

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
Thursday, August 11, 2011**

Call to Order at 7:05 p.m.	Call to Order
Pledge to the Flag	
Roll Call: Win Winch, Mark Koenigs, Eber Weinstein, David Darling, Tianna Higgins.. Absent: Karen Anderson, Mark Cote. Staff: Jeffrey Hinderliter, Town Planner; Mike Nugent, Code Enforcement Officer	
<p>APPROVAL OF MINUTES: Chair Winch: We have on hand the minutes of June 6, however...</p> <p>Chair Winch moves to approve the minutes of the June 6 minutes (<i>verbatim</i>) and Tianna Higgins seconds the motion.</p> <p>All approve. Mark Koenigs arrives at the meeting (after the vote on the June 6 meeting minutes).</p> <p>Chair Winch mentions that the minutes of the July 9 meeting (also <i>verbatim</i>).</p> <p>Mr. Weinstein moves to approve the minutes of the July 9 meeting. Mr. Koenig would like to discuss page 3 of the minutes where Appendix B (a brief memorandum) is mentioned, but there is no Appendix B attached. Chair Winch points out that the memorandum is attached, and Ms. Higgins points out that it is page 9 of 33. Mr. Koenig points out that “B”, on page 9 of 33, is not the document referenced to concerning Appendix B. Mr. Koenig points out that because the minutes are verbatim, all of the attachments should be included. Chair Winch suggested that the minutes be approved under the condition that the proper documents be attached – Mr. Koenig seconds the motion by a nod of his head. Approved: July 9, 2011 Meeting Minutes</p>	<p>MINUTES</p> <p>Motion Vote (4-0)</p> <p>Motion Vote (5-0)</p>
<p>ITEM 1</p> <p>Proposal: Site Plan Review/Major Subdivision. Demolish 53 overnight cabins and replace with 53 seasonal dwelling units</p> <p>Action: Public Hearing; Final Plan Approval; Findings of Fact Approval</p> <p>Owner: Bernie Saulnier (BH2M- William Thompson, Agent)</p> <p>Location: 180 Saco Avenue, MBL 208-1-1, GB-1 & R4 Zones</p> <p>Chairman Winch asks Bill Thompson to go over what he did at the last meeting. There was a public hearing in June – preliminary hearing in July. There were questions and comments that needed to be addressed. Last submission letter is July 27 – revisions were made: On Plan Sheet 1, the legend was revised to read: Unit site area – areas designated for the cottages rather than limited common element. We added some arbor ____ plantings around the trash compactor which again, shows on Sheet 1. In addition, we ____ the details for the plantings and we also put the gate and the access to that compactor. And that shows on Detail Sheet 8. There are two gates on the project and they are a Skidada Barrier Gate – one on Hobson Lane and they have a reference note on them. They are the only gate the company makes so there was no model number or reference to that. Those are the only changes on the Site Plan Sheet No. 1. On Plan Sheet 8, again, we had a couple of details – under drain detail was clarified. Again, the trash compactor with landscaping and the access gates. On Plan Sheet 10, we had a typo on the curtain drain detail we had a “PVE” pipe versus a “PVC” pipe, so we changed that – any pipe that they used to use. And that was it, we enclosed 10 more copies through the Planning Office and we are here tonight to request approval</p> <p>Chair Winch opens for public hearing at 7:14 p.m. Chair Winch asks if anyone would like to speak</p>	ITEM 1

for or against the project. Attorney Tom Coward speaks for Michael Urbanski, an abutter to the property at issue. Mr. Coward passes out handouts to the panel. Speaking of the dumpster being moved back from the original position and surrounding it with some plantings. He feels that really does not address the issue about the dumpster. The Standard of Review for an expansion or change in non-conforming use set out in Ordinance § 78-180... Mr. Coward reads ordinance. With particular respect to the dumpster, there is no dumpster near Mr. Urbanski's property now. There is not one abutting it and there is not one in the near neighborhood. This is directly behind his property – it is an industrial sized-dumpster and it presumably will be motorized as most of these are. There will certainly be industrial-sized dump trucks coming out to empty the thing out on a regular basis, essentially under his windows. Moving the dumpster back 5-10 feet does not address the issue. It is suggested that the most appropriate place for the dumpster would be in the middle of the development next to the clubhouse where all residents would have easy access to it. It would be a straight shot in for the trucks to empty it... easier to do with much less impact. If the developer objects to doing this, it is suggest to the Board that the only reason for objection is that the developer knows full well that a dumpster that size is an obnoxious thing to have near a residence and that the developer wouldn't want to put it there because of the impact on the sale price of the units around it. That is a greater impact on the neighborhood than what is there now – which is nothing as far as dumpsters are concerned. In specific reference to the dumpster, it is in violation of the ordinance to have it located where it's located because it's a new impact – it's not currently in play with regard to the abutters, specifically, Mr. Urbanski. Again, the dumpster should be in the middle of the development.

Secondly, the entire premise of this development is that you can take 53 seasonal cabins – some of which can charitably be referred to as shacks – but to take 53 of these really small cabins... some of which are single room judging from the outside. To replace these with 53 two-bedroom, full-sized, single family houses, which is what the applicant is proposing... to attach to the materials that handed out ... Attorney Coward to go through each... One is the flyer that the real estate agents that are selling these are putting out... speaker reads from the flyer... “New and unique three season cottage style gated condo resort being offered in two styles and sizes”. Coward describes the amenities that are included: washer/dryer hookups, community club, two pools, hot tub, fitness center, entertainment center, all situated on eleven beautifully landscaped grounds. Proceeds to next page of his handout... what appears on the public information of the multiple listing services that you can get from any member of the Maine Board of Realtors. Two different listings are read by Mr. Coward for the two different styles of cottages. The next page of Mr. Coward's handout is an aerial photograph and repeats Attorney Ordway's proposal at the last meeting that the cabins were a lot bigger than previously thought. The next page of Mr. Coward's handout is a picture of one of the cottages that is proposed to replace one of the – mostly single bedroom cabins. The next page shows the model unit that is there now. Following that are pictures of some other typical cabins that are presently there, and the final is a big picture of the same thing to give you an idea of the scale of these enormous buildings compared to the buildings that are presently there. There are also printouts of the assessor's cards. “Our” contention is that the buildings by their very size will create a significantly greater impact with overcrowding, etc. The brokers who are marketing this are indicating a couple of things: That the development will be year-round; that the buyers will be allowed to add a stairway or a ladder to the attic and add living space upstairs. The quote was: “You could put your kids up there. It could be a loft”. This particular project is too big for that lot. Mr. Coward recommends scaling it and/or the cabins back.

Michael Urbanski states his name and address. (I or my = Mr. Urbanski). Mr. Urbanski thanks the Board for honoring his request for a second chance to speak. Mr. Urbanski also thanks the new Town Planner for being really fair and informative. Mr. Urbanski begins where he left off on June 9. He agrees that the model home is attractive, but for him it will be an eyesore. It is not consoling that the trash compactor may be moved several feet away from him. Mr. Urbanski is still very concerned about the decibel level as he is very concerned about noise. Article 78834 of the GBD II

– there would not be any allowance for a contractor storage yard so close to Saco Avenue and he does not believe that the trash compactor should be so close to Saco Avenue unless it is placed in the center of their project, by their clubhouse for easy access. Mr. Urbanski is also concerned about how many trips must be made by the trucks to empty the dumpsters... which may be twice per week and possible up to 52 weeks per year. He has read several accounts of how long it takes to empty the dumpster/compactor and also that there will be no supervision when the trash is loaded or emptied.

Mr. Urbanski refers to § 74-2 either No. 11 or No. 13 (he cannot remember which) where it says “A subdivision alone or in conjunction with existing land activities should not adversely affect the quantity and quality of ground water.” He mentions Mr. Warren’s comments from the public hearing, and Mr. Urbanski thinks that Mr. Warren’s water table is rising, due to flooding in the past 7 years, and something going on over a Cider Hill. Mr. Urbanski questions whether the retention pond is working very well. Mr. Urbanski believes the burden, by being an island; Summer Winds are almost saying that their burden will rest with the Town. They state that this is an off-site problem that is not created or impacted by this project. However, the Town could improve flow by doing this and that and something else.

I think the burden shifts to the tax payers they state on June 24 that the Town should be aware that future growth upstream will have a cumulative impact on the pipe – ultimately a second pipe or a larger one should be budgeted. Believes the issue is evaluating the project now, the area, the groundwater aspects, the negativity that is coming from these several parcels of land and getting a better understanding of how the _____, the aquifers, and the sources of the problems in that area can become more under control. Rather than having a hit-or-miss solution by putting another catch basin at the end of Hobson, or putting more catch basins in Ocean Park, or putting them someplace, I think an evaluation of a knowledgeable engineer looking outside the boundaries of Summer Winds is in order. Perhaps response to the adverse effects downstream at Ocean Park as they know very well, and cited by Mr. Bird in his plea for help at the last public hearing. The Planning Board members and the Town Planner recently stated that they recognized problems are still going to exist in the area. Summer Winds is still a part of the problem even though it is new. Since June 30, there is still a minimizing effect – the impervious areas at Jeremiahs and Summer Winds are almost identical and further minimization that there would only be a minor increase of impervious land. How can this be true if paved parking is done on grass and dirt and Summer Winds is having of now upwards of 94 paved parking spaces? And they say that, in their opinion, they see an extra flow may be nothing more than a minor account.

Mr. Urbanski: I went to the open house and Mr. Coward commented on those... I think it is a business though – the condo docs do specify that these condos can be rented daily, weekly, perhaps after 28 days there could be a more formal contract, but the condo docs specify that the Association may engage in business or renting to the traveling public and they need to follow the same laws governing campgrounds and motels. Mr. Urbanski “touches” again on the trash compactor. It is going to be a business that is trying to self-survive and support itself and make money – an association that collects fees, check-in and check-out. It might be a motel and it is questionable how many people will be staying there if it’s at three or four bedrooms. How many tenants can go in..., etc. Is it more than two as the wastewater treatment supervisor indicates? There are other discrepancies with the Findings of Fact in relation to the staff notes and in relation to the engineer reports. On June 29, Wright Pierce had a concern about the pitch and the crown in the center of the road limiting the ability to maintain the center of the roadway during winter conditions plus entry of emergency vehicles. On June 30 BH2M indicates that they had many talks with the developer and the roads were declared to be only seasonal and not intended for winter use. The Fire Chief believes there are many unanswered questions and before approval, it needs to be determined if these will ever be year-round residences because the Fire Chief has questions about winter occupancy, plowing, or reaching burning structures. Chris White, treatment superintendent, had

his assumptions back in May that they were all one bedroom, but that is not true. Another assumption is that the visitors would be limited because of the number of parking spaces, which does not appear to be true either. Many changes have appeared since May. Wright Pierce recommends cleaning out the catch basin but BH2M says they don't have to because 90% of the clogging comes from plowing and sanding and they don't have to be cleaned out for every tenure, but if it's going to be opened up year-round, and all of the sand is going to go all over the road, the catch basins are going to have to be cleaned out by the Town... another burden. Wright Pierce repeatedly – talks with the public works director. As far as I know, that has not been done. On August 4, at a workshop, one of the planning board members asked: Has anyone from BH2M talked with Bill Robertson, Director of Public Works? He has great ideas. To my knowledge, that has not taken place, except for me talking with him briefly to bring up that there was something going on which he knew that the project was coming up, but he said he was available, but I'm not sure anybody from the Island knows about it. The Planning Board, in my opinion, if they approve this tonight, or in the future, might want to require a moratorium or contingencies on their approval. There should be no modifications above the first floor and checked quite soon after somebody comes in, no winter use during the five months that they say they are not going to use it. The compactor should not be used more than weekly, and no appeals should go to other boards to change your decision for a period of at least five years. Many issues demand that you reconsider any voting tonight involve the people that might be helpful to sorting out continuing problems. Many questions and issues still remain; whether to add a new catch basin at the end of Hobson as stated by the Town Planner and discussed by the Summer Winds' attorney. Mr. Koenigs talks about putting in another culvert somewhere. I don't want Hobson torn up again. It just got redone after 40 years. It's a nice, paved street right now.

Something has to be done in the back yards in the neighborhood. I need some assurances that if and when you approve this that it's not going to happen to me again like the last time a developer came in next door to me. At that time it was not announced to me – mature maple trees were cut down, a fence was destroyed, and I was taken to court to get my house off their land. Mr. Coward worked with me at that time. My deed and my boundary seem off from the property line on the survey that has been completed by Summer Winds. Thanks everybody for including him in this process. My name was discredited about 15-18 times after I sat down at the last meeting. I don't want to put on drama here, but I might want to save a minute of my public hearing for myself or Mr. Coward to return.

Jerome Becker – Cable's Way: Mr. Becker is not an abutter. Tonight there are three things to do: One is Mr. Becker's mile-away abutter status. But first of all, regarding the primary abutter, Mr. Urbanski, regarding the trash compactor – I saw the last meeting on TV and thought it should have been settled back then. Tell the developer we need to move that – and they don't thud, they explode in the middle of the night – it has to move to the furthest geometrical point from the primary abutter, be coveted into the Condo Association Declaration document that it must stay there and never move back. They might increase the population by developing the upstairs. Do like what happened in my neighborhood, Birch Hill, and make sure that the roof is held up by several diagonal roof rafters and make it impossible to develop upstairs. If they're cut, you lose the roof. Regarding traffic impact: I hope you make sure there is a generous traffic impact bond, or whatever you call it, held hostage so that you can proceed rather than stall this, but have money to address traffic impact if it happens. What I am saying is that even if this is enforced as a seasonal development, there is a difference between a family vacationing for a weekend or a week. The driving patterns. If there is more driving on Saco Avenue, what is going to happen abutting my neighborhood - we are already impacted by loud truck noises, etc. If there are traffic slow-downs by Summer Winds, will short-cut down Smithwheel and Cummings and double what is already an unacceptable amount of traffic and traffic noise.

Chair Winch asks if anyone else wishes to speak. The public hearing is closed at 7:55 p.m. Chair

Winch asks the Applicant if he would like to say a few words.

Applicant: I would respectfully suggest to the Board that surmise and conjecture are no substitute for evidence. You have been taking evidence; you have been on this project for some number of months now. We have heard here tonight a lot of surmise and conjecture, and Mr. Coward indicated that he had not had a chance to look at the application completely. Some of his comments were based on a brief review of the package. He is to be excused for not having had the opportunity to review the condominium documents that were submitted some number of months ago. Mr. Urbanski apparently did review them but, possibly in oversight, failed to indicate to you that the conjecture of expansion into a second floor and the conjecture of year-round use. All is addressed in the condominium documents, which make it clear that the cottages are limited to seasonal use. The condominium documents specifically provide that seasonal use is from April 1 to October 30 of each year. We started reviewing this project, and in fact when you announced the project tonight, you referred to it as “Summer Winds Seasonal Cottages”. That is the way it was proposed at the beginning and is memorialized in the condominium documents. If those were to be changed, it would have to come back to the Board for those changes. There are no proposed changes to it and they are being described as seasonal units fully defined in the condominium documents to be from April 1 to October 31. Therefore, all of those “ifs” stated by the earlier individuals are not to be considered. The evidence before the Board is clear.

There are currently six dumpsters on Jeremiah’s Cottages property and they are being replaced by a single compactor. Again, I respectfully suggest to the Board that six dumpsters opposed to one compactor is a lessening of the impact associated with dumpsters for a lot of reasons. They have suggested ‘if you’re so confident in your compactor, why don’t you move it next to the clubhouse. We indicated at the last meeting that the principal reason for locating the compactor where it was, was to limit or minimize truck traffic passing through the project to access the dumpster. That location at the further back corner was to provide easy in and out access to the dumpster. Mr. Urbanski has said that it would be an hour process. Again, that is wrong. Because it is a compactor, it does not have to be dumped every day. It has the ability to reduce the number of trips to be made as opposed to six dumpsters. The process is that the roll-off truck loads the compactor, takes it to Merck, brings it back and deposits it back on the pad. The gates are closed and it’s a done deal. It takes the truck about two minutes to hook up to and bring the compactor up onto the body. It then leaves the site, goes to Merck and comes back. It takes about a minute to get it back onto the pad. Mr. Coward did not intentionally misrepresent any of the facts, but he did refer to the existing and the new cottages saying that they are not going to be similar to what they are going to be replacing. There is nothing in the ordinance that says that the cottages that are presently – replaced – similar, identical, even substantially similar structures. The ordinance states that a nonconforming use – so long as it meets the qualifications of the ordinance. They may be enlarged, expanded, moved to another location on the premises. We have never indicated that a 500 square foot cottage is going to be replaced by another 500 square foot cottage. The criteria, at the end of the day, said that the impacts and effects of change from one nonconforming use to another shall not be substantially different from what was there before. The impacts and effects of this development reduce the impacts and effects of what they are now on several different levels. Because the square footage of one cottage – going back a couple of months – I presented you with not only photographs, but tax cards indicating that several of the cottages that are there now are 11,000 square feet or more. That is not the comparison. The comparison is whether the impacts and effects of this project will result in a substantial increase of the impacts and effects after the approval of this project. The impacts and effects of the project that is proposed including a very studies approach to storm water are going to lessen from the impacts and effects that exist there now, which does include nine buildings.

Bill Thompson: Grass parking and gravel or dirt – is treated very similar – tape unclear... too far away from microphone.

Chair Winch: Existing/impervious was 90,000- 100,000 or something...

Mr. Thompson: Over 100,000.

Chair Winch: Probably 11% increase impervious? That includes the treat the current growth system?

Les Berry: Now you have existing cabins, parking, and road. And where we are taking it out and replacing it – a road is a little wider and the cabins are a little bigger, so have about 11% increase. That's all there is, and we have storm drainage system that collects it and puts it in the culverts quicker, so it actually reduces the impact at the culverts.

The pitch of the road comment actually had to do with whether it would be year-round or seasonal and we simply described it as seasonal. That is why we pitched the center of the road. Catch basins – I did not understand the comment about not cleaning them. We clean our catch basins whenever they get dirty. They won't get dirty as fast as a regular municipal basin because we won't be using them in the middle of the winter and won't be putting sand on the road. We do clean our own catch basins.

Chair Winch: I think he was thinking of if it was used in the winter, you would sand the roads internally that would wash down the drains and come back out into the drain system on Saco Avenue.

Les Berry: The catch basin has a sump in it that catches the sand and if you don't clean the sumps out, then the sand would go down the pipe and into the stream, but we will clean the catch basins when they are dirty. Obviously, there's some sand in them because there is sandy soil in the area. Ninety percent of all catch basin debris is winter sand.

The other comment was about storm water – about looking over a fence – a primitive ditch... That was an off site observation. We did not use the word primitive, we just said it was a flat ditch. That was over in the campground. It had nothing to do with our project or Hobson Avenue. It was just an observation we had at the time. It had nothing to do with this project.

Chair Winch: You've done something there to try to relieve, actually, at Hobson...

What we've done on Hobson Avenue – the water runs down the side of the road and there is no curbing on the road so it runs off the pavement. When it comes down, there is an existing gravel road into our project now. It basically turns and runs down that gravel road. What we've done is formed a ditch so it will then take it to our new culvert system. It's an improvement, not a negative. And the other comment about the ground water tables in the area being higher than they were five years ago... I have no way of knowing. We are not doing anything to raise or lower ground water tables or have any pollution. We are not discharging through ground water so, it was an irrelevant comment.

Charlene Farley, Maine Coast Properties: Is doing the marketing and wants to correct a few things that were said tonight. All of our marketing and advertising clearly states "seasonal". At no time have we indicated – we are asked all the time if it could be year-round – we have made it very clear that it is not a year-round project – that it is seasonal. The condo docs do state that renters – that there cannot be more than six people. That is stated in the condo docs. The maximum in any unit is six. Jeremiah's has a lot more than six at this time in some of those cottages on a weekly basis. The average age of the people that are coming in and that we have contracts with are in my age bracket – and couples. Giving that, I can say that the impact is quite considerably less. They're snow birds. They are people that come here just for the summer.

Chair Winch: Would they have grandchildren there?

I suppose. That is a possibility. In the attic area, we do offer a pull-down staircase, and offered, if you wanted to put sheets of plywood up there if you wanted to use it for storage. There is a possibility of a small loft area. We have made it very clear that it cannot be used as bedrooms, sleeping – it isn't going to be built in accordance with anything that could be used as or conceived as, a bedroom. In my opinion right now, based on coming through the project, its going to be considerably less than what is there right now.

Chair Winch: Any questions from the members of the Board?

Mr. Koenigs: States that he has not seen the condo docs. When they say they have been submitted to the Planning Board, as a Board member, I have not seen them. No way to verify what is being said is hearsay when it is supposed to be facts. If it is factual, then let me see the facts.

Planner Hinderliter: States that he had asked, either at a workshop or one of the last meetings, if you would like to receive – we were trying to figure out if you had received them or not – and we had thought that they may have been submitted at some prior to my arrival here. I was asked to look into the details as to what the typical procedure is with the condominium docs. I did look into that and the only reference that I have seen are ordinances that apply to this particular proposal, is – they come under the Planning Board's jurisdiction when it's a cluster development or a planned unit development. This proposal is neither of those, but we do have the condominium docs and I think the Town has had them for some time now.

Chair Winch: If the Plan is approved and the Plan is recorded – the condo docs legally part of the subdivision approval?

Planner Hinderliter: They are referenced in your Findings of Fact so, yes. Chair Winch mentioned that they have been referenced tonight as a binding document.

Mr. Koenigs: But we don't have any purview to review those or any need to review those based on the ordinance.

Planner Hinderliter: Right.

Ms. Higgins: We generally don't review them even when they are a part of the ordinance. But, in this case, I certainly would like – I mean I don't need to read them if you can verify that it states "seasonal".

Mr. Weinstein: I just noticed the plans on Sheet 6 discussing the water lines and it says "8" ducktail iron water main to proposed hydrant is a year-round installation. All other water and sewer mains and services are seasonal use only. Owner will drain and weatherproof systems." That would kind of say that it's not going to be possible to us it.

Planner Hinderliter: In the application itself and all the submissions, it has gone on to the point to define a season as April 1 through the 31st of October.

Chair Winch reads from the plan and it is explained that you would need that just in case there is a fire. Chair remembers the fire chief's comments that if they don't plow, we won't have access to get in if there were a fire.

Mr. Darling to the Chair. Have there been any additional peer review comments since the workshop? Planner Hinderliter: "No, there hasn't". Just to brief you... what you have that is new

in your packets are revised plans that are dated July 27, the full storm water report which was something that was requested, the trash compactor details and the Revised Site Plan Review and Subdivision Findings of Fact. The conditional use was approved at our meeting on the 21st. This evening, the Board is to determine whether they feel they can make a final decision on the subdivision and site plan review proposal.

Mr. Koenigs: For clarification, the storm water management report has an Appendix F. It does include the information about cleaning out the drains and catch basins – is that included in the Plan?

Mr. Hinderliter: I think that it would be much clearer if it was a note on the Plan.

Les Berry: There is no note on the Plan. It is part of our DEP storm water permit. It is incorporated into that so it is forcible that way. You could make it a part of the conditions of approval – it's already incorporated through the State law.

Mr. Koenigs: It would be redundant for us to have it there but it might be clear for someone who is following the paper trail... that's what I'm hearing you say; it should be covered

Ms. Higgins to Mr. Hinderliter: Just for the public's info, can you respond to Jerome's comment about the traffic impact fee for this project?

Mr. Hinderliter: I had that in the information in my memorandum from the meeting on the 21st and in that memorandum, I had asked the Planning Board to determine if we need a traffic peer review or something like that. I did not receive any feedback, so I assumed that based on the numbers that BH2M provided that everything was ok as prepared.

Ms. Higgins: But even without a traffic study, is this area subject to an impact fee? We have certain locations in town that if you build something there, you are subject to that fee. Is this one of those areas?

Mr. Hinderliter: I believe it is, yes.

Mr. Koenig to Chair: My understanding is that is if you are actually adding or changing use. Right now, it's just a nonconforming use that's being re-permitted without any significant changes.

Mr. Hinderliter: Right.

Ms. Higgins: I just didn't want people to think that we were supposed to, and weren't.

Mr. Weinstein: If you look at the staff notes on pp. 6 of 7 of the 8 11 11, No. 5 states: "The proposed project will not have an adverse onsite and offsite impact upon vehicular and pedestrian circulation systems within the community or neighborhood ..." etc.

Win Winch: Does Jeffrey have the ITE manual that chose the routine trips; have you looked that up?

Mr. Hinderliter: I don't have the ITE manual but I have a planning manual that isn't nearly what the ITE manual is, and I looked it up early on and it was very comparable. I do not have those numbers. The information in that planning manual was taken from the ITE.

Win Winch: The only other issue I kept hearing about was the dumpster. We discussed at our last meeting it was like 90-feet behind Mr. Urbanski's house? Yes. And I understand your house sits

<p>20 feet back from Saco Avenue – with heavy traffic. If I also remember correctly – what was the closest unit? 30-35 feet. So the second unit is even closer than Mr. Urbanski’s house. I just wanted to make sure we covered that issue. The storm water management... I think we covered this during the workshop – the change in the pre and the post development; was it virtually the same, or how close was it?</p> <p>Les Berry: That is correct, the numbers are almost identical. The project is very small compared to the magnitude of the entire drainage base and no matter what we did, it would not be much of a change and what we are doing is so little that it is almost insignificant. We are talking 100ths of 10ths of a CSF...</p> <p>Win Winch: So, it’s not changing the runoff <i>per se</i>?</p> <p>Less Berry: No. You could never visually notice anything.</p>	
<p>Planning Board member makes a Motion to Approve the Plans. Mr. Winch suggests that a lot of conditions are attached.</p> <p>Mr. Weinstein reads the suggested Addendum and the Motion to Approve Plans is seconded.</p> <p>Mr. Weinstein: Had heard earlier that replacing 500 square foot units with 7-or 800 square foot. It’s a major change, but personally, I think it’s a change for the better. This is right in the gateway to Old Orchard and these beautiful units will be placing some pretty bad looking shacks. They were kept up pretty good. Now, people need more. It will be a very positive change for the Town.</p> <p>A Motion is made to Add the Operations of Maintenance Plan by Mr. Koenigs and is seconded by Mr. Darling as a condition to the Findings of Fact. It will also be added to the plans that get recorded.</p> <p>Mr. Winch: We have to go through Section 74.2, or 78 2 16. We’ll go down through this one-by-one. Mr. Winch begins reading [1:26:00 on DVD recording]. There is some discussion concerning Item No. 7 and Mr. Winch continues reading aloud.</p> <p>Mr. Hinderliter takes a vote: Mr. Weinstein – Yes; Mr. Koenigs – No; Mr. Darling – Yes; Mrs. Higgins – Yes; Chairman Winch – Yes.</p> <p>Mr. Hinderliter to Chair Winch: Clarification: Was this vote for the major subdivision? This is for both site review and major subdivision.</p> <p>Chair Winch: This is final approval for both.</p> <p>Mr. Hinderliter: We will need to amend the Findings of Fact to include the new condition and the Applicant will need to amend the plans to include that note.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (4-1)</p>
<p>ITEM 2</p> <p>Proposal: Construct a 32’ x 40’ building containing two rental units and associated parking</p> <p>Action: Public Hearing; Preliminary Plan Consideration; Design Review Certificate Approval</p> <p>Owner: Cascade Corp (Attar Engineering, Inc., Agent)</p> <p>Location: 12 Foote St., MBL 205-19-11 (Seabreeze Motel), DD-2 Zone</p>	<p style="text-align: center;">ITEM 2</p>
<p>The matter is open for public hearing at 8:43 p.m.</p> <p>Kim McLaughlin: A resident of 20 Foote Street, an abutter of the property at issue. Regarding</p>	

Item #6 in the paperwork, what does the statement mean?

Mr. Hinderliter explains: It is in terms of the use being consistent because it is a residential use that is what the predominant use of that particular neighborhood is – residential.

Ms. McLaughlin: The hotel that is on the property is a business. Is this a hotel or condominium?

An audience member states that it is a hotel.

Ms. McLaughlin: I do have a bit of a problem with a three story hotel going in right next to me. I would not have much of an issue if it were a residence. I would have a few requests if this matter is approved. Vegetation is discussed. Requests that the existing vegetation remain and not be cleared out as it will give a great privacy screen for the first floor. Also, that if the trees that are presently there die, that they will be replaced immediately with trees of the same height. If trees are not possible, then some type of shield. There is also a risk that the trees to be moved will not survive replanting. Regarding the second and third floor balconies: Privacy screen for the hotel until that is closest to my property.

Board Member: Something on an angle so that they could look across, but not below them.

Mr. Hinderliter: The DRC added the privacy screen as a condition of approval for the third floor.

Ms. McLaughlin: I would ask that the privacy screens be for the *second* and third floor balconies.

Chair Winch: The trees in the back would be for privacy. Ms. McLaughlin's concern is if the trees "take."

Ms. McLaughlin also has a concern about a new "curb cut". Would not want people to have to back out to a stop sign.

Mr. Hinderliter: It does appear that there is a new curb cut proposed. There is discussion concerning the curb cut.

The public hearing is closed at 8:57 p.m.

Chairman Winch opened the Public Meeting back up to read an email that was sent to the Planning Board to read into the record.

An email was sent from Mr. and Mrs. John Foley which stated that she and her husband had talked to Mr. Nugent last week and it was suggested that they write their concerns concerning the proposed project on the Seabreeze Duplex. Their only concern is the water drainage. They would like to have the 8" PVC culvert that crosses the street to the edge of their property be discontinued, and or removed. They understand that the Water Management Study that was provided indicated that the water will flow to the marsh on the North side of the proposed building, and see no need for the water to move South and be managed on our property on that side of the street, then we request the building not be built.

George Green from 20 Foote Street explained to the Board that the swale between Kings property and Kim's property was put in by the town to ease the water problem, but there was no easement so there is no reason to have it there.

Kim McLaughlin: The Public Works Department came and put a big ditch in thinking that they would ease the water issue. Kim then mentioned she paid someone to come in (with code permission) and fix the swale so that it looks halfway decent. The concern is when water comes

<p>down Foote Street it flows down hill into their property. Mrs. Higgins mentioned that she thought that the Foley’s wanted that culvert removed because they think that it’s putting water from the opposite side of street to their side of the street. King Weinstein: The 8” pvc pipe was put in to alleviate the water problem on the abutters property. It was to their benefit. Chairman Winch: :Consider granting preliminary approval and need to issue a DR Certificate . Mrs. Higgins: She has an issue with approving the DR Certificate if they haven’t approved the project yet. Chair Winch: Recommends holding off until the next meeting. Mr. Koenigs: What preliminary plans are we approving? Mr. Hinderliter: There are 3 plans that were submitted. Mrs. Higgins: She has a proposal to look at the preliminary plans. Mr. Hinderliter: They are using a lodging density for the proposal, not a dwelling unit. Mrs. Higgins: Has a concern with parking spaces as a potential way to get rid of a second curb cut. Mr. Koenigs: Has some concerns that the site plan has some consistencies Mr. Hinderliter: Preliminary Plan Consideration basically means that the Board reviewing the plans and offering suggestions back to the applicant so that they can prepare information for the final review. The next action by the Board will be the final decision. Mrs. Higgins: A few issues to go over for the next meeting. 1.) Driveway 2.) Screening of the 2nd floor and Vegetation. Mr. King: They will remove some of the vegetation, but leave most of it as a screen. The section ordinance would be 1) design review and 2) amendment to approved plan. Chair Winch: No Board action required tonight. Mr. Hinderliter: There are two sections: First being going through the plan requirements, then the applicant need to meet the criteria for approval. It is then up to the applicant to make sure that the plan and association documentation addresses each of those in compliance with the ordinances. One recommendation that Mr. Hinderliter has is to have King contact the Biddeford/Saco water district to make sure that they have the capacity to serve the proposal. Mr. Hinderliter informed the Board this went to Public Works, Police Department, Fire Department, Ambulance and Waste Water. Mr. Koenigs: Recommends that the applicant revise the plan showing vegetation and drainage. And have the Public Works look at the issue of the drainage of the swale. Also making clear that the plans show the Driveway and Stop sign issues.</p>	
<p>ITEM 3 Proposal: Conditional Use/Waiver of number of parking spaces. Convert current shop/warehouse to 1 lodging unit Action: Approval of Findings of Fact Owner: La Boca Corp, King Weinstein Location: 30 Washington Ave., MBL 308-1-1, NC-3 Zone</p> <p>Mr. Hinderliter: King, Mike and himself met with neighbors and had a discussion on a few issues. King had some adjustments in the package that had not been added to the finding of facts, but can Add then if the Board would like. There was some question about the floor plans and kitchen. King talked to his lawyer about these issues and everything is ok. The proposal is basically approved, it is deciding what to do with the finding of facts. King: The 11 items in the August 1st email primarily deal with consistent use of the facility. Chairman Winch: Suggested that they incorporate his suggestions in the finding of facts.</p>	<p>ITEM 3</p>

<p>ITEM 4 Proposal: Request to review performance guarantee calculation methodology Action: Review and Approval Owner: DGA Enterprises Location: Hidn Pines Campground, 8 Cascade Road, MBL 104-1-30, RD Zone</p> <p>Mr. Hinderliter: This item is for the Board to accept and approve the concept and allow the staff work out the final numbers. Chair Winch: This item was discussed but has not been approved as yet. Chair Winch suggested that at the next meeting, come back with the numbers and approve then. Attorney David Ordway: Based on your instruction that this is the concept in this type of situation. Mr. Weinstein: As long as they have something that says that the town and campground comes To an agreement, he would have no problem with that. Attorney David Ordway: Where the difference came when the Town Engineer said I have got to fix these numbers based on the overall cost. Mr. Weinstein: Stated that the Board didn't have any formal approval on this item.</p>	<p>ITEM 4</p>
<p>ITEM 5 Proposal: 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 Action: Determine application complete and set public hearing date Owner: Town of Old Orchard Beach Location: 136 Saco Avenue, MBL 207-3-8, R1/GB2 Zones</p> <p>All agreed that this is still not complete and to table this item for the next meeting.</p>	<p>ITEM 5</p>

<p>GOOD & WELFARE:</p> <p>Mr. Koenigs: Had a question on The Amendment Performance Agreement. We just approved the project Summerwinds tonight. As a Performance Agreement as a subdivision as a subdivision under the subdivision rules. Did we agree to an amount? Mrs. Higgins: That happens after the fact. It always does. Mr. Koenigs: The attorneys say that we are supposed to approve it. Mrs. Higgins: It has to happen after all of the conditions are approved. Mr. Weinstein: Asked why we were doing this and did we have permission to do this? Mrs. Higgins: If we are supposed to then we should. Mr. Hinderliter: This is one of the conditions of the approval. Chair Winch: We are approving the condition of the approval. Mr. Koenigs: Are we approving the concept as well as the numbers? Mrs. Higgins: We have the Performance Guarantee guidelines, we are now going to alter these guidelines, now we have to approve it. Mr. Koenigs: We should defiantly understand it as a group.</p> <p>George Greene: Would like the Planning Board and Planner to research and clarify the difference between a Hotel and a Residential unit. It doesn't make sense to have a parking garage for a rental which is a Hotel unit.</p>	
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Mr. Koenigs: Back to Item #3. Section 74-61 on page 8 it describes the Performance Guarantee guidelines. ADJOURNMENT:	
Meeting adjourned at 7:50 p.m.	Adjournment

I, Carolyn Dulac and Val Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of thirteen (13) pages, is a true copy of the original minutes of the Planning Board Meeting of August 11, 2011.

Valerie L. Helstrom