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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearings & Regular Meeting**
5 **February 14, 2019 6:30 PM**
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 Vice Chair Win Winch
17 Chair Linda Mailhot

18 Absent: Mark Koenigs
19 Marianne Hubert
20 Marc Guimont
21

22 Staff Present: Planner Jeffrey Hinderliter
23 Associate Planner Megan McLaughlin
24

25 **ELECT CHAIR AND VICE CHAIR:**

26 Robin Dube nominates Linda Mailhot for Chair, seconded by Win Winch.
27

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

30 **VOTE:** David Walker - Yes
31 Robin Dube - Yes
32 Vice Chair Win Winch - Yes
33 Chair Linda Mailhot – Yes
34

35 **Carries (4-0) Unanimous**

36
37 David Walker nominates Win Winch for Vice Chair, seconded by Robin Dube.
38

39 **Planner Jeffrey Hinderliter called for the vote:**
40

41 **VOTE:** David Walker - Yes
42 Robin Dube - Yes
43 Vice Chair Win Winch - Yes
44 Chair Linda Mailhot – Yes
45

46 **Carries (4-0) Unanimous**
47
48
49
50

1 **APPROVAL OF MINUTES:**

2 Revisions by David Walker:

3 **12/13/2019** Page 2 line 4 strike the second “this”. Line 7 need a space between “that unit”.

4 Page 9 line 3 strike the second “this”.

5 **01/03/2019** Page 1 line 37 change in to “it”. Page 3 line 40 change bas to “has”.

6 **01/10/2019** Page 6 line 42 change on to “one”.Page 10 lines 4 and 8 change Family Dollar to “Dollar
7 General”.

8
9 David Walker made a motion to approve all 4 meeting minutes 12/06/19, 12/13/18, 01/03/19, 01/10/19
10 with revisions as noted, seconded by Robin Dube.

11
12 **Planner Jeffrey Hinderliter called for the vote:**

- 13
- 14 **VOTE:** David Walker - Yes
- 15 Robin Dube - Yes
- 16 Vice Chair Win Winch - Yes
- 17 Chair Linda Mailhot – Yes

18 **Carries (4-0) Unanimous**

19
20 **Public Hearings**

21 **ITEM 1**

- 22 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**
- 23 **Owner: Donald Bouchard**
- 24 **Location: 189 Saco Avenue, MBL: 208-3-12; Zoning: GB1**

25
26 Public Hearing opened to the Public at 6:38 PM.
27 There being no one speaking for or against this proposal, the Public Hearing closed at 6:38 PM.

28
29 **ITEM 2**

- 30 **Proposal: Conditional Use: Shoreland Zoning Nonconforming Structure 30% Expansion**
- 31 **Owner: Cynthia Lyons**
- 32 **Location: 21 Winona Avenue, MBL: 321-6-3; Zoning R3 & RA Shoreland Zone**

33
34 Public Hearing opened to the Public at 6:39 PM.
35 There being no one speaking for or against this proposal, the Public Hearing closed at 6:39 PM.

36
37 **Regular Business**

38 **ITEM 3**

- 39 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**
- 40 **Action: Ruling on Preliminary Plan, Ruling on Final Plan**
- 41 **Owner: Donald Bouchard**
- 42 **Location: 189 Saco Avenue, MBL: 208-3-12; Zoning: GB1**

43
44 Associate Planner McLaughlin stated that the Applicant has refigured the layout of the 2 duplexes in the
45 parking area to try to avoid going through the Zoning Board Variance Appeal so they tabled the request
46 for this month.

47
48 **MOTION:**

49 Win Winch made a motion to table this proposal, seconded by Robin Dube.

50
51 **Planner Jeffrey Hinderliter called for the vote:**

1
2 **VOTE:** David Walker - Yes
3 Robin Dube - Yes
4 Vice Chair Win Winch - Yes
5 Chair Linda Mailhot – Yes

6 **Carries (4-0) Unanimous**

7
8 **ITEM 4**

9 **Proposal:** Conditional Use: Shoreland Zoning Nonconforming Structure 30% Expansion

10 **Action:** Final Ruling

11 **Owner:** Cynthia Lyons

12 **Location:** 21 Winona Avenue, MBL: 321-6-3; Zoning R3 & RA Shoreland Zone

13
14 Planner Hinderliter stated that the only outstanding item with this is the Non- Conforming Means of
15 Egress Appeal which was granted by the Zoning Board of Appeals on the 28th of January. Staff believes
16 this proposal is all set to move forward and everything is in order. Staff recommends approval with no
17 conditions.

18
19 **MOTION:**

20 Win Winch made a motion to approve this proposal, seconded by David Walker.

21
22 Chair Linda Mailhot read the **Conditional Use Criteria.**

23
24 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-
25 site or off-site.

26 *Response: The property is in residential use and the proposed renovations are designed for*
27 *residential use. The property has a driveway approximately 10' x 60' extending to an existing*
28 *garage at the rear of the property. The street frontage has an existing concrete sidewalk. The*
29 *pedestrian and vehicular traffic both on site and off site will remain as presently exists.*

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

31 *Response: The proposed renovations will be constructed to the standards of all applicable*
32 *building and energy codes. The existing fireplace and chimney are to be removed and new*
33 *framing will be insulated in fire rated sheetrock will be installed according to the*
34 *requirements. The finished structure will not create or increase any fire hazard.*

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

36 *Response: The existing driveway approximately 10' x 60' will remain and is sufficient and*
37 *adequate for residential use.*

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

40 *Response: This project will continue the existing residential use of the property. During the*
41 *renovation process, silt fencing and/or hay bails will be utilized to prevent run off. When*
42 *completed the existing property grading will be the same as now exists.*

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

45 *Response: The existing property is in residential use and when renovations are completed the*
46 *residential use will be maintained.*

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

4 ***Response: This project that is proposed is to renovate and continue the current residential use.
5 The neighboring properties are also residential and upon completion this property will not
6 create or increase any nuisances that would affect the adjacent neighborhood.***

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

9 ***Response: The residence is connected to the sanitary sewer lines, public water supply and the
10 residential trash/rubbish removal schedule.***

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

12 ***Response: The proposed improvements to the existing home on the property will not adversely
13 affect the value of the adjacent properties. When completed, the home will be an improvement
14 to the property and have a positive affect within the neighborhood.***

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

17 ***Response: The existing property is in residential use and after renovations it will remain
18 residential. The neighborhood is residential. Deed restrictions on the property do not allow
19 any business activity to be undertaken on site.***

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

23 ***Response: The existing landscaping will be preserved and/or replaced after renovations. The
24 yards around the building are grasses, plants, shrubs and trees. The driveway is crushed stone
25 and the grading is flat with a slight slope from street to the rear yard. Special screening or
26 buffering is not necessary to visibly obstruct this property from abutting uses. As the subject
27 property and the abutting properties are all in residential use.***

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

31 ***Response: The proposal does not include any change in the existing grading on the property.
32 The existing finish grading driveway landscape areas will remain. The established elevations
33 and the drainage patterns will not be altered.***

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

37 ***Response: The owner of this property has the adequate financial capacity to complete and
38 maintain this project. The building contractor who will be hired to do the actual construction
39 will have the experience and technical capacity to complete the project and satisfy the
40 applicable building codes and requirements.***

41
42 Chair Mailhot read the **Shoreland Zone Review Standards:**

43
44 (1) This project will maintain safe and healthful conditions.

45 ***Response: The proposal to elevate the existing building and install a concrete foundation with
46 supporting***

1 *walls in place of the current open crawl space and wood post supports will result in safer and*
2 *healthier condition for the occupants. The moisture and odors emanating from the existing*
3 *dirt floor crawl space will be eliminated. The lower level walls and the first floor system will be*
4 *insulated. This will improve the interior environment of the building.*

5 (2) This project will not result in water pollution, erosion, or sedimentation to surface waters.

6 *Response: The finished project will not result in any changes that effect water pollution,*
7 *erosion or sedimentation to surface waters.*

8 (3) This project will adequately provide for the disposal of all wastewater.

9 *Response: The existing and proposed building is connected to the public sanitary sewer*
10 *system.*

11 (4) This project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or
12 other wildlife habitat.

13 *Response: The property is 100% improved with grasses, shrubs, trees, etc. and the owner*
14 *proposes to continue the established residential yard landscaping. The project will not have an*
15 *adverse impact on wild life habitat.*

16 (5) This project will conserve shore cover and visual, as well as actual, points of access to inland
17 and coastal
18 waters.

19 *Response: The property is located in an established residential neighborhood and Winona*
20 *Avenue is an existing public roadway. The property does not contain or obstruct any points of*
21 *access to inland or coastal waters.*

22 (6) This project will protect archaeological and historic resources as designated in the
23 comprehensive plan.

24 *Response: The proposal to elevate the house in the same location as the existing building will*
25 *not affect any conditions within the comprehensive plan pertaining to the archeological or*
26 *historic resources.*

27 (7) This project will avoid problems associated with floodplain development and use.

28 *Response: The proposed foundation is outside of the Flood Zone A (el=9) as delineated on the*
29 *site plan prepared by Northeast Civil Solutions. The proposed improvement thereby avoids*
30 *problems associated with flood plain development and use.*

31 (8) This project is in conformance with provisions of all applicable Shoreland zoning standards
32 in division 17 of this chapter.

33 *Response: The proposed building will not exceed the 30% allowable increase in square footage*
34 *and volume. Refer to the attached plans and scope of project letter. The proposed*
35 *replacement foundation under the nonconforming structure will maintain the buildings*
36 *existing location. The structure will be elevated approximately 5 1/2 feet and is considered an*
37 *expansion according to the Ordinance. Due to the size of the property and the existing*
38 *detached garage at the rear of the property it is not possible to relocate the building within the*
39 *setback requirements.*

40
41 *Planner Jeffrey Hinderliter called for the vote:*

42
43 **VOTE:** David Walker - Yes

44 Robin Dube - Yes

45 Vice Chair Win Winch - Yes

46 Chair Linda Mailhot – Yes

47 **Carries (4-0) Unanimous**

1 **ITEM 5**

2 **Proposal: Conditional Use: Accessory Dwelling Unit**
3 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**
4 **Owner: Lisa Kidd**
5 **Location: 10 Garden Street, MBL: 403-2-5; Zoning: R5**
6

7 This proposal is to make the Accessory Dwelling unit part of an addition onto the house. They are
8 planning to put the Accessory Dwelling on the left side of the existing garage. They are also constructing
9 a new garage and turning the old garage into a workroom. The Accessory Dwelling will be in the back of
10 the new garage. Accessory units are allowed in this district but they have to meet the 5 Accessory
11 Dwelling Unit Standards and the 12 Conditional Use Standards. One of the standards states that it has to
12 be accessed by the living area of the primary structure and all other entrances have to appear subordinate.
13 There is a new proposed entrance between the existing home and the addition where the garage is going
14 to be. It appears that that entrance could possibly be used to access the accessory dwelling unit so the
15 Planning Board is going to have to discuss this further with the Applicant and make a determination as to
16 whether or not that entrance can be considered subordinate or not. Staff recommends that the Applicant
17 submit more information on the square footage of the main home because the calculations didn't match
18 what was on the property record card. Staff also recommends that they show the setbacks so that the
19 Planning Board can make sure that the addition is within the setbacks.
20 Staff recommends that the Planning Board discuss the following 3 items then make a determination of
21 Completeness and schedule the site walk and public hearing for March 2019.

- 22 • Subordinate entrance
 - 23 • Square footage calculations
 - 24 • Setbacks
- 25

26 Planning Board has requested a larger plans and clarification on the plans as well as calculations from the
27 Applicants.

28 An issue that the Chair has is that one of the current criteria is that the Accessory Dwelling Unit "Shall"
29 be accessed via the living area of the main dwelling unit.

30
31 **MOTION:**

32 Win Winch made a motion to table this item without prejudice as the Board Members are in need of more
33 details of the proposal, seconded by Robin Dube.

34
35 **Planner Jeffrey Hinderliter called for the vote:**

36
37 **VOTE:** David Walker - Yes
38 Robin Dube - Yes
39 Vice Chair Win Winch - Yes
40 Chair Linda Mailhot – Yes

41 **Carries (4-0) Unanimous**

42
43 **ITEM 6**

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; Zoning: DD1**
48

49 This proposal has been before the board since 2017. The last time that the Board formally saw this
50 proposal was in late 2017. There were few issues that were outstanding at that time:

- 1 • Overhand and balcony line property encroachment.
- 2 • The construction of the building without interfering with other properties.
- 3 • The loading and unloading concerns
- 4 • The question of whether warehousing would be conducted at this property. (warehousing is not a
- 5 permissible use for this district).
- 6 • Department of Environmental Protection Permitting.
- 7 • A number of waiver requests that were associated with the last plan that was submitted.

8
9 This proposal came back to the Board in December 2018 and there was no action taken.

10 The Applicant has made a submission and since 2017 some of these items have been addressed. One of
11 the big concerns was the loading and unloading location onto the second floor of the proposed structure
12 from Kinney Ave. The door and deck has been removed. The loading and unloading plan has been
13 revised. The Applicant has addressed all of the standards except for the waiver requirements and the
14 Applicant has provided responses to the other items.

15
16 Applicants Agent Attorney Neal Weinstein introduced himself

17 The applicants had previously submitted a Boundary Survey in a different form from BH2M. This was an
18 updated submission with a date of February 2019 with additional information. This is one of the items
19 that eliminates the waivers.

20 The Board Members also have the other plans which show the proposed building and the building
21 structures that are all within the boundaries. This was updated and shows the elimination of the
22 deck that was outside. It is just a wall now and a shorter building elevation wise.

23 Attorney Weinstein will bring back waiver requests to the Board Members that he requested back in
24 2017. Planner Hinderliter stated that in regards to the waiver requests, he feels that they need to be made
25 formally in accordance with waivers standards so that the Planning Board can make a determination as to
26 whether they feel that the Applicant has met those standards.

27
28 Planner Hinderliter and Attorney Weinstein will go over the waiver requests for next meeting to make
29 sure that they get the correct information. They will also formalize how the product will get into the
30 building.

31 The Chair would like to see a larger plan with both the existing first floor and the proposed elevations,
32 interior with window sizes, etc. She would also like to see the side setbacks on the plan.

33
34 Robin Dube expressed concern with safety reasons with a crane going over the road.

35 Planner Hinderliter stated that the Department Heads have looked at this most current information and we
36 didn't receive any additional comments from them.

37
38 Attorney Weinstein stated that there will be no warehousing, distribution or wholesale at this location.

39
40 Win Winch made a motion to table this item without prejudice and to come back with more information,
41 seconded by Robin Dube as requested by the Applicant.

42
43 **Planner Jeffrey Hinderliter called for the vote:**

44
45 **VOTE:** David Walker - Yes

46 Robin Dube - Yes

47 Vice Chair Win Winch - Yes

48 Chair Linda Mailhot – Yes

49 **Carries (4-0) Unanimous**

50

1 **ITEM 7**

2 **Proposal: Conditional Use: Accessory Dwelling Unit**
3 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**
4 **Owner: The Village at Pond View Woods, LLC**
5 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning: RD**
6

7 Associate Planner McLaughlin stated that this is a new proposal before the Planning Board for an
8 Accessory Dwelling Unit (ADU) in the Village at Pond View Woods (Orchard Estates) Subdivision. The
9 Applicant is proposing to tear down the existing red brick home and replace with a single-family home
10 that includes an ADU.

11
12 One of the Conditions of Approval that was placed on the plan is that the aesthetics of the brick house be
13 preserved. Staff had received the plan and it included an Accessory Dwelling so they had to come back
14 before the Planning Board.

15
16 Accessory Dwelling Units are permissible in the Rural District as long as they meet the Conditional Use
17 Accessory Dwelling standards and Conditional Use Review Criteria standards.

18 The only standard that is tricky is that the Accessory Dwelling Unit which has to be accessed by the
19 living area of the primary structure and that all other entrances have to appear subordinate.

20
21 Staff recommends that the Planning Board decide on the Determination of Completeness and schedule a
22 Sitewalk and Public Hearing for the March 2019 Planning Board Meeting.

23
24 Chair Mailhot is concerned that this does not meet the esthetic character for the condition for approval of
25 that project. Also the Accessory Dwelling Unit is clearly not going to be accessed through the main living
26 area.

27
28 Win Winch made a motion to Condition the Determination of Completeness but further requesting that
29 the Applicant show clearly on the plan how the ADU occupants will access the ADU through the existing
30 home and how the additional doors between the main home and the ADU are considered subordinate,
31 seconded by David Walker.

32
33 **Planner Jeffrey Hinderliter called for the vote:**

34
35 **VOTE:** David Walker - Yes
36 Robin Dube - Yes
37 Vice Chair Win Winch - Yes
38 Chair Linda Mailhot – Yes

39 **Carries (4-0) Unanimous**
40

41 **ITEM 8**

42 **Proposal: Minor Subdivision: 2 Duplex (4 residential units)**
43 **Action: Pre-Application/Sketch Plan Review; Schedule Site Walk**
44 **Owner: Earle Enterprises, LLC**
45 **Location: 4 Smithwheel Rd, MBL: 210-2-16; Zoning: R4**
46

47 This proposal is for the development of a minor subdivision which includes the construction of 2
48 duplexes (4 dwelling units), parking area, driveway, and associated infrastructure. The proposal is a
49 subdivision because it is the creation of 3 or more new dwelling units onto a single parcel of land within a
50 5 year period (note- subdivision definition includes more than creating lots). The proposal is a minor
51 subdivision because it includes 4 or fewer new structures. This will be a condominium development.

1
2 Currently there is a single-family dwelling on this lot. The single-family has its own driveway which will
3 not change.

4 The duplexes will be on the same lot but with the development laid out so it is separate from the single-
5 family. The lot is in the R4 district and all R4 zoning standards check out ok, including the density at
6 5,000 sq. ft./family unit.

7
8 There is no real binding ruling that is associated with this. This is just a good opportunity for the
9 Applicant to introduce the project to the Planning Board.

10
11 They need to make sure that there is enough room for a buffer especially along the shared property
12 boundary line with the Royal Crest Condominium and the locations of the driveway. If this proposal
13 moves forward a waiver would be required because of the distance the driveway is to the curb line tangent
14 of the Collector Road. There is also a driveway separation distance.

15
16 Travis Letellier from Northeast Civil Solutions (NCS) introduced himself. He is here with Jim Fisher
17 from NCS. He explained that they are proposing to build 4 condo units on the property. All
18 parking would be internal to the lot. Public Utilities would be used and stormwater would be handled on
19 site. There will be an issue of separation of the driveways and they feel that the access off of Smithwheel
20 will be more of a safer situation. They are trying to keep as many trees as possible in regards to
21 buffering. They will provide snow storage locations.

22
23 Planning Staff has a recommendation about a cross walk.

24 Planner Hinderliter stated that this would need a site inspection and that would require the Planning Board
25 Members driving by the site.

26
27 **ITEM 9**

28 **Proposal: Major Subdivision: 5 Unit Condominium Building**
29 **Action: Pre-Application/Sketch Plan Review; Schedule Site Walk**
30 **Owner: SJ Peacock Builders**
31 **Location: 21 Union Ave, MBL: 315-15-3; Zoning: NC-2**

32
33 This is a new proposal before the board for the tear down and rebuild of a multifamily structure on Union
34 Avenue within the same footprint. The building currently has five units and the Applicant is proposing to
35 construct a new building that will also contain 5 units. This is currently in a sketch plan phase which
36 gives the Planning Board the opportunity to review and offer comments before the Applicant provides a
37 formal submission.

38 The Applicant is proposing to use half of South Street, which they refer to as a paper street, for parking. It
39 is important to note that we already had a conversation about this with our Town Attorney. South Street is
40 not technically a paper street, rather it is a road the Town essentially stopped maintaining. The Town
41 attempted to discontinue the paper street but it was never completed and was therefore considered
42 defective. The Town Attorney referred to this as “abandonment.” However, after 1965, if a road is
43 abandoned, the Town automatically receives an easement for the road unless it is otherwise discontinued.
44 Due to this “easement” our Attorney recommended that half of South Street not be used for any
45 permanent structures, however parking would be okay. It is important to point this out because you will
46 note they are proposing a dumpster with fencing around it on the paper street area. We suspect they are
47 going to have a hard time moving the dumpster and fence out of that area so it is something we are going
48 to have to work through as the project moves forward.

1 This proposal is located in our NC-2 which has its own set of standards for building design, parking,
2 signage and lighting. Many of these standards apply to nonresidential uses, however, there are some that
3 may apply here.

4
5 No decisions need to be made at this meeting. Planning Staff recommends the PB use the opportunity to
6 discuss the proposal with the Applicant.

- 7
8 1. Is there an option for the Applicant to move the dumpster, if it's in lieu of a parking space
9 would the PB be okay with that?
10 2. What buffering will there be for the parking lot?
11 3. What are the dimensions of the access stall?
12 4. How will they handle snow removal?
13 5. What sort of landscaping are they proposing?
14 6. Will the PB grant a waiver for the 2 parking spaces?
15

16 Chair Mailhot mentioned that because of the issues of where the dumpster will be located could they
17 reconfigure where the dumpster will be going?

18 Travis Letellier from Northeast Civil Solutions stated that if the dumpster does become an issue, they
19 would eliminate it from the plans and have the tenants take care of their own trash.

20
21 Chair Mailhot mentioned to the Applicant things to think about when they come back would be buffering,
22 landscaping, snow removal and the waiver requests.

23
24 Jim Fisher from Northeast Civil Solutions stated the Town Council did take the position to abandon that
25 road officially about 30 years ago however they never followed through with getting the paperwork at the
26 registry for abandonment.

27 Owner Mr. Peacock has worked with the Town to be able to follow through with this to be able to get this
28 done and that has been completed. Mr. Peacock now owns half of the street.

29 From an official standpoint they now have 8 clear easy spaces to be able to pull into with isle widths (25')
30 which allows the passing of 2 cars. They would need to request a waiver to be able to have the other 2
31 parking spaces to be on the street.

32
33 **ITEM 10**

34 **Proposal: Ordinance Amendment: Allow Multi-Family Dwellings on Sidewalk Level**

35 **Action: Discussion**

36 **Owner: D.E.C. Investments L.L.C.**

37 **Location: NC-3 District**
38

39 This is a new proposal before the Planning Board. The Applicant currently owns 20 Washington Avenue.
40 They would like to convert the first floor of 20 Washington Avenue into a residence. The building
41 currently contains 3 residential units and 2 commercial units, one being the laundromat. The adjacent
42 vacant space has been vacant for several years and the Applicant claims there is not a market for
43 commercial businesses in this area.

44 The way the current ordinance is written for the NC-3 District in which this is located, it does not allow
45 for multifamily on the first floor.

46 The Planning Board recently reviewed a proposal for 22 Washington Ave to convert their first floor retail
47 space into a residential unit in the same district. This was allowed because a residential unit already
48 existed on the first floor next door to the commercial unit, allowing for an "expansion of the
49 nonconforming use." 20 Washington Ave does not already have a residential unit on the first floor,
50 therefore they could not take advantage of the same standard.

1 Planning Staff recommended the Applicant conduct an informal “market study” to show that this area
2 supports more residential-type uses as opposed to commercial uses.
3 Staff also recommends the Planning Board review and offer thoughts before the Applicant brings this
4 forward as a formal Ordinance Amendment next month.
5

6 Chair Mailhot stated that right now this is conditionally possible only on subsequent floors other than the
7 entry level. The Applicants are looking to have the Planning Board make a recommendation to the
8 Council that would change that Conditional Use Criteria allowing Residential Units on the sidewalk level.
9

10 David Walker suggested that they should restore that first floor to the façade of the rest of the house.
11 When it comes up for Conditional Use the Planning Board could condition that approval.
12

13 **ITEM 11**

14 **Proposal: Ordinance Amendment: Accessory Dwelling Unit (78-1272)**

15 **Action: Discuss Draft Amendments**
16

17 Due to the recent influx in ADU proposals. The Planning Board asked that Staff look into ordinance
18 amendments. At the last PB meeting, we had a discussion regarding what the PB would like to see
19 regarding ADUs and created a draft ordinance amendment for the PB to review and offer thoughts on.
20 Planning Staff kept the existing ordinance and included some additions/changes to the Performance
21 Standards. These changes include:

- 22 • **Performance Standard (a)** – This is a new standard that requires the lot Owner to live in either
23 the principal structure or the ADU and that neither the principal structure nor the ADU can be
24 rented.
- 25 • **Performance Standard (b)** – This is a new standard that requires the ADU Occupant be a
26 relative.
- 27 • **Performance Standard (c)** – This is a new standard that requires the Applicant to provide and
28 record in the Registry a Covenant that the ADU will comply with the standards in the ordinance.
29 Planning Staff found a sample Covenant that was created by York, with some tweaks by our
30 Town Attorney, the language could be used for OOB as well.
- 31 • **Performance Standard (d)** – This standard already existed, however, we changed the language
32 regarding the primary and “subordinate” entrances into the ADU.
- 33 • **Performance Standard (e)** – This is a new standard that briefly touches upon the aesthetics of
34 the ADU. This language was already in the existing ordinance in some capacity but we it could be
35 its own standalone standard.
- 36 • **Performance Standard (f)** – This standard already existed, however, we added in the piece
37 about the ADUs being a maximum of 1,000SF and that they cannot have more than two
38 bedrooms.
- 39 • **Performance Standard (g)** – This is a new standard that requires off-street parking and language
40 regarding curb cuts or wider driveway width. This was used in another community and seemed to
41 be useful.
- 42 • **Performance Standard (h)** – This standard already existed, however, we added in the piece
43 about a single water service as well.
- 44 • **Performance Standard (i)** – This is a new standard regarding septic systems. The PB already
45 requires septic system designs this provides the regulatory backing.
- 46 • **Performance Standard (j)** – This standard already existed, we changed “main residence” to
47 primary dwelling to be consistent.
- 48 • **Performance Standard (k)** – This standard already existed, however, we made the standard
49 clearer by removing the second part that discusses nonconforming uses.
- 50 • We added in a section with definitions that apply strictly to the ADU ordinance.

1
2 We recommend the PB review the draft amendments to the ordinance and offer thoughts on changes so
3 Planning Staff can bring back another draft for the March meeting.
4

5 David Walker recommends on Criteria (G) to take out “any new”, and add “any expanded driveway
6 entrance/curb cut”.

7 Linda Mailhot questioned Criteria (F) Accessory dwelling uses “shall have at least 500 sf.” She questions
8 whether they need to have a minimum. Associate Planner McLaughlin mentioned that she will check
9 with codes to see if there is a minimum unit size and bring back to the Board.

10
11 Associate Planner McLaughlin will change Accessory Apartment to Accessory Dwelling Units on Items J
12 & K.
13

14 **Certificate of Appropriateness**

15 **ITEM 12**

16 **Proposal:** 20 x 50 Expansion of Existing Hotel (Flagship Motel)
17 **Action:** Certificate of Appropriateness Ruling
18 **Applicant:** Peter Guidi
19 **Location:** 50 West Grand Avenue, MBL: 307-7-6 & 310-7-8; Zoning: DD2
20

21 **ITEM 13**

22 **Proposal:** Modify Exterior Attached Lighting Fixtures (Dollar General)
23 **Action:** Certificate of Appropriateness Ruling
24 **Applicant:** Zarembo Group, LLC
25 **Location:** 19 Heath St, MBL: 309-9-33; Zoning: DD2
26

27 28 **ITEM 14**

29 **Proposal:** Install Solar Panels on Chamber of Commerce Building
30 **Action:** Certificate of Appropriateness Ruling
31 **Applicant:** Revision Energy
32 **Location:** 11 1st Street, MBL: 206-32-2; Zoning: DD1
33

34 **Other Business**

35 36 **Good and Welfare**

37
38 **ADJOURNMENT 8:19 P.M.**
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 twelve (12) is a true copy of*
42 *the original minutes of the Planning Board Meeting of February 14, 2019.*
43

44 
45
46
47