

Old Orchard Beach Planning Board Regular Meeting Minutes
Thursday, May 12, 2011

Call to Order at 7:03 pm

PLEDGE OF ALLEGIENCE

Members present: Winthrop Winch Chairman, Eber Weinstein, David Darling, Mark Koenigs, Don Cote, and Kristopher Fish. Tianna Higgins, excused. **Staff:** Mike Nugent, Code Enforcement Officer and Tori Geaumont, Secretary.

ITEM 1: Conditional Use: Pubic Hearing: Appeal from restrictions on non-conforming uses: Requesting permission to increase the number of rental rooms from 6 to 9 within the existing structure at 47 East Grand Avenue, MBL 305-4-4 in the BRD District. Owner is William & Lesa Watson.

Lucien Huot explained the request and asked for interpretation of why this is a new use, as it was used initially in this way.

Mr. Nugent explained the use has ceased for longer than 12 months which nullifies the use.

Mr. Huot stated he always considered a grandfathered use as previously existing.

Chairman Winch explained that the owner has the right to use the six rooms, and that is what is grandfathered. Rooming houses are no longer a permitted use in the district so those rooms are considered grandfathered. The other rooms lost their “grandfathered status” after ceasing being used for the 12 months. Chairman Winch asked Mr. Watson if the condition of no automobiles was agreeable to him. He agreed. Chairman Winch asked if the approval was set for this meeting.

Mr. Nugent explained the board will do that at the June meeting, as the Findings of Facts need to be created.

ITEM 2: Preliminary Plan: Determination of Major Subdivision, Site Plan & Conditional Use:

Determination of completeness/Set public hearing and site walk dates. Proposal to demolish 53 overnight cabins and replace with 53 seasonal dwelling units at 180 Saco Avenue, MBL 208-1-1, in the GB-1 & R4 Zones. Agent is BH2M, Bill Thompson.

Bill Thompson gave an overview of the project. He explained with visuals where the cottages will be placed and that the existing home will be demolished and replaced with a club house and pool area. He explained the proposed traffic flow and addressed concerns regarding water, egress, hydrant placement, drainage, grading, etc. He stated he has met with DEP and only a Permit By Rule is required by them; no storm water permit. The design of any needed culverts will be submitted to DEP for the Permit By Rule.

Chairman Winch asked if the drainage will flow out front.

Mr. Thompson stated yes, and there will be catch basins with a series of pipes. He addressed electric and heating issues and stated there will be 21 lamp poles that will be 10 feet high. Utilities will be underground and CMP will review this. There will be 4-5 cottages on one transformer.

Chairman Winch asked if the heat is electric.

Mr. Thompson answered there is a heat and air conditioning combination. He then reviewed the landscape design including the abutter line being planted with arborvitae and a stockade fence bordering Pinehurst Campground. Cut sheets will be submitted. He stated there was a small pocket of wetland due to poor grading, and this can be filled in and is not associated with any stream. The proposal is protecting any wetland and simply filing the poorly graded area. Parking will be adequate and actually more than what is required. He addressed trash which will be handled with a trash compactor rather than dumpster. There will be a 12X20 screened stockade fence around the compactor which has a 15 yard capacity. It will be hauled away weekly.

Chairman Winch asked if there were abutters close to the compactor.

Mr. Thompson stated not really close. It will be kept near the exit to keep the noise down.

Chairman Winch asked if they take away the compactor and leave another.

Mr. Thompson stated they actually take it away, dispose of the trash, and then return with it empty and is a quick process.

Mr. Cote asked if these are considered condos.

Mr. Thompson stated they are.

Mr. Cote asked for condo documents to be submitted.

Mr. Thompson stated they will be, but at this time they are still in process and being finalized. They should be available to submit within two weeks.

Mr. Winch asked if this project is to be done in phases.

Mr. Thompson stated it will be done in one phase. Once the season is over, in November, demolition will occur and everything put into place, as far as foundations, site work, utilities, etc.

Mr. Weinstein asked if the units will be built somewhere else and brought onto the site.

Mr. Thompson stated all except the siding. That is applied once the units are brought in.

Chairman Winch asked the board for consensus on scheduling a site walk on June 2nd.

Mr. Koenigs stated he would not be here.

Chairman Winch asked for a time on the second, and the board decided for 5:45 pm.

Mr. Thompson asked the board to park on the street, as the owners have requested that.

Chairman Winch stated this needed to be approved to determine completeness and asked if staff was comfortable that the application was complete.

Mr. Nugent felt it was complete.

Mr. Weinstein moved to determine complete the Major Subdivision, Site Plan & Conditional Use complete for 53 overnight cabins and replace with 53 seasonal dwelling units at 180 Saco Avenue, MBL 208-1-1, in the GB-1 & R4 Zones.

Mr. Fish seconded.

Motion passes unanimously.

Mr. Thompson asked to go through the criteria of the conditional use.

Chairman Winch allowed this.

Mr. Darling asked the site distance from the entrance/exit of the property.

Mr. Thompson stated at least 800 feet which is probably twice what is needed. As far as fire, this will meet code and there will be a hydrant placed. There will be a total of 84 parking spaces which will be 9'X18'. In addition, they will be removing 9, full time, year round cottages.

Mr. Weinstein pointed out this will lessen the amount then.

Mr. Thomson agreed. He then addressed drainage, unhealthy conditions, sewage, etc.

Chairman Winch asked about the cleaning of the area, and if there will be any issues.

Mr. Thompson stated there will be management options for the owners.

Mr. Koenigs asked about the purpose of the under drains.

Mr. Thompson answered this was to keep the road at a high quality. It will get piped into the storm drain system.

Chairman Winch asked if conditional use usually goes to Public Hearing.

Mr. Nugent agreed.

David Ordway, attorney for the project, asked if the conditional use is to prepare findings of Fact.

Mr. Thompson asked if this will be an agenda item on June 9th and it will.

ITEM 3: Determination of completeness: Conditional Use and Waiver of number of Parking Spaces:

Proposal to convert current shop/warehouse to hotel units at 30 Washington Ave, MBL 308-1-1 in the NC-3 Zone. Owner LaBoca Corp.

Mr. Nugent stated that Mr. King Weinstein asked if he needed to be here and he was advised he did not.

Chairman Winch asked Mr. Nugent was happy this was complete.

Mr. Nugent stated yes for now.

Chairman Winch stated that the board will do a site walk at 6:15 pm at 30 Washington Avenue on June 2nd. The board concurred.

Mr. Eber Weinstein stated he will be abstaining.

Mr. Cote moved to determine the application for conditional use and waiver of number of parking spaces to convert current shop/warehouse to hotel units at 30 Washington Ave, MBL 308-1-1 in the NC-3 Zone complete.

Mr. Darling seconded.

Motion passes 5-0 with Mr. Fish voting.

ITEM 4: Discussion Amendments to the following sections of the zoning ordinance: Chapter 78, Article I, Section 78-1, Article II, Section 78-34, 78-38, 78-68, 78-70, 78-94, 78-95, Article III, Section 78-142, Article IV, Section 78-212, 78-213, Article V, Section 78-246, 78-276, 78-302, 78-353, 78-354, 78-355, 78-376, 78-396, 78-397, 78-426, 78-427, 78-428, 78-429, Article VI, Section 78-686, Article VII, Section 78-1268, Article VIII, Section 78-1625, 78-1627, 78-1629, 78-1631.

Mr. Nugent stated that the shoreland zone ordinance is going forward to the town council. He reviewed the small changes which included taking the parking lot on Milliken Street out of the Resource Protection zone. Mr. Weinstein asked if that area was wet.

Mr. Nugent stated that this was only the parking lot, not the area behind the parking lot which is a prior developed area. He also went over the other changes in ordinances.

Mr. Weinstein asked about how long the Design Review Committee has been around.

Mr. Nugent stated it was formed somewhere between 1993-1994. The changes the ORC are proposing do not include the historical preservation area. This process stays.

Chairman Winch asked if there are any major improvements downtown would it come to the Planning Board.

Mr. Nugent answered the Planning Board would review changes. A 4-6 week process would be eliminated, and since the season is so short, the prior process could be distracting for new businesses.

Mr. Weinstein recalled this was a lengthy process.

Mr. Nugent felt that the town is trying to compete with sister cities for businesses, and this process could detract from potential business owners. He then reviewed the changes regarding signage and that the proposed changes were regarding electronic signage mostly and allowed by DOT. He stated that either the chairman or vice chair would be at the next meeting.

Mr. Weinstein asked if there was a size for the electronic sign.

Mr. Nugent responded it would be whatever the district allows; that does not change.

Mr. Koenigs asked if these changes were on the website, and staff stated they were.

ITEM 5: Amendment to Site Plan Review Approval: Proposed CMP Substation and Private Way, located off of Vallee Lane, MBL 107-2-34 / 107-2-27.

Steve Harding, AMEC representing Central Maine Power and Power Engineers. He explained the change which consisted of getting an easement of one area, but CMP could not obtain the easement therefore the change is a retaining wall.

Chairman Winch asked if the board just motions to approve.

Mr. Nugent stated yes.

Mr. Weinstein asked what the material of the retaining wall would be.

Mr. Harding felt this would probably be a large block wall with ground grid under fence which will become part of design.

Mr. Koenigs asked about the dates on the Findings of Fact.

Mr. Nugent stated they have been corrected on the final draft of the Findings that you will sign today if you chose.

Chairman Winch moved to approve the amended Site Plan Approval for CMP Substation and Private Way, located off of Vallee Lane, MBL 107-2-34/107-2-27.

Mr. Cote seconded.

Motion passes unanimously.

ITEM 6: Conditional Use: Determination of Completeness; Set Public Hearing Date: The addition of 20 feet to the existing radio antennae at The Town of Old Orchard Beach Fire Department at 136 Saco Avenue, MBL 207-3-8 in the GB-1 zone.

Mr. Nugent explained the Town was not prepared.

GOOD & WELFARE

Mr. Cote asked about the kiosks at the Grand Victorian and felt that they were originally approved as portable and now they are building permanent decks.

Mr. Nugent stated that to his knowledge they were permanent structures and if they are supposed to be that is a

DEP regulation. Discussion ensued regarding what was approved and what was there. Mr. Nugent stated he would look into the file and confirm what the Findings of Fact stated.

Meeting adjourned at 8:23 pm

I, Tori Geaumont, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four(4) pages is a true copy of the original minutes of the Planning Board Meeting of May 12, 2011.

Tori Geaumont