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3 OLD ORCHARD BEACH PLANNING BOARD  
4 Public Hearing & Regular Meeting MINUTES  
5 April 8, 2021 6:30 PM  
6 Town Hall Council Chambers  
7  
8

9 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A*  
10 *COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT 207-934-4042 OR*  
11 [kmclaughlin@oobmaine.com](mailto:kmclaughlin@oobmaine.com)  
12

13 CALL MEETING TO ORDER  
14

15 PLEDGE TO THE FLAG  
16

17 ROLL CALL

18 Marianne Hubert

19 Chris Hitchcock

20 Robin Dube

21 Win Winch

22 Vice Chair Walker

23 Chair Mailhot  
24  
25

26 Public Hearing

27 Proposal: Ordinance Amendments: Amendment to Ch. 78, Art. I, Sec. 78-1; Ch. 78, Art. VI, Sec. 78-869  
28 (8); Ch. 8, Article VII, Sec. 78-1280 1 – 3 to allow “*Tattoo Art Studio and Boutique*” in the NC-3  
29 Zoning District

30 Applicant: Joseph Voccia

31 Location: Properties within the NC-3 Zoning District  
32

33 Comments:

- 34
- 35 • Ken Janson of Saco. Ken stated that he is Joey’s (applicant’s) stepdad and that Joey is an  
36 artist; that it has been his passion and vision for many years to create something different  
37 than your typical tattoo parlour, which is why he is envisioning the boutique with art
  - 38 • Anthony Judias 14 Wildwood Lane. Anthony stated that he is representing the landlord  
39 of the property that Joey is looking to occupy. He has known Joe since he was about 15  
40 years old, Joe has worked for him on the pier for several summers, and has seen him  
41 grow into a fine young man. He said that Joey has been doing this type of work for quite  
42 some time, is serious about making this business a go, and feels very strong that he can  
43 do it.
  - 44 • Dana DiFronzo (address not given). Dana is the owner of the property where Joey wants  
45 to put the tattoo parlour and is also his landlord. She stated that Joey is very responsible,  
46 great tenant, has no problems or issues, and she is sure he will do a great job.
  - 47 • Paul Lemneou of Saco. Paul stated that he lives in Saco but was one of the co-owners of  
48 Tequila Frog’s and the Bull and Brew in town, and that Joey is his nephew. He stated that  
49 he believes Joey will bring something special to that part of town.  
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51 Closed Public Hearing at 6:39 PM  
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53 Regular Business

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ITEM 1

Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure removal, rebuild and 30% expansion  
Action: Final Review and Ruling  
Owner: Irvin and Cynthia Paradis  
Location: 7 Weymouth Ave., (324-11-4); Zoning: R3 & Shoreland RA

Assistant Town Planner Michael Foster stated: that at the February meeting, the Planning Board determined that the application was complete, subject to the applicant’s submission of a site plan showing the existing and proposed structure location, and existing and proposed structure distance to the closest HAT area. The submission due date is May 3.

A public hearing was held at the March meeting. We received a written comment which the Board asked the application to address. The applicant addressed the abutters comments which are in your April packet. We’re satisfied with the applicant’s response.

The requested site plan is in your April packet. We’re satisfied with this submission.

In the April Planning Board memo we mentioned the proposal may need fire department review for sprinkler system. The applicant checked with the fire department and a sprinkler is not required. The suggested condition is not necessary.

We recommend the Planning Board approve this proposal.

Chair Mailhot asked applicant if he had anything to add. Applicant answered no, that everything had been covered.

Chair Mailhot then asked the Board for any questions or comments.

A motion to approve the application was made by Vice Chair Walker; seconded by Mr. Hitchcock.

Chair Mailhot then asked Assistant Town Planner Michael Foster to call for the vote. Results:

- Ms. Hubert – Yes
- Mr. Winch – Yes
- Vice Chair Walker – Yes
- Chair Mailhot – Yes
- Ms. Dube – Yes
- Mr. Hitchcock – not voting this evening

Chair Mailhot stated that the vote was unanimous.

ITEM 2

Proposal: Ordinance Amendments: Amend Ch. 78 ordinances to allow “Artist Studio – Boutique Tattoo” in the NC-3 District  
Action: Discussion; Council Recommendation  
Applicant: Joseph Voccia

Assistant Town Planner Michael Foster stated: The Planning Board has been reviewing this ordinance amendment over the last couple of months. The public hearing was this evening. Council recommendation can be made tonight if the Planning Board chooses to do so. This proposed new conditional use for Tattoo Art Studio and Boutique was last before the Board in March, and the Planning Board wanted to add Adult Use Marijuana restrictions in regards to 50-foot distancing requirement and on-site sales and consumption. The on-site sales and consumption for alcohol, tobacco products, or adult use marijuana were combined under Tattoo Art Studio and Boutique. The edits are:

- Shall not be located within 50 feet of a parcel with an establishment serving alcohol for on the premise consumption or an adult use marijuana business, as measured from the lot line of the proposed Tattoo Art Studio and Boutique to the lot line of the other parcel, as measured from their closest points.

- There shall be no on-site sales and/or consumption of alcoholic beverages, tobacco products, or adult use marijuana.

The two main changes this ordinance amendment proposal by Joey Voccia includes are:

1. Add the new conditional use – Tattoo Art Studio and Boutique in the NC-3 district only. A specific proposal would still require review and approval by the Planning Board.
2. Essentially this allows the same services as a Tattoo Parlor (which is not listed as permitted, conditional, or prohibited in NC-3), but includes retail sales and additional conditions to help ensure the Tattoo Art Studio and Boutique fit in this mixed commercial and residential district. As a Conditional Use, the Planning Board can apply additional conditions as part of approval.

The Planning Board’s options are:

- To make a favorable recommendation of the Tattoo Art Studio and Boutique ordinance amendment as is to the Town Council
- To make a favorable recommendation with suggested edits to the Tattoo Art Studio and Boutique ordinance amendment to the Town Council
- To make a negative recommendation to the Town Council for the Tattoo Art Studio and Boutique ordinance amendment

Michael Foster also stated: Staff recommends that the Planning Board make a favorable recommendation to the Town Council. Edits should be made if you feel any are needed. Where this would be a Conditional Use, any proposal for a Tattoo Art Studio and Boutique would require additional review, and we feel that this gives the extra protection to any specific proposals.

Chair Mailhot asked the Board if they had any questions or comments. Vice Chair Walker clarified the process of the Ordinance Amendment to the applicant.

Chair Mailhot then asked for a motion; Mr. Winch made a motion that the Planning Board make a favorable recommendation of the Tattoo Art Studio and Boutique ordinance amendment to the Town Council. Ms. Hubert seconded the motion. Chair Mailhot asked that since there was no further discussion requested, that Assistant Town Planner Michael Foster call for the vote. Results:

Ms. Hubert – Yes

Mr. Winch – Yes

Vice Chair Walker – Yes

Chair Mailhot – Yes

Ms. Dube – Yes

Mr. Hitchcock – not voting this evening

Chair Mailhot stated that the vote was unanimous.

*Revisit to Agenda Item 1:*

Vice Chair Walker then made a point of order for Chair Mailhot: that the Planning Board did not read the Shoreland Zoning Standards or the Conditional Use Standards for the previous applicant (re Item 1, 7 Weymouth Ave., 324-11-4; applicant Irvin & Cynthia Paradis) and the applicants’ responses.

Chair Mailhot then read the standards and the applicants’ responses:

Sec. 78-1240. – Conditional Use Standards.

1. The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.

*Applicant response: By reducing the structure from 2 units to 1 unit, hazards to pedestrians and vehicular traffic on-site or off-site should decrease.*

2. The proposed use will not create or increase any fire hazard.

*Applicant response: By rebuilding current structure with modern materials and all current code requirements, fire hazard should be decreased.*

3. The proposed use will provide adequate off-street parking and loading areas.

1 *Applicant response: By reducing the structure from 2 units to 1 unit, the need for off-street parking and*  
2 *loading areas will decrease.*

3  
4 4. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water  
5 supply.

6 *Applicant response: The proposed use will not cause water pollution, sedimentation, erosion or*  
7 *contamination of any water supply. During construction, appropriate barriers will be placed around the*  
8 *construction site in order to prevent any water pollution, erosion or sedimentation. The water supply is*  
9 *municipal in origin and this project does not involve any changes in current connections to this supply.*

10  
11 5. The proposed use will not create unhealthful conditions because of smoke, dust or other airborne  
12 contaminants.

13 *Applicant response: The proposed use will not create unhealthful conditions because of smoke, dust or other*  
14 *airborne contaminants.*

15  
16 6. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,  
17 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to  
18 neighboring properties.

19 *Applicant response: The proposed use will not create nuisances to neighboring properties because of fumes,*  
20 *glare, hours of operation, vibration, fire hazard or access to air. By reducing the structure from 2 units to 1*  
21 *unit, neighborhood noise should decrease. By increasing the height of the barn portion of the structure by*  
22 *approximately 5 feet and by enlarging the footprint of the second floor barn portion by 8'4" x 19'4", abutters*  
23 *on the west side of the property will experience some decrease in access to light but this is not unreasonable*  
24 *given the marked increase in height of all other new construction in our area.*

25  
26 7. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated  
27 by the use.

28 *Applicant response: By reducing the structure form 2 units to 1 unit, the burden on municipal sewage and*  
29 *trash systems will decrease.*

30  
31 8. The proposed use will not adversely affect the value of adjacent properties.

32 *Applicant response: Property upgrades generally improve the value of adjacent properties and this should be*  
33 *no exception.*

34  
35 9. The proposed use will be compatible with existing uses in the neighborhood, with respect to the  
36 generation of noise and hours of operation.

37 *Applicant response: By reducing the structure from 2 units to 1 unit, the proposed use will decrease noise*  
38 *and hours of operation in the neighborhood. It will be compatible with existing uses in the neighborhood as*  
39 *the structure will be used simply as a single household dwelling.*

40  
41 10. The applicant's proposal must include any special screening or buffering necessary to visually obstruct the  
42 subject property from abutting uses or to ensure the continued enjoyment of abutting uses.

43 *Applicant response: As responded to in Question 6, the increase in height and in size of the second floor of*  
44 *the barn portion of the structure will decrease access to light for abutters on the west side of the property but*  
45 *no amount of special screening or buffering will be able to mitigate this effect. This decrease to light will not*  
46 *obstruct the subject property from abutting uses but it may "decrease the enjoyment of abutting uses".*

47  
48 11. The applicant's proposal must adequately provide for drainage through and for preservation of existing  
49 topography within its location, particularly in minimizing any cut, fill, or paving intended.

50 *Applicant response: Drainage throughout the property will not change from current practice as the*  
51 *topography within the property's location in regard to cut, fill or paving will remain exactly as it is today.*  
52

1 12. The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this  
2 section and to develop and thereafter maintain the proposed project or use in accordance with all  
3 applicable requirements.

4 **Applicant response:** *The owners warrant they have the financial capacity and the contractor warrants he has*  
5 *the technical capacity to satisfy the criteria in this section. The owners further warrant that they have the*  
6 *financial capacity to maintain the proposed project and to use in accordance with all applicable*  
7 *requirements.*

8  
9 Sec. 78-34. – Shoreland Zone standards

10 (1) Will maintain safe and healthful conditions;

11 **Applicant response:** *The proposed project will maintain safe and healthful conditions.*

12  
13 (2) Will not result in water pollution, erosion, or sedimentation to surface waters;

14 **Applicant response:** *The proposed project will not result in water pollution, erosion or sedimentation of surface*  
15 *waters. Appropriate barriers will prevent water pollution, erosion or sedimentation around the site during*  
16 *construction. The topography of the site after construction will be exactly the same as exists currently and the*  
17 *current topography does not cause any water pollution, erosion or sedimentation.*

18  
19 (3) Will adequately provide for the disposal of all wastewater;

20 **Applicant response:** *All surface wastewater will be disposed of via natural means as currently exist. All*  
21 *household wastewater will be disposed of via the municipal wastewater sewage system. The burden to this system*  
22 *will be decreased from current levels by conversion of the structure from 2 units to 1 unit.*

23  
24 (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

25 **Applicant response:** *The proposed project will not have an impact on spawning grounds, fish, aquatic life, bird,*  
26 *or other wildlife habitat.*

27  
28 (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

29 **Applicant response:** *The proposed project will not affect shore cover and visual, as well as actual points of*  
30 *access to inland and coastal waters.*

31  
32 (6) Will protect archaeological and historic resources as designated in the comprehensive plan;

33 **Applicant response:** *The proposed project will protect archeological and historic resources as designated in the*  
34 *comprehensive plan.*

35  
36 (7) Will avoid problems associated with floodplain development and use; and

37 **Applicant response:** *The proposed project, by elevating the current structure by 3 feet, will decrease the*  
38 *likelihood of developing future problems with floodplain development.*

39  
40 (8) Is in conformance with the provisions of all applicable shoreland zoning standards in division 17 of this  
41 chapter.

42 **Applicant response:** *The proposed project is in conformance with the provisions of all applicable shoreland*  
43 *zoning standards in division 17 of this chapter.*

44  
45  
46 **ITEM 3**

47 Proposal: Ordinance Amendments (Adult Use Marijuana): Ch. 78, Art. VI, Secs. 78-717, 747, 803, 903;  
48 Ch. 78, Art. VII, Sec. 1279

49 Action: Review Draft Ordinances; Schedule Public Hearing

50 Applicant: Town of Old Orchard Beach

51  
52 Assistant Town Planner Michael Foster stated that he would open with some background information:

- 53 • During November 2020, OOB voters voted in favor of adopting ordinances allowing the retail sale of  
54 adult use marijuana and issuing a limited number of licenses allowing adult use marijuana retail stores to

1 operate in OOB. This vote did not authorize adult use marijuana to immediately become an allowed use.  
2 What it did was authorize the town to develop ordinances that would allow adult use marijuana land use  
3 to exist. Note that this was a binding vote so the town must act

- 4 • The town is now acting by developing these ordinances and working through the review process
- 5 • There are four different ordinances, two fall under the planning board's jurisdiction- Zoning Districts  
6 ordinance and Conditional Use ordinance. Both are part of Chapter 78, Zoning
- 7 • The other two ordinances fall under the Council's jurisdiction- Business Licensing and repeal of the  
8 current ordinance prohibiting retail sales. Both are part of Chapter 18, Licensing
- 9 • The PB's primary responsibility is to review, revise and provide a recommendation to the Council on the  
10 Ch. 78 amendments
- 11 • Regarding the zoning district ordinance amendments, they are directly associated with which zoning  
12 district the adult use marijuana land uses will be allowed. As currently proposed, adult use retail is  
13 allowed in the DD1, DD2, GB1, and ID, which is the Industrial district. Adult use testing, cultivation,  
14 and manufacturing are allowed in the Industrial district only.
- 15 • Regarding the Conditional Use amendments, this is a new ordinance designed to regulate adult use  
16 marijuana land uses through the conditional use process. A few highlights:
  - 17 1. The primary Conditional Use ordinance sections include: A. Definitions exclusive to adult use  
18 marijuana businesses; B. State licensing requirement; C. Performance standards
  - 19 2. Regarding the performance standards, the proposed conditional use ordinance includes standards  
20 regulating items setbacks from sensitive areas, odor management, security, signs, prohibitions on  
21 drive-throughs, etc.
- 22 • Regarding the Chapter 18 ordinance amendments, these fall under the Council jurisdiction. A summary is  
23 the staff memo so we won't go into detail here. Although I expect the Council would appreciate your  
24 thoughts concerning the number of licenses that should be allowed.
- 25
- 26 • At the PB march meeting, the board recommended several revisions which are:
  - 27 \* Increase separation from sensitive use distance to 1,000 feet
  - 28 \* Include additional uses in the sensitive use category
  - 29 \* Add "regardless of size" and delete 7 acre requirement for public outdoor recreation areas
  - 30 \* Meaning and definition of "amusement parks" added
  - 31 \* Days of the week and hours of operation added- Monday – Sunday, 9 - 6
  - 32 \* Marijuana Store max size of 1,000 sq. ft. added
  - 33 \* Marijuana business to business proximity limit increased to 1,000 ft.
  - 34 \* Standard restricting marijuana businesses from being in the same building or attached to the same  
35 building that provides space for residential and nonresidential occupancies
  - 36 \* Removal of standard regulating common areas shared with other business or residence
  - 37 \* Addition of parking and solid waste standard so they're applicable to use and all districts, not just DD1  
38 and DD2
  - 39 \* Loitering standard was added
- 40 • Also, at the March meeting the Board requested a map showing the 1,000 ft. buffer zones associated with  
41 sensitive uses. Two maps, one showing the zoning and another with aerial are in your April packet
- 42 • The result of these buffer zones is a majority of the properties within the districts where adult use  
43 marijuana would be allowed actually will not be allowed because they're within the sensitive use buffer
- 44 • If the PB recommends the zoning districts as proposed and 1,000 ft buffer and the Council supports this  
45 recommendation, the areas where uses would be allowed after applying the buffer to the allowed districts  
46 include the beachside portion of Atlantic Ave area; portion of Portland Ave/Cascade Rd. from former  
47 funeral home to Landry's plaza; a few lots between Holland and Goodwin; a few properties along outer  
48 Ocean Park Rd by OOB Campground; a few properties along Old Orchard Rd.
- 49 • The Boards next steps are to continue to review proposed ordinances, schedule a public hearing (we  
50 recommend 13 May), and provide a recommendation to the Council
- 51 • A few comments and questions for the Board:
  - 52 \* Where should adult use marijuana stores be allowed- which zoning districts?

- 1 \* Which zoning districts should adult use marijuana cultivation, manufacturing, and testing land uses be  
 2 allowed? Should they be allowed at all?  
 3 \* Any additional thoughts on the proposed conditional use ordinance language? How about the changes-  
 4 Is the Board ok with the increased sensitive use area buffer distance? Could it create unintended impacts?  
 5 Maybe exceptions for non-state regulated sensitive use buffers? 1,000 sq. ft. max for a store- is this too  
 6 small? Maybe 1,000 sq. ft. for customer and display area?  
 7 \* Thoughts about licenses- how many licenses should be allowed for each adult use marijuana land use? This  
 8 would just be a suggestion because the Planning Board doesn't oversee the licensing chapter.  
 9

10 Assistant Town Planner Michael Foster then stated that the Board had requested that Police Chief Dana Kelley be  
 11 in attendance at the meeting to answer questions.

12 Police Chief Kelley stated that town ordinances have some significant alarm & video requirements in a store  
 13 environment, and his concern was whether or not police detail should be mandated during hours of operation, and  
 14 what the department thinks might be necessary. He stated that based on information obtained from other  
 15 municipalities, he does not believe anyone has any type of police detail associated with these types of businesses  
 16 and that unless such needed to be mandated in the future due to significant problems, that such a mandate should  
 17 not be made at this time.

18 Vice Chair Walker then stated that there are concerns due to crowds and waiting lines and associated chaos at  
 19 grand openings of these types of stores. Chief Kelley responded that police presence could be considered to  
 20 alleviate that concern, but he is concerned that if police presence were mandated on a long time basis, he would  
 21 not be able to supply personnel to do that.

22 Ms. Hubert then asked if there could be choices as to which districts could be considered for such types of  
 23 businesses as she has concerns that the districts being considered now include districts that are used  
 24 predominantly by families, specifically the DD-1 and DD-2 districts. Chair Mailhot then explained that the  
 25 proposal does not include the DD-1 district due to the restriction of sensitive uses.

26 Ms. Dube then asked Chief Kelley if he had concerns about allowing retail in remote areas, such as the GB-1 and  
 27 Industrial districts; Chief Kelley stated that such did not pose additional concerns as all areas are patrolled and the  
 28 business would be required to have surveillance.

29 Vice Chair Walker then added that campgrounds should perhaps be added as a restricted use area as they have  
 30 playgrounds and areas for children. Chair Mailhot stated that she has more of a concern with child care facilities,  
 31 and asked other Board members to weigh in if they also had such concerns.

32 Chair Mailhot then asked Assistant Town Planner Michael Foster to see if p 4, A, #2, subsection iii could be  
 33 removed; Michael Foster will double check on that. Chair Mailhot also asked if the definition of Community  
 34 Center could perhaps be redefined to include a broader definition to include other possible uses; Michael Foster  
 35 will redefine Community Center. Chair Mailhot then asked if the sentence on p 7, paragraph under ii, line 5, re  
 36 filtration equipment, could be removed as it may be contradictory; Michael Foster will consider removing that  
 37 line.

38 After discussing that these changes are not substantive changes, it was agreed that a Public Hearing be held on  
 39 May 13 at 6:30PM. Chair Mailhot then asked that due to the large amount of anticipated comments, if Assistant  
 40 Town Planner Michael Foster could highly recommend that comments be required to be submitted in writing to  
 41 the Town by May 12 at 5PM, and that such comments be read aloud at the Public Hearing.  
 42  
 43

44 **ITEM 4**

45 Proposal: Major Subdivision: 20-lot cluster subdivision for single-family dwellings  
 46 Action: Preliminary Plan Review and Vote; Determination of Completeness; Schedule Site Walk;  
 47 Schedule Public Hearing  
 48 Owner: Timothy Swenson & Cary Seamans  
 49 Location: Wild Dunes Way, Section C of Dunegrass (MBL: 105A-1-C); Zoning: PMUD  
 50  
 51

52 Assistant Planner Michael Foster stated: This 20-lot subdivision was last before the Planning Board in December  
 53 as a sketch plan. The applicant has addressed some of the initial comments from staff and in response to

1 Stephanie Hubbard's -Wright Pierce (WP) comments. For the preliminary plan being reviewed this month we  
2 have an updated memo from WP that was included in your April packets.

3 I will highlight these items and then provide some additional information on each:

- 4 • Sewer
- 5 • Stormwater
- 6 • Golf Cart path
- 7 • Street connection
- 8 • Fire Dept memo
- 9 • Amended driveway ordinance
- 10 • Recently amended Addressing ordinance
- 11 • Screening and buffering

12 **Sewer**

13 For sewer there were multiple comments in the WP memo and this was forwarded to BH2M. Based on email  
14 response from Walter Pelkey w/ BH2M they do not intend to tie into Pump Station 600, and will be utilizing the  
15 cross country easement behind the Dunegrass Clubhouse and tying in with the pressure sewer from The Turn.  
16 There are still remaining questions in regards to that sewer connection and these details will need to be worked  
17 out by the engineer and the capacity confirmed by the Town.

18  
19 **Stormwater**

20 For stormwater there are multiple comments in the WP memo need to be addressed and the potential offsite  
21 stormwater impacts should be further evaluated. The wetland delineation report by Mark Hampton states that the  
22 wetlands found on site do not meet the Maine DEP definition for wetlands of special significance. Sec. 74-270. of  
23 our Ordinance reads: Preservation of natural and historic features states that extensive grading and filling shall be  
24 avoided as far as possible.

25 Sec. 74-274. - Easements for natural drainageways requires easements for existing watercourses or proposed  
26 drainageways in a subdivision have a right-of-way of at least 30 feet wide. The easement shown on plans is 20  
27 feet wide (sounds like this may already be an existing easement), and that should just be confirmed

28  
29 **Golf cart path – Where will the existing cart path go?**

30 The golf cart path currently goes from the golf course and onto the Wild Dunes Way roadside/sidewalk to go  
31 around The Turn subdivision. With the existing cart path being impacted by this proposal and relocation  
32 necessary, we recommend coordination between Dunegrass and The Turn. Response from BH2M as recently as  
33 today was that they met on site with Dom (that being Dominique Pugliares of Dunegrass) this week and this has  
34 been addressed and they will show on the next plan submission.

35  
36 **Street connections**

37 For connecting Mickelson Way the response from BH2M was “This being a private narrow roadway, the  
38 developer is not inclined to tie into it”, and they don’t want to create extra shortcuts.

39  
40 For connection of sidewalk to Cascade we received the following response from BH2M:

41 “We are open to some form of connectivity but the developer would rather not be involved with  
42 extending the sidewalk along Cascade, directing foot traffic along side or rear yards and Dom appears to  
43 not be receptive to the public using cart paths. There is an existing connection point at Section A.”

44  
45 **Fire Dept memo**

46 There was a Fire Department memo, and the applicant will just need to meet those requirements.

47  
48 **Screening and buffering-**

49 It was highlighted that the rear of Willow Ave properties are slated to sit about 4-5 feet higher than the  
50 adjacent lots. There is a 50’ setback along these properties. Staff recommends that a natural buffer and  
51 screening be considered. Based on WP comments, with the proposed grading and wetland filling this



1 will need to be coordinated with the stormwater design. The ordinance for PMUD district requires the  
2 20 ft green perimeter strip as well.  
3 BH2Ms response to Screening and buffering was “We will add additional landscaping as directed.” The  
4 PB should provide some guidance on this.  
5

6 Larry Mead comment- email 4/1/2021

7 I do strongly suggest that the Planning Board require some bicycle and pedestrian access. That would be  
8 consistent with the goal of creating pedestrian linkages.  
9

10 Other thoughts on this:

- 11
- 12 1. We should push for a golf cart path link between the 9th and 10th holes. That will require
- 13 cooperation through the different subdivisions.
- 14 2. The street lighting should be consistent with the lighting in The Turn and Cherry Hills Rd
- 15 subdivisions.  
16

17 **RECOMMENDATIONS:**

18 Staff recommends that the applicant address the comments in the WP memo and staff comments.  
19 Several items should be addressed before this is determined as complete especially with the remaining  
20 questions. We recommend you give feedback this evening.  
21

22 Austin Fagan from BH2M, representing Timothy Swenson & Carey Seamans, then spoke. He stated that  
23 in terms of Sewer, the applicants do not plan to tie into the Pump Station, and there is an easement  
24 across the land of Dunegrass LLC, and literature on that will be provided to clarify where that will be  
25 going. In terms of Storm Water, the 20 FT easement behind Lots 8,9,10, and 11 is an existing easement  
26 that is held by the Town, and that if that needs to be expanded, they will be happy to work with you to  
27 provide that.

28 The proposed golf cart path will be proposed behind Lots 1, 2, and 3, and the grading of the proposed soil filter  
29 will be adjusted to allow for connectivity between the areas. The developers are not looking to connect the  
30 existing Mickelson Way to the proposed roadway. Austin also stated that re screening and buffering, they will be  
31 happy to take any comments and apply those re any visual buffers.

32 Chair Mailhot then asked Assistant Town Planner Michael Foster if it were mandatory that there be a second  
33 connecting street. He replied that the ordinance does have a second street connection requirement for  
34 subdivisions with 15 lots or more. He further stated that this requirement seems to have been met with the 2 street  
35 connections of Wild Dunes Way and Ross Road, and that was required as part of the Master Plan. Chair Mailhot  
36 then questioned if changes after the Master Plan were substantive changes. Assistant Town Planner Michael  
37 Foster stated that he would have to review that.

38 Developer Tim Swenson then spoke, and stated that there is an additional connection at Dirigo Drive, and that  
39 when Section D & E get developed, there will be another way out, so that when the development is done, there  
40 will be 4 exits out.

41 There was much discussion between Board Members as to whether there would be quick enough access for the  
42 Fire Department to reach the subdivisions if not coming in from the Fire Station but were coming in from  
43 Portland Ave. Town Manager Larry Meade stated that the Fire Chief could provide written comments as to this  
44 concern.  
45

46

47 **ITEM 5**

48 Proposal: Minor Subdivision and Site Plan: 4-lot subdivision for single-family use

49 Action: Sketch Plan

50 Applicant: Estates at Bay View, LLC

51 Location: 211 East Grand Ave., MBL: 202-2-2; Zoning: Proposed Contract Zone and Shoreland RA  
52

1 Assistant Town Planner Michael Foster presented the Board with the following:  
2

- 3 • This subdivision is associated with the recently proposed Contract zone, which the Planning Board had  
4 recommended to Council
- 5 • The revised Contract zone agreement is included with the applicant's sketch plan submission
- 6 • Regarding the actual subdivision project, it hasn't changed since the Board reviewed during March- a 4  
7 lot subdivision for single-family dwelling use, a private road, and 4' easement for public beach access
- 8 • This is just sketch plan right now so we expect more details will be included with the preliminary plan  
9 submission
- 10 • A few miscellaneous comments:
  - 11 \* All contract zoning proposals require site plan review. Because this is a subdivision it requires  
12 subdivision review too
  - 13 \* An applicant may submit site plan and subdivision applications at the same time they're seeking PB or  
14 Council contract zoning approval as if the Contract zone were already in effect. If the applicant seeks an  
15 approval vote on the site plan and subdivision proposal before final Council action, the Planning Board  
16 must make its approval contingent on the Council's approval of the Contract zone.
  - 17 \* Council began consideration on April 6 and will hold a public hearing on April 20
  - 18 \* This proposal is part of a Contract zone which as proposed allows changes to the current zoning district  
19 and subdivision road standards. The primary changes included a reduction in lot area, where the front  
20 setback is measured from (access center line), reduction in shore frontage, and reduction in road size.
  - 21 \* As you review you'll want to be sure the proposal meets the Contract zoning agreement terms.
  - 22 \* DEP must review and approve the Contract zone because it will be applicable to the shoreland zoned  
23 portions of this property. Formal DEP review can't happen (per OOB Ordinance) until after the Council  
24 issues a decision
- 25 • Recommend the Planning Board offer comment at this time

26  
27 Applicant Tim Swenson (Estates at Bay View, LLC) then spoke. He stated that he has met with Public Works  
28 Director re the Sewer Connection and Maine Water, has hired BH2M to do the engineering on the project, and  
29 there will be a Public Hearing on the project on April 20. Chair Mailhot questioned about access to the beach.  
30 Tim stated that there are 2 access points to the beach, which are shown on the new survey, and pointed those out  
31 on the drawings.

32 Ms. Hubert then questioned if the location of the pool should be changed due to its encroachment on the sand  
33 dunes. Tim Swenson replied that such question came up with the DEP and because the existing dunes goes past  
34 the pool, the DEP is requiring that the dunes be recreated around the pool but that the pool can remain as it is  
35 already in existence.

### 36 37 38 Other Business

#### 39 40 Good and Welfare

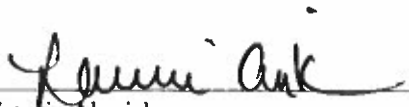
41 Vice Chair Walker asked Assistant Town Planner Michael Foster about the building that was torn down at the end  
42 of Randall Ave. The issue was that the windows weren't removed before the building was torn down, and he is  
43 now asking if glass removal should be a requirement before buildings are taken down in the future, and if the  
44 contractor re the Randall Ave. property should be responsible for cleaning up the glass that is now in the dunes  
45 from that demolition. Assistant Town Planner Michael Foster replied that he will notify Codes of the glass  
46 currently there, and will check on the ordinance.

47 Resident Dawn Piccolo, owner of condominium at 215 E. Grand Ave., the Diplomat, and the Board's Secretary,  
48 wanted to clarify that there is no attorney representation from the Diplomat re the proposal at 211 E. Grand Ave.  
49 She is asking that the Planning Board reconsider the public access way without a parking and a turnaround spot  
50 being considered. Chair Mailhot urged Dawn to attend the Public Hearing on the proposal.

### 51 52 53 ADJOURNMENT

54 Chair Mailhot adjourned the meeting at 8:02PM

1 I, Laurie Aberizk, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby  
2 certify that the foregoing document consisting of Eleven (11) pages is a true copy of the original minutes of the  
3 Planning Board Meeting of April 8, 2021.  
4  
5

6 X  \_\_\_\_\_  
7 Laurie Aberizk