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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearing and Regular Meeting**
5 **December 13, 2018 6:30 PM *Note New Start Time***
6 **Town Council Chambers**
7 **MEETING MINUTES**
8

9 **CALL MEETING TO ORDER 6:30 PM.**

10
11 **PLEDGE TO THE FLAG**

12
13 **ROLL CALL:**

14 **PRESENT:** Robin Dube
15 David Walker
16 Marc Guimont
17 Marianne Hubert
18 Vice Chair Win Winch
19

20 **ABSENT:** Mark Koenigs
21 Chair Linda Mailhot
22

23 **STAFF PRESENT:** Planner Jeffrey Hinderliter
24 Associate Planner Megan McLaughlin

25 **Public Hearings**

26 **ITEM 1**

27 **Proposal:** Conditional Use: Home Occupation
28 **Owner:** Michael Goyet
29 **Location:** 114 Portland Avenue, MBL: 104-1-28
30

31 Public Hearing opened at 6:31 PM.

32 There being no one speaking for or against this item, the Public Hearing closed at 6: 31 PM.
33

34 **ITEM 2**

35 **Proposal:** Conditional Use: Accessory Dwelling Unit
36 **Owner:** Michael Goyet
37 **Location:** 114 Portland Avenue, MBL: 104-1-28
38

39 Public Hearing opened at 6:32 PM

40 There being no speaking for or against this item, the Public Hearing closed at 6:32 PM
41

42 **ITEM 3**

43 **Proposal:** Conditional Use: Accessory Dwelling Unit
44 **Owner:** David and Deborah Walker
45 **Location:** 5 Winona Avenue, MBL: 321-5-3
46

47 Public Hearing opened at 6: 33 PM

48 Owner David Walker introduced himself and explained that he had bought this property in 1982 from his
49 family. His grandmother ran it as a rooming house for many years and they continued that use when Mr.
50 Walker and his wife bought the property then used it as a summer home shortly afterwards. In 2015 they

1 tore down the old house and rebuilt the home. During the application process which included a 1 bedroom
2 apartment on the first floor that was used for his adult children. This was approved by the Planning
3 Office, then in 2016 they were given a certificate of occupancy by the Code Enforcement Office.
4 Wondering if this is considered an additional dwelling unit. The Town Planner checked and it was
5 never added to the records. This is Mr. Walker's attempt to make the records correct.
6 Mr. Walker explained that if additional requirements are made such as making any Conditional Uses a
7 requirement of that unit because it has existed since 2015, he will have to withdraw his application.

8
9 There being no one else speaking for or against this proposal, the Public Hearing closed at 6:34 PM

10
11 **ITEM 4**

12 **Proposal: Site Plan Review: 40 x 60 Maintenance Building**

13 **Owner: Seacoast RV Resort LLC**

14 **Location: 1 Seacoast Lane, MBL: 102-3-7**

15
16 Public Hearing opened at 6:34 PM

17 There being no one speaking for or against this item, the Public Hearing closed at 6:35 PM

18
19 **ITEM 5**

20 **Proposal: Conditional Use: Addition to existing OOB Skate park (Phase II)**

21 **Owner: Town of Old Orchard Beach**

22 **Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6**

23
24 Public Hearing opened at 6:35 PM

25 There being no one speaking for or against this item, the Public Hearing closed at 6:36 PM

26
27 **Approval of Minutes: 11/1/18, 11/8/18**

28
29 **MOTION:**

30 Marc Guimont made a motion to approve the 11/1/18 Workshop Minutes, seconded by Robin Dube.

31
32 **VOTE:**

33 Unanimous

34
35 **MOTION:**

36 Marc Guimont made a motion to approve the 11/8/18 Regular Meeting Minutes, seconded by Marianne.

37
38 **VOTE:**

39 Unanimous.

40
41 **Regular Business**

42 **ITEM 6**

43 **Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed**
44 **sewer lines; Relocate proposed building G; relocate and add stormwater pipes and**
45 **catch basins; Proposed road retaining wall replaced with rip rap.**

46 **Action: Ruling on Waiver Request, Ruling on Amendment**

47 **Owner: KRE Properties Inc.**

48 **Location: Settlers Ridge Condo's, Ross Road, MBL: 103-1-5, RD**

49
50 Associate Planner Megan McLaughlin brought the Board up to date on a memo from Wright Pierce and
51 there were 3 primary items that require feedback from the Planning Board:

1 • **porous pavement**

2 Attar indicated that the Developer had used porous pavement on other projects in other
3 communities, one example was Islington Place in Haverhill, Massachusetts. The Planning Board
4 asked Planning Staff to check with Staff in Haverhill to see how the pavement has held up in
5 that development. We heard from the City Engineer who said they do not have a lot of
6 experience with porous pavement and that Islington Place is private. They do vacuum the
7 pavement once per year. The City Engineer drove by the development and said it looks good, he
8 did recommend the pavement not be used anywhere with greater than a 5% slope.
9

10 Porous pavement is discussed further in the Wright Pierce memo, the three points of note are:
11 maintenance, maneuvering, and slope. It sounds like Wright Pierce is still waiting for further
12 information from Attar on each of these items. It is important to note that maintenance
13 requirements for the pavement are discussed in the Post-Construction Stormwater Management
14 Plan (PCSWMP).
15

16 • **stormwater discharge location**

17 At the last meeting, the Planning Board requested information from the abutter regarding the
18 discharge onto his property. This is also discussed in the Wright Pierce memo. Should the Town
19 also consider the need for an off-site drainage easement as well as written correspondence from
20 the Abutter?
21

22 • **dead-end parking spaces**

23 Requirement for 4 point turns. This is still shown on the plan. Wright Pierce has discussed it in
24 their memo.

25 For curb to curb for 90 degree parking spaces they need to have 61 ft. between the curbs and
26 they are actually showing 60 ft. this may help in regards to the 4 point turns. Staff recommends
27 that they submit a waiver request or expand the parking area. Didn't see the compact spots
28 identified on the plan and recommending to highlight them.

29 There is also porous pavement on some of the handicapped spots and there is a provision in our
30 ordinance that states that cannot be done. They submitted a waiver for the sidewalk width.
31

32 One of the important things is the easement for the extension of the road and the utilities from
33 the existing Pilgrim Place. Maine Water states that they will not provide an "Ability to Serve"
34 letter until the water line that serves Pilgrim Place is a public water line.

35 Possibly a Public Hearing and Site Walk for next month.
36

37 Marc Guimont is concerned that at the end of 15-20 years, they will be grinding out the porous pavement
38 and replacing it at which time they will be in for a surprising cost. These are issues that the Homeowners
39 Association must be very aware of. Mr. Guimont is also concerned with the drainage.
40

41 Robin Dube is also concerned about the drainage and they also need to do something with the curbed
42 parking lot to bring it up to 61 ft. unless they can get a waiver.
43

44 David Walker has concerns about the wastewater and the pump station on Ross Road and he questioned a
45 finalized report. They are concerned that increased capacities may occur in later months.
46

47 Marc Guimont stated that the Superintendent of Wastewater commented that they are getting near
48 capacity but the addition of wastewater from this development would be able to absorb that but he is
49 concerned about the capacity and that it is an old pump station
50

1 Marianne Hubert would like to know if the Homeowners Association is self-managed or by a managed
2 company. The engineer will get that information and bring back to the Board Members.

3
4 Chair Win Winch suggested the importance of a 4 ft. sidewalk.

5
6 **MOTION:**

7 Marc Guimont made a motion that the waiver for the 3 ft. sidewalk be denied, seconded by David
8 Walker.

9
10 **VOTE:**

11 David Walker – Yes (Deny)

12 Robin Dube – Yes (Deny)

13 Marianne Hubert - No

14 Marc Guimont – Yes (Deny)

15 Vice Chair Win Winch – Yes (Deny)

16
17 Bryan Nielson from Attar Engineer representing KRE Properties introduced himself. He stated that all of
18 what is in the Post Construction Stormwater Management is also in the Homeowners Documents which
19 would be reviewed by anyone prior to purchasing properties.

20
21 Planner Jeffrey Hinderliter stated that the big issue with this is the Right Title and Interest matter and if
22 Maine Water will give them the “Ability to Serve” letter. This needs to be ironed out before it comes back
23 to the Planning Board. If ownership cannot be proven then the Planning Board will have a difficult time
24 to approve the application.

25
26 Stephanie Hubbard from Wright Pierce spoke on the drainage.

27 Ms. Hubbard is concerned that the drainage (porous pavement) is a maintenance issue. There are 2
28 concerns with porous pavement:

- 29 • whomever accepting the responsibility of maintaining the porous pavement understands the
- 30 requirements both during winter maintenance, the use of salt/sand, the vacuuming.
- 31 • As far as getting into the parking lots themselves taking away some of that porous pavement in
- 32 places where they will have large vehicle maneuvering. This has been included in some of the
- 33 latest sets of plans.

34
35 Ms. Hubbard also stated that with regards to the drainage at the property line, making sure that everyone
36 is aware of the difference in the drainage at that property line and that everyone is comfortable with that.

37
38 Mr. Nielson stated that the drainage connects together as a shallow concentrated flow and the proposed
39 design will spread it out over 10 smaller pipes so the border will receive a less intense flow in the
40 developed condition. It will receive the same amount of water at a slower rate.

41
42 Marc Guimont asked whether we need some communication from the abutters stating that they have to
43 approve or acknowledge that they understand the drainage issue.

44 Associate Planner McLaughlin stated that this is the reason for the sitewalk and public hearing and we
45 will also be sending an abutter notification to abutters 100’ around of the property.

46
47 Mr. Nielson stated that the owner King Weinstein has attempted to contact the abutter but has received no
48 reply.

49
50 The Board Members talked about the sitewalk and public hearing.

1 Associate Planner McLaughlin stated that we should wait until the Right Title and Interest issue is sorted
2 out before we schedule a sitewalk and public hearing.
3 The Board Members do have the ability to go and do a sitewalk individually and it would be helpful to let
4 Staff know so that they can notify the property owner to let them know that someone will be out there.

5
6 **MOTION:**

7 Robin Dube made a motion to table the sitewalk and public hearing until the next meeting so that they can
8 get more information, seconded by Marc Guimont.

9
10 **VOTE:**

11 David Walker – Yes
12 Robin Dube – Yes
13 Marianne Hubert - Yes
14 Marc Guimont – Yes
15 Vice Chair Win Winch – Yes

16
17 **ITEM 7**

18 **Proposal: Conditional Use: Home Occupation**
19 **Action: Final Ruling**
20 **Owner: Michael Goyet**
21 **Location: 114 Portland Avenue, MBL: 104-1-28**

22
23 Associate Planner McLaughlin stated that there were a couple of concerns that were discussed at the last
24 meeting that have been sorted out. One item that wasn't discussed was about the sign. Unfortunately the
25 sign is placed at the end of the R.O.W. on a fence and our ordinance specifically states that wall mounted
26 signs shall be located on the principal building and they can't extend beyond the first story. Staff
27 recommends that the sign be moved onto the building itself and add that as a condition and read the
28 responses to the criteria.

29
30
31
32 Vice Chair Win Winch read the responses to the Conditional Use Standards.

33 **Sec. 78-1240. - Standards.**

34 Before authorizing any conditional use, the Planning Board shall make written findings certifying that
35 the proposed use is in compliance with the specific requirements governing individual conditional use
36 and demonstrating that the proposed use meets the following standards:

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

39 ***The use of this new location will not impact to increase traffic patterns or impede pedestrian***
40 ***access in or out of the driveway.***

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

42 ***The use of this new office space is purely design work. We do nothing else that will cause a fire***
43 ***hazard.***

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

45 ***There will be no additional parking needed or space for trucks to unload. The existing home***
46 ***and driveway has ample existing parking.***

47 (4)The proposed use will not cause water pollution, sedimentation, erosion, or contamination of
48 any water supply.

1 ***There will be no products from conducting my business from this location that would cause***
2 ***pollution, erosion, contamination or sedimentation of any type.***

3 (5)The proposed use will not create unhealthful conditions because of smoke, dust or other
4 airborne contaminants.

5 ***There are no unhealthful conditions from my type of work. I.e. smoke, dust, or airborne***
6 ***contaminants***

7 (6)The proposed use will not create nuisances to neighboring properties because of odors, fumes,
8 glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light
9 and air to neighboring properties.

10 ***The use of this space for my office will have no impact to the neighbors of any type or form.***

11 (7)The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
12 generated by the use.

13 ***The additional waste generated from my business is mostly paper which will be recycled.***

14 (8)The proposed use will not adversely affect the value of adjacent properties.

15 ***Having my business in my home will not affect neighboring property values since it is in my***
16 ***basement. Most people will have no idea that it is there since no additional traffic is generated.***

17 (9)The proposed use will be compatible with existing uses in the neighborhood, with respect to the
18 generation of noise and hours of operation.

19 ***The hours of operation will be 8AM-5PM Tuesday – Friday. There are no noises generated***
20 ***from my business.***

21 (10)The applicant's proposal must include any special screening or buffering necessary to visually
22 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting
23 uses.

24 ***There will be no visual impact on neighbors since the office will be in my basement. There will be***
25 ***no additional traffic generated because everything we order is shipped directly to the clients.***

26 (11)The applicant's proposal must adequately provide for drainage through and for preservation of
27 existing topography within its location, particularly in minimizing any cut, fill, or paving
28 intended.

29 ***There will be no additional drainage caused by my office being located in my basement.***

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

33 ***This business is 40 years old and has a stable long term clientele which generated sufficient***
34 ***income to maintain operations. I expect that less than \$1,000 will be needed to set up my***
35 ***existing basement to adequately serve by office needs. I.E. new caret tiles, paint, shelving and***
36 ***additional free-standing lighting. All of which I sell.***

37
38 Vice Chair Win Winch read the Responses to the Home Occupation Standards:
39

40 **Sec. 78-1267. - Home occupations.**

41 The purpose of the home occupation provision is to permit the conduct of only those businesses that are
42 reasonably compatible with the residential districts in which they are located. Home occupations shall
43 comply with the following conditions:

44 (1) The occupation or profession shall be carried on wholly within the principal single-family
45 detached dwelling unit or owner-occupied two-family dwelling or within a building or other
46 structure accessory thereto.

47 ***My business will be moved into my finished basement of my single family home. No***
48 ***renovations or additions are needed.***

- 1 (2) The occupation or profession shall be carried on by household members occupying the dwelling
2 unit and one nonresident employee.
3 ***I am the principle occupant/business owner. I have a book keeper that works 3-4 hours/week at***
4 ***the office.***
- 5 (3) There shall be no exterior display, no exterior sign except as expressly permitted by division 5 of
6 article VIII of this chapter, no exterior storage of materials and no other exterior indication of the
7 home occupation or variation from the residential character of the principal building.
8 ***I do not plan on any significant exterior signage for the business. A small unlighted sign***
9 ***(12"x18") will be mounted to the existing fence at the entrance to my long driveway. The***
10 ***signage size is negotiable to meet code.***
- 11 (4) No nuisance shall be generated, including but not necessarily limited to offensive noise, vibration,
12 smoke, dust, odors, heat, glare, traffic or parking.
13 ***My company is a commercial design firm. We generate no noise, dust, smoke, vibration, odors,***
14 ***heat, glare, dust or traffic.***
- 15 (5) The traffic generated by such home occupation shall not increase the volume of traffic so as to
16 create a traffic hazard or disturb the residential character of the immediate neighborhood.
17 ***I have very few clients that visit my office so no additional traffic will be generated.***
- 18 (6) No retail sales shall be permitted, except those sales which are incidental to the services provided
19 by the home occupation.
20 ***My business is 100% wholesale. No deliveries are made to my location nor shipped out. No off***
21 ***street parking is necessary. My existing driveway has ample parking as is.***
- 22 (7) The home occupation may utilize:
23 a. Not more than 20 percent of the dwelling unit floor area, provided that for the purposes
24 of this calculation unfinished basement and attic spaces are not included.
25 b. Unfinished attic and basement spaces
26 c. One accessory structure. The floor area utilized in the accessory structure shall not
27 exceed 50 percent of the total floor area of the dwelling unit as previously calculated.
28 ***My existing home has about 2100 sq. ft. of living space. The new office is 400 sq. ft. in the***
29 ***basement.***
- 30 (8) There shall be no change in the outside appearance of the building or premises or other visible
31 evidence of the conduct of such home occupation.
32 ***No exterior changes are needed to the existing building.***
- 33 (9) There shall be no alteration to the character or usefulness of the dwelling unit or accessory
34 structure for normal residential purposes.
35 ***No alterations or cosmetic changes are needed to the existing structure.***
- 36 (10) A single sign identifying the name, address, and profession of a permitted home
37 occupation or a lawfully existing nonconforming home occupation is permitted, provided such
38 sign is nonilluminated and does not exceed two square feet. Freestanding signs shall not exceed
39 six feet in height and shall be located on the principal property. Wall-mounted signs shall be
40 located on the principal building and shall not extend beyond the first story.
41 ***A small non illuminated sign of 12"x18" will be mounted to the existing fence at the entrance***
42 ***to my driveway.***
- 43 (11) The following uses shall not be operated as home occupations:
44 a. Facilities for the repair of motor vehicles.
45 b. Automobile towing services.
46 ***We only do design work.***

47
48 **MOTION:**

49 David Walker made a motion to approve the application complete, seconded by Marianne Hubert.

50
51 **VOTE:**

- 1 David Walker – Yes
- 2 Robin Dube – No
- 3 Marianne Hubert - Yes
- 4 Marc Guimont – Yes
- 5 Vice Chair Win Winch – Yes

6
7 **MOTION:**

8 Robin Dube made a motion to approve the Final Approval with the following condition: The signage
9 cannot be on the fence and needs to be located on the principal building. Applicant is going to have to
10 move it. Recommended Condition to be added.

11 **CONDITION:**

12 The sign for the home occupation shall be moved onto the principal structure prior to the operation of the
13 business under Section 78-1267 No’s 3 & 10, seconded by David Walker.

14
15 **VOTE:**

- 16 David Walker – Yes
- 17 Robin Dube – No
- 18 Marianne Hubert - Yes
- 19 Marc Guimont – Yes
- 20 Vice Chair Win Winch – Yes

21
22 **ITEM 8**

- 23 **Proposal:** Conditional Use: Accessory Dwelling Unit
- 24 **Action:** Final Ruling
- 25 **Owner:** Michael Goyet
- 26 **Location:** 114 Portland Avenue, MBL: 104-1-28

27
28 Associate Planner McLaughlin recommends that the Board tables this item until the Zoning Board of
29 Appeals grants the Variance.

30
31 **MOTION:**

32 Robin Dube made a motion to table this item until the Zoning Board of Appeals grants the Variance,
33 seconded by Marianne Hubert.

34
35 **VOTE:**

- 36 David Walker – Yes
- 37 Robin Dube – Yes
- 38 Marianne Hubert - Yes
- 39 Marc Guimont – Yes
- 40 Vice Chair Win Winch – Yes

41
42 **ITEM 9**

- 43 **Proposal:** Conditional Use: Accessory Dwelling Unit
- 44 **Action:** Final Ruling
- 45 **Owner:** David and Deborah Walker
- 46 **Location:** 5 Winona Avenue, MBL: 321-5-3

47
48 Owner David Walker introduced himself and explained that he had bought this property in 1982 from his
49 family. His grandmother ran it as a rooming house for many years and they continued that use when Mr.
50 Walker and his wife bought the property then used it as a summer home shortly afterwards. In 2015 they
51 tore down the old house and rebuilt the home. During the application process which included a 1 bedroom

1 apartment on the first floor that was used for his adult children. This was approved by the Planning
2 Office, then in 2016 they were given a certificate of occupancy by the Code Enforcement Office.
3 Wondering if this is considered an additional dwelling unit. The Town Planner checked and it was
4 never added to the
5 records. This is Mr. Walker’s attempt to make the records correct.

6
7 **MOTION:**

8 Marc Guimont made a motion to approve the Accessory Dwelling Unit without condition for David and
9 Deborah Walker, 5 Winona Avenue, MBL: 321-5-3 and the rationale for this is that we are correcting an
10 Administrative error that happened 3 years ago at that time there were no other conditions being applied
11 to this. The Town Manager has made a recommendation that we add conditions which he does support
12 but not in this particular case because these conditions should be prospective not retroactive, secondly it is
13 a recommendation and is not an ordinance so this is a Planning Board judgement on this, seconded by
14 Robin Dube for David and Deborah Walker, 5 Winona Avenue, MBL: 321-5-3.

15
16 **VOTE:**

17 Robin Dube – Yes
18 Marianne Hubert - Yes
19 Marc Guimont – Yes
20 Vice Chair Win Winch – Yes
21 David Walker – abstained

22
23 **ITEM 10**

24 **Proposal: Site Plan Review: 40 x 60 Maintenance Building**
25 **Action: Final Ruling**
26 **Owner: Seacoast RV Resort LLC**
27 **Location: 1 Seacoast Lane, MBL: 102-3-7**

28
29 Associate Planner Megan McLaughlin stated that staff has no outstanding comments on this so she
30 recommends that the Board read the responses to the 9 Site Plan Criteria and make a final ruling.

31
32 **Section 78-216 Responses to the 9 Site Plan Review Criteria:**

- 33
34 (1) The proposed project conforms to all standards of the zoning district and meets or exceeds
35 performance standards specified in this article and article VIII of this chapter.
36 ***Project site is zoned for this existing use. Our proposed improvement is for a maintenance***
37 ***building and will meet all setbacks per zoning. All performance standards specified in Article***
38 ***VIII shall be met.***
39 (2) The proposed project has received all required zoning board of appeals and/or design review
40 permits as specified in division 2 of article II and article V of this chapter, if applicable, and has or
41 will receive all applicable federal and state permits.
42 ***ZBA is not required for this project. All performance standards in division 2 Article II and***
43 ***Article V have been met.***
44 (3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater
45 resources.
46 ***The stormwater design for this small increase in impervious will prevent any adverse impact on***
47 ***the quality of surface drainage or groundwater. This site is served by public water and sewer.***
48 (4) The project provides adequate stormwater management facilities to produce no additional peak
49 runoff from the site during a 25-year storm event or any other event so required by the planning
50 board, and will not have an undue impact on municipal stormwater facilities or downstream
51 properties.

1 *The small increase of impervious will be managed to prevent any peak runoff from a 25-year*
2 *storm. The proposed increase in impervious is 1/10 of an acre.*

- 3 (5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular
4 and pedestrian circulation systems within the community or neighborhood.

5 *The proposed use will not result in any new vehicular trips from the existing use. The proposed*
6 *maintenance building will be used by the existing staff.*

- 7 (6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife
8 habitats, marine resources, important cultural resources, or visual quality of the neighborhood,
9 surrounding environs, or the community.

10 *The proposed 2,400 s.f. maintenance building will be located to the rear of the existing R.V. sites*
11 *and will exceed the minimum setback along the one abutting residential property.*

- 12 (7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other
13 nuisances that will adversely impact the quality of life, character, or the stability of property values
14 of surrounding parcels.

15 *All proposed activities associated with the maintenance building will be conducted in the*
16 *building. No noise, odors, debris, glare or other nuisances are anticipated. The existing use is a*
17 *season R.V. park requiring minimal maintenance.*

- 18 (8) The proposed project will not have a negative fiscal impact on municipal government.

19 *No negative fiscal impact on municipal government will result from this construction and use of*
20 *the maintenance building.*

- 21 (9) The proposed project will not have an adverse impact upon surrounding property values.

22 *The proposed maintenance building will be buffered from the one residential property. No*
23 *outside storage or services will be conducted along this abutting property.*
24

25 **MOTION:**

26 Robin Dube made a motion to approve the application for a 40' x 60' Maintenance Building at the Seacoast
27 RV Campground MBL 102-3-7, seconded by Marc Guimont.
28

29 **VOTE:**

30 David Walker – Yes

31 Robin Dube – Yes

32 Marianne Hubert - Yes

33 Marc Guimont – Yes

34 Vice Chair Win Winch – Yes
35

36 **ITEM 11**

37 **Proposal:** Conditional Use: Addition to existing OOB Skate park (Phase II)

38 **Action:** Ruling on Waiver Request, Final Ruling

39 **Owner:** Town of Old Orchard Beach

40 **Location:** 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6
41

42 Associate Planner McLaughlin stated that there is a Waiver Request in regards to the parking spots. And
43 Staff recommends that the Board rules on that waiver. There is also another condition that all DEP
44 permits are secured before the start of construction.
45

46 **MOTION:**

47 David Walker made a motion to grant a waiver request for Section 78-1542 which states that all parking
48 stalls shall be directly accessible from only an off street parking isle. No stall shall be accessed through
49 another parking stall or directly from a public street or public way to allow parking stalls to be accessed

1 directly from Ballpark Way, seconded by Robin Dube.

2
3 Recreation Director Jason Webber stated that they often shut down the skate park during major events
4 that they have at the ballpark. They are also moving the fence in 5’.

5
6 Stephanie Hubbard stated that they will push the fence line back and extend the gravel through that area
7 and people area going to be able to use it as they currently are now. This will make it a little bit safer.
8 The project is required to get a site law amendment through DEP and that was submitted on October 30th.
9 We have gotten an acceptance of the application package and it is being processed.

10
11 **VOTE:**

12 David Walker – Yes

13 Robin Dube – Yes

14 Marianne Hubert - Yes

15 Marc Guimont – Yes

16 Vice Chair Win Winch – Yes

17
18 **MOTION:**

19 Robin Dube made a motion to approve the Phase II addition to the Old Orchard Skate Board Park located
20 at 14 E. Emerson Cummings Blvd. MBL: 207-3-6. DEP permit should be secured before the start of
21 construction, seconded by David Walker.

22
23 Planning Board Member Marianne Hubert read the Conditional Use Standards:

24
25
26 **Sec. 78-1240. - Standards.**

27 Before authorizing any conditional use, the planning board shall make written findings certifying that
28 the proposed use is in compliance with the specific requirements governing individual conditional use
29 and demonstrating that the proposed use meets the following standards:

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

32 *The project, as proposed, is the expansion of an existing Skateboard Park on the existing*
33 *Skateboard Park site. This project will not impact existing vehicular circulation but is*
34 *proposing improvements based on feedback received from current use. Pedestrian circulation*
35 *changes are not proposed and will be maintained as existing with regards to access to and from*
36 *the skateboard park.*

- 37
38 (2) The proposed use will not create or increase any fire hazard.

39 *The project will include concrete surfaces (no structures) access is available to the site for fire*
40 *equipment. We do not anticipate this project will create or increase fire hazard.*

- 41
42 (3) The proposed use will provide adequate off-street parking and loading areas.

43 *As we understand, the original permitting and construction of the original skateboard park in*
44 *2015 provided for parking to be located within the ballpark parking lot. During the sketch plan*
45 *review, it was noted that vehicles (maximum 3-4 at peak times in the day) tend to pull in and*
46 *utilize the parking area between Ballpark Way and the existing fence line defining the*
47 *Skateboard Park (which did not provide adequate depth for cars to be fully off the road). The*
48 *proposed parking defines these areas and also provides for the installation of additional*
49 *signage along Ballpark Way either side of the skateboard park restricting parking along the*

1 *roadway (which was of noted concern). The proposed parking maintains the parking as*
2 *currently utilized, with modification to accommodate the full length of vehicles by relocation of*
3 *the fence line. As discussed during the September 2018 meeting, parking can and has been*
4 *restricted along the Skateboard Park during programs which require peak usage along*
5 *Ballpark Way. This would be monitored by the Recreation Department.*
6

- 7 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
8 water supply.

9 *The project will include the design of stormwater management facilities to support the*
10 *development and treatment of both the quality and quantity of stormwater. Erosion and*
11 *sedimentation controls are incorporated into the design during construction (see plans) and*
12 *the site will be stabilized with vegetation/grass following construction.*
13

- 14 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
15 contaminants.

16 *We do not anticipate this project will generate odors, dust, glare or other nuisances.*
17

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

21 *Like many projects, temporary construction noise may be expected, however this noise would*
22 *be consistent with construction projects in general and will be limited, in general, to work*
23 *day hours between 7:00AM and 8:00PM daily. Following construction, noise expected will*
24 *be that of skateboarding, which is consistent with the existing use of the site. We do not*
25 *anticipate this project will generate odors, dust, glare or other nuisances. Construction will*
26 *be in-ground and therefore not include solar obstructions.*
27

- 28 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
29 generated by the use.

30 *No liquid wastes are expected to be generated from the expansion of the skateboard park.*
31 *Management of solid waste is currently completed by DPW and Recreation department and*
32 *this will continue with the expansion.*
33

- 34 (8) The proposed use will not adversely affect the value of adjacent properties.

35 *This is an expansion for the existing uses at the existing site. We do not anticipate this*
36 *expansion would impact adjacent properties.*
37

- 38 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
39 generation of noise and hours of operation.

40 *This is an expansion for the existing uses at the existing site. Following construction, noise*
41 *expected will be that of skateboarding, which is consistent with the existing use of the site.*
42 *The ballpark is typically open dawn to dusk.*
43

- 44 (10) The applicant's proposal must include any special screening or buffering necessary to visually
45 obstruct the subject property from abutting uses or to ensure the continued enjoyment of
46 abutting uses. *The project is the expansion of the existing skateboard park and will be located*
47 *adjacent to the existing park on the backside. No additional clearing is required for the*
48 *expansion. The skateboard park is screened on the north and east by existing woodlands.*
49 *The park can be seen from ballpark way (access point) and the ballpark, which is also*
50 *recreational.*
51

1 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
2 existing topography within its location, particularly in minimizing any cut, fill, or paving
3 intended.

4 *The proposed project is the expansion of the existing skateboard park. The expansion has*
5 *been designed to capture and treat any runoff from the proposed project area and treat thru*
6 *an Underdrained Soil Filter (stormwater BMP), providing treatment for quality and quantity.*
7 *The design has reviewed and designed to be above the seasonal high groundwater table.*
8 *The expansion is proposed adjacent to the existing park and has been designed to fit in with*
9 *the existing site, limiting the need for cut/fill.*

10
11 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the
12 criteria in this section and to develop and thereafter maintain the proposed project or use in
13 accordance with all applicable
14 requirements.

15 *The project has been funded by the Town of Old Orchard Beach and approved by the Town*
16 *Council. The Town will have the long-term responsibility for maintenance of the facilities,*
17 *including the skateboard park and stormwater management facilities.*

18
19 **VOTE:**

20 David Walker – Yes

21 Robin Dube – Yes

22 Marianne Hubert - Yes

23 Marc Guimont – Yes

24 Vice Chair Win Winch – Yes

25
26 **ITEM 12**

27 **Proposal:** Conditional Use: Accessory Dwelling Unit

28 **Action:** Determination of Completeness, Schedule Site Walk, Schedule Public Hearing

29 **Owner:** Lisa Kidd

30 **Location:** 10 Garden Street, MBL: 403-2-5

31
32 **MOTION:**

33 David Walker made a motion to table this application by Lisa Kidd, 10 Garden Street, MBL: 403-2-5,
34 seconded by Robin Dube.

35
36 **VOTE:**

37 David Walker – Yes

38 Robin Dube – Yes

39 Marianne Hubert - Yes

40 Marc Guimont – Yes

41 Vice Chair Win Winch – Yes

42
43 **ITEM 13**

44 **Proposal:** Site Plan: Second Floor Addition to Existing Structure – Retail/Stockroom Purposes

45 **Action:** Determination of Completeness, Schedule Site Walk, Schedule Public Hearing

46 **Owner:** Harold Harrisburg

47 **Location:** 9 East Grand Avenue, MBL: 306-2-6

48
49 Staff states that there are some outstanding issues with this proposal.

1 **MOTION:**

2 Marc Guimont made a motion to table this proposal, seconded by Marianne Hubert.

3
4 **VOTE:**

5 David Walker – Yes

6 Robin Dube – Yes

7 Marianne Hubert - Yes

8 Marc Guimont – Yes

9 Vice Chair Win Winch – Yes

10
11 **Other Business**

12 1. **Findings of Fact Signatures: 9 Pond View (ADU)**

13 2. **Update on the Comprehensive Plan**

14 3. **Discuss Accessory Dwelling Unit Definition**

15 Planner Hinderliter recommends holding off on this discussion until the Chair returns to the
16 meetings.

17
18 David Walker was concerned that the Board did not read the standards for his ADU at 5 Winona.

19 Planner Jeffrey Hinderliter stated that when they write the Findings of Facts for the next meeting and they
20 will adopt the Standards as part of the record.

21
22 Robin Dube mentioned that at the new Dollar General Store, they were supposed to put up a fence not a
23 guardrail on Fort Hill Avenue.

24
25 Marianne Hubert is concerned that the Planning Board is not giving Settlers Ridge guidance with their
26 project.

27 Planner Hinderliter stated that one of the things that seems to be happening is non-communication
28 between the owners, engineers, lawyers etc. and staff is the middle of all of it.

29
30 The red brick house by Milliken Mills is going under enforcement. There are tax lien issues and a number
31 of other issues and unfortunately it looks like something needs to be done.

32
33 Marc Guimont asked when the Board might be discussing drainage study.

34 Planner Hinderliter stated that staff is just getting final comments into Stephanie Hubbard.

35
36 **Good and Welfare**

37
38 **ADJOURNMENT 8:37 pm.**

39
40 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
41 *Beach, do hereby certify that the foregoing document consisting of Fourteen (14) is a true copy*
42 *of the original minutes of the Planning Board Meeting of December 13, 2018.*

43
44 