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**OLD ORCHARD BEACH PLANNING BOARD  
WORKSHOP MINUTES  
August 2, 2018 6:00 PM (Workshop, Council Chambers)**

Note: The purpose of the Workshop is for the Planning Board to receive packets and an agenda item update from staff.

**CALL WORKSHOP TO ORDER 6:00 pm.**

**Roll Call:** Chair Linda Mailhot, Vice Chair Win Winch, Marc Guimont, Robin Dube, David Walker  
**Absent:** Gary Gannon, Mark Koenigs. **Staff Present:** Town Planner Jeffery Hinderliter, Associate Planner Megan McLaughlin

**CALL WORKSHOP TO ORDER**

**Regular Business\***

**ITEM 1**

**Proposal:** Major Subdivision: 10 lot residential subdivision (Red Oak Phase III)  
**Action:** Discussion; Final Ruling  
**Owner:** Mark & Claire Bureau  
**Location:** End of Red Oak Dr.

Associate Planner Megan McLaughlin provided an update to the board. She said there is a new submission in the PB packets from the Applicant. Wright Pierce had reviewed the application and is all set. Staff also had no further comments aside from street lighting. She reiterated that Staff asked for modest street lighting throughout the Development for First Responders as well as for safety purposes. The Applicant is proposing to include a condition that states street lighting would be installed ONLY if the development was accepted by the Town. They have shown the conduits on the plan but do not intend to provide street lighting unless it is accepted by the Town.

Member Guimont stated that if this is a requirement and is for safety purposes then it should be shown on the plan.

Associate Planner McLaughlin said it is not required per the ordinance.

Member Guimont said that if the logic behind it is for safety reasons, then it should be included no matter what.

Associate Planner McLaughlin said that is why Staff was leaving the decision up to the board. The board can require street lighting by requesting the plan be amended or adding a condition. She said aside from that item, Planning Staff felt that the Application was Complete, with nine conditions. In the memo, she and Jeffrey went through each of the conditions and provided a description as to why each was necessary: First, was the second means of egress requirement. Second, was that the stormwater infrastructure shall remain private. Third, and the longest one was about stormwater at each lot. Since each lot had their own specific BMPs, Wright Pierce recommended that they be shown on the recording sheet so that Codes Staff and Builders know exactly what is proposed for each lot and where it is located. There had been issues in the past in terms of what BMPs were required for each site so that would make it clear. Fourth, any amendments to lots and/or stormwater infrastructure would need to come back to the Planning Department and Staff would have to make a determination as to whether it could be approved

1 administratively or go back before the board. Fifth, is the requirement that an Engineer comes and  
2 certifies that the BMPs are constructed in accordance with the plan. This is done for all projects.  
3 Typically there are one or two centralized treatment areas but here where there are nine different BMPs at  
4 each lot, the Contractor is responsible for hiring an Engineer to make sure the BMPs were constructed in  
5 accordance with the plan. This protects the Town. Sixth is to ensure wetland filling areas are clearly  
6 identified so Staff knows what has been permitted. Seventh discusses the issuance of building permits. If  
7 lots are sold as undeveloped lots and someone wanted to put in a Contractor Storage Yard (CSY), the  
8 existing DEP permit would not cover that. As such, Wright Pierce wanted a condition that would require  
9 DEP permits for anything above and beyond a single-family home. Planning Staff pushed back on this  
10 because a CSY is already listed as a Conditional Use in the Rural District so it would require further  
11 review by the Planning Board anyways – why would the condition be necessary? We are still working  
12 with the Applicant on this.

13  
14 Chair Mailhot asked if HOA Documents were submitted for the project.

15  
16 Associate Planner McLaughlin said yes they have been updated.

17  
18 Chair Mailhot asked if the HOA Docs. spells out whether or not these are to be single-family residential  
19 homes.

20  
21 Associate Planner McLaughlin said good point and it will be looked into. She said conditions #7 and #8  
22 were both addressing the submission of DEP permits but were worded differently. As such, they are  
23 trying to get rid of #8 and keep the one condition (#7) in there about stormwater permits. The last two  
24 conditions were the one recommended by the Town Attorney regarding the deed and that as-built  
25 documentation shall be submitted for the initial 750 feet of roadway.

26  
27 Member Guimont mentioned that once the roads are accepted, the HOA would only be responsible for the  
28 maintenance of the drainage. He said it is a tough one to chase down because they will likely only get  
29 together if the Town says there is a problem. It is challenging administratively.

30  
31 **ITEM 2**

32 **Proposal: Minor Subdivision: 2 Duplex Dwellings with a total of 4 residential units**  
33 **Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing**  
34 **Owner: Donald Bouchard**  
35 **Location: 189 Saco Ave**

36  
37 Associate Planner McLaughlin introduced the proposal as a new item before the board. It is for 2 new  
38 1,800 sq. ft. duplexes.

39  
40 Member Dube asked where 189 Saco Avenue is located.

41  
42 Town Planner Jeffrey Hinderliter said it is the lot that has been vacant for many years across from  
43 Summer Winds. It has had the commercial lot sign up and it is great to see some activity going on there.

44  
45 Member Dube asked if everyone on the board was aware of the culvert running next to that lot.

46  
47 Associate Planner McLaughlin said yes, Wright Pierce has been on the culvert issue. She pointed out that  
48 the Applicant is requesting a waiver request for the driveway width. The ordinance allows for a 20 ft.  
49 curb-cut for driveways but they are proposing 2 27 ft. driveways to allow for a shared curb-cut for each of  
50 the duplexes. They also proposed a second waiver request to use the existing overhead electrical service,  
51 however, the ordinance already gives the Planning Board the authority to rule on utility placement so this

1 should not require a waiver. She mentioned that Planning Staff requested the Applicant submit a formal  
2 waiver request for the driveway width stating the ordinance standard and the reason for requesting the  
3 waiver. The Planning Board process for granting waivers had been listed in the memo for the board.  
4

5 Town Planner Hinderliter mentioned that it looks like a curb-cut was already established out at the site  
6 that equals the width they are requesting.  
7

8 Member Dube said some driveways on Saco Ave already have greater than 20 ft. driveway openings.  
9

10 Member Guimont said that drainage in the area is critical. He said Summer Winds impacts the drainage  
11 through there and they need to do more of an analysis than a simple subdivision on top of a hill.  
12

13 Town Planner Hinderliter said that the Engineer actually did a good job on drainage because they were  
14 well aware of the concerns. He said the Wright Pierce comments were fairly straight forward with this  
15 proposal and that should be a testament to the detail and work that was put into the drainage analysis.  
16

17 Member Winch asked if cars would be backing up onto Saco Avenue. He said it would be difficult in the  
18 winter-time with the snowbanks.  
19

20 Member Dube said that a lot of other homes on Saco Avenue back up directly on to the road.  
21

22 Member Walker said that cars would have to back out onto Saco Avenue even if it was a 20 ft. driveway.  
23

24 Member Guimont said that the summertime traffic creates a lot of congestion in the area.  
25

26 Member Walker said that granting a waiver or not granting a waiver would not affect anything.  
27

28 Town Planner Hinderliter said that was another reason to justify a wider entrance.  
29

30 Associate Planner McLaughlin said that the memo has comments from Wright Pierce and comments from  
31 Staff. She said one of the biggest constraints is that in this district, parking in the front setback is not  
32 permissible and both duplexes show parking in the front setback. It was discussed a little more in the  
33 Planning Board memo. Also in the memo were site distance requirements, screening/buffering, comments  
34 from DPW, floodplain and traffic. She said a traffic report from Traffic Solutions lists the number of trips  
35 generated but does not say whether or not there would be any problems on Saco Ave or Macarthur. The  
36 Planning Board may want further information on traffic.  
37

38 Member Guimont asked if the units would be sprinkled.  
39

40 Associate Planner McLaughlin said she needs questions like that to be clarified from the Fire Department,  
41 a Development Review meeting was not held in August because Department Heads were away. It would  
42 be discussed with them in September.  
43

44 Town Planner Hinderliter said the trickiest thing with this proposal is that no parking in the front setback  
45 standard. The lot has constraints in terms of the DEP 75 Ft. setback, floodplain, etc. It is a fairly decent  
46 sized lot but it is limited in terms of the location of the structures because of these constraints. The  
47 structures are not currently maxed out, they are reasonably sized. Trying to relocate/push the buildings  
48 back to accommodate the standard will be difficult so staff is looking into the ordinance to try and find a  
49 way to work through it.  
50  
51

1 **ITEM 3**

2 **Proposal: Site Plan: Construct 40' x 80' Garden Center.**

3 **Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing**

4 **Owner: Robillards Garden Center, LLC**

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

6  
7 Associate Planner McLaughlin introduced the project. She said it is a 40x80 garden center with storage  
8 bins and parking that was brought before the board in April as a sketch plan. In the Planning Boards  
9 materials for August were Wright Pierce comments and application materials. She said there were two  
10 comments from Wright Pierce that they requested be highlighted – the abutting properties are close  
11 together and there were concerns about stormwater runoff. A minor increase was also modeled to the  
12 Arnold Road culvert which appeared to be privately owned. Wright Pierce recommended further  
13 coordination with the owner of that culvert in case it needs to be repaired or resized.

14  
15 Associate Planner McLaughlin said that Planning Staff is still waiting for a footcandle plan to show any  
16 light spillover, clarification on the minimum separation between driveways and the Planning Board  
17 should determine if further information on traffic is needed. Currently, the application says 4 trips in the  
18 AM and 11 trips in the PM. She said this could vary with the season and seemed low and that the  
19 Planning Board may want to request a letter from a traffic consultant.

20  
21 Member Guimont said he assumes they referred to the trip generation handbook to come up with those  
22 figures.

23  
24 Member Dube said the noise will impact the abutting property.

25  
26 Associate Planner McLaughlin said that Wright Pierce asked if there are setbacks in place for storage bins  
27 but she did not see anything specific. However, the Site Plan Criteria that the proposal has to meet has a  
28 standard that addresses nuisances in terms of odor.

29  
30 Member Dube asked if dump trucks would be coming in and out of the site to pick up materials, etc.

31  
32 Town Planner Hinderliter said the trips are calculated as 1 in and out trip. So 4 trips into and out of the  
33 site in the AM peak and 11 trips into and out of the site at the PM peak.

34  
35 Member Guimont asked if they are selling to Contractors or neighbors.

36  
37 Member Walker said he had concerns over the use of pesticides.

38  
39 Member Winch asked if a garden center is specifically spelled out in the NC4 ordinance.

40  
41 Associate Planner McLaughlin said that yes they are allowed but the building requires Site Plan review.  
42 She said that Planning Staff did not feel as if the application was complete and the Planning Board should  
43 wait to make a determination of completeness because it starts the clock ticking to schedule the Public  
44 Hearing and make a final ruling. She said there are not any major outstanding items but there are some  
45 questions and items for the Planning Board to consider.

1 **ITEM 4**

2 **Proposal:** Site Plan Review: Expansion of existing corps and admin building, parking lot  
3 construction, building demo, landscaping, site work

4 **Action:** Approval Extension

5 **Owner:** The Salvation Army

6 **Location:** 6<sup>th</sup> St, Union Ave, Church St, Oakland Ave, 15<sup>th</sup> St; MBL: 311-6-1,12, 8; MBL: 311-  
7 4-1,2,3,4,5

8 Town Planner Hinderliter gave an update to the board. He said this is just to renew the project. It went  
9 through a pretty detailed review for a 12,000 sq. ft. addition to an existing building. It received a lot of  
10 Abutter comments. In the packet, is a letter requesting an extension to the Planning Board approval as  
11 well as an 8 ½ x 11 plan to give the board an idea of what was originally approved. He said Win brought  
12 information from the approval so new members could take a look at it.

13  
14 Member Guimont said the streets over there are concerning as well as the drainage areas.

15  
16 Member Winch said the drainage was a big item that was discussed when this went through the process  
17 and that a lot of work went into it.

18  
19 Town Planner Hinderliter said this was reviewed and signed off on by Wright Pierce and there was an  
20 analysis of the roads, traffic, etc. It was controversial. Reopening the proposal could get messy. Since  
21 nothing has changed and it received a solid review, he sees no reason why it should not be renewed.

22  
23 **Other Business**

24  
25 Town Planner Hinderliter wanted to announce that Planning Board member Gary Gannon has respectfully  
26 resigned from his position.

- 27  
28 1. Findings of Fact signatures: 68 Colby (Shoreland Zoning)

29  
30  
31 **ADJOURNMENT 6:39 PM**

32 **\*Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes**  
33 **only. Formal decisions on these items are not made until the Regular Meeting.**