

1
2 **OLD ORCHARD BEACH PLANNING BOARD**
3 **Public Hearings & Regular Meeting**
4 **August 8, 2019 6:30 PM**
5 **Town Council Chambers**
6

7 **CALL MEETING TO ORDER 6:30 PM**
8

9 **PLEDGE TO THE FLAG**
10

11 **ROLL CALL**

12 David Walker

13 Robin Dube

14 Chris Hitchcock, alt.

15 Vice Chair Win Winch

16 Chair Linda Mailhot
17

18 **Note:**

19 (Regular Member Marianne Hubert is not present this meeting so Alt. Member Chris Hitchcock will be a
20 voting member at tonight's meeting)
21

22 **ABSENT:**

23 Marianne Hubert

24 Mark Koenigs, alt.
25

26 **STAFF PRESENT:**

27 Planner Jeffrey Hinderliter

28 Assistant Planner Michael Foster
29

30 **Approval of Minutes:** 5/9/19, 6/6/19, 6/13/19
31

32 **MOTION:**

33 Motion by David Walker, seconded by Robin Dube to approve the 5/9/19 and 6/13/19 meeting minutes.
34 The 6/6/19 minutes were not available.
35

36 Correction on Win Winch present, Vice Chair Robin Dube (strike Vice Chair)
37

38 **VOTE:**

39 David Walker

40 Robin Dube

41 Chris Hitchcock, alt.

42 Vice Chair Win Winch

43 Chair Linda Mailhot
44

45 **PASSED:**

46 (5-0)
47

48 **Public Hearings**

49 **PH 1**

1 **Proposal:** Site Plan Review: Building rehab, add two units, one office, site improvements (e.g.,
2 parking, landscaping)
3 **Owner:** Trahan Apartments – OOB LLC
4 **Location:** 68 East Grand Ave, MBL: 304-6-1; Zoning: DD2, Shoreland GD and RP
5

6 Opened the Public Hearing at 6:32 PM.
7 There being no one from the public wishing to speak to this item, the Public Hearing closed at 6:32 PM.
8

9 **PH 2**

10 **Proposal:** Conditional Use: Accessory Dwelling Unit
11 **Owner:** Ross Road LLC; Applicant: Michelle Masters
12 **Location:** 7 Kylie Lane, MBL: 107-1-408; Zoning RD
13

14 This was scheduled for a Public Hearing however, the Applicant has removed this item so there will not
15 be a Public Hearing on this at tonight is meeting.
16

17 **Regular Business**

18 **ITEM 1**

19 **Proposal:** Subdivision: 2 Duplex (4 residential apartment units)
20 **Action:** Final Plan
21 **Owner:** Earle Enterprises, LLC
22 **Location:** 4 Smithwheel Rd, MBL: 210-2-16; Zoning: R4
23

24 Staff feels that the Planning Board can make a decision tonight on this proposal.

25 All items have been addressed.

26 There are a few items WP and NCS do not fully agree on but they have agreed to disagree. These items:

- 27 1. On-site vehicle maneuvering. WP continues to have concerns on the maneuvering within the site
28 parking area, parking spots on the north side of the duplex units, and driveway bend
- 29 2. Water service line. The water service lines were relocated beneath the proposed infiltration
30 system in an effort to maintain the existing wooded buffer along Ervin. WP recommends the
31 services be located outside of the stormwater infiltration system. NCS indicated the owner and
32 NCS do not feel this is a concern and are ok with risk/additional costs for repair with the water
33 service lines as noted on the plan (see Site, Layout & Utility Plan for water line location).
34

35 Staff is recommending additional approval with one or two conditions in the memo.
36

37 Travis Letellier from Northeast Civil Solutions (NCS) stated that they have gone through a thorough
38 process with the Peer Review Engineer and addressing all of their outstanding comments with the
39 exception of the two minor comments. They have incorporated all of the items they had discussed at the
40 last meeting.
41

42 **MOTION:**

43 David Walker made a motion to approve the Subdivision Final Plan for the construction of 2 duplex's for
44 a total of 4 apartment units located at 4 Smithwheel Rd. MBL: 210-2-16 with the following conditions:
45

- 46 1. The single-family driveway access to Smithwheel shall be discontinued before occupancy permits
47 are issued for any unit in the proposed duplexes.
- 48 2. The owner shall comply with Town Performance Agreement requirements before construction
49 begins.
50

51 Seconded by Vice Chair Win Winch.

1
2 Chair Mailhot read the (14) Subdivision Review Criteria:

3 **(1)The proposed subdivision will not result in undue water or air pollution. In making this**
4 **determination it shall at least consider the following:**

- 5 **a. The elevation of the land above sea level and its relation to the floodplains;**
- 6 **b. The nature of soils and subsoils and their ability to adequately support waste**
7 **disposal;**
- 8 **c. The slope of the land and its effect on effluents; and**
- 9 **d. The applicable state and local health and water resources regulations;**

10

11

12 RESPONSE: The proposed project will not result in undue water or air pollution. No pollutants will be
13 created as part of this project pre, during or post-construction. The residential use will not have any effect
14 on surrounding resources such as water or air, slope of the land and soil/subsoils.

15 **(2) The proposed subdivision has sufficient water available for the reasonably foreseeable**
16 **needs of the subdivision.**

17 RESPONSE: There is sufficient water available for the reasonably foreseeable needs of the subdivision.
18 An ability to serve letter will be submitted to the Town upon request.

19 **3) The proposed subdivision will not cause an unreasonable burden on an existing water**
20 **supply, if one is to be utilized.**

21 RESPONSE: The project will not cause an unreasonable burden on the available water supply. Maine
22 Water has the capacity to serve the proposed development with the existing water supply/infrastructure on
23 Smithwheel Road.

24 **(4) The proposed subdivision will not cause unreasonable soil erosion or reduction in the**
25 **capacity of the land to hold water so that a dangerous or unhealthy condition may result.**

26 RESPONSE: This development will not cause unreasonable soil erosion or reduction in the capacity of
27 the land to neither hold water, or will a dangerous or unhealthy condition will result. The development
28 will practice best management practices to avoid adverse effects from erosion and will not disturb enough
29 land to cause undue effects.

30 **(5) The proposed subdivision will not cause unreasonable highway or public road**
31 **congestion or unsafe conditions with respect to use of the highways or public roads existing**
32 **or proposed.**

33 RESPONSE: This project will not cause unreasonable highway or public road congestion or unsafe
34 condition with respect to use of the highways or public roads existing or proposed.

35 **(6) The proposed subdivision will provide for adequate solid and sewage waste disposal.**

36 RESPONSE: The site will be served by a dumpster that will be hauled by a local trash disposal company.

37 **(7) The proposed subdivision will not cause an unreasonable burden on the ability of a**
38 **municipality to dispose of solid waste and sewage if municipal services are to be utilized.**

39 RESPONSE: The proposed development will not cause an unreasonable burden on the ability of the
40 municipality to dispose of solid and sewage waste.

41 **(8) The proposed subdivision will not place an unreasonable burden upon local, municipal**
42 **or governmental services.**

1 RESPONSE: The proposed residential development will not place an unreasonable burden upon local,
2 municipal or governmental services. The proposed development will meet all criteria set forth to ensure
3 no unreasonable burden upon such services.

4 **(9) The proposed subdivision will not have an undue adverse effect on the scenic or natural
5 beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.**

6 RESPONSE: The proposed development will not have any adverse effect on the scenic or natural vistas
7 of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This site does not have any
8 historic significance.

9 **(10) The proposed subdivision is in conformance with a duly adopted subdivision
10 regulation or ordinance, comprehensive plan, development plan, or land use plan, if any.**

11 RESPONSE: This project is in conformance with all applicable subdivision regulations set forth in the
12 Town's ordinance and comprehensive plan.

13 **(11) The subdivider has adequate financial and technical capacity to meet the standards
14 stated in subsections (1) through (10) of this section.**

15 RESPONSE: The owner has adequate financial and technical capacity to meet all standards set forth in
16 the ordinance.

17 **(12) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal
18 waters, the proposed subdivision will not adversely affect the quality of such body of water
19 or unreasonably affect the shoreline of such body of water.**

20 RESPONSE: This development is not located within 250' of any pond.

21 **(13) The proposed subdivision will not, alone or in conjunction with existing activities,
22 adversely affect the quality or quantity of groundwater.**

23 RESPONSE: This project will not adversely affect the quantity of groundwater in the area.

24 **(14) The proposed subdivision will not unreasonably interfere with access to direct sunlight
25 for solar energy systems.**

26 RESPONSE: This project will not interfere with direct access to sunlight for any solar energy systems.
27 There are no solar energy systems in the area.

28

29 **Planner Jeffrey Hinderliter called for the vote:**

30

31 **VOTE:**

32 David Walker - Yes

33 Robin Dube - Yes

34 Chris Hitchcock, alt.- Yes

35 Vice Chair Win Winch - Yes

36 Chair Linda Mailhot – Yes

37

38 **PASSES:**

39 (5-0)

40

41 **ITEM 2**

42 **Proposal: Site Plan Review: Building rehab, add two units, one office, site improvements (e.g.,
43 parking, landscaping)**

44 **Action: Discussion**

45 **Owner: Trahan Apartments – OOB LLC**

1 **Location: 68 East Grand Ave, MBL: 304-6-1; Zoning: DD2, Shoreland GD and RP**

2
3 Planner Hinderliter stated that this is only for discussion purposes on this proposal. There is no action
4 required. The reason is that there are 3 items that the Planning Board identified as conditions of
5 determination of completeness at our the last meeting:

- 6 • Submission of additional information to support the waiver request for snow removal and a
7 parking waiver.
- 8 • Submission of a waiver request as well as justification in reduction in the minimum driveway
9 width.
- 10 • Submission of a letter from Maine Water.

11
12 Staff expects these items to be submitted for the September meeting.

13
14 The Applicant has met with OOB Fire Chief in regards to some of the concerns about the driveway width.
15 The Applicant has also agreed to sprinkle the building which was a condition for the Fire Chief to sign off
16 on that waiver.

17
18 Chris Duplantis from Weger Architect introduced himself who is here representing Trahan Apartments.
19 He stated that they will submit a request for a waiver for snow removal and parking. They have 9 parking
20 spaces in the current plan that they are proposing. They have talked to the Fire Chief and he has agreed
21 for the Applicant to have a driveway remaining at the width of the current driveway. They are currently
22 working with a sprinkler company in Gray, Me.

23
24 **ITEM 3**

25 **Proposal: Conditional Use: Accessory Dwelling Unit**
26 **Action: Discussion; Final Plan**
27 **Owner: Ross Road LLC; Applicant: Michelle Masters**
28 **Location: 7 Kylie Lane, MBL: 107-1-408; Zoning RD**

29
30 Chair Mailhot stated that this proposal has been pulled by the Applicant.

31
32 **ITEM 4**

33 **Proposal: Zoning Map and Ordinance Amendment: Amend zoning map and ordinance**
34 **language associated with a lot in the R4 and GB1 Districts**
35 **Action: Discussion; Schedule Public Hearing**
36 **Applicant: Eastwood Development Corp**
37 **Location: 15 Ocean Park Rd; MBL: 210-10-3; Zoning: R4 and GB1**

38
39 Planner Jeffrey Hinderliter stated that the Board Members have the ordinance language document in their
40 packets. This amendment would exempt this particular property from the 400 linear feet from the
41 centerline zoning requirement that is part of the GB-1 zone. The Board also requested that Staff to
42 identify the land uses for both the GB-1 and R-4 Zoning Districts which they did and they highlighted the
43 land uses that were part of the GB-1 that are not part of the R-4 District.

44 Staff recommends the Board schedule a Public Hearing.

45 Jim Bernard, working as the agent for the owners of the property. He stated that the parcel is about 7 acres
46 and the owners are wanting to develop this property in a way that will be good for the entrance to the
47 community.

48
49 Board Member Robin Dube asked how this land had gotten split previously when there were cabins and
50 also a business.

51 Planner Hinderliter stated that what appeared happened is that the Comprehensive Plan recommended a

1 business district
2 through out this entire parcel and for whatever reason that recommendation was never what was actually
3 implemented. So what we see today is a split district. The Comprehensive Plan does recommend this to
4 be a Business District.

5
6 Chair Mailhot scheduled a Public Hearing for September 12, 2019 at 6:30 PM.

7
8 **ITEM 5**
9 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
10 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
11 **Owner: Public Right-of Way; Applicant: New Cingular Wireless PCS, LLC**
12 **Location: Utility pole in public right-of-way adjacent to First Street/Depot Square; Zoning**
13 **DD1**

14
15 Assistant Planner Michael Foster stated that for the Planning Board to make a determination we will need
16 the required responses to Section #78-1240 (Conditional Use Standards) the primary wireless
17 telecommunication facility ordinance standards associated with this proposal are Sections 78-1307 78-
18 1309 and 78-1311. For Section 78-1307 which is the location and use requirement. This requires the
19 Applicant to demonstrate a priority for the proposed facility. For Section 78-1307 the Applicants will
20 need to provide some sort of documentation and to demonstrate how they determine the higher priority.
21 For Section 78-1309 (Submission requirements) Staff has provided a list for some of the items have been
22 submitted and some that have not. Staff needs clarification from the Applicant. The other standards that
23 they need to respond to is Section 78-1311 (Standards for the Architectural sitting on existing structure.
24 Staff's recommendation that the Board determine this application incomplete because they
25 need more information. Assistant Planner Foster stated that they have installed a new pole observed at the
26 new location and we are not sure how it will impact the proposal but Staff notified the Applicant of this
27 change.

28
29 Michael Dolan, representing the Applicant introduced himself. He stated that they will have everything
30 by the next meeting. The Utility Pole is owned by the Utility Company. What they are proposing to do is
31 to add a small cell antenna facility to the top of what they thought was the existing utility pole. There is a
32 drain on the cell coverage on that immediate area, and this small cell antenna facility can address that
33 need. They are proposing these targeted these little antennas that will provide great relief to AT& T
34 customers in that general area.
35 They have been working with the Utility Company and have given them permission to add this equipment
36 to the pole. Their plans demonstrate an existing pole with a 3' extension that would allow them to put the
37 antenna on top. Much to their surprise the pole has now been replaced. They are investigating why they
38 replaced the pole. They will have to remove the other one however it will affect their plans so in the
39 interim they will submit a new set of plans which shows the new height of the tower.

40
41 The Applicant requests that this item be tabled until the next meeting.

42
43 **MOTION:**
44 Win Winch made a motion to table this item, seconded by Robin Dube.

45
46 **CARRIES:**
47 (5-0)

48
49 **ITEM 6**
50 **Proposal: Subdivision Amendment (Pacer Ave Subdivision): Property line adjustments for**
51 **lots 6 and 7**

1 **Action:** **Subdivision Amendment Ruling**
2 **Owner:** **Ronald Patoine**
3 **Location:** **Trotter Ln (104-5-10) and 8 Patoine Pl (105-4-34); Zoning: RD**
4

5 Planner Jeffrey Hinderliter stated that this amendment involves some minor changes to lots 6 and 7 as
6 identified on the subdivision plan. The owner would like a little more privacy and a little more land just in
7 case an area adjacent to both of these properties is developed at some point in the future.
8 Staff recommends approval of the amendment.
9

10 Bill Thompson, BH2M Engineer introduced himself. This is an existing lot approved 2 year ago.
11 They straightened the angles of the lot up a bit to give the owner the sideline that works for him.
12

13 **MOTION:**
14 Win Winch made a motion to approved this Subdivision Amendment, seconded by Robin Dube.
15

16 *Planner Jeffrey Hinderliter called for the vote:*
17

18 **VOTE:**
19 David Walker - Yes
20 Robin Dube - Yes
21 Chris Hitchcock, alt.- Yes
22 Vice Chair Win Winch - Yes
23 Chair Linda Mailhot – Yes
24

25 **CARRIES:**
26 (5-0)
27

28 **ITEM 7**

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

31 **Action:** **Approval Renewal**
32 **Owner:** **The Salvation Army**
33 **Location:** **6th St, Union Ave, Church St, Oakland Ave, 15th St; MBL: 311-6-1,12, 8; MBL: 311-**
34 **4-1,2,3,4,5**
35

36 Planner Hinderliter stated that the owner is requesting an extension of their approval which they
37 originally secured during September of 2017. Last year the Planning Board granted an extension and they
38 have one more extension. Some things happened after September 24th that prevented them from moving
39 forward. Nothing has changed with the proposal. This is the final extension.
40 Staff recommends approval of this extension.
41

42 **MOTION:**
43 Win Winch made a motion to approve the extension approval, seconded by Robin Dube.
44

45 *Planner Jeffrey Hinderliter called for the vote:*
46

47 **VOTE:**
48 David Walker - Yes
49 Robin Dube - Yes
50 Chris Hitchcock, alt.- Yes
51 Vice Chair Win Winch - Yes

1 Chair Linda Mailhot – Yes

2

3 **CARRIES:**

4 (5-0)

5

6

7 Sign Findings of Fact

8

- Subdivision Amendment: Eastern Trail Estates

9

10 Other Business

11 Good and Welfare

12

13 ADJOURNMENT 7:05 PM.

14

15 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*

16 *Beach, do hereby certify that the foregoing document consisting of Eight (8) is a true copy of the*

17 *original minutes of the Planning Board Meeting of August 8, 2019.*

18

19

20

21

