

TO: Old Orchard Beach Planning Board
FROM: Jeffrey Hinderliter, Town Planner
SUBJECT: December Planning Board Meeting Summary
DATE: 8 December 2011

Below is a brief summary of pertinent issues related to the December Planning Board Agenda items:

ITEM 1 – Chamberlin

- At the last meeting, the PB scheduled a public hearing for this month and requested staff research Poplar Street Extension and the State statute that deals with private rights on paper streets.
- As you'll see in my memo, I think Poplar Street Extension is hard to use as example because it proposed a private way up to the most restrictive town road construction standards and it was for access to 13 lots.
- I still think there are some questions that should be answered and additional submissions needed (see memo).
- In my opinion, the most crucial issues are 1. Representing right, title or interest; 2. Private Rights- are they an issue and if so, how will they be approached; 3. Future use/development off the private way- who will upgrade, prepare the maintenance agreement and perform maintenance and snow removal?
- PB should advise applicant on next steps.

ITEM 2 – Mertz Home Occupation

- The PB will conduct a public hearing and possibly final review this month.
- A straight-forward proposal to conduct a Home Occupation
- The Home Occupation will be to prepared baked and canned goods in the applicants kitchen by the applicant. All sales will be off-site.
- Complies with Conditional Use and Home Occupation Standards.
- Applicable DHHS licenses have been secured
- I believe the PB can approve this proposal

ITEM 3 – Smith

- At the last meeting, the PB requested the applicant submit a formal public way application so the PB could formally consider this proposal, including the subdivision road construction standard waiver requests.
- PB should review subdivision road construction standards and see which ones the PB can waive or modify.
- This issue of required frontage and right-of-way width has been resolved so the 100' of frontage is not required (the lot existed before adoption of the frontage standard) and the 50' ROW width is not required (the ROW existed before 19 September 1989).
- The PB should review this proposal to see if it meets applicable standards in the Private Way Ordinance and decide on subdivision waiver requests.

ITEM 4 – Baggs

- **Proposal to create a Private way to access one lot. Last month the proposal was introduced to the Planning Board but no action could be taken until a variance was secured. The Planning Board will begin its official review this month.**
- **On 28 November, the proposal was granted a variance for the ordinance standards mentioned in the applicants cover letter.**
- **The proposal is different from the Chamberlin proposal because this portion of Connecticut Ave is a paper street with public rights not reserved by the town.**
- **The applicant will be required to show right, title or interest and that there is no private right issues.**
- **The PB should identify any outstanding issues and schedule a site walk and public hearing.**

ITEM 5 – BBI

- **BBI is proposing to amend a 2001 approved site plan by increasing the property size from 4 to 8 acres, construction of a driveway with a utility access easement and installation of fencing for improved security.**
- **The proposal is quite complete and those areas that are changing from the 2001 approval have been updated, including amended stormwater management and site plans.**
- **This is a pretty straight forward proposal. The primary possible issue is the access construction of the access easement. We just need to be sure all legal agreements are in place and the proposed access, including construction, is acceptable to all those who use it.**
- **I believe the PB can schedule a public hear and site walk (if needed).**

ITEM 6 – Fire Department Antennae Addition

- **The Fire Department is proposing a 20' addition to an existing communications antennae attached to a building.**
- **This proposal has been scheduled on several PB agendas over the past few months. The applicant is now prepared to move forward.**
- **The primary issue for the board to consider is waiver of Wireless Telecom Facility standards.**
- **I believe the PB can move forward and schedule a public hearing and a site walk (if needed).**