

**TO:** Old Orchard Beach Planning Board  
**FROM:** Jeffrey Hinderliter, Town Planner  
**SUBJECT:** November Planning Board Meeting Summary  
**DATE:** 3 November 2011

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

**ITEM 1 – Kirby**

- Report on site visits
- Nothing new from applicant (nothing requested by staff or PB)
- Hold Public Hearing- if no issues arise I believe the application and findings of fact can be approved on 10 November after the public hearing

**ITEM 2 – Chamberlin**

- At the last meeting, the PB requested the proposal to be brought to the town attorney for discussion. I spoke to Rob Crawford and this is the highlights of the conversation:
  - \* The town has reserved the rights to develop the sections of Homewood Blvd and Hemlock St. as located on the plan. The town specifically identified this property so they want to retain public rights.
  - \* Although public rights have been reserved, an applicant who has right, title or interest can propose a private way over a paper street and this can move forward as long as it is clearly documented on plans and documents and upon the condition and recorded that all public rights be maintained and granting the approval does not relinquish public rights. Also, any improvements within the right-of-way can be removed and/or upgraded by the town at a future date.
  - \* There is some concern because Homewood and Hemlock are primary accesses to numerous undeveloped lots within Homewood Park.
  - \* Also concern this could prove to be a future problem. Would we be advancing something that where it is difficult to turn around?
- My memo takes a much more conservative approach than our attorneys. I do find the attorneys advice makes sense as long as there is clear documentation stating the town retains public rights and can remove or upgrade any improvement wherever the town's public rights exist.
- PB should advise applicant on next steps.

**ITEM 3 – Smith**

- Applicant looking for guidance for a private way proposal that accesses 3 lots. Would like to request modifications or waivers of the subdivision road construction standards.
- PB to review subdivision road construction standards and see which ones. If any, the PB may be willing to modify or waive.
- PB advise applicant so he can create an application and plans in conformance with the standards the PB will require conformance with.

#### **ITEM 4 – Summerwinds**

- **Summerwinds is proposing to extend their season by two months- from 1 April to 31 December (currently 1 April – 31 October).**
- **Town departments will need to reconsider the proposal.**
- **Will any of the plan elements, construction details change? If so, amendments may need to go before the PB.**
- **If approved, all documents referencing the previously approved dates must be amended (especially signed documents such as the plans and FOF).**
- **PB to offer an comments concerning the change- assuming all details are worked out is the PB willing to accept 2 additional months of use?**

#### **ITEM 5 – Dunegrass, LaCosta Pines**

- **Amendment to approved 2007 plan.**
- **Amendment includes: 1. change in type of building and layout- from 30 unit attached town homes to 30 single-family dwelling; 2. adjustments to driveways; 3. minor access road adjustments.**
- **74-235 states PB review is required if there are any changes, modifications, erasures or revisions after approval. The revised plan must be submitted to the PB for approval. It appears public hearings, site walks or other procedural issues are required; therefore, the PB simply rules on the amendment.**
- **The PB may need to amended plan to sign and the FOF may need to be amended**
- **At the 10 November meeting, I believe the PB can rule on the amendment if they find the plan and written documentation is acceptable. If the PB does not rule on the proposal, they should state what is needed from the applicant**

#### **ITEM 6 – Mertz Home Occupation**

- **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.**
- **The PB can determine the proposal is complete and schedule a public hearing and site walk for next month.**

#### **ITEM 7 – Baggs**

- **Proposal to create a Private way to access one lot.**
- **It is my understanding the proposal requires a variance before a formal application can be made to the PB.**
- **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 there are no private right issues.**
- **The applicant is before the PB for discussion- a ruling is not necessary at this time.**

#### **ITEM 8 – Kerr**

- **This proposal is to simply sign the findings of fact for the deck project approved at October's meeting.**