

OLD ORCHARD BEACH PLANNING BOARD

Workshop Notice
 April 7, 2016 6:00 PM
 Town Council Chambers

Call to Order at 6:03 pm	Call to Order
<p>Pledge to the Flag</p>	
<p>Roll Call: Eber Weinstein, Chair Mark Koenigs, Vice Chair Linda Mailhot, Laura Bolduc, Win Winch, Mike Fortunato. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner.</p>	
<p>Regular Meeting (Workshop Discussion)</p>	
<p>APPROVAL OF MINUTES: 2/11/16; 3/3/16; 3/10/16</p> <p>The Board has the 2/11/16 and 3/3/16 minutes and still working on the 3/10/16 minutes. Will get these to the Board Members before the next regular meeting.</p>	
<p>ITEM 1</p> <p>Proposal: Site Plan Amendment: Dunkin Donuts delivery times condition change Action: Discussion; Decision on Amendment Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>Planner Hinderliter stated that this amendment is to alter one of the conditions of approval which identified delivery times to be within a certain timeframe and was to cover all delivery times. The applicant, owner and engineer found out after the meeting that the restricted delivery times will continue to work for the large truck, the smaller delivery trucks need to come at a time that does not work within the condition timeframe. The only thing that changes in this proposal is to allow the smaller delivery trucks not abide by that condition.</p> <p>Jeffrey Hinderliter recommended for Scott Braley from Plymouth Engineering representing the applicant to create a cover letter together explaining the issue, amend the particular site plan review criteria that is associated with the noise to show that the smaller trucks can abide by the noise standard and to give us updated information regarding noise measurements. They have a report from an acoustic specialist in regards to that. They have the amendment application, a plan and also showing the smaller vehicle entering onto the site.</p> <p>The change is to alter the condition to allow small delivery trucks access.</p> <p>Scott Braley stated that he was only thinking about the big trucks (WB 67) and never gave it a thought as to the smaller trucks.</p> <p>Chair Koenigs stated that he made it very clear that he didn't want deliveries to be a nuisance. He has always had great objection to making amendments, however he understands that there was a misunderstanding.</p> <p>Mike Fortunato stated that he personally wasn't opposed to the trucks backing up as it is in a commercial area.</p> <p>Linda Mailhot suggested putting in a length restriction on the size of the smaller vehicles.</p>	

<p>Summary: Mr. Braley stated that he will find out whether or not these trucks have lift tailgates and make sure that these are extended period leased vehicles and bring back to the board at the next regular meeting. Members will also bring to the next regularly scheduled meeting the decision to amend the condition of approval to allow small delivery trucks access which includes the size of the truck, abide by the noise standard and the times for truck deliveries.</p>	
<p>ITEM 2 Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking Action: Findings of Fact review and signature Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>Planner Hinderliter is working on the findings of facts for the next regular meeting and will email it out to the Board Members before the meeting.</p>	
<p>ITEM 3 Proposal: Major Subdivision: 8 Lot Residential Subdivision Action: Findings of Fact review and signature Owner: Dominator Golf LLC Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</p> <p>Planner Hinderliter is working on the findings of facts for the next regular meeting and will email it out to the Board Members before the meeting.</p>	
<p>Other Business (Workshop Discussion)</p>	
<p>ITEM 1 Review of Planning Board Rules and Procedures</p> <p>Chair Koenigs stated that the written procedures were last updated in 1999 and hasn't been updated since the charter. Ordinances were updated and codified in 2002 and 2003 and have been amended since then. Mr. Koenigs took all of the references from older documents and updated to the ordinances and charter that we have now. Chair Koenigs feelings are that we should have written procedures.</p> <p>The next step is to make recommendations to the Town Council as to get the ordinances up to date in the charter (at least the references) so that the codified ordinances are current with the charter. Anything that we see as a recommendation of procedures that we have as far as timeframes and what is required between, as long as we are within the state statues we have some flexibility.</p> <p>Chair Koenigs went over reminders for anyone who is new on the Planning Board. (Expectations on being a judge):</p> <ul style="list-style-type: none"> • Be fair, partial and bias. • Does not let his or her feelings intervene. • Applies the law as is, like it or not. • May interpret the ordinance but not re-write it. • Listen carefully to all sides. • Treats anyone before the Planning Board courteously. 	

- Explains basis of decision basis on evidence at the Planning Board.
- Does not have contact with the parties outside the Planning Board Meetings.
- Chair Koenigs added that the lawyers say over and over again that when Board Members are deliberating and making a judgement on an application, that those proceedings should happen in the public eye with transparency and not as groups of 3 Planning Board members meeting because it could create conflicts of interest amongst the Board Members.
- If interested parties have relevant and factual information and needs to be presented to the Board, they need to put it in writing and submit it through the Town Planner to the Board and come to the public hearing.
- It is important for any member to make the Planning Board members aware if they have any degree of connection with a certain application submitted to the Board before they take action and believe that they can judge it fairly.
- It is important for any member to make the Planning Board members aware if they have any degree of connection with a certain application submitted to the Board before they take action and believe that they can judge it fairly.
- Town Planner should have a member contact list.

Other parts of the handouts were examples of old agendas and old meeting minutes just for references on how things were previously done. Not much has changed.

Any Planning Board members who would like a refresher training workshop is to talk to Planner Hinderliter about MMA Training.

Linda Mailhot mentioned that in lieu of not being able to attend these workshops, if members go onto the MMA website and register as a user, they can download the manual.

Would like to encourage the Town Planner to continue giving his recommendations.

Mike Fortunato suggested that he would like to see the Board Members take some time at the workshops to educate and bring everyone up to date so that they have an opportunity to learn from this.

All Board Members agreed that applicants need to get their applications in by the 17 day deadline.

The Board Members went through the ordinance sections to bring these up to standards of procedures.

Chair Koenigs made the following changes in strikeouts and additions in **red**. Planning Board members suggestions are in **green**.

TOWN OF OLD ORCHARD BEACH

PLANNING BOARD PROCEDURES

Adopted: May 25, 1995

1st Revision: 3/21/96

2nd Revision: 9/9/99

Major Revision: 4/14/16

1.0 PURPOSE

Whereas to facilitate timely action, public input, to review plans thoroughly and to conduct

business in a fair and equitable manner, the Town of Old Orchard Beach Planning Board hereby sets forth procedures to be utilized in conjunction with the Town's Charter and Chapter 74 Subdivisions and Chapter 78 Zoning Section 11, Section 12 and Section 13 of the Town of Old Orchard Beach Zoning Ordinances, and Article 4 of the Subdivision Ordinance.

2.0 CORRESPONDENCE

To be part of the record, all correspondence shall be submitted to the Planning Department to the attention of the Town Planner~~Director of Planning~~, 1 Portland Avenue, P.O. Box 0, Old Orchard Beach, ME –04064. Public comment and written Public Hearing testimony correspondence may also be submitted by email to the Town Planning Department, specifically to the Town Planner and Assistant Town Planner email addresses. Correspondence shall be submitted two (2) weeks prior to the Planning Board's next regularly scheduled meeting for review and consideration under the applicable agenda item. Upon receipt of ~~such~~ correspondence, the Planning Department shall review, organize, and then disseminate all submitted materials to the Planning Board on the first Thursday of the month in workshop packets.

3.0 MEETINGS

3.1 Schedule of Meetings:

The Town of Old Orchard Beach Planning Board shall conduct a regular meeting every second Thursday of the month, with a second meeting being conducted on the ~~fourth~~first Thursday of the following month which will be for the conclusion of old business and workshops. At the discretion of the Chair~~person~~ an additional monthly meeting may be called if warranted by the number of pending or newly submitted applications, or by other business of the Board that is deemed in the best interest of the community.

Change order of workshop and regularly scheduled meetings.

3.2 Meeting Duration:

All regular meetings shall begin at 7:00 PM and conclude no later than 10 PM unless amended by a majority of the members present and voting. A maximum of 11PM No meeting shall last longer than 4 hours. All workshop meetings shall begin at 6:00 PM and conclude at a maximum of 2 hours (can waive up to 3 hours). It should be at the Planning Boards discretion whether they take public comments at a workshop meeting. Win Winch stated that the workshop concept came from passing out and explaining the materials of the meeting, it was never intended to have a deliberation.

3.3: Continued Seating of Alternate Members:

If an alternate member is acting as a voting member for the public hearing of an application, this alternate shall continue to serve as a voting member when present for this item at all subsequent meetings.

3.4. Waiver of Procedures:

Upon the vote of all members, the Planning Board may waive any of the procedures outlined herein with the exception of Section 9.0 Conflicts of Interest herein. If someone is not sure if they have a conflict of interest, the Planning Board can decide.

4.0. SITE WALKS

The Planning Board will conduct Site Walks of plenary Site Plan, Subdivision, and Conditional Use applications, prior to the determination of the completeness of an application, unless the Board determines that the nature and scope of the proposed application does not warrant field investigation.

4.1. Site Walks as a Legal Meeting:

The applicant, all abutters, and the general public shall be notified of the time-, date, and location of the sSite wWalk. Since sSite Wwalks shall be regarded as legal meetings of the Planning Board, the public shall not be barred from attending the sSite wWalk and the applicant or the duly authorized agent thereof shall ~~ould~~ be in attendance. In the event that the applicant or his/her agent fails to appear at a scheduled sSite wWalk-, the Planning Board may postpone said sSite wWalk -until another time to be called by the Chair~~person~~. The Planning Board will not entertain public questions directly during site walks. Public and abutter questions regarding the application and site should be submitted to the Planning Board through the Town Planner. Public comments are encouraged and should be presented formally by correspondence to the Planning Board or presented in person during the Public Hearing.

4.2. Site Walk Scheduling:

After an application has been submitted and placed on the regular meeting agenda, the Planning Board shall determine if a Site wWalks is required or warranted by the majority of the Planning Board. Site walks will be usually be scheduled during a regular meeting after an application has been reviewed for completeness by the Planning Board. Site walks will be typically scheduled to be conducted immediately prior to the first regular workshop meeting of proceeding each calendar month, however the Chair~~person~~ retains the discretionary authority to call for a sSite wWalk at any time. Planner Hinderliter will work on the wording.

5.0 AGENDA

5.1. Application Submission Deadlines:

To be placed on the agenda for a Planning Board meeting, the applicant must file a complete application to the Town Planner Director-of-Planning, Code Enforcement Officer/Planner or his designee seventeen (17) days before the scheduled meeting. All subsequent technical information and letters from Town officials and consulting engineers shall be submitted to the Director of Planning, Code Enforcement Officer/Planner or his designee ten (10) calendar days prior to the next meeting date. It shall be the discretion of the Director of Planning to accept submission data after the ten day deadline, provided that the Planning Department can review and deliver the information to the Planning Board at least seven (7) days prior to the meeting. No applicant shall be placed on the agenda without all of the initial submission requirements specified by the application forms ~~are~~ submitted to the Planning Department by the submission deadline. Determination of a Complete Application shall be determined by the Planning Board in accordance with Section 11 or 12 of the Zoning Ordinance.

The Planner will also go through and check its consistency and make sure there are no conflicts with our ordinances. Planner Hinderliter suggested that when it references Code Officer/Planner, we should just reference it to Town Planner.

5.2 Agenda Procedures:

New applications will be placed on the agenda on a first-come, first-served basis. The Planning Board has established an informal limit of six (6) substantive items for each agenda. The number of items on the agenda may be reduced or expanded by the Chairperson depending upon time and scheduling. The agenda shall be created by the Chairperson with the recommendation of the Town Planner ~~Director of Planning~~ approximately two (2) weeks before the meeting date.

Chair Koenigs suggested that the Town Planner prepare the agenda and as a minimum email it to him and/or the Vice Chair an hour or two before the agenda is sent out to look over before it is advertised.

5.3 Requests for Agenda Time:

Space on agenda may not be reserved by a call, letter, or partial submission. Once an application is complete and the Planning Board has commenced review, an applicant wishing to address the Board shall request agenda time in writing pursuant to Section 5.1 above.

5.4 Order of Agenda Items:

Items continued or tabled, at previous meetings will receive scheduling priority over new applications.

5.5; Applicant or Agent Shall be Present:

The applicant or the applicant's agent shall attend all meetings with the Planning Board. In the event the applicant cannot attend, a duly authorized agent, with written authority, shall be deemed to act for and bind his or her principal.

6.0 PUBLIC HEARINGS

6.1: Conditional Uses:

The Planning Board shall conduct a public hearing for all Conditional Use applications pursuant to Chapter 78 1238 (b) (2) Public Hearings Section 11.0 of the Town of Old Orchard Beach ~~Zoning~~ Ordinance. Chair Koenigs stated that these are just situations of the actual ordinances.

6.2 Subdivisions:

The Planning Board has established an informal policy to conduct public hearing(s) for major subdivisions. The Planning Board has the discretion to conduct public hearing(s) for minor subdivisions.

6.3 Site Plan Review:

Plenary Site Plan Review Public Hearing shall be conducted in accordance with Chapter 78 Article IV Site Plans Sec. 78-216 (c) (2) Public hearing section 12.6 of the Town of Old Orchard Beach ~~Zoning~~ Ordinance.

6.4: Amendments to Ordinance, Maps, and Districts:

The Planning Board shall conduct a public hearing for proposed Zoning Amendments and map changes, in accordance with Chapter 78 Article II Division 1 Sec. 78-31 (a) Section 1.7 of the Town of Old Orchard Beach ~~Zoning~~ Ordinance.

6.5 Discretionary Public Hearings:

It is the prerogative of the Planning Board to set and conduct public hearings at its discretion for any project.

6.6 Public Hearing Comment:

The Planning Board accepts written material, information, letters and reports from residents or property owners of the Town at a public hearing session. Written comments and information will be accepted if received prior to or at the public hearing.

“Public hearings” should be consistent all the way through.

6.7 Action on Applications:

The Planning Board shall not act on the substance of the application at on the night of public hearing, except upon the affirmative vote of all the members present to do so.

7.0 GENERAL FORMAT OF MEETINGS (OTHER THAN PUBLIC HEARINGS)

7.1 Staff Reports:

The Town Planner ~~Director of Planning~~ will provide a report of the project to the Planning Board. The applicant will have a chance to explain and answer questions if necessary to further provide insight regarding the ~~proposal~~ proposed application. The Planning Board may permit questions or comments from the public at all meetings. Linda Mailhot suggested there should be a reference under good and welfare in regards to this. Chair Koenigs suggested that in regards to a good and welfare question and if it is relevant to the application, they need to submit it in writing to the Planning Board through the Town Planner.

7.2 Submission of Information at Meetings:

No additional information or revised materials or plans shall be submitted after the submission deadline as established in Section 5.1 herein. No new or revised documentation, information or plans by the applicant shall be presented at the meeting, without a majority vote of the Planning Board. If the applicant wishes to submit additional materials after the submission deadline and without the consent of the Planning Board, the applicant must agree to reschedule the meeting.

7.3 Public Submission/Testimony:

The public may provide written information pertaining to projects where the Board does not require public hearings. The Board shall accept written information no later than seven (7) days before the date of the meeting. This will enable the Board to read and digest the information before the meeting. Receipt of the written documentation will not be permitted at the meeting. Other than a public hearing.

8.0 PLAN AMENDMENTS

The Planning Board has discretion as to the level of review of an application of plan amendment. The Board shall determine if the application is a minor or major change and vote on a case by case basis. If the Board determines the amendment is of minimal change and impact, the application shall be deemed a minor amendment and can be acted upon by the Board at a regular meeting. If the change involves impact related to the environment, transportation, parking, pedestrian movement, an increase in density, safety and any other

planning considerations, the Board may determine the proposal to be a major amendment and require a site walk and/or a public hearing or may require the applicant to submit a new application. Chair Koenigs asked Planner Hinderliter that if it is in the ordinance, to state where it is so that it is in our procedure.

9.0 CONFLICTS OF INTEREST

9.1 Definition of Conflict of Interest:

A potential conflict of interest for a Planning Board member shall be defined as any application tendered by a family relation, business associate, or an application proposed by an abutter to the property owned or leased by a Planning Board member; or any situation where a Planning Board member believes that he/she cannot render an impartial ruling on a pending application.

Planning Board Members should disclose the fact that a business associate is working for them.

2: Notification and Procedure:

In the event that a Planning Board member or alternate may have a conflict of interest in any pending application, said member shall notify the Chairperson of the conflict and shall relinquish his/her seat to an alternate Board member designated by the Chairperson to serve as a regular member in all Planning Board deliberations on the subject application. The excused member shall reclaim his/her seat immediately after the Planning Board resumes consideration of any application or business other than the application of potential conflict.

9.3 Removal of a Sitting Member

In the event that a Planning Board member with a potential conflict of interest in a pending application refuses to relinquish his/her seat to a designated alternate, the Planning Board may by majority vote remove the averse member from all deliberations of the said application.

00B.PB
REVISED: 6/26/95; 3/21/96; 9/9/99; 4/14/16

Follow up for next meeting:

- Chair Koenigs suggests that the second meeting (workshop meeting) has to have a part where it incorporates the agenda review and application handout of the items.
- Need to set aside time to continue with the Planning Board Procedures.
- Ordinance review and the recommendations.
- Update on Dunegrass.
- Update at Orchard Estates (The Village at Pond View Estates) at the next regular scheduled meeting.
- Look into getting a wireless microphone.
- Need to revisit performance standards for parking lots relative to bathrooms.

Good & Welfare

ADJOURNMENT	
MARK KOENIGS, CHAIRMAN	
Meeting adjourned at 8:00 pm	Adjournment

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 April 7, 2016.

Valdine Camire