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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearings & Regular Meeting**
5 **April 11, 2019 6:30 PM**
6 **Town Council Chambers**
7 **MEETING MINUTES**
8

9 **CALL MEETING TO ORDER at 6:30 PM**

10
11 **PLEDGE TO THE FLAG**

12
13 **ROLL CALL**

14 **Present:** David Walker
15 Robin Dube
16 Marianne Hubert
17 Chris Hitchcock, Alt.
18 Mark Koenigs, Alt.
19 Vice Chair Win Winch
20 Chair Linda Mailhot
21

22 **Staff Present:** Planner Jeffrey Hinderliter
23 Assistant Town Planner Michael Foster
24

25 **Approval of Minutes: 3/7/19, 3/14/19**

26
27 **MOTION:**

28 David Walker made a motion to approve the Planning Board Meeting Minutes for 3/7/19 and 3/14/19,
29 seconded by Win Winch.
30

31 **VOTE:**

32 David Walker - Yes
33 Robin Dube - Yes
34 Marianne Hubert - Yes
35 Vice Chair Win Winch - Yes
36 Chair Linda Mailhot - Yes
37

38 **CARRIES:**

39 (5-0)
40

41 **Public Hearings**

42 **ITEM 1**

43 **Proposal: Site Plan: Second Floor Addition to Existing Structure – Retail/Stockroom Purposes**
44 **Owner: Harold Harrisburg**
45 **Location: 9 East Grand Avenue, MBL: 306-2-6; Zoning: DD1**
46

47 Public Hearing opened at 6:33 pm.

48
49 Chair Mailhot read written commentary from Lisa Gribbin to be included in the meeting minutes:
50

1 To: Town Council Members, Town Planning Board Members and Town Manager
2 From: Lisa Gribbin 5 Kinney Ave
3 To be read at Public Hearing on April 11th, 2019
4 RE: 9 East Grand Ave. Harrisburg second story addition

5 My appreciation for this opportunity to be heard. My greatest thanks to all who will listen.
6 My concerns remain the same as last time:
7 The store as it sits now takes up almost the entire property.
8 There is absolutely no room to work on this building without trespassing on either my property or
9 Kinney Ave. or E. Grand Ave.
10 Even if the staging and prep work and the storing of materials takes place across the street;
11 It still would need to come across Kinney Ave. or on E. Grand Ave to be put in place. As it is now, and has
12 been very often in the past, the congestion at the end of Kinney Avenue has caused my tenants and
13 guests and those of 3 Kinney and the LeMer to jeopardize our lives to get around the stock, the
14 materials, the trucks and all else that ends up being at the bottom of Kinney Avenue keeping us from
15 being safe. We cannot SEE around the boxes, the cars and trucks delivering and picking up from Kinney
16 Ave making it extremely dangerous to enter E. Grand Ave, blind.
17 Police Chief had some comments the last time on this subject..."I understand that Mr. Weinstein's
18 opinion is, that

19 Mr. Harrisburg is somehow "grandfathered" when it comes to how and where he receives deliveries at 9
20 East Grand Avenue. I do not dispute that he needs to have, and should be allowed to receive deliveries
21 to his businesses. However, Because of complaints about congestion and traffic hazards at the
22 intersection of Kinney Avenue, and East Grand Avenue (which I have seen myself), I will not authorize a
23 loading zone adjacent to 9 East Grand Avenue on Kinney Avenue, and will not allow deliveries to be
24 made to that property, that require illegal parking on Kinney Avenue. Alternatively, I will allow deliveries
25 to be made from the East Grand Avenue side as we do for all other businesses. Chief Dana Kelley"
26 I believe from the Chiefs remarks that he also means moving building materials as well. According to our
27 Fire Chief, Ed Dube, he will not grant any request to block the end of Kinney Avenue at any time. Chief
28 Dube assured me of this on numerous occasions. Kinney Ave. has only one way in and one way out, it is
29 a narrow street that sometimes causes issues for the fire trucks and emergency vehicles to get in and
30 out quickly. Please check with our first responders for the accuracy of this statement. When the dust
31 settles on whether or not this is even a sanctioned use for this building, the end result will be it is unsafe
32 both from the construction of it, as well as, very unsafe for the residents to drive in and out of the street.
33 Many times my guests have mentioned almost being hit or running into the blockades. If these
34 statements and your site walk are not convincing enough, please consider that this group does not
35 adhere to our ordinances. So if this gets allowed, once it is done there will be no way to enforce
36 whatever is agreed, Again, I refer to Chief Kelley and the storage trailers that stilt sit in the yard after
37 years of warnings that these are illegal, Please do not put the citizens of Kinney Avenue into a battle we
38 did not choose nor can be supported by our ordinances. Please visit the properties on Kinney Avenue at
39 any time, I would be happy to speak with you. Thanks again very much for listening.

40
41 Closed the Public Hearing at 6:37 pm.
42
43

1 **ITEM 2**

2 **Proposal: Major Subdivision: 5 Unit Condominium Building**
3 **Owner: SJ Peacock Builders**
4 **Location: 21 Union Ave, MBL: 315-15-3; Zoning NC-2**

5
6 Public Hearing opened at 6:38 pm.

7
8 Jenine Reny from 22 Ocean Avenue introduced herself and wanted to know what the size and height that
9 this building will be. Chair Mailhot explained that after the Public Hearing there will be a business item
10 that will discuss this.

11
12 Closed Public Hearing at 6:39 pm.

13
14 **ITEM 3**

15 **Proposal: Ordinance Amendment: Chapter 78, Sec. 78-869 (b) (2). Allow Multi-Family**
16 **Dwellings on Sidewalk Level in the NC-3 District**
17 **Applicant: D.E.C. Investments L.L.C.**

18
19 Opened Public Hearing at 6:40 pm.

20
21 There being no one speaking for or against this item, the Public Hearing closed at 6:40 pm.

22
23 **ITEM 4**

24 **Proposal: Ordinance Amendment: Chapter 78, Sec. 78-1272 in its entirety. Amend Accessory**
25 **Dwelling Unit standards**
26 **Action: Schedule Public Hearing**
27 **Applicant: Town of Old Orchard Beach**

28
29 Opened Public Hearing at 6:41 pm.

30 There being no one speaking for or against this item, the Public Hearing closed at 6:41 pm.

31
32 **Regular Business**

33 **ITEM 5**

34 **Proposal: Site Plan: Second Floor Addition to Existing Structure – Retail/Stockroom Purposes**
35 **Action: Rule on Waiver Requests; Final Ruling**
36 **Owner: Harold Harrisburg**
37 **Location: 9 East Grand Avenue, MBL: 306-2-6; Zoning: DD1**

38
39 Planner Hinderliter stated that there are 3 rulings that is associated with this meeting:

- 40 • Waiver requests: Staff supports both of these waiver requests.
 - 41 1. Submission for the photometric plan.
 - 42 2. Requesting that we don't need to show TOPO on this property because there is no real
 - 43 development right on the ground.

44
45 One other potential Waiver request for the plan. The proposed building location is laid over on a Class 1
46 survey plan and has the signed stamped seal of the surveyor that prepared it.

47
48 There are 3 primary outstanding issues that the Board should consider:

- 49 • Construction Methodology.
- 50 • Delivery Method.

1 • Use of the Building.

2 One concern about construction encroachment, the applicant has indicated that they are quite confident
3 that they can avoid the private property of Ms. Gribbin, however to construct this building the applicants
4 will temporarily have to use public property.

5 A condition can be placed on this project if the Board is concerned about construction during the busy
6 season:

7 Construction shall not begin until on or after the 16th of September 2019.

8
9 Neal Weinstein introduced himself and he strongly opposes the delay in construction.

10 One of the contractors stated to him that the entire second floor could have the exterior walls roughed in
11 less than 2 weeks. The additional noise created by his client building this would be minimal for a short
12 period of time. The work will be limited, there will be no cranes used.

13
14 Robin Dube stated that if they go through with this, she wants to make sure that there are flaggers out
15 where the trucks are. One way traffic for an hour or two. Ms. Dube also wants to know what will be
16 stored upstairs.

17
18 Neal Weinstein stated that what will be stored is that it is strictly stock for that building.

19
20 David stated that for the safety of the public, asked if they would be willing to put police detail at the time
21 of the 2 weeks construction.

22
23 Win Winch stated that it would have been appropriate to have had the builder at the meeting tonight so
24 that the Board Members could ask them questions on timeframe and availability

25
26 Chief Dana Kelley stated that he wanted to clarify a couple of things on Ms. Gribbin letter regarding the
27 agreement with Mr. Harrisburg on deliveries. It is not a problem with Chief Kelly for them to have their
28 deliveries on Harrisburg St. and move it over on the other side with a forklift as long as it is not done
29 from Kinney Ave.

30 Concerns about the construction we shouldn't allow any type of blockage of Kinney Ave. because it is a
31 one way street.

32 It would be a better option to do this from East Grand Avenue. The Chiefs preference is that construction
33 would begin in September of 2019. There is a noise ordinance and the restrictions are already in place.

34 Chief Kelley's concern is the timeframe and whether or not it can be completed in a timely enough
35 manner so that it is not going to impact the summer season. Another concern that he has is once that
36 portion is done with the upstairs, they would need to finish the siding, windows and roofing would they
37 be doing that from the sidewalk with staging?

38
39 Neal Weinstein stated that he suspects that the framing, sheathing, siding and windows would be using a
40 lift on Mr. Harrisburg's property almost entirely. Things such as ladders, tools etc. from the contractors
41 will be contained in Mr. Harrisburg's own property. He assured the Board Members that Kinney Avenue
42 will not be blocked off.

43
44 Chief Kelly stated that he would be able to accommodate having an officer to coordinate the shutting
45 down of the sidewalk for the short time to get product to the site as long as they have an officer that was
46 working at that particular time. If they needed someone for a longer period of time Mr. Weinstein stated
47 that they would be willing to pay for the detail of an officer.

48 Also the workers vehicles will be parking in the fenced in Harold Harrisburg's parking lot.

49 Robin Dube wants to make sure the contractors are fully insured.

50

1 Chief Kelly would prefer that the construction begin in September 2019, but if there was some assurance
2 that most of it would be completed by June 15, 2019 he would be fine with that. Another concern that he
3 had is that Memorial weekend could be a very busy time.

4
5 (3) Waiver requests:

6
7 **MOTION:**

8 Win Winch made a motion to approve Sec. 78-215 (3) a regarding a waiver for a portion requiring the
9 TOPO Elevations on the plan, seconded by Robin Dube.

10
11 **VOTE:**

12 David Walker - Yes

13 Robin Dube - Yes

14 Marianne Hubert - Yes

15 Vice Chair Win Winch - Yes

16 Chair Linda Mailhot - Yes

17
18 **CARRIES:**

19 (5-0)

20
21 David Walker made a motion to approve Sec. 78-215 (3) n. a waiver of photometric data of existing and
22 proposed exterior lighting, seconded by Win Winch.

23
24 **VOTE:**

25 David Walker - Yes

26 Robin Dube - Yes

27 Marianne Hubert - Yes

28 Vice Chair Win Winch - Yes

29 Chair Linda Mailhot - Yes

30
31 **CARRIES:**

32 (5-0)

33
34 **MOTION:**

35 Maryanne Hubert made a motion to approve Sec. 78-215 (3) a. property boundary survey Class 1 signed
36 and sealed by a State Licensed Land Surveyor, Licensed Surveyor signed and sealed the plan showing the
37 existing structures and it was overlaid with the new second story on the plan that is not sealed, seconded
38 by Robin Dube.

39
40 **VOTE:**

41 David Walker - Yes

42 Robin Dube - Yes

43 Marianne Hubert - Yes

44 Vice Chair Win Winch - Yes

45 Chair Linda Mailhot -Yes

46
47 **CARRIES:**

48 (5-0)

49
50 Chair Mailhot read the Site Plan Review Criteria and responses:
51

1 Sec. 78-216. Review procedure.

2 (d) Criteria for approval.

3 All site plan review applications shall be evaluated, approved, approved with conditions, or denied based
4 on the following findings of fact:

5 (1) The proposed project conforms to all standards of the zoning district and meets or exceeds
6 performance standards specified in this article and article VIII of this chapter.

7 **RESPONSE: The Applicant states that this project is in conformity to all standards and meets or**
8 **exceeds performance standards applicable. This is a permitted use and is simply an expansion of a**
9 **second floor. A second floor previously existed on this property prior to a fire some 20 years ago.**
10 **Adjacent buildings are from single floors to 5 stories, predominately 3 story buildings.**

11

12 (2) The proposed project has received all required zoning board of appeals and/or design review permits
13 as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all
14 applicable federal and state permits.

15 **RESPONSE: The Applicant believes that it has received all required zoning board of appeal and/r**
16 **design review permits as applicable.**

17

18 (3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater
19 resources.

20 **RESPONSE: No additional pervious areas are being added or created. Public drains are already in**
21 **place. There are no flooding or drainage issues now. This building is downslope in a lower area**
22 **than other buildings on Kinney Ave. In addition, roof drains are being added to reduce flow.**

23

24 (4) The project provides adequate storm water management facilities to produce no additional peak runoff
25 from the site during a 25-year storm event or any other event so required by the planning board, and will
26 not have an undue impact on municipal storm water facilities or downstream properties.

27 **RESPONSE: No additional runoff will be created, and no additional issues with municipal drainage**
28 **will be created. The building is in a lower section of Kinney Avenue, along East Grand Avenue,**
29 **and no issues exist now. Roof drainage will be added to assist in reducing flow.**

30

31 (5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and
32 pedestrian circulation systems within the community or neighborhood.

33 **RESPONSE: There is no parking on this site and none is being added. No cars will visit the site.**
34 **The addition of the second floor will be for stockroom and retail purposes. Retail customers**
35 **currently walk to the site and will continue to do so. The second floor will not be a change in use or**
36 **character of the existing first floor business. All deliveries are currently being made on Harrisburg**
37 **Street, and will continue to be performed at that location. No tractor trailers will visit this site, nor**
38 **will large amounts of additional waste be generated or created by this use. NO change in the**
39 **sidewalk usage will occur, nor any design changes to the adjacent sidewalks. No second floor**
40 **loading will be undertaken, and the second floor loading dock has been removed and eliminated**
41 **from the design.**

42

1 (6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife
2 habitats, marine resources, important cultural resources, or visual quality of the neighborhood,
3 surrounding environs, or the community.

4 **RESPONSE: This building will be only 2 floors, lower than almost all of the surrounding buildings,**
5 **and will generate far less noise, trash, waste, than the surrounding businesses. There will be no**
6 **adverse impacts on the environment quality or the neighborhood or community.**

7
8 (7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other
9 nuisances that will adversely impact the quality of life, character, or the stability of property values of
10 surrounding parcels.

11 **RESPONSE: On two sides of this building are empty parking lots (now there are 2 of them) on the**
12 **East. This building abuts East Grand Avenue and Kinney Avenue. There will be no adverse**
13 **impacts on the quality of life, stability of property values, nor will there be any generation of noise,**
14 **odors, dust, debris, glare, solar obstruction or any other nuisance. The business will be retail and**
15 **stock, the same permitted use as the current business.**

16
17 (8) The proposed project will not have a negative fiscal impact on municipal government.

18 **RESPONSE: The proposed project will not have a negative fiscal impact on the municipality, but**
19 **will generate additional taxes and local employment without additional services being required.**

20
21 (9) The proposed project will not have an adverse impact upon surrounding property values.

22 **RESPONSE: There will be no adverse impact on the surrounding properties, as the expansion will**
23 **be more in line with the current zoning standards of the area.**

24
25 Building heights. In order to maintain the street enclosure of the downtown districts, foster vertical
26 stratification of land uses, and increase the critical mass of the downtown commercial center, all buildings
27 should be a minimum or at least two stories, with three to four stories preferable.

28
29 Win Winch made a motion to approve the site plan second floor addition to existing structure for
30 retail/stockroom purposes on 9 East Grand Avenue, MBL 306-2-6 Zone DD-1 with conditions:

- 31 1. Delivery of merchandise to the Property and building shall not be made by vehicles parked on
32 Kinney Avenue or East Grand Ave. and be via the first floor.
- 33 2. The stockroom use on the second floor is limited to an accessory use to the permitted retail use of
34 the Property – it is limited to the storage of merchandise only for retail sale on the Property. No
35 merchandise shall be stored or stocked on the second floor for retail or wholesale off or outside of
36 the Property and no warehouse storage use shall be conducted on the second floor.
- 37 3. The structure shall comply with Maine Department of Environmental Protection Coastal Sand
38 Dune Regulations.
- 39 4. Construction shall not commence until after September 16, 2019.

40
41 There was no one to second this motion.

42 Robin Dube made a motion to approve the previous 3 conditions and make a change to the 4th condition
43 to change the construction date to commence now (or when they get their building permits) and no further
44 than June 15, 2019, and if it is not completed by that date there will be no outside construction, then it
45 will not be able to re-commence until September 16, 2019 with no work on Memorial Day Weekend
46 (Friday, Saturday, Sunday, Monday).

1 There was no one to second this motion.
2
3
4

5 **MOTION:**

6 Marianne Hubert made a motion to approve the 3 conditions and make a change that the start date should
7 be the time that they receive their building permit until May 1, 2019 (start date) and to be completed by
8 June 15, 2019 and be halted until September 15, 2019 with no work on Memorial Day Weekend (Friday,
9 Saturday, Sunday, Monday) seconded by Win Winch.

10
11 **VOTE:**

12 David Walker - No
13 Robin Dube- Yes
14 Marianne Hubert - Yes
15 Vice Chair Win Winch - Yes
16 Chair Linda Mailhot - Yes
17

18 **CARRIES:**

19 (4-1)
20

21 **ITEM 6**

22 **Proposal: Major Subdivision: 5 Unit Condominium Building**

23 **Action: Preliminary Plan Ruling; Final Ruling**

24 **Owner: SJ Peacock Builders**

25 **Location: 21 Union Ave, MBL: 315-15-3; Zoning NC-2**
26

27 The PB reviewed the Preliminary Plan for 21 Union last month and made a Determination of
28 Completeness. The PB also approved three waiver requests:

- 29 (1) To reduce the total parking aisle width for 90 degree spots from 25 feet to 20 feet;
30 (2) To eliminate the requirement for a curbed planting island between different parking orientations;
31 (3) To reduce the number of parking spaces required from 10 to 8.
32

33 One of the issues discussed at the last meeting was snow removal. The Applicant has indicated that there
34 is not enough space to designate snow storage locations. In significant events, the snow would need to be
35 hauled away. They also discussed obtaining easements from the other owners of South Avenue to use the
36 area for snow storage. In the new submission, the Applicant states "*if the owner is not able to get an*
37 *easement from the neighbor to use as snow storage, a condition will be added to the condo documents to*
38 *ensure that snow is removed from the site.*" Sec. 78-1543 of the ordinance requires snow removal be
39 designated on site: "All parking lots shall provide a suitable on-site disposal area to accommodate plowed
40 snowfall. Snow disposal areas shall not be located in designated pedestrian walks or pathways." Planning
41 Staff recommends the Applicant submit a formal waiver request for the snow storage with a plan for how
42 the snow will be handled off-site. The issue is moving responsibility of subdivision compliance to the
43 condo owners. How can the PB rule that snow removal and storage is acceptable if they do not know
44 exactly how it will be done and if it complies with applicable standards? Also, condo docs are usually not
45 enforced by the town. Note the PD and PWD is questioning this too as they are concerned it will not
46 work.
47

48 Another issue was the maneuverability of vehicles parked in the parking space adjacent to the dumpster.
49 Planning Staff recommended the Applicant show how vehicles will maneuver into and out of this parking
50 space with vehicles in the close-by parking spots. In the new submission, the Applicant states: "*the*

1 *parking lot waivers that were presented were accepted by the Planning Board. Maneuvering around the*
2 *parking lot won't be perfect, but cars will be able to get in and out of the parking lot."*

3
4 Wright Pierce comments:

- 5 • With the reduction in the number of parking spaces, WP recommends the Applicant identify
6 which space is associated with which unit.
- 7 • Unit 1B notes ADA accessibility but it does not appear that ADA parking spaces are proposed.
- 8 • Recommend requirements for parking, maneuvering and snow storage be included in the Condo
9 documents so the owners are aware.
- 10 • Confirm there are currently no issues with storm water discharge in the two locations – South
11 Street easement and portion of Union Ave. Staff will check with DPW to see if there is ponding
12 currently along the roadway.
- 13 • There are also several construction details that the Applicant should address before the start of
14 construction

15
16 Planning Staff recommends the PB approve the Preliminary Plan with the following conditions:

- 17 1. Submit a formal waiver request from the on-site snow storage requirement (78-1543). Along
18 with the Waiver request, Planning Staff recommends the Applicant submit a plan on how off-
19 site snow storage will be handled.
- 20 2. Submit a plan for how to maneuver in the 2 parking spaces adjacent to the dumpster.
- 21 3. Submit the "Ability to Serve" letter from ME Water.
- 22 4. Address the Wright Pierce comments in the 4/1/19 memo.

23
24 Travis Letellier from NCS here to represent the client.

25 The Applicant has an agreement with the abutter for a long term lease to allow for snow storage onto the
26 other side of South Ave.

27 Mr. Letellier has prepared turning diagrams for the spots in question. Also have developed a new plan
28 that does include the ADA spot and the striped way. Didn't lose any parking spots. The planting area in
29 the front is now 2'. Still proposing a tree and fencing.

30 Talked to ME Water and it already has a connection for 5 units so won't be needing the "Ability to Serve"
31 letter.

32 They still need to address all of the Wright Pierce comments.

33 They will prepare extra turning diagrams for the next meeting as far as backing out plant at the most
34 interior space for pulling in and pulling out.

35
36 Chair Mailhot would like to see a lease agreement regarding snow storage easement.

37 Win Winch was concerned with identifying unit parking spaces.

38
39 Scott Peacock from SJ Peacock Builders introduced himself. He explained that Chris Perkins, neighbor is
40 willing to work with him on snow storage and parking overflow.

41
42 **MOTION:**

43 David Walker made a motion to Conditionally Approve the Preliminary Plan to construct a 5 unit condo
44 at 21 Union Ave.

45 MBL 315-15-3 contingent upon the submission of the following:

- 46 • Submit a formal waiver request from the on-site snow storage requirement (78-1543). Along with
47 the Waiver request, Planning Staff recommends the Applicant submit a plan on how off-site snow
48 storage will be handled.
- 49 • Submit a plan for how to maneuver in the 2 parking spaces adjacent to the dumpster without
50 backing out onto Union Ave.

- 1 • Submit the “Ability to Serve” letter from ME Water.
- 2 • Address the Wright Pierce comments in the 4/1/19 memo
- 3 • Lease Agreement

4
5 Seconded by Win Winch.

6
7 **VOTE:**

8 David Walker - Yes
9 Robin Dube - Yes
10 Marianne Hubert - Yes
11 Vice Chair Win Winch - Yes
12 Chair Linda Mailhot - Yes

13
14 **CARRIES:**

15 (5-0)

16
17 **ITEM 7**

18 **Proposal: Minor Subdivision: 2 Duplex (4 residential units)**

19 **Action: Determination of Completeness/Ruling on Preliminary Plan, Schedule Site Walk**
20 **and Public Hearing**

21 **Owner: Earle Enterprises, LLC**

22 **Location: 4 Smithwheel Rd, MBL: 210-2-16; Zoning: R4**

23
24 During February the Board saw this as a sketch plan. This proposal is for 2 duplexes (4 residential units)
25 This lot currently has a unit on it which is a single family. So if approved this would have 5 units total.

26
27 The Applicant is requesting two waivers:

- 28 (1) To reduce the minimum driveway spacing on a 30MPH road from 125 feet to 90 feet.
29 This allows the current driveway to the single family home to remain and the driveway serving
30 the two duplexes to be located on Smithwheel Road.
- 31 (2) To reduce the offset from intersections from 100 feet to 60 feet.
32 This allows the proposed driveway to be placed closer to Ryefield Drive and for the Applicant to
33 provide for adequate site distance.

34
35 *We anticipate two other waiver requests will be necessary.*

- 36 - The Applicant will need to request a third waiver from Sec. 78-1492 (Driveway Dimensions). For
37 multifamily, 2-way drives, the Town requires a minimum 20-foot driveway width. The proposed
38 driveway is currently 18-feet in width.
- 39 - The Applicant will also need to request a fourth waiver from Sec. 78-1542, parking lot
40 dimensions and layout. The Town requires a 24 foot aisle width for 90 degree parking spaces.
41 The Applicant is proposing 20 feet between the parking space adjacent to the Ervin Avenue
42 duplex and the five proposed parking spaces.

43
44 Staff feels that these 2 waiver requests that are proposed are important to the overall design of this
45 proposal.

46
47 The Planning Board had a couple of questions previously when the sketch plan was brought forward:

- 48
49 • Recommended the Applicant show a no cut buffer on the plan for construction purposes and
50 where the existing trees are to remain.

- The Applicant will also need to determine how solid waste will be handled.
- Submission of the 14 Subdivision Review Criteria that the Board needs to review.
- We will need a Solid Waste Plan. It is supposed to be public but because of the 5 units it will need to be private.
- Wright Pierce has a number of comments.
- Submit Condo Docs.
- Responses to the 14 Subdivision Criteria.

Planner Hinderliter stated that there are a number of outstanding issues to be resolved.

Travis Letellier from NCS clarified that their intentions is that this not be a Condo, that it is an Apartment Complex at this point.

MOTION:

Win Winch made a motion to schedule a site walk for May 2, 2019 at 5:30 pm and schedule a Public Hearing on May 9, 2019 at 6:30 pm. seconded by Robin Dube.

VOTE:

David Walker - Yes

Robin Dube - Yes

Marianne Hubert - Yes

Vice Chair Win Winch - Yes

Chair Linda Mailhot - Yes

CARRIES:

(5-0)

Travis stated that they are proposing to add a new fence to the buffer along the condo line in the back. Keeping as many trees and vegetation as possible which will be on the updated plan.

ITEM 8

Proposal: Ordinance Amendment: Chapter 78, Sec. 78-869 (b) (2). Allow Multi-Family Dwellings on Sidewalk Level in the NC-3 District

Action: Discussion; Council Recommendation

Applicant: D.E.C. Investments L.L.C.

Planner Hinderliter stated that there are no changes. This proposal will allow Multi Families to establish a dwelling unit on the sidewalk level in this particular district. The Board members responsibility if they choose is to make a recommendation to the Council.

MOTION:

David Walker made a motion to recommend to the Town Council to approve the ordinance amendment in Chapter 78, Sec. 78-869 (b)(2) Conditional Uses in the NC-3 District by striking out the language “on any floor except at sidewalk level” thereby allowing multi-family dwellings on the sidewalk level as a Conditional Use in the NC-3 District, seconded by Robin Dube.

VOTE:

David Walker - Yes

Robin Dube - Yes

1 Marianne Hubert - No
2 Vice Chair Win Winch - Yes
3 Chair Linda Mailhot - Yes

4
5 **CARRIES:**
6 (4-1)

7
8 **ITEM 9**

9 **Proposal:** Ordinance Amendment: Chapter 78, Sec. 78-1272 in its entirety. Amend Accessory
10 Dwelling Unit standards
11 **Action:** Discussion; Council Recommendation
12 **Applicant:** Town of Old Orchard Beach

13
14 This proposal is to address some concerns that the Board as well as Staff has had.
15 Chair Mailhot thanked Staff for the work that they have put into this.

16
17 **MOTION:**

18 David Walker made a motion to have the Town Council approve the Amendment to the Accessory
19 Dwelling Unit Standards Chapter 78, Sec. 78-1272 in its entirety, seconded by Win Winch.

20
21 **VOTE:**

22 David Walker - Yes
23 Robin Dube - Yes
24 Marianne Hubert - Yes
25 Vice Chair Win Winch - Yes
26 Chair Linda Mailhot - Yes

27
28 **CARRIES:**
29 (5-0)

30
31 **ITEM 10**

32 **Proposal:** Ordinance Amendment: Amend zoning map and ordinance language associated
33 with a lot in the GB1 District
34 **Action:** Discussion
35 **Applicant:** Eastwood Development Corp

36
37 Removed at the request of the Applicant.

38
39 **Sign Findings of Fact**

- 40 • Shoreland Zone 30% expansion; 21 Winona Ave; Cynthia Lyons
41 • Minor Subdivision; 189 Saco Ave; Donald Bouchard

42
43 **Other Business**

44
45 **Good and Welfare**

46
47 In regards to the Red Brick House, Planner Hinderliter stated that the Applicants had submitted a revised
48 plan however it was not submitted in time for the Planning Board agenda this month.

49
50 **ADJOURNMENT 8:19 PM.**

1 I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard
2 Beach, do hereby certify that the foregoing document consisting of Thirteen (13) is a true copy of
3 the original minutes of the Planning Board Meeting of April 11, 2019.
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