

OLD ORCHARD BEACH PLANNING BOARD
 Public Hearing and Regular Meeting
 January 14, 2016 - 7:00 PM
 Town Council Chambers

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
Roll Call: Linda Maillhot, Mike Fortunato, Win Winch, Mark Koenigs. Absent: Chair Eber Weinstein. Staff: Jeffrey Hinderliter, Planner; Valdine Camire: Admin. Asst. to Planner, Megan McLaughlin; Assistant Planner.	
ELECT CHAIR AND VICE CHAIR This item was postponed until next month's meeting so that the full board will be present for the vote.	<u>VOTE</u> <u>UNANIMOUS</u>
<p> Public Hearing ITEM 1 Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1 </p> <p>The public hearing was called to order at 7:06 pm.</p> <p>Nicki Franklin, resident of Smithwheel Road introduced herself. She believes that this is a bad idea because the nature of the area. This is zoned commercial, but is a residential area and they will all be adversely affected by this. Pollution, noise, air pollution and light pollution. Asked that the applicant install a taller solid material fence between the proposed building and condos. The biggest issue is the traffic. That is a traffic nightmare now trying to make a left hand turn. Right now that road is posted for trucks not over 9,000 gross weight limits. Danger to the pedestrians. She would like to see a flashing light not only on Ocean Park Road but also on Smithwheel Road. Does not think that a Dunkin Donuts at that site is what the community needs in that location. Asked the Board for the following to require from the developer:</p> <ul style="list-style-type: none"> • A large fence surrounding the property be installed with the consultation from the abutters. • The deliveries and trash pickup be required to occur between the hours of 8:00 am. – 8:00 pm. • And that the company has some sort of litter prevention program along all abutting streets. <p>Pamela Lindsey from 3 Waterman Drive introduced herself and expressed concern on the traffic issues with this proposal and the traffic backup. Making a right hand turn is hard but making a left hand turn is impossible.</p> <p>Helene Whittaker from Ocean Park introduced herself. She read statistics report from the National Highway Traffic Safety Report on pedestrians and bicyclists as well as older people from the ages of 45-75 years old who are vulnerable for fatalities. She also mentioned that there are way too many signs coming in to town. These are tragedies waiting to happen. She expressed her concern against the Dunkin Donut project however she is in favor of making corrections such as a roundabout at Smithwheel Road and Ocean Park Road.</p> <p>King Weinstein introduced himself. Mr. Weinstein is in favor of this project. He is not in favor of a roundabout. He suggested for the applicant to put up a \$50,000 escrow which the Planning Board could keep for one year if it turns out to be a problem.</p>	

Laura Bolduc from 6 Shady Lane introduced herself. She was in favor of this project as it will attract year round business and jobs. Her other concern is will it drive that current property value up and increases taxes. We also need to take into consideration the traffic concerns. She believes that this area should be better policed because of the fast traffic.

Neil Weinstein from 32 Saco Avenue introduced himself. He is in favor of new businesses coming to town to continue to grow. Improving property at that location. The cabins that are there now are run down. The State just put up 25 mph flashing signs at the end of the spur and hopefully will help.

The town could use another exit off of the turnpike at Cascade Road. No new traffic is going to be generated by this project. He agrees that the Dunkin Donuts should be the colonial style. This area was poorly designed in the beginning. He believes that noise will not be a problem.

David Walker from 5 Winona avenue introduced himself. There is a business model that the board should look at in regards to the Starbucks in Rte. 1 in Saco and how they gain access on and off the highway. There will be no new traffic however the traffic pattern will change. The lines backing up from going into Dunkin Donuts will back up and cause congestion. Mr. Walker suggested that the Planning Board look at the approach to the drive up window so that there is enough volume there to handle the consumers.

Nichole Flurry from 11 Smithwheel Road introduced herself. She is a mother of a small child and she has to take a left hand turn to get to daycare. The cars go way to fast and she will not feel safe walking to the daycare with her child. Concerned that when the traffic backs up, it will back up into her driveway. Concerned about safety.

Hank Morris from 11 Smithwheel Road introduced himself. He is confused because the location states that it is 11 Ocean Park Road, however the only access from Dunkin Donuts is Smithwheel Road which is a residential road. This will definitely impact traffic on Smithwheel Road. He is also concerned about the noise pollution as well as the emissions coming off the vehicles. Asked for the board to take the access coming off of Smithwheel Road into consideration.

Domenic Polaris, owner of Dunegrass Country Club introduced himself. He is in favor of Old Orchard Beach getting more year round businesses. This will create jobs as well as cleaning up the Windsor Cabin site. The architectural design is important as well as having a traffic light there. He is also in favor of putting a big solid fence.

Pat Brown from 4TH Avenue introduced herself. She likes the idea of having a year round business. She likes the way it can be built and it is a nice entryway into the town and also the additional taxes being paid. She worries about having a stop light at that location.

John Bird from the Conservation Commission introduced himself. This proposal has a lot of characteristics that need consideration from the Planning Board. The most important is the Goose fare Brook (Urban impaired stream) and the pollution problems. They are currently trying to retrofit the stormwater and trying to improve it. It is a priority in Old Orchard Beach's MS4 permit. The state gives a permit to the town to allow discharge of stormwater in the Maine waters and requires certain permissions. Goose fare Brook is already an urban impaired stream. The proposed Dunkin Donuts project will produce toxic pollution with the cars sitting and idling at the site. This would put a heavy load on the stormwater system. He is concerned about the water run-off. He thinks that it would be best if the Planning Board require treatment of the run-off water before it gets to the storm sewer systems of Old Orchard so that anything that is produced on the site stays on the site. He would like the Planning Board as well as the owners of the operation take this into

<p>consideration.</p> <p>There being no other speaking, the public hearing closed at 7:45 pm.</p>	
<p>Regular Meeting APPROVAL OF MINUTES: 2/12/15, 4/22/15, 7/9/15, 7/23/15, 8/6/15, 8/13/15, 9/10/15, 10/1/15, 10/8/15, 11/12/15</p> <p>The minutes were bypassed until the end of the meeting for the sake of the attending public.</p>	
<p>ITEM 2 Proposal: Major Subdivision: 8 Lot Residential Subdivision Action: Applicant Update; Determination of Completion; Schedule Public Hearing; Schedule Final Review Owner: Dominator Golf LLC Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</p> <p>Planner Jeffrey Hinderliter stated that for our office it continues to be a work in progress. Looking into unit counts and determining what is built and what still exists. Looking into the traffic study and still looking for documents in regards to this. In regards to some of the approval standards and statement wording within the memo it could be interpreted in different ways. One interpretation is that if once somebody builds the 334th unit in Dunegrass, they are responsible for all of the traffic studies (which is not the intent). If we are going to require an impact fee, etc. based on the findings of fact statement we need to know the intent. Another issue is the capacity of the water and sewer, the town has engaged our town engineer, Wright Pierce to do an analysis of capacity and Chris White from the wastewater facility is working with Wright Pierce as well and we expect to have this at the next meeting as well as the traffic information.</p> <p>In regards to the unit count one of the problems is the wording with the findings of facts and also the 2007 Gorrill Palmer letter. i.e. What defines built-outs. This is something that Mr. Hinderliter is still working on.</p> <p>There was discussion at the Development meeting with staff and the one item that staff agrees on funding the creation of a sidewalk along Wild Dunes Way adjacent to these lots.</p> <p>It was recommended that the sidewalk from lot #2 to Long Cove and then in front of lot #7 and #8 and from here would cross to connect to the maintenance building sidewalk. Mr. Hinderliter is hoping to have this available before the next meeting.</p> <p>Bill Thompson from BH2M Engineers, Project Manager introduced himself to the board. They had a site walk on December 3, 2015 and had a public hearing on December 10, 2015. They had missing details that would bring the project to a complete application. They have reviewed the comments from Wright Pierce about the need for grading plans and how these sites would work. They have looked into what is required for a preliminary plan. All of the engineering is done, all utilities are shown. It has been submitted to DEP and all of the grading details on how the stormwater is going to be handled. All of this has been submitted to the Planners office at the appropriate time. It has also been reviewed by DEP for final permit. They have worked with the town and past approvals and have looked at the ordinance and they feel that they have 8 lots available. The moved lot #1 next to lot #4 in regards to a grading issue and the new plans reflect that. Each lot will manage its own stormwater.</p> <p>Domenic Pugliares, owner of the project does not approve with the Planning Board having another public meeting open on this project. He doesn't feel that he should be singled out and be required to have another public hearing. Vice Chair Koenigs stated that because this is an amendment to an</p>	

existing subdivision and they need to be very cautious and thorough and he will take this under advisement as to how the Planning Board wishes to proceed.

Win Winch made a motion to determine the application complete. Seconded by Mike Fortunato.

Jeffrey Hinderliter called for the vote:

- Mike Fortunato – Yes
- Win Winch – Yes
- Linda Mailhot – Yes
- Vice Chair Koenigs – Yes

Scheduled a public hearing on February 11, 2016 at the next Planning Board meeting.

Further discussion:

Linda Mailhot questioned additional lighting on these lots.

Mr. Pugliares stated that the lots are relatively shallow so the houses will be closer to the road and that will increase the lighting. He also believes that it is a town ordinance to have an outside light on your home anyways. He believes that the town should put street lights if need be. They would be happy to put in the deed restrictions to have a walk light put in.

Win Winch stated that there is an existing light pole at the corner of Long Cove and Wild Dunes Way.

Ms. Mailhot also asked about the DEP permits. Mr. Thompson stated that this will be another month to get that back and hoping to have it at the February meeting.

Also still do not have the final answer on the sewer line, however they do have the letter from Maine Water.

Mike Fortunato questioned who is responsible for the sidewalks.

Win Winch stated that it is in a public way therefore the town should be responsible.

Mr. Winch also asked if there was money set aside for impact fees?

Mr. Hinderliter stated that he has looked into this and there was nothing that he could find associated with this.

Mark Koenigs mentioned that he is involved with promoting the Eastern Trail Connector on the westerly side of Wild Dunes Way. He would like to encourage talking to the town council and to whoever else that would get to the Department Heads to encourage that a sidewalk in that neighborhood would be advantageous for people who do walk to go to and from for exercise so that they are not walking the street. Mr. Koenigs is concerned about the traffic speed in that area.

Mr. Koenigs questioned the setbacks on the ponds in lot #1 #4 and #5. Mr. Thompson stated that DEP has already ruled that this is a manmade pond therefore there are no setbacks.

Mr. Koenigs asked what the design standard will be in regards to the rain garden.

Mr. Thompson explained this to the board members and added that this will be the homeowner's responsibility to maintain this.

There being no driveway detail, Mr. Koenigs asked to have the pavement thickness put on the plans.

Jeffrey Hinderliter will also get information to the applicant so that they can respond to questions from the town.

Mr. Koenigs is not in favor of changing the road and putting lots on here. As a Planning Board member he would like to know what the build out plan is. He asked Mr. Pugliares to bring back to the next Planning Board meeting the number of acres that he plans to develop and what areas of the golf course that they would be in.

Mr. Pugliares explained that they have less impact on the land by building out less homes that were originally designed with less density. He cannot project how many more lots that he will develop.

MOTION

VOTE

(4-0)

<p>Win Winch mentioned the thing that has changed from the original concept is the individual driveways on connector roads.</p> <p>Mr. Pugliares also added that he is getting more tax revenue for the town.</p>	
<p>ITEM 3 Proposal: Site Plan: Construct 4,000 sq. ft. equipment building Action: Applicant Update; Final Review Owner: Town of Old Orchard Beach Location: 24 Manor St. (Waste Water Treatment Facility), MBL: 108-1-3, R3</p> <p>Planner Jeffrey Hinderliter stated that there are a few items that the board members requested. A stormwater plan and a revised site plan which have been submitted to the board and he is recommending approval.</p> <p>Mr. Koenigs asked Chris White, Wastewater Superintendent in regards to the proposed pavement, is it the intent that the stormwater is going to shed to the grass around the perimeter?</p> <p>Mr. White stated that the stormwater is based on the flow from the roof, however there are other catch basins. Where it is a single slope, everything will go to the back of the building.</p> <p>Mark Koenigs recommended that they should have some sort of overhang.</p> <p>Linda Mailhot made a motion to approve this project as submitted. Seconded by Mike Fortunato.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Linda Mailhot - Yes Mike Fortunato - Yes Win Winch - Yes Vice Chair Koenigs - Yes</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0)</u></p>
<p>ITEM 4 Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking Action: Applicant Update; Discussion; Schedule Final Review Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>Jeffrey Hinderliter introduced Randy Dunton, Engineer from Gorham Palmer Engineers.</p> <p>Scott Braley, project manager from Plymouth Engineering on behalf of the applicant introduced himself. For clarification the building is 2,080 sq. ft. Mr. Braley handed out building elevations to the Board Members. They have updated the plans based on comments from the initial meeting and hoping they will have a traffic movement permit at the next meeting.</p> <p>A recap from Mr. Braley: 2,080 sf. Building on a 1.19 acre parcel. Have done landscaping and this will be served by public utilities (sewer, water and storm drain).Mr. Braley addressed the following issues: Pollution, dumpsters, noise ordinances, decimal levels and they are confident that they can meet these levels with the equipment that is being specified.</p> <p>Would like pick up delivery times and trash times to be off peak from business hours but would like to hear feedback. They will go back to the owners and address the concern for the fence buffering and try to improve it. He believes that the queue length does meet the requirements of MDOT. He doesn't think that there is room for a roundabout. They have the opportunity to eliminate the angled cross walk</p>	

and add a sidewalk in front of the site.

The Board will continue to see updates on the plans. Although traffic will be out of Smithwheel Road, the physical address of 14 Ocean Park Rd is simply an address for E911 purposes. For clarification, peak traffic will be 150 vehicles. In regards to comments about the environment and stormwater treatment on the site. They do have ideas for oil and grease separator and maybe able to incorporate these into the project. The DEP permit by rule has not been received as of yet but is forthcoming.

Linda Mailhot was concerned about the design of the building. She would prefer more of a coastal design instead of a commercial design to fit into the town and neighborhood. There is a similar design in Saco by the Prime Ford Dealership.

Mr. Fortunato also thought that this is very commercial looking and will not fit in to the gateway of the community.

Mr. Braley will bring this information back to the owner and talk more about the design of the building.

Randy Dunton provided a brief summary.

The applicant had submitted 3 concepts before he had met with DOT and the town on site. There were concerns with these concepts. This is a challenging site and there is only so much you can do with this site. The following are the biggest issues:

1. Speed
2. Merging of traffic
3. 2 lanes down to 1 lane (eastbound) 1 lane to 2 lanes (westbound)
4. Curb cuts
5. Volume of pedestrians

The concerns are pedestrian activity, sidewalk to be removed from the crosswalk and add another, trucks turning right off Smithwheel Road and how pedestrians will cross Ocean Park.

Mr. Koenigs mentioned that the cuing lines are very short.

Mr. Dunton mentioned capacity in cuing analysis update. The capacity in cuing analysis needs to be done based on the concept the town wishes to go forward with so that cuing lanes are long enough to accommodate traffic.

Mike Fortunato asked what would be the recommendation to minimize it? Mr. Dunton stated that there is not a whole lot you can do to reduce the left turns but they can accommodate the left turns so they are not causing a safety problem.

Provide an appropriate sidewalk network, identify appropriate crosswalks, appropriate signage. RRFB (Rectangular Rapid Flashing Beacon) have been successful.

Linda Mailhot asked for clarification as to how much engineering regarding sidewalks, etc. and who has control over this.

Mr. Dunton stated that MDOT would dictate what happens there however there are also general standards. There are not enough warrants for a traffic light and he does not think a roundabout would be good in this location.

Win Winch questioned whether they have these sort of flashing lights in Canada as we get a lot of Canadians that come into our town.

Mr. Dunton stated that the RRFB's are National Standards.

Mark Koenigs had a question about the concept plan about the entrance of the property on the east side where there is a curb cut and what would Mr. Dunton recommend.

Mr. Dunton recommends eliminating that curb cut. The best location for their driveway is Smithwheel Road from a traffic standpoint.

Mark Koenigs asked if the applicant should address the right hand turn from Smithwheel Rd. onto Ocean Park Road to make sure there is an actual turn site so that the trucks are not going over the lane?

Mr. Braley stated that they have re-worked their site plan and they have added 2 blister islands.

Any business that generates any amount of traffic has to get a traffic movement permit. DOT had to permit the moving of the entrance of the campground across the street.

Mr. Koenigs is concerned about pedestrians and bicyclists and making sure it will be safe to cross the Road.

Mr. Koenigs stated that there are flashers that will be up for traffic pattern changes and is recommendation is for 6 months, Mr. Koenigs would like to see these up for 12 months and would like to see this on the traffic plan. Mr. Dunton agrees with this recommendation.

Mr. Koenigs also agrees that there should be only one crosswalk from the campground to Dunkin Donuts and asked Mr. Dunton if this is a DOT call. Mr. Dunton stated that the DOT will look to see what the Planning Board wants to do and will make sure that this is safe and meets standards. Mr. Koenigs also recommends that a fog line be put in on the right shoulder of the road to define lanes and when the merge happens. At the site walk Mr. Dunton had brought this to the attention of DOT.

Linda Mailhot asked what does the Planning Board have a voice in.

Mr. Dunton stated that DOT will look to the Planning Board and what they are giving for guidance to the applicant and then give a recommendation.

Win Winch suggested that something be done to widen the right hand turn.

Planner Hinderliter was concerned with DOT issuing a decision before the Planning Board's next scheduled meeting?

Mr. Dunton explained that DOT will issue only a draft. The draft will go to the applicant and the municipality to make sure that they agree with everything.

Mr. Hinderliter suggested that since the traffic is the major issue, the Planning Board hold a special workshop meeting to discuss "traffic only" issues.

The applicant would also have the opportunity to address Randy Dunton's comments. It was agreed That special workshop meeting would be held on January 28, 2016 at 6:00 pm.

Linda Mailhot asked about timing for deliveries and trash removal.

Mr. Braley stated that he will go back to the owners to get something more definitive other than non peak hours.

ITEM 5

Proposal: Major Subdivision Amendment: Revise location of two apartment buildings, parking and stormwater systems

Action: Applicant Update; Final Ruling

Owner: New Heritage Builders

Location: Smithwheel Rd. (Colindale Apartments), MBL: 107-2-1, R4 & ID

Bill Thompson, applicants engineer from BH2M Engineers introduced himself.

This is an amendment to the original approval. They had to move the building over with associated parking to the west to recognize an existing 50' right of way easement that was shown on the original plan in the 1980's with the abutting owners, however they didn't move any of the utilities. All the existing buildings would meet setbacks when and if a road was ever built through the project. With the earlier design, we had filtrations proposed with a drywell/catch basin system. They did test pits and found sand. DEP came back and said that the sand wasn't coarse enough to limit the infiltration rate less than 2.4" per hour. So they enlarged the detention pond to meet the additional storm water from one of the last phases and DEP issued a permit that was recently submitted to the town. They have all of the permits and utility design. Building will be sprinkled. There will be 28 units and 2 buildings. Modified detention pond (the old one didn't meet standards). DEP is fine with this project. They had a site walk. There was nothing left in the review letters that needed to be addressed.

<p>Design Review Certificates ITEM 1 Proposal: Convert restaurant and apartment to motel use. Construct dormers, decks, porches, stairs, handicap access, garage; Expand/add upper level; Add landscaping Action: Certificate of Appropriateness Ruling Owner: Beachwood Development Company, LLC Location: 33 West Grand Ave., MBL: 307-1-5, DD-1</p> <p>The Planning Board is making a vote of appropriateness and supporting the Design Review Committee as a subcommittee. Win Winch made a motion to approve the Certificate of Appropriateness, seconded by Linda Mailhot.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Linda Mailhot - Yes Mike Fortunato - Yes Win Winch - Yes Vice Chair Koenigs - Yes</p>	<p><u>MOTION</u> <u>VOTE</u> <u>(4-0)</u></p>
<p>Regular Meeting APPROVAL OF MINUTES: 2/12/15, 4/22/15, 7/9/15, 7/23/15, 8/6/15, 8/13/15, 9/10/15, 10/1/15, 10/8/15, 11/12/15</p> <p>Win Winch made a motion to approve the August 13, 2015 meeting minutes with the meeting start time correction being 7:10 pm and not 6:10 pm. Seconded by Mike Fortunato. Linda Mailhot - Abstained Mike Fortunato - Yes Win Winch - Yes Vice Chair Koenigs – Yes</p> <p>Win Winch made a motion to approve the September 10, 2015 meeting minutes. Seconded by Linda Mailhot. Linda Mailhot - Yes Mike Fortunato - Yes Win Winch - Yes Vice Chair Koenigs – Abstain</p> <p>Linda Mailhot made a motion to approve the October 1, 2015 meeting minutes. Seconded by Win Winch. Linda Mailhot - Yes Mike Fortunato - Yes Win Winch - Yes Vice Chair Koenigs – Abstain</p> <p>Win Winch made a motion to approve the October 8, 2015 meeting minutes with a couple of corrections. The vote on page 9 should read (4-1) instead of (4-0-1) and on the same page it should read DPW instead of BPW. Seconded by Linda Mailhot. Linda Mailhot - Yes Mike Fortunato - Yes Win Winch - Yes</p>	<p><u>MOTION</u> <u>VOTE</u> <u>(3-0-1)</u></p> <p><u>MOTION</u> <u>VOTE</u> <u>(3-0-1)</u></p> <p><u>MOTION</u> <u>VOTE</u> <u>(3-0-1)</u></p> <p><u>MOTION</u> <u>VOTE</u> <u>(4-0)</u></p>

<p>Vice Chair Koenigs – Yes</p> <p>The other meeting minutes were tabled and will be brought back up at the next meeting.</p>	
<p>Other Business: Sign Beachmont Findings of Fact</p> <p>There was not a majority of members here at tonight’s meeting to sign this. However, the Member’s have 2 documents to sign for Sawgrass.</p>	
<p>GOOD AND WELFARE</p> <p>Mark Koenigs mentioned that they should be thinking about workshop meetings to go over waivers, etc. Jeffrey Hinderliter told the Board Members that the Comp Plan Committee is currently working on the Future Land Use.</p>	
<p>ADJOURNMENT</p> <p>EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 10:50 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 Ten (10) pages is a true copy of the original minutes of the Planning Board Meeting of January 14, 2016.

