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3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **December 6, 2018 5:00, 5:20, 5:40 PM (Site Walk, On-Site)**
5 **December 6, 2018 6:00 PM (Workshop, Council Chambers)**
6 **WORKSHOP MEETING MINUTES**
7

8 Note: The purpose of the Workshop is for the Planning Board to receive packets and an agenda item update from staff
9

10 **PRESENT:** Robin Dube
11 David Walker
12 Marc Guimont
13 Marianne Hubert
14 Chair Linda Mailhot
15

16 **ABSENT:** Mark Koenigs
17 Vice Chair Win Winch
18

19 **STAFF PRESENT:** Planner Jeffrey Hinderliter
20 Associate Planner Megan McLaughlin
21

22 **Site Walk (5:00PM)**

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

27 **Site Walk (5:20PM)**

28 **Proposal:** Conditional Use: Accessory Dwelling Unit
29 **Owner:** Michael Goyet
30 **Location:** 114 Portland Avenue, MBL: 104-1-28
31

32 **Site Walk (5:40PM)**

33 **Proposal:** Conditional Use: Addition to existing OOB Skatepark (Phase II)
34 **Owner:** Town of Old Orchard Beach
35 **Location:** 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6
36

37 **CALL WORKSHOP TO ORDER**

38 **Regular Business***

39 **ITEM 1**

40 **Proposal:** Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed sewer lines;
41 Relocate proposed building G; Relocate and add stormwater pipes and catch basins; Proposed road
42 retaining wall replaced with rip rap.
43 **Action:** Ruling on Waiver Request, Ruling on Amendment
44 **Owner:** KRE Properties Inc.
45 **Location:** Settlers Ridge Condo's, Ross Road, MBL: 103-1-5, RD

46 The Developer has stated that they had used the porous pavement in other projects in the past and it has held up well.
47 They had used it at the Haverhill, MA project and Associated Planner Megan McLaughlin contacted the City Engineer
48 from Haverhill and he said that the development looks good. He did recommend that it not be used anywhere with a
49 greater than 5% slope, but he said that it has held up well.
50

51 Marianne stated that the biggest concern that she would have is the Condo Association. Is this self-managed or a
52 company. If this is a company they would be more apt to do the right thing and maintain the pavement.
53

54 Associate Planner McLaughlin stated that they will have to submit annual certifications each year. Pilgrim Place and

1 Settlers Ridge are still trying to work out an agreement.

2
3 Robin Dube stated that the Homeowners Association needs to know what they are doing before they even proceed.
4 And she still has a concern about the stormwater draining onto the other property.

5
6 Associate Planner McLaughlin stated that the Planning Board asked the abutter for the Stormwater Discharge Location
7 but haven't received it as of yet but we will need to get this.

8
9 Wright Pierce also would like the Town to require all site drainage easements.

10
11 Chair Mailhot stated that we need to make sure that an increase of flow doesn't occur on the neighboring properties.

12
13 Robin Dube mentioned that at the last Planning Board meeting they had requested that the Applicant is responsible for
14 coordinating with the property owners and reporting back to the Board.

15 Associate Planner McLaughlin stated that they haven't heard anything yet.

16
17 The concerns about the dead end parking spaces and the 4 pt. turn requirement and they are still moving forward with that
18 plan. Wright Pierce is asking the Board to determine if this is ok because otherwise it would change their design.

19
20 The fire department is all set with this.

21 If the sidewalk is an issue they would need to get a waiver for the sidewalk.

22 The performance guarantee we can figure out during construction

23 Extension from the road and utilities from the existing Pilgrim Place.

24 Received a letter from Wright Pierce saying that they are all set with the sewer. Maine Water just had some items that
25 they had some items that they had to address.

26
27 Associate Planner McLaughlin stated that it is important for the Planning Board to make a decision on
28 these three items because this is a standstill between Wright Pierce and the Applicant:

- 29 • Porous Pavement
- 30 • Stormwater Drainage
- 31 • Parking 4 pt. turns.

32
33 Recommended that the Planning Board could schedule a Sitewalk and a Public Hearing so that the abutter would have an
34 opportunity to speak on the issues.

35
36 **ITEM 2**

37 **Proposal: Conditional Use: Home Occupation**

38 **Action: Final Ruling**

39 **Owner: Michael Goyet**

40 **Location: 114 Portland Avenue, MBL: 104-1-28**

41
42 At the last meeting the Planning Board gave the determination and decided to schedule a Public Hearing.

43 There were a few outstanding comments that PB had mentioned:

- 44 • A kitchen rehab that was completed without securing permits. The applicant came in and paid his fees and sorted
45 that out with Code Enforcement. Code Officer will be going to the residence to find out what has been done.
- 46 • Mr. Goyet stated that it will take up about 400 sf. in the basement and the ordinance only allows it to be up to 412
47 sf. so we asked for a plan that shows the home occupation. It looks like it is going to take up 375 sf. On the
48 floorplan there is an area that is sort of like an entrance into the home occupation and that area ends up at 412.5 sf.
- 49 • Mr. Goyet provided 3 different sizes for the sign. He settled on a 12 x 18 sign.

50
51 **ITEM 3**

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

53 **Action: Final Ruling**

54 **Owner: Michael Goyet**

1 **Location: 114 Portland Avenue, MBL: 104-1-28**

2
3 There is a big issue with the setbacks.

4 Basically the right of way that is shown on the plan is the right of way line on the street so he needs to be 25 ft. off of that.
5 He needs to get a Variance from the Zoning Board of Appeals before he can move forward with his addition.

6
7 Recommends that the Planning Board waits until he gets his Variance through the Zoning Board of Appeals.
8

9 **ITEM 4**

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

11 **Action: Final Ruling**

12 **Owner: David and Deborah Walker**

13 **Location: 5 Winona Avenue, MBL: 321-5-3**

14
15 Planning Board scheduled a Public Hearing and Staff is recommending the 3 conditions be added on regarding short term
16 rentals.
17

18 **ITEM 5**

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

20 **Action: Final Ruling**

21 **Owner: Seacoast RV Resort LLC**

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

23
24 Planning Board scheduled a site walk and Public Hearing for this month. BH2M has provided a response to all of the
25 Wright Pierce comments. Staff also got a comment from Wastewater regarding sewer capacity and Chris White is fine
26 with the maintenance building. Staff is recommending approval.
27

28 **ITEM 6**

29 **Proposal: Conditional Use: Addition to existing OOB Skatepark (Phase II)**

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

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

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

33
34 There were some outstanding issues with this proposal last month but they have addressed those issues. The Board
35 decided to make a determination of completeness and schedule the site walk and public hearing for this month. Staff
36 recommended that they show the handicapped stall access isle and they have done that. There is a waiver request for
37 December regarding the parking stalls. Our ordinance says that they cannot back out directly onto a town road. They have
38 to back into a private road. They are requesting a waiver to be able to back directly onto Ballpark Way.
39 Staff asked them to provide responses to the Conditional Use Criteria and they have also submitted test pit results.
40

41 **ITEM 7**

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

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

44 **Owner: Lisa Kidd**

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

46
47 Associate Planner McLaughlin stated that the applicants had not submitted a complete application so this should not be on
48 the Agenda this month.
49

50 **ITEM 8**

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

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

53 **Owner: Harold Harrisburg**

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

1
2 Planner Hinderliter stated that this was a controversial proposal and were lawyers on both sides. The proposal is for a
3 second floor and this brought up all kinds of questions. One of the big concerns was what is that second floor turning into.
4 Storage area or Warehouse. There were a number of concerns from abutters.

5 The history of this proposal had 5 – 6 primary issues that could not be resolved:

- 6 • Overhang on balcony to be used for a forklift to get product in for storage.
- 7 • Building construction on boundary line.
- 8 • Loading and unloading of product in the store.
- 9 • Warehousing
- 10 • DEP Permitting
- 11 • Site Plan and Waivers

12
13 Planner Hinderliter encouraged the Board Members to go over the memo he has prepared for them which includes:

- 14 • Looking at the past history of this project.
- 15 • What stopped this project (which was ultimately withdrawn by the applicant)
- 16 • Follow up with the new submission.
- 17 • Steps to move forward.

18
19 The balcony on the second floor has now been removed. However the question on the second floor use has not been
20 answered.

21 Because they changed the pitch of the roof the height has decreased to 34' 10".

22 Staff is asking the Applicant for more solid details and we need these before the Planning Board can determine this
23 application complete.

24 25 26 **Other Business**

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

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

29 Planner Jeffrey Hinderliter stated that the Comprehensive Plan is in good shape. Planner Hinderliter stated that it is
30 possible to get this finished by November of next year (2019).

31
32 Planner Hinderliter went over the initial 4 steps of the Comprehensive Plan process.

- 33 • Initial Public Process
- 34 • Inventory & Analysis
- 35 • Goals, Policies and Strategies
- 36 • Future Land Use Plan

37
38 Planning Board exercise. 9 questions that will help the Planning Board develop a Comprehensive Future Land Use Plan.
39 Future Land Use colored map.

40 Another important part of the Future Land Use Plan is the Draft District Purpose and the Draft Suggested Uses for those
41 districts.

42
43 Board Member Marc Guimont questioned how we encourage progress to continue.

44 Planner Hinderliter stated to ask for updates.

45 46 **3. Discuss Accessory Dwelling Unit Definition**

47 Associate Planner McLaughlin went over the different zones that the Accessory Dwelling Units are and are not allowed.
48 Provided some definitions:

- 49 • Definition of an accessory dwelling unit is basically a separate dwelling unit which is contained entirely within
50 the confines of a building.
- 51 • Definition of a dwelling unit is defined as a room or a suite of rooms designed and equipped exclusively for living
52 quarters for only one family. It must include revisions for sleeping, living, cooking and eating.

53 Also discussed the section of the Ordinance that pertains to Accessory Dwelling Units;

1 It is to provide a diversity of housing for residence while protecting the single family character of residential
2 neighborhoods.

3 It says that they are allowed as Conditional Uses in all Residential Districts. They are not allowed in all Residential
4 Districts so this is something that definitely needs to be updated.

5 Associate Planner went over the 5 Accessory Dwelling Unit Standards.

- 6 • It has to be accessed by the living area of the primary structure and all other entrances have to appear subordinate
7 to the main entrance.
- 8 • Any proposed additions to the main structure or accessory structure shall be designed to be subordinate in scale
9 and mass to that of the main structure and compatible with the architectural style and quality of the main
10 structure. (Maybe we want to define sub ordinance).

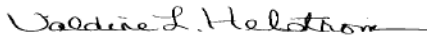
11 Associate Planner McLaughlin recommends addressing the language in the ordinance first regarding Accessory Dwelling
12 Units.

13 Planner Hinderliter recommended getting rid of all of the current Accessory Dwelling Unit Ordinance Language and
14 create an In Law Standard.

15
16 **ADJOURNMENT 7:30 PM**

17
18 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes only. Formal**
19 **decisions on these items are not made until the Regular Meeting.**

20
21 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do*
22 *hereby certify that the foregoing document consisting of Five (5) is a true copy of the original minutes of the*
23 *Planning Board Workshop Meeting of December 6, 2018.*

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