.</p> <p>Jeffery Hinderliter: One thing, if you wanted to make a motion and Win didn't agree with GB2. Win could make a note to the Council and that would be considered. It would be a vote for the recommendation to pass to the Council. You could say one vote on the comments for GB1 district and then a not approval of GB2.</p> <p>Mark Koenig: I make a motion that we make a complete recommendation based on the notes that Jeffery has made. With the GB1, GB2, PMUD, all the other definitions updates, proximity and security. With medical marijuana production facilities only in GB2, PMUD.</p> <p>Mike Fortunato: I second.</p> <p>Call for the Vote: Win Winch – No Mike Fortunato – Yes Mark Koenig – Yes Eber Weinstein – Yes</p> <p>Win Winch's objections: not supportive of the production facilities in the GB2 due to density of the district and odor issues.</p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> <p style="text-align: center;"><b>3 Yes – 1 No</b></p>
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<p><b>Item 3</b>  <b>Proposal:</b> Site Plan Review: Construct 50 X 100 Retail Building  <b>Action:</b> Review new submissions; Discussion; Schedule Public Hearing;          Schedule Final Review  <b>Owner:</b> Ike Naim  <b>Location:</b> 36 Old Orchard Street, MBL: 205-3-8</p> <p>Jeffery Hinderliter: This has been before the Planning Board a number of times. We've held a site walk and a public hearing. The site walk has concluded and the public hearing has continued. It's received DRC conditional approval for the Design Review Certificate to the Planning Board. What remains for the Planning Board's consideration is a complete application which includes plans, a site plan, and survey and so on. What the Planning Board has before them is that now complete application with those items. Really, the responsibility for the board today is to continue public hearing, and also final review. I am recommending both for the 8<sup>th</sup> of January. My new comments which begin on page 6. Some of these questions can be resolved quite easily, how will adjacent buildings be protected. I think there are four primary items. One is ensuring that the Public Works comments are addressed. As part of your site plan review criteria there are two standards or these 9 criteria, #7 and #9 deal with impacts to abutters. Some of these may be cleared up. I have comments on the deeded easements and right-of-ways. They were at least important enough to bring up. What I am looking for is the applicant to look at this and get back to me by the 29<sup>th</sup> of December.</p> <p>Brud Weger: I believe this is our sixth meeting on the project. (Moves away from mic and can't hear.)</p> <p>Andy Morro, BH2M: It's a .11 acre parcel with existing gravel. So, what we tried to do was look at the best way to handle storm water run-off from the site. We did a test pit on the north side of the lot. The existing soils with relatively low seasonal high ground water table. Very conducive to an infiltration system that would take the run-off of from the site both from the roof siding and the drain. So we designed a dry well on the north side of the site collecting the roof drainage and the foundation drainage and infiltrating it into the ground. The soil drainage is very good at 20" per hour of anticipated run-off. We don't see any adverse effects to abutters. Utilities connected overhead and sewage hooked up to the Town. We would agree with Jeffery and say that the issues are minor and easily addressed. I will take a look at those and submit a detailed response. Regarding the easement, Bob Libby our surveyor, does show an easement in the rear that is not on the property we are talking about. That easement is clearly listed in the deed. The easement on the front was not found.</p> <p>Neil Weinstein: The easement in the rear of the property is outside the property line. My clients are not intending to build to the property line, they</p>	<p><b>Item 3</b></p>
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plan to stay 8'-10' inside the property line. The easement is only 10' wide not 20' wide. As far as the other easement, it doesn't appear to be an actual easement. It appears an easement in gross versus an easement in permit. That was created in 1923 by the landowner telling the person who bought the property they couldn't do anything different than what was already going on. In addition there are 5 ways to classify an easement, it can be done through act of the dominate owner, release or abandonment, an act of the servient owner, or the land owner, by conduct of the parties and by eminent domain or tax sale. That lien for the front of the building is gone. There is no easement in the front, it can't be found. There was an alleged easement by CMP but that was already addressed with Harold Harrisburg. There will be an additional width between both buildings.

Eber Weinstein: The mechanicals seem to be going over the property line. Has that been resolved?

Neil Weinstein: The two parties have agreed to resolve their differences. There is a letter in your packet from Bernstein Shurr bringing up various issues, my clients will be moving 3ft away from the property line. In addition the Harrisburgs are moving their equipment to the back of their building.

Mark Koenig: Why are we still having overhead wires? Can't they be buried?

Andy Morro: If the board would prefer we can look in to that.

Mark Koenig: It seems to me it would be cleaner. If they are putting in new service for the building and Beach Bagel also has to be moved. The meter needs to be closer to the sidewalk to get close enough to the overhead, but if you could get information on that for the next meeting.

Andy Morro: We can get with CMP and see what would be involved in that.

Mark Koenig: It shows the drywell but not where the underground pipe would go. The roof drain is standard penetration with an open catch basin up top. But there's pipe penetrations underground to a trench or water through earth trough.

Andy Morro: The pipe connection is shown on page 4.

Jeffery Hinderliter: Sheet 4 came in separately, it should be an 8.5" X 11".

Mark Koenig: Does anyone have sheet 4? I only have two sheet 3.

Andy Morro: If you're looking for the connection going from the building to the drywell, it's on the site plan, BH2M site plan on page 4 for 36 Old Orchard Beach St. It might be on the storm water sheets.

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Mark Koenig: It's in the storm water report. It's also C2 in the report. So the roof drain connects to the drywell along the back of the building. So the two pipes connect together.

Mike Fortunato: Jeffery, the questions you have, you are looking to get those answered by next meeting, right? So, you still have questions that need to be resolved. We aren't 100%.

Jeffery Hinderliter: Submission is December 29<sup>th</sup>.

Brud Weger: We feel that we are in compliance with your ordinances at this time.

Jeffery Hinderliter: My major concerns are the four primary that I gave you. I do have a number of questions that can easily be addressed.

Mike Fortunato: I know you have met with one abutter, I know there was some confusion with the other abutter. Has that taken place?

Neil Weinstein: I just talked to one of them tonight, and I thought they would have been talked to or things were discussed. I know they have a picture window that points downhill which I'm not sure what we can do to accommodate that. They built their building right to their property line knowing full well another building could be built there. They went to their property line with no setback.

Mike Fortunato: I understand that the ordinance provides for buildings to be abutted closely, with no space in between. In previous meetings we've had I know that the Town Planner has suggested talking to abutters and working this things out in some way shape or form.

Neil Weinstein: My clients would certainly allow them to come in and do any maintenance or repairs or redesign that they want on their side so that they don't have any future problems before the building is built. Obviously it's not going to have any wear and tear, since there isn't much space in between. But it would be like all the other buildings that are built in town that could be attached. This building is not going to be attached. My clients are building 3" back from the property line rather than right on the property line. We would certainly give them time to do whatever they want to do before the building is built. They can't stop us from building because they were there first.

Mike Fortunato: I think that's why a conversation would be necessary. You are assuming that that's what they are saying instead of talking to them.

Neil Weinstein: My clients would be understanding and probably sell them the land at a reasonable price for them to protect their view. They did what they

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<p>did, building to the property line, knowing full well that another building could be built right next door. They don't really have a legitimate basis to complain.</p> <p>Mike Fortunato: Well a conversation was asked for, a couple of months ago. It was said that you had that conversation and now we find out that you didn't. It still hasn't happened to today.</p> <p>Neil Weinstein: Well I know what they'll say. They want the building put back another 3 feet. But it's not just 3 feet it's 3' X 90' or 270sf of street frontage. Which they have the advantage of and they want to deny us the advantage of, which is not fair. The town's not going to reduce the taxes on my client because he has 270sf less of building space. In fact it will help them in the long run to have a nice building there.</p> <p>Eber Weinstein: We have to continue the public hearing and schedule a final review.</p> <p>Mark Koenig: So the public hearing would be on the 8<sup>th</sup> and the Final Review would be on the 8<sup>th</sup>. I think to Mike's point I want the questions of the Town Planner to be addressed by next meeting. I'm curious about how they are timing construction and how they plan on accommodating customers trying to get to the other stores.</p> <p>Neil Weinstein: To the board if Mr. Hinderliter can furnish us with the questions, we can answer them.</p>	
<p><b>Item 4:</b>  <b>Proposal:</b> Site Plan Review: Construct 50 X 100 Retail Building  <b>Action:</b> Review new submissions; Discussion; Schedule Public Hearing; Schedule Final Review  <b>Owner:</b> Ike Naim  <b>Location:</b> 29 Old Orchard Street; MBL: 206-31-5</p> <p>Jeffery Hinderliter: Very similar to the other property, 36 Old Orchard Street. One of the big differences with this is that we have received no written abutter concerns. The comments are very similar. The comments provided by public works are the same. The fire department is the same. The one difference, in regards to easement and right-of-ways that may or may not be attached to this property. On page 10 of my memo, I ask 3 questions just to clarify this. We are trying to help the property owner avoid issues that could come up at inopportune times. Just trying to make sure that the property owner can feel comfortable developing the property as proposed. I am recommending the applicant address the comments and then schedule the public hearing and final review for the 8<sup>th</sup> of January.</p>	<p><b>Item 4</b></p>



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information from the previous application and addressed the comments. I expect that there will be a few more comments. It's really not a lot of comments at this point. Primarily we are here to hear an update and I am recommending we schedule a public hearing, site walk, and final review.

Jason Vafiadas: I'm with Vafiadas Engineering and Design, I have adopted this project from its last incarnation. It is in sections J & L of the Dunegrass Master plan. It comprises 2.61 acres of open area in the PMUD district. It was previously approved in 2008 as multifamily units. Then again in early Spring of 2013. 22 units of single family units, and all utilities will be owned and maintained by the condo association. 2-3 drywells and infiltration pond will manage storm water. I've done my best in working with Jeffery to address the comments from previous submissions. I look forward to hearing your discussion.

Eber Weinstein: Now that you're here; what are the major differences between the previous approval and this one?

Jason Vafiadas: As I understand it the major difference is that it was going to be 5-8 units of multifamily dwellings and now its single family units. You can see from the size of the property. I think in the original submission in 1988 it was supposed to be 60 units. And then they knocked it down again from 42 to 20.

Win Winch: I remember from the submission in 2013 there's an 8% grade on Island Drive. You've seen this right?

Eber Weinstein: Is that the one because of the power lines?

Jason Vafiadas: We are actually requesting two waivers. A waiver of the standard maximum road grade. This will not be a public road but a private road. To be honest a 6% road grade maximum is a bit conservative.

Eber Weinstein: Will there be a problem in winter for these people?

Win Winch: The issue was the road came right up and you had to make the top and hope you could make it. You had to get a running start. Will there be enough road from the stop sign to the top of the hill?

Jason Vafiadas: I think that it's going to be more of an issue coming in rather than going out. People can come out this way and go in another way.

Win Winch: Well it's a very private road as you said. Still it's a safety issue? You can't go up and not make the hill.

Eber Weinstein: Which area is the grade on the map?

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Jason Vafiadas: (turns the map over) Right here in the center of Island Drive. This is the major grade change. There is some pretty substantial earth movement.

Win Winch: I'm trying to remember, I think the drainage was another issue. You solved the water issue and are out of the hole on that one, which is a whole other thing.

Jason Vafiadas: The public water serving this development has nothing to do with previous concerns. The storm water was a concern to abutters to the South East. I think we're cutting off a drainage pipe and moving it off to our drywells and infiltration pond.

Mark Koenig: I had requested a pathway along Wild Dunes Way. There had been a sidewalk there and it had been ground up. So, we're building a trail along there or improving the shoulder. You've got a path there but it's not along the same shoulder. There should be some coordination with the DPW director and when it comes to Long Cove Drive, instead of having a quick turn like that it should actually have a T intersection or Y intersection. So the people on this path can actually continue. For the rest of the board, look at the grades on Wild Dunes Way, that's greater than 6%. When the ordinance was written it was written after a lot of the streets were built.

Mike Fortunato: What is the grade now?

Mark Koenig: The standard is 6% and he has 8%. If you look at the contours on the map and the space between them, and if you scale it between what he has and what exists, it's very close. You have to do a lot of cutting and filling from the flat spots on the each end.

Jason Vafiadas: The plan is to terrace the lots so we can work with the grade as much as possible.

Mark Koenig: The one thing that has changed is that they use it as a gravel and sand fill somewhere else.

Eber Weinstein: Is this going to impact the hole (on the golf course) over there?

Mark Koenig: I think we bring this up because we have had this issue before. There were drywells and over time they were maintained by a program called MS4. It will never be turned over to the town so it will always be maintained by the condo association. To make sure that they are maintaining that so that you don't have over spill that affects the water drainage downstream. Since

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<p>we are considering this an amendment, is this going to be added to the matrix we have going for density and considerations for future Dunegrass.</p> <p>Eber Weinstein: Density just covers the square feet per house.</p> <p>Mark Koenig: What is the open space and the density? Should it not be known what it is so we can add it to the matrix?</p> <p>Jeffery Hinderliter: Well, I don't see density as an issue, because the unit count is going down.</p> <p>Mark Koenig: The PMUD has a density. So your lot coverage and your open space, what are the numbers?</p> <p>Jason Vafiadas: We can add that to the plans.</p> <p>Mike Fortunato: So we need to schedule the site walk and the review and the whole thing.</p> <p>Mark Koenig: The thing with the site walk is that it's hard to tell what's going on with 3' of snow over top. I would propose a Saturday site walk myself.</p> <p>Eber Weinstein: I can do a Friday morning.</p> <p>Win Winch: I can make that work.</p> <p>Mark Koenig: I can make that work.</p> <p>Molly Phillips: Friday morning for the site walk as the 2<sup>nd</sup>?</p> <p>Eber Weinstein: So what time?</p> <p>Mark Koenig: 8am. Doesn't town hall open at 8am? What about 8:30?</p> <p>Mark Fortunato: So 8:30am on January 2<sup>nd</sup>.</p> <p>Eber Weinstein: Thank you very much.</p>	
<p><b>Item 7:</b>  <b>Proposal:</b> Conditional Use: Appeals from Restrictions on Nonconforming Uses to allow an Accessory Dwelling Unit  <b>Action:</b> Owner Presentation; Discussion; Schedule Site Walk; Schedule Public Hearing; Schedule Final Review  <b>Owner:</b> Thomas Smith III  <b>Location:</b> 183 Temple Ave.; MBL: 211-2-22</p>	<p><b>Item 7</b></p>







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<p>required by Public Works will be between them and the applicant. As for DRC they're responsible for things visible from a public way.</p> <p>Mark Koenig: So, the architect drew, not giving it a name, A1-A for existing site conditions. It looks like a copy off of a larger print which shows setbacks. The architects drawing show 5' setbacks. What is the setback standard down there?</p> <p>Jeffery Hinderliter: It's zero for mixed use. One thing you brought up that's a good point is that DRC does not require notification for buildings such as this. Even abutter notification in our subdivision ordinance is not actually required for review. Not that I agree with that but it's something we need to look at in our ordinances.</p> <p>Eber Weinstein: Are they going to rip out that nice tree over there? I guess they have to.</p> <p>Mark Koenig: I motion to approve the Certificate of Appropriateness.</p> <p>Win Winch: I second that.</p> <p>Call for a Vote:        Mike Fortunato: Yes        Win Winch: Yes        Vice Chair Koenig: Yes        Chair Weinstein: Yes</p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> <p style="text-align: center;"><b>4 Yes – 0 No</b></p>
<p><b>Item 10:</b>  <b>Proposal:</b> Remove existing building and construct three-story apartment building  <b>Action:</b> Decision on Certificate of Appropriateness recommendation  <b>Owner:</b> Atlantic Ocean Suites II LLC  <b>Location:</b> Dube St.; MBL: 305-1-3, DD-2</p> <p>Jeffery Hinderliter: The reason you don't have a packet for that is because the DRC tabled it. So, I recommend that we table or take no action.</p> <p>Eber Weinstein: We have all these others so why don't we have this one?</p> <p>Jeffery Hinderliter: If you look at the memo, on the last page. There was a lot of stuff that was not included in the submission. And in order for the DRC to make that kind of determination they need that information to provide a favorable recommendation.</p> <p>Mark Koenig: Dube Street? Now that we're discussing it, where is that at? Is that straight off of East Grand?</p>	<p style="text-align: center;"><b>Item 10</b></p>



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<p>Jeffery Hinderliter: Well, for building permitting purposes, we have a plan, and information. But I can't find the administrative permit. They have to fill out a permit application. But it looks like something I signed off on.</p> <p>Win Winch: I would just like to recognize all the extra work that Jeffery has done behind the scenes. A couple people have come to me directly and a few people said it tonight. A lot of work goes into this.</p>	
<b>Adjournment at 9:56pm</b>	<b>Adjournment</b>

*I, Molly Phillips, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of twenty pages (20) is a true copy of the original minutes of the Planning Board Meeting of December 11, 2014.*

*Molly Phillips*