

OLD ORCHARD BEACH PLANNING BOARD
 Regular Meeting and Public Hearing Notice
 September 8, 2016 7:00 PM
 Town Council Chambers

Call to Order at 7:01 pm	Call to Order
Pledge to the Flag	
Roll Call: Chair Mark Koenigs, Vice Chair Linda Mailhot, Win Winch, Mike Fortunato, and Eber Weinstein and alternate Ryan Kelly. Absent: Laura Bolduc. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner, Valdine Camire, Administrative Assistant.	
<p>Public Hearing ITEM 1 Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium expansion (Summerwinds II) Owner: 180 Saco Avenue Development LLC Location: 180 Saco Ave., MBL: 208-1-1, GB1 & R4</p> <p>The Public Hearing opened at 7:05 pm.</p> <ul style="list-style-type: none"> • David Perham unit #42 Summerwinds is in opposition of the project. Not enough parking and concerned that the occupants of Summerwinds may have to purchase flood insurance. The homes are too close together, concerned that if a fire broke out it would affect more than one home. Also the noise factor. All of these things are not conducive to a good neighborhood. Concerned about carbon monoxide poisoning from vehicles too close to homes. The water flow will be altered. The project is also encroaching on wetlands. This area was supposed to be the snow removal area. • Laura Albano unit #6 Summerwinds introduced herself. Her daughter is handicapped and she is worried that the road is too close to her house and worried that a car may go off of the road and run her daughter over. Also concerned that the parking will be behind her house. • Linda Regan unit #6 Summerwinds introduced herself. She is worried about the blockage of drainage. She is concerned that her daughter will not hear the cars going by and will get hit by one of them. • Michael Urbanski from 186 Saco Avenue. One of his 2 objectives to Summerwinds II is that 5 years ago, the developers and engineers had a poor understanding of the storm water flooding on Saco Avenue. After Mr. Urbanski's appeal of the Planning Boards decision in superior court of Summerwinds I, the developer promised to take his concerns into account, so he dropped the legal appeal. 2 years later the developer made further promises regarding his plans, asking for his support. His promises included the trash compactor, etc. Mr. Urbanski submitted a letter of support of year round living in Summerwinds. This new expansion does not have Mr. Urbanski's support. Mr. Urbanski's concerns are that in August 2011, the engineers discouraged his comments, saying that he was imagining the issues. A construction worker at Summerwinds confided in Mr. Urbanski that they were shocked at the volume of storm water coming into the development. In a letter dated July 21, 2016, project 	<p><u>ITEM 1</u></p>

engineer Steven Blake speaks of the 25 year storm event and was not aware of overtopping in recent years on Saco Avenue. Mr. Urbanski has to clear the drains on the street when 100-150 ft. of Saco Avenue is flooded.

The second of his objectives to Summerwinds II is the underestimation of the harmful effects still persisting in the Goosefare watershed area.

Mr. Urbanski thanked Town Planner Hinderliter and others for the management plan and securing grants for the filtration systems in the future to the water shed to rid it of harmful materials and bacteria rather than simply piping it further into Saco Bay. On the Summerwinds engineering maps, the retention pond between units 32 and 33 are not referred to and they have filled up with debris, chemicals and bacteria over the last several years. At last year's final sitewalk during August of 2015, Mr. Urbanski observed the developer completing and then changing the drainage behind units 30, 31 and possibly 29. This occurred 4 or 5 times within the month. The change seemed to him that they were moving stormwater into the drain under the road into the retention pond and into the 36" culvert under the road into the Goosefare drainage basin.

Mr. Urbanski stated that there was a report from Stephanie Hubbard from Wright Pierce that stated that she feels that they should continue addition coordination discussions with homeowner Mr. Urbanski to understand his concerns.

In closing Mr. Urbanski stated that he would like for the Planning Board member to visit the site again before any formal approval of the current expansion.

- Steve Fontaine from unit # 31 Summerwinds. Mr. Fontaine stated that he bought his home in February of 2015. He feels that this project is a positive gateway to Old Orchard Beach because of its looks and appearance. He worked closely with Bernie Saulnier, owner of Summerwinds to customize the home to their liking. Mr. Fontaine is the current President of the Condo Association of Summerwinds and he supports this potential expansion. He also added that all of the homeowners in Summerwinds I were all aware of the possible expansion of Summerwinds II project prior to purchasing their homes. This proposed expansion would bring in an additional revenue of an approximate additional 11, 600 on an annual basis. Mr. Fontaine doesn't believe that this project would be an additional burden on the community.
- Susan Gonyea unit #17 Summerwinds stated that she was aware that this expansion might happen in the future and is in support of this project.
- Anita and Richard Mara from unit #9 Summerwinds.
Only you the Planning Board can make this right and allow this man to build on this proposed area. He built 53 houses that the town approved six years ago, he was not approved for 59 then, why now?
- Michael McNeill unit # 22 Summerwinds stated that it is in everyone's condo docs that additional units could be built at a later date. He reiterates what Mr. Fontaine stated that this will create added revenue for the town. Mr. McNeill stated that he is in support of this project as long as the engineers and the Planning Board agrees that the lots are buildable and it is done by code.

<p>Chair Koenigs read the following letters and are attached.</p> <ul style="list-style-type: none"> • Janice Pelletier # 27 • Alicia Pierce # 10 • Janice Hebert # 7 <p>Chair Koenigs stated that the board also have letters from concerned citizens that were sent to them regarding this proposal, however they did not state who they are in regards to adding them to the public record.</p> <p>Being no one else speaking for or against this proposal, the Public Hearing closed at 7:36 pm.</p>	
<p>APPROVAL OF MINUTES: 7/7/16, 7/14/16, 8/4/16, 8/11/16</p> <p>Chair Koenigs would like to include the sitewalk information (actual documentation) and who was present included in the July 7, 2016 and August 4, 2016 workshop minutes. The Board Members agreed to waive the vote tonight for the workshop minutes only and will have a vote at the next meeting on these workshop meetings with the sitewalk information.</p> <p>Eber Weinstein made a correction on the workshop minutes of August 4, 2016. Item 2 on the last line should be suggested instead of agreed. Also if “they” do that they cannot apply for it. <i>Should be applicants.</i></p> <p>July 14, 2016 meeting minutes. On page 12 of 17, change motion from approved to remove without prejudice. On page 13 of 17, the last sentence change final 8 instead of final 7. Page 16 of 17, before item 8, documentation for Summerwinds, not Church Street project. Win Winch made a motion to approve the July 14, 2016 meeting minutes with corrections noted. Seconded by Linda Mailhot. Unanimous 5-0</p> <p>August 11, 2016 meeting minutes. Eber Weinstein has a change on page 9 of 10, there are repetitious statements. He would like to strike one of the sentences. Linda Mailhot made a motion to approve the August 14 2016 meeting minute with the corrections noted. Unanimous. 5-0</p>	<p style="text-align: center;">MOTION UNANIMOUS (5-0)</p> <p style="text-align: center;">MOTION UNANIMOUS (5-0)</p>
<p>Regular Business ITEM 2 Proposal: Major Subdivision and Site Plan: 40 unit condominium project Action: Final Plan review; Ruling Owner: Church Street LLC Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4</p> <p>Planner Hinderliter brought the Board members up to date on this proposal. There were a number of items that the Planning Board requested that the applicant addressed for final plan as well as waivers and recommended conditions before granting the preliminary plan approval. A key for tonight’s meeting is whether the Planning Board feels that the applicant has addressed these remaining comments for the final plan submission.</p>	<p style="text-align: center;"><u>ITEM 2</u></p>

There is no time frame for the Planning Board's final plan approval and there is no requirement for the public hearing, this is optional. Does the Planning Board have everything that was requested and presented and is it acceptable to them to vote on.

Bill Thompson, Engineer from BH2M introduced himself. The applicant has received comments from the Planning Board and staff.

Mr. Thompson and the applicant are here requesting final approval. Mr. Thompson went through a few items that was in the memo that Planner Hinderliter prepared. They have made changes over a couple of weeks.

Mr. Thompson went over the Planning Board comments to be addressed:

- They were asked to engage a Traffic Study Engineer (Gorrill Palmer) and that report was submitted without any issues in the immediate area. Site distance was over 500 ft. in each direction.
- Plans on the Cider Hill buildings be shown on the plan.
- Fence detail has height reference and detail. Detail sheet and site plans agree now.
- Add note #19 referencing roads and utilities will remain private and is the responsibility of the Homeowners Association and we do not include sidewalks in that note.
- Recommended conditions of approval: DEP Permit and have some comments back from DEP.
- Ongoing MS4 and post stormwater. We are in agreement with the inspections that need to be done. Get the proper paperwork and get the copies back to the town.
- There is a condition that no construction on Phase II begin before 8:00 a.m.
- Planning Board requests that the impact fee be addressed regarding traffic.
- Wastewater memo stating that this project would have no adverse effect on the pump station, also nothing in this project will put us over capacity with the towns system.
- Asked for a waiver on the 5' sidewalk. They want to go 4'.
- They are asking for a waiver on Faith Lane for Isle width from 24' to 20'.

Chair Koenigs stated that he wants to make sure that the new fire chief has received the plan and has his stamp of approval on this proposal.

Planner Hinderliter stated that the new fire chief has reviewed the new plans but that his comments included both Summerwinds and the Church Street project. Mr. Hinderliter thinks that his comments are more applicable to Summerwinds II than to Church Street.

Chair Koenigs would like Planner Hinderliter to get that clarified before the Planning Board approves the final plans.

Linda Mailhot suggested that it would be helpful to know whether town departments feel that the project is appropriate or not.

Chair Koenigs asked the Town Planner if he would make sure that we have the appropriate waivers before the final approval.

Eber Weinstein was concerned about the traffic assessment, that it didn't specifically address the relationship between Jameson Way and the entrance which Marc Guimont, DPW Director specifically asked for.

Chair Koenigs would like to be clear as to the recommendation from Gorrill Palmer on the existing mid-block crosswalk that will be eliminated or relocated and how this will be handled. Chair Koenigs asked that the Town Planner and the DPW Director come up with a solution for this.

Eber Weinstein stated that he would like to see the condos next to Cider Hill on the plans.

Win Winch asked if the sewer is going to be built by the town's standards, and Mr. Thompson stated that it is. The maintenance will be maintained by the Homeowners Association. Storm drainage, sewer and utilities will be inspected by Wright Pierce.

Chair Koenigs would like to allow the DPW Director to address the downstream sewer condition of the sewer lines that go to the pump station.

Chair Koenigs drafted a letter to the DPW Director in regards to the traffic, sewer and stormwater. The plans should reflect that there is a sidewalk that wraps around Saco Avenue and goes up Jameson Hill. The town could require an upgrade at that sidewalk. Chair Koenigs would like to have the DPW Director and the Town Planner get together and look at the area and make a recommendation back to the Planning Board whether the Developer should show on the plans that he will do some upgrades to those.

Linda Mailhot asked if the developer is reserving any rights for future development. Bill Thompson stated that they are not.

Chair Koenigs mentioned that the engineer initially did a hydro count for sizing the culverts across Trinity Way based on the size of 36" and 2 36" culverts based on a 100 year flow. This was revised in July and went to a 2 year, 10 year and 25 year flow. Then they realized they didn't need a 36" culvert for a 5 year flow.

Chair Koenigs is not opposed to a 24" culvert. The Planning Department and DPW Director should find out what the 36" culvert is going to be on Saco Avenue and when it is going to happen. We have already established a drainage easement and how can we best address the concerns downstream and the Goosefare Brook Watershed. Bill Thompson stated that they have sized it based on the traditional standards. Wright Pierce and DEP are reviewing it.

Note #19 needs to be changed to include the sewer sidewalks.

Note #20 Chair Koenigs wants to make sure that the waiver on Faith Lane is correct. Get a determination as to whether a waiver is needed for Faith Lane and Hope Terrace as well as Trinity Lane.

Bill Thompson stated that on Sheet #1 where it talks about Duffy's they can take out that reference.

A note needs to be added to define open space in the development with a note to refer that to the homeowners association has the ability to use that open space.

Linda Mailhot asked the Planner if the density is at max capacity. Planner Hinderliter stated that it is not at max capacity. This would allow for more development but you have to take into account what is a buildable area in regards to our ordinance definitions.

Chair Koenigs stated that there are no indications on the drawings that some of the trees that are not in the open roadway/buildable areas be preserved.

Planner Hinderliter talked about the Phasing and cost estimated document. They deal with this at the pre-construction meeting and we get all of the financials secured at that point.

Bill Thompson stated that he submitted his numbers based on the current standards and will refer to Stephanie Hubbard from Wright Pierce.

Chair Koenigs requested a sheet detail on the Church Street LLC plans.

ITEM 3

Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium Expansion (Summerwinds II)

Action: Preliminary Plan review

Owner: 180 Saco Avenue Development LLC

Location: 180 Saco Ave., MBL: 208-1-1, GB1 & R4

Planner Hinderliter updated the Board that he would be consolidating all of the Public Hearing comments that were presented at tonight’s meeting. The applicant will have a comprehensive list of what they need to look at as part of their preliminary plan approval submission.

Bill Thompson, Engineer from BH2M and Bernie Saulnier, Developer for Summerwinds were here at the meeting tonight.

Mr. Thompson brought the Board up to date on this project. The applicant is proposing 6 units which are designed as building cottages. When the homeowners for Summerwinds I bought in Phase I they were given a disclosure that this 6 unit development could come forward.

This use is allowed in GB-1. R-4 doesn’t allow it but believes there is a prevision in zoning and could this be looked at and considered.

They are not increasing the peak flow rate4s. Units will be slab on grade, there will be no crawl space no basement area, eliminating the concern about sump pumps and drainage issues.

They have applied to FEMA. Show plowing and removal doesn’t appear to be an issue.

They do not see a traffic issue in this development.

Wright Pierce memo had some concerns with delineation of some curbing. Steve Blake is working on MS4 with the Assistant Planner.

The issue with the 36” culvert, Stephanie Hubbard from Wright Pierce is ok with what they have presented along with the design, but she does recommend the DPW to weigh in on it.

Ms. Hubbard wanted more clarification on lighting and landscaping. They will do all of the inspections required for MS4. Bernie Saulnier has all of the legal documents to develop. DEP is reviewing this proposal.

Bernie Saulnier stated that nothing has changed, they built to what was approved since the final approval.

Stephanie Hubbard from Wright Pierce signed off on everything when they had the final walk thru.

Mr. Saulnier stated that they went 53 for 53 units at the time, knowing that they had additional space to do more.

Mr. Hinderliter stated that just on the density calculation this could have gone to 80+ units.

Chair Koenigs stated that the subdivision standards in places were waived because it was going to be seasonal. The Chair would like to see the actual Final Approval Plan (Mylar), the details that went with that final approval and he would like to see the Code Officers report on the condition of the subdivision with respect to the plans that were approved and make sure that everything is up to code.

Win Winch asked if Planner bring back a quick overview of what happened in 2011.

The Chair requested and the applicant agreed that he will release the as-built survey to the town as well.

The Chair suggested that the applicant and engineer get together with DPW on the flooding issues.

ITEM 3

MOTION

VOTE

(5-0)

In regards to units 6, 7, 5 and possibly 4 has a discharge for the sump pump with a crawl space that he would like for the engineer to reflect on the plans and where that water is going to go. Maybe come up with a dewatering system that serves the entire development.

Mr. Thompson will follow up with a site visit to see what can be done and how it can be relocated or incorporated so that no one is impacted by it.

Chair Koenigs suggested that the Town Planner, Developer and Engineer work together on what waivers that there might be.

Mr. Saulnier stated that these seasonal homes were requested by the homeowners to be able to have year round homes. So he came back to the Planning Board and got that approved.

Chair Koenigs asked about what changed in regards to the dumpsters.

Mr. Saulnier stated that they put a dumpster pad in that was bigger than it should have been. It is up to the Homeowners Association to put in a compactor. It is set up for both kinds of dumpsters.

Mike Fortunato wanted to clear up the fact that when the Planning Board amended this to be year round, it was a hardship as far as the sale of those units and they needed year round to finish the project.

Bernie Saulnier stated that they were going on their 3rd year and they were losing buyers. They liked the convenience and they wanted the 12 months.

Mr. Thompson stated that units 58 and 59 will need flood insurance because they are in the flood zone. Mr. Saulnier stated that flood insurance can be waived if you can prove to the insurance company that nothing is going to get ruined. If there is slab on grade and no water coming in the house or basement.

Eber Weinstein presented his thoughts on this proposal. He thought that Summerwinds I looks unbelievably nice. It is an incredible improvement to what was previously there. His concern is that they did not ask for the 80 units at the beginning instead of going for a full development process. They wanted to get a conditional approval for 53 units for 53 units and were supposed to be originally seasonal. Then the Planning Board gave them until December, then they came back and asked for year round. Year round was a problem for Mr. Weinstein because they had roads that were designed for non-winter use. He was upset but the Planning Board let it go through. Where these 6 units are proposed to be built and with the flood plain he doesn't agree with this project.

Mr. Saulnier stated that when they started this project, the town didn't know what to do with them. He consulted with his lawyer and didn't want to jam 80 units in at the time so they followed the 53 units at that time. Mr. Saulnier said that it was in the condo docs and on the plans that it was written that there would be additional units to be developed.

Mr. Weinstein stated that he didn't recall that it was ever mentioned about additional units.

Chair Koenigs stated that he read the meeting minutes and when the Planning Board asked if he was going to build more units and his response was that he didn't know but he reserved the right to build more units.

Linda Mailhot said that Summerwinds I is an attractive addition to Old Orchard Beach. At the site walk she was concerned with the land that seemed wet where the units are going in. The layout seemed very odd. The proximity to some of the units already there were very close. Parking spots seems narrow trying to get 2 cars to go through at the same time.

Chair Koenigs mentioned that Old Orchard Beach does have flooding issues. He suggested that when they do the ordinance review, they should consider (with Wright Pierce) as to what would be a better

ordinance for this town for some of the catch basins to help guide developers and engineers.	
<p>ITEM 4 Proposal: Conditional Use and Shoreland Nonconforming Structure Expansion/Relocation/Replacement: Replace and expand single-family dwelling with the Residential Activity Shoreland Zone. Action: Discussion Owner: Ron Sabin Location: 129 West Grand Ave., MBL: 319-12-5, R3 & RA</p> <p>Eber Weinstein entertained a motion to lay this item on the table, seconded by Linda Mailhot.</p>	<p><u>ITEM 4</u></p> <p><u>UNANIMOUS</u></p> <p><u>(5-0)</u></p>
<p>Other Business /Workshop Items</p> <p>1. Paradise Park Update Planner Hinderliter sent out a memorandum with an update to the Planning Board and members have all read it and accept it as the update.</p> <p>2. Traffic Impact Fee Discussion At the workshop the Planning Board received a thorough examination of the file by the Assistant Town Planer on the traffic study that was done in the past with recommendations and how impact fees were set up and haven't moved forward from that because there is no ordinance for impact fees. This is something to look at as they go forward.</p> <p>3. Ordinance Discussion We have the Town Planner memorandum that lists out the ordinance discussions. During the workshop they prioritized the 6 items.</p> <ul style="list-style-type: none"> • Appeals from restrictions on nonconforming uses. • Plan Amendments. • Design Criteria. • Waivers. • Meeting consistency. • Housekeeping. <p>The Planning Board will work on (1) Design Criteria and (2) Meeting Consistency for now.</p> <p>4. Findings of Fact: Accessory Dwelling Unit, 15 Willow Ave. Just to be consistent, there should be italics on #12</p> <p>5. Findings of Fact: Homewood Park Plan Amendment</p> <p>The Planning Board will sign the Findings of Facts for these after tonight's meeting. Chair Koenigs suggested to have a draft of the Findings of Facts at the workshops.</p>	
Other Business	
GOOD AND WELFARE	
Alan Hess from 56 Portland Avenue introduced himself. In regards to Paradise Park, last week Mr.	

<p>Hinderliter stated that he and the Assistant Planner agreed on the research they had done but gave no definition on what they agreed on.</p> <p>Planner Hinderliter told Mr. Hess that the Assistant Planner did some independent research on the Paradise Park files to see if she found the same information that he found in regards to Paradise Park 2004 campground registration application and they both found the same documentation and to see if they could find some kind of consistencies with the submissions. Planner Hinderliter stated that ultimately we will get everything to our attorney and get his opinion and will have that by the October meeting.</p> <p>Jerome Begert introduced himself to the Board. In September of 2009 the RSU School Board put a modular building on the back end of the high school parking lot. Before they were permitted to connect to utilities, they were required to plant bushes to hide the buildings view from the Senior Citizens Community across from Dirigo Drive. They planted the bushes in the summer of 2010. The spread the bushes so far apart which left the building completely visible. They did not water the bushes. The Birch Hill Condo President went over daily to water them until he moved. The bushes never got watered. In 2015 they put another, much larger modular building on the school lot. They were required to plant the same number of bushes as a buffer to hide both buildings from view. They did not plant the bushes in 2015 and nothing happened in May or June of 2016. In late June of 2016 Mr. Begert reminded Councilor Jay Kelley to remind the new superintendent about planting the bushes. It is now September 2016 and not bush planting.</p> <p>Planner Hinderliter stated that early last week the superintendent got in touch with him. Mr. Hinderliter researched the files and went on site in regards to the buffer that the Planning Board required and was not installed.</p> <p>What the Planning Board required was a fence that could be temporarily put up until the arborvitae were filled in. What was approved at that time was a 6' center on the top row to fill in the spaces. The superintendent agreed to do it. Last Friday, the Facilities Manager contacted Mr. Hinderliter and said that he is working with Moody's Nursery to get the bushes ordered. They will plant the bushes and not deal with the fence.</p> <p>Eber Weinstein would like to have an update at the next Planning Board meeting on this item. Mr. Weinstein also thanked Mr. Beggart on bringing this to the attention to the Planning Board.</p>	
<p>ADJOURNMENT</p>	
<p>MARK KOENIGS, CHAIR</p>	
<p>Meeting adjourned at 10:36 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 Nine (9) pages is a true copy of the original minutes of the Planning Board Meeting of September 8, 2016.

Valdine Camire