

1 **OLD ORCHARD BEACH PLANNING BOARD**
2 **February 7, 2019 6:00 PM (Workshop, Council Chambers)**
3 **February 7, 2019 5:30 PM (Site Walk)**
4 **WORKSHOP MEETING MINUTES**
5

6 **Site Walk (5:30PM)**

7 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**
8 **Owner: Donald Bouchard**
9 **Location: 189 Saco Avenue, MBL: 208-3-12**

10
11 Members present: Linda Mailhot, Mark Koenigs, David Walker, Robin Dube
12

13 The Applicant presented a new plan at the site walk which included a change in the parking and driveway
14 layout. The Planning Board was in favor of the new layout as opposed to the previous layout which
15 required a variance through the ZBA for parking in the front setback. The PB wanted time to review the
16 new design but said the site itself appears to be very straight forward (a vacant plot of land with no real
17 topographic challenges or landscape issues).
18

19 Site walk ends at 5:40 PM
20

21 **CALL WORKSHOP TO ORDER**
22

23 **Public Hearings Notice (To be held on 2/14/19, 6:30 PM)***
24

25 **Regular Business***

26 **ITEM 3**

27 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**
28 **Action: Ruling on Preliminary Plan, Ruling on Final Plan**
29 **Owner: Donald Bouchard**
30 **Location: 189 Saco Avenue, MBL: 208-3-12; Zoning: GB1**
31

32 Associate Planner Megan McLaughlin stated that the applicant is changing the plan. They are proposing
33 to have 1 driveway as opposed to 2 driveways. They had submitted a tabling request so
34 that they can revise the plan and get to us before the deadline and have Wright Pierce review it.
35 Zoning Board of Appeals did not grant the Variance to allow them to have front parking in the setback.
36

37 **ITEM 4**

38 **Proposal: Conditional Use: Shoreland Zoning Nonconforming Structure 30% Expansion**
39 **Action: Final Ruling**
40 **Owner: Cynthia Lyons**
41 **Location: 21 Winona Avenue, MBL: 321-6-3; Zoning: R3 & RA Shoreland Zone**
42

43 This had to go to the Zoning Board of Appeals. This already existed but they were putting more area
44 within the setback. The ZBA granted approval for a conforming means of egress. That was the one
45 outstanding issue. Staff recommends approval with no conditions.
46

47 **ITEM 5**

48 **Proposal: Conditional Use: Accessory Dwelling Unit**
49 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**
50 **Owner: Lisa Kidd**

1 **Location: 10 Garden Street, MBL: 403-2-5; Zoning: R5**

2
3 They are proposing to put an addition to the single family home. They are converting the existing garage
4 into a work room with 2 double hung windows instead of the garage door. Next to that is going to be a
5 new garage and behind that garage will be an accessory dwelling unit.

6 One of the issues is that the accessory dwelling unit shall be accessed via the living area of the primary
7 structure, and all other entrances to the accessory dwelling unit shall appear subordinate to the main
8 entrance. Any proposed additions to the main structure or accessory structures shall be designed to be
9 subordinate in scale and mass to that of the main structure and compatible with the architectural style
10 and quality of the main structure.

11 *It appears that a door is proposed between the new garage and the existing home. When you enter*
12 *through the door, you will be in the garage and have the option to go right into the work room or up*
13 *a small set of stairs into the ADU. The PB will need to determine if this meets the “subordinate”*
14 *standard. In order to access the ADU through the living area of the primary structure, the occupants*
15 *would need to enter through the main entrance in the front of the home. We recommend this be*
16 *shown on the plan so it is clear.*

17
18 The Planning Board needs a little more clarification on the size of the home itself or if they have a floor
19 plan. What they had said that they had for square footage doesn't match up with the towns property
20 record card.

21
22 Staff also recommends that they show setbacks for the accessory dwelling unit.

23 An ADU has to be at least 500 sf. but it has to be 50% of the floor area of the main house.

24
25 **ITEM 6**

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

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

28 **Owner: Harold Harrisburg**

29 **Location: 9 East Grand Avenue, MBL: 306-2-6; Zoning: DD1**

30
31 Planner Jeffrey Hinderliter stated that this proposal was in front of the PB during 2017. The application
32 was withdrawn because information missing from the record jeopardized a favorable vote. So, the
33 applicant decided the cleanest way to move forward was to withdraw and submit a new application that
34 conforms to the submission requirements and site plan review standards.

35
36 The 2018/2019 submission includes a new application, responses to the Site Plan Review Criteria, and
37 revised building plans. The most significant change is the proposed 2nd floor platform/balcony and doors
38 facing Kinney Ave. have been removed. This is a significant change because of the loading/unloading
39 concerns at this location. Also the roof pitch has been reduced so building height is now under 35'.

40 The Planning Board does not have everything in order to make a determination of completeness.

41
42 The applicant included the plan for 2015 instead of the more recent 2017 plan.

43 The Planning Board had requested an updated plan. The reason for the requested updated plan is because
44 this proposal will require waivers.

45 At this time staff feels the application is not complete because an updated site plan, waiver requests, and
46 building overhang have not been addressed and/or submitted. These three items are critical pieces of the
47 proposal that are necessary for the PB to properly and fairly evaluate the proposal.

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.
9 Originally this was a 2 family home but is not allowed so the Applicant is proposing to tear down the
10 existing red brick home and replace with a single-family home that includes an ADU.

11
12 Accessory Dwelling Units are permissible in the Rural District as long as they meet the Conditional Use
13 Accessory Dwelling standards and Conditional Use Review Criteria.

14
15 They meet the floor area and electrical service however there is an issue in regards to the common
16 entrance. They have included 5 entry doors on the plan. If the PB decides to make a determination of
17 completeness, staff recommends it be contingent upon showing clearly how occupants will walk through
18 the existing living space to get to the ADU.

19
20 **ITEM 8**

21 **Proposal: Minor Subdivision: 2 Duplex (4 residential units)**
22 **Action: Pre-Application/Sketch Plan Review; Schedule Site Walk**
23 **Owner: Earle Enterprises, LLC**
24 **Location: 4 Smithwheel Rd, MBL: 210-2-16; Zoning R4**
25

26 This proposal is for the development of a minor subdivision which includes the construction of 2
27 duplexes (4 dwelling units), parking area, driveway, and associated infrastructure. The proposal is a
28 subdivision because it is the creation of 3 or more new dwelling units onto a single parcel of land within a
29 5 year period (note- subdivision definition includes more than creating lots). The proposal is a minor
30 subdivision because it includes 4 or fewer new structures. This will be a condominium development.

31
32 Currently there is a single-family dwelling on this lot. The single-family has its own driveway which will
33 not change. The duplexes will be on the same lot but with the development laid out so it is separate from
34 the single-family. The lot is in the R4 district and all R4 zoning standards check out ok, including the
35 density at 5,000 sq. ft./family unit.

36
37 Planner Jeffrey Hinderliter brought up 2 primary comments:

- 38 • The driveway parking areas are real close to the Royal Crest Condos. They need some sort of a
39 buffer strip that separates the parking and the condos.
- 40 • Regarding driveway locations (see WP memo), it will be difficult to locate a driveway on
41 Smithwheel that meets the 125' driveway on same lot separation (78-1491 (e)) and the 100'
42 separation between driveway and curblin tangent of intersecting collector street, Ryefield (78-
43 1491 (f)). It might be possible if the existing driveway is relocated or the proposed driveway
44 comes off Ervin Lane, but, there still may be a problem. Also, it would probably be safer locating
45 the driveway off Smithwheel so vehicles exiting the development can enter Smithwheel before
46 the right/lift turn lanes leading to the Ocean Park Rd intersection. 78-1568 (2) allows the PB to
47 grant waivers of the 125' driveway separation distance and 100' from collector curb line as long
48 as the applicant can show constraints of the site make compliance with design standards
49 impracticable or technically unfeasible and modification will not create unsafe conditions for
50 vehicles and pedestrians. At this time staff will support a waiver.

1
2 **ITEM 9**

3 **Proposal: Major Subdivision: 5 Unit Condominium Building**
4 **Action: Pre-Application/Sketch Plan Review; Schedule Site Walk**
5 **Owner: SJ Peacock Builders**
6 **Location: 21 Union Ave, MBL: 315-15-3; Zoning NC-2**
7

8 Associate Planner McLaughlin updated the Board Members. This is a new proposal before the Board for
9 the tear down and rebuild of a multifamily structure on Union Avenue within the same footprint. The
10 building currently has five units and the Applicant is proposing to construct a new building that will also
11 contain 5 units. This is currently in sketch plan phase which gives the PB the opportunity to review and
12 offer comments before the Applicant provides a formal submission.

13 The reason the proposal is before the Board is because Subdivision law defines a subdivision as “division
14 of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year
15 period.” The definition of “new structure” includes any structure for which construction begins on or after
16 9/3/1988. Because the Applicant is proposing to tear down and rebuild the structure, it is considered a
17 “new structure with 3 or more dwelling units” where it’s greater than 4 units, it falls under a Major
18 Subdivision.

19 The Applicant is proposing to use half of South Street, which they refer to as a paper street, for parking. It
20 is important to note that we already had a conversation about this with our Town Attorney. South Street is
21 not technically a paper street, rather it is a road the Town essentially stopped maintaining. The Town
22 attempted to discontinue the paper street but it was never completed and was therefore considered
23 defective

24 The Town Attorney referred to this as “abandonment.” However, after 1965, if a road is abandoned, the
25 Town automatically receives an easement in the road unless it is otherwise discontinued. Due to this
26 “easement” our Attorney recommended that half of South Street not be used for any permanent structures,
27 however, parking would be okay. It is important to point this out because you will note they are proposing
28 a dumpster with fencing around it in the paper street area. We suspect they are going to have a hard time
29 moving the dumpster and fence out of that area so it is something we are going to have to work through as
30 the project moves forward. This proposal is located in our NC-2 which has its own set of standards for
31 building design, parking, signage and lighting. Many of these standards apply to nonresidential uses,
32 however, there are some that may apply.

33 The Board Members discussed the required number of parking spaces which in this case is 10. The
34 Applicant is proposing 8 parking spaces. They currently have 5 parking spaces.

35 The PB may need to grant a waiver for the 2 parking spaces. (1) of this standard says “with respect to the
36 number of parking spaces, the actual parking demand for the applicant’s proposal is less than required in
37 Sec. 78-1566 and a reduction in the number of parking spaces will not create unsafe conditions for
38 vehicles or pedestrians.
39

40 **ITEM 10**

41 **Proposal: Ordinance Amendment: Allow Multi-Family Dwellings on Sidewalk Level**
42 **Action: Discussion**
43 **Owner: D.E.C. Investments L.L.C.**
44 **Location: NC-3 District**
45

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

1 The way the current ordinance is written for the NC-3 District in which this is located, it does not allow
2 for multifamily on the first floor. It was probably written this way several years ago when the Washington
3 Ave neighborhood was a booming center of Town.

4 The PB recently reviewed a proposal for 22 Washington Ave to convert their first floor retail space into a
5 residential unit in the same district. This was allowed because a residential unit already existed on the first
6 floor next door to the commercial unit, allowing for an “expansion of the nonconforming use.” 20
7 Washington Ave does not already have a residential unit on the first floor, therefore they could not take
8 advantage of the same standard.

9
10 Planning Staff recommends that the Applicant look into an ordinance change to allow multifamily
11 dwellings on the sidewalk level. In order for them to present this ordinance change Planning Staff
12 recommended the Applicant conduct an informal “market study” to show that this area supports more
13 residential-type uses as opposed to commercial uses and to provide the Planning Board with that
14 information.

15
16 **ITEM 11**

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

18 **Action: Discuss Draft Amendments**

19
20 At the last PB meeting, we had a discussion regarding what the PB would like to see regarding ADUs and
21 created a draft ordinance amendment for the PB to review and offer thoughts on.

22 Staff recommends the PB review the draft amendments to the ordinance and offer thoughts on changes so
23 Planning Staff can bring back another draft for the March meeting.

24 Planning Staff kept the existing ordinance and included some additions/changes to the Performance
25 Standards.

26
27 **Certificate of Appropriateness**

28 **ITEM 12**

29 **Proposal: 20 x 50 Expansion of Existing Hotel (Flagship Motel)**

30 **Action: Certificate of Appropriateness Ruling**

31 **Applicant: Peter Guidi**

32 **Location: 50 West Grand Avenue, MBL: 307-7-6 & 310-7-8; Zoning DD2**

33
34 **ITEM 13**

35 **Proposal: Modify Exterior Attached Lighting Fixtures (Dollar General)**

36 **Action: Certificate of Appropriateness Ruling**

37 **Applicant: Zarembo Group, LLC**

38 **Location: 19 Heath St, MBL: 309-9-33; Zoning DD2**

39
40 **ITEM 14**

41 **Proposal: Install Solar Panels on Chamber of Commerce Building**

42 **Action: Certificate of Appropriateness Ruling**

43 **Applicant: Revision Energy**

44 **Location: 11 1st Street, MBL: 206-32-2; Zoning DD1**

45
46 **Other Business**

47
48 **ADJOURNMENT 6:55 PM**

49
50 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes**
51 **only. Formal decisions on these items are not made until the Regular Meeting.**

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I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Six (6) is a true copy of the original minutes of the Planning Board Workshop Meeting of February 7, 2019.

Valdine Camire