



1 Ave and new standards that are specific to establishment of a CSY1.  
2 Although brief, the standards do have a fair amount of thought behind them. Conditional Use's do not  
3 have many standards when it comes to specific plan details, so, I added scaled site plan requirements that  
4 I hope will provide the most important details in regards to the sites function, potential impacts, etc. of a  
5 CSY1. The "Minimum Development Standards" create a baseline that all CSY1 must meet- the intent is  
6 to consider the sites function, potential impacts to abutters and address the "good neighbor" criteria called  
7 for in the comp plan. One of the more interesting sets of standards is the "Other Review Criteria" which  
8 is my attempt to provide standards that allow the PB to apply conditions that are more site and  
9 development specific. I don't like to use subjective ordinance language but it seemed appropriate here  
10 because it falls under Condition Use. We'll be interested in your comments on the language.

11  
12 Public Private Utility Facility (Frack Tank). This is no longer part of the zoning amendment  
13 consideration. The applicant intends to submit a Condition Use permit to establish the frack tank as a  
14 public/private utility facility. I expect the CU permit will be submitted for the May meeting and we'll  
15 provide more comment at that time. One of the primary arguments continues to be is does it meet the  
16 public/private utility facility definition. An abutter who objects to this proposal through his attorney (Mr.  
17 Libby) has argued that it does not meet the definition (you received this in your March packet and have a  
18 new letter in your April packet attached to the CSY1 ordinance change). I asked Ms. MacDonald's  
19 attorney to provide an argument why they feel it does meet the definition. Again, we expect the PB will  
20 see this as a Conditional Use application at the May meeting.

21  
22 Win Winch stated that Randy McMullin from DEP told him that a Frack Tank's definition is if you have  
23 water and gasoline all mixed together.  
24

25 **ITEM 4**  
26 **Proposal: Ordinance Amendments: Medical Marijuana Storefronts**  
27 **Action: Discussion; Schedule Public Hearing**  
28 **Applicant: Town of Old Orchard Beach**  
29

30 In your April packets are draft ordinance amendments that Staff believes support the PB's request and the  
31 intent of the council.  
32 The amendments are simple- they define medical marijuana storefronts and prohibit the use town-wide.  
33 The amendments will change/add language to Chapter 18 (Businesses) and Chapter 78 (Zoning). Note-  
34 the PB only has jurisdiction over the changes to Chapter 78. The Council has sole jurisdiction over  
35 Chapter 18 amendments; although, the PB can offer comment.  
36 The changes define a medical marijuana storefront.  
37 The Planning Board only has jurisdiction over Chapter 78 changes.  
38  
39

40 **ITEM 5**  
41 **Proposal: Site Plan Review: Demo existing building and construct new 7,225 sq. ft. retail**  
42 **building including associated parking, sidewalks and other site improvements**  
43 **Action: Discussion; Consideration of Public Comment; Schedule Final Ruling**  
44 **Applicant: Zaremba Group**  
45 **Location: 19 Heath St., MBL: 309-9-33**  
46

47 Assistant Planner Megan McLaughlin said that there is nothing new with this item. Staff hasn't received  
48 the responses from Wright Pierce that was dated March 15<sup>th</sup>. Also waiting for a plan for that intersection  
49 that the Town Manager was interested in. The Town Manager and the Public Works Director said they  
50 were fine with a Conditional Approval that they sit down with Town Staff and go over that intersection.  
51

1 **ITEM 6**

2 **Proposal: Major Subdivision: 9 lot residential subdivision (Red Oak Phase III)**  
3 **Action: Preliminary Plan Review/Determination of Completeness; Schedule Site Walk and**  
4 **Public Hearing**  
5 **Owner: Mark & Claire Bureau**  
6 **Location: 141 Portland Ave, MBL: 104-2-2**  
7

8 At the last meeting, the PB decided to hold off until April to schedule the site walk/public hearing and  
9 make a determination of completeness on the application. The Applicant has made several revisions to the  
10 plan and submitted an updated cover letter that attempts to address Staff comments and Wright Pierce  
11 comments.

12 They have addressed some of them.

13 They have provided responses to the Wright Pierce comments, but haven't heard from Wright Pierce on  
14 these comments.

15 They provided test pit locations. They provided the deed. They provided a performance guarantee  
16 worksheet that says what the amount of letter of credit and the amount for the escrow should be, but has  
17 some minor errors that they have to fix. They have provided the permitting information. Have addressed  
18 the assessing questions. In terms of street acceptance, they recommend that we add a condition that  
19 addresses the existing 750' of roadway.

20 To address the Wright Pierce comment about how this project does not include individual lot  
21 development, the Applicant has proposed to add a condition that "*no building permit shall be issued until*  
22 *a residential site plan is submitted to the CEO that shows, at a minimum, septic location, lot development,*  
23 *grading, water and power utility service, and stormwater management design that complies with MDEP*  
24 *Chapter 500 standards.*" Planning Staff will need to have a conversation with the Applicant about this  
25 because Codes Staff does not typically review a stormwater management design.

26  
27 The Applicant appears to be achieving their Net Development Density (NDD) by utilizing the Bureau lot,  
28 however, this project has been presented as a "9 lot subdivision" and does not appear to include the  
29 bureau lot in the plans as "Lot #10." Planning staff believes the plans and materials should be updated to  
30 include this lot as part of the subdivision if it is how they are achieving the density for the project.

31  
32 They have submitted all of the materials that we need to have a complete application.

33  
34 **ITEM 7**

35 **Proposal: Subdivision Amendment: Amend Church St. Station Plan to change location of one**  
36 **building unit and add easement**  
37 **Action: Discussion; Ruling**  
38 **Owner: Church Street LLC**  
39 **Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4**  
40

41 At the March meeting, the PB re-approved Church Street Station because the 2016 plan was not recorded  
42 within the specified 90 days as required by Ordinance. Prior to the start of construction, Maine Water  
43 took a look at the plan and realized that back in 2016 they overlooked the fact that their water shut off  
44 valve for the campground across the street was located within close proximity to Unit #1 and they did not  
45 have an easement. Maine Water requested an easement from the Applicant and the Applicant agreed to  
46 provide a 30' easement for Maine Water to access the water shut off valve and adjusted the location of  
47 Unit #1 to twist it away from the water shut off valve. This amendment does not change unit counts, road  
48 location, utility location or any other major plan items.

49 This is the only change to the plan so it requires an amendment.  
50  
51

1 **ITEM 8**

2 **Proposal:** Subdivision/Site Plan Amendment: Amend Atlantic Park Condominium to allow  
3 construction of 20 new units, sidewalks, parking, access ways, landscaping, and  
4 other misc. improvements.

5 **Action:** Discussion; Schedule Site Walk and Public Hearing

6 **Owner:** KAP Atlantic, LLC

7 **Location:** 11 Smithwheel Rd., MBL: 210-1-7

8 As stated in the background below (please read), the proposed Atlantic Park amendments are basically a  
9 re-approval of a proposal that secured PB approval during 2003. The problem is the 2003 PB approval is  
10 not valid because it was not recorded. So, it is really an amendment of the original plan which was  
11 approved during 1989. Some of the existing built portions of Atlantic Park was permitted in accordance  
12 with the valid and approved 1989 plan, other parts were permitted in accordance with the 2003 plan that  
13 does not legally exist. 92 units were and are still are approved because the 1989 approval is the only one  
14 that is legally valid. The 2003 proposal reduced the number but is not valid. The 2018 amendment is  
15 similar to 2003 and reduces the total unit count to 55. 34 units are constructed. This proposal will add 21  
16 new units. Ultimately, the proposed 2018 amendment will help correct this which should help current  
17 property owners as titles will be cleaner.

18  
19 The Planning Board reviewed this proposal during November 2017 and decided not to make a decision on  
20 the proposal until the Applicant addressed the outstanding items listed in the memo. These included:

- 21 • Address items in the 2010 Notice of Decision (NOD)
- 22 • Address items in the 2010 Wright-Pierce Peer Review memo
- 23 • Address comments from Department Heads
- 24 • Submit a letter identifying modification, issues, etc.
- 25 • Submit 2 full plan sets and any additional info that's changed (e.g., stormwater)

26  
27 **ITEM 9**

28 **Proposal:** Site Plan Sketch Plan Review: Construct 40' x 80' Garden Center.

29 **Action:** Discussion; Recommendations

30 **Applicant:** Robillards Garden Center, LLC

31 **Location:** 85 Cascade Rd., MBL: 103-3-3

32  
33 This proposal is for the demolition of existing cabins/cottages and a single-family home and the  
34 construction of a 40x80 building and associated storage bins/parking to support a Garden Center. This  
35 proposal is in the sketch plan stage and as you know proposals in early stages like this offer an  
36 opportunity for the Planning Board to discuss and provide recommendations to the Applicant on what  
37 direction the project should go.

38  
39 The Applicant is proposing to connect to the existing public water and install an onsite septic system. The  
40 proposal currently uses the existing curb cut for two-way traffic and proposes to create an additional "exit  
41 only" drive so that they can separate the store customers from the customers purchasing bulk products  
42 such as mulch.

43  
44 Ordinance requirements for PB to pay attention to:

- 45 • Details on the signage.
  - 46 • Details on the lighting.
  - 47 • Site distance.
  - 48 • Separation for multiple driveways on a major road.
- 49

- 1 • They are proposing to use the existing curb cut to have 2 way traffic and put in another curb cut
- 2 that will be exit only, but those driveways have to be at least 185 ft. in separation from each other.
- 3 • And the number of trips they are expecting during peak hours in general.
- 4 • Landscaping.
- 5 • What the parking is going to look like.
- 6 • Loading areas.

7  
8 Other Business

9  
10 **ADJOURNMENT at 6:43 PM**

11  
12 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*  
13 *Beach, do hereby certify that the foregoing document consisting of Five (5) pages is a true copy*  
14 *of the original minutes of the Planning Board Workshop Meeting of April 5, 2018.*  
15

16 

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18  
19  
20