

1 **OLD ORCHARD BEACH PLANNING BOARD**
2 **Public Hearings and Regular Meeting**
3 **February 8, 2018 7:00 PM**
4 **Town Council Chambers**
5
6

7 **PLEDGE OF ALLEGIANCE**
8

9 **CALL MEETING TO ORDER 7:00 PM**
10

11 **Present:** Robin Dube, Win Winch, Chair Linda Mailhot, David Walker and Mark Guimont.
12 **Absent:** Gary Gannon, Mark Koenigs. **Staff Present:** Planner Jeffrey Hinderliter, Assistant Planner
13 Megan McLaughlin.
14

15 For the record Marc Guimont is a new regular member and David Walker is a new alternate member.
16 New 1st regular member Gary Gannon is not present at tonight's meeting so David Walker will be a full
17 voting member.
18

19 **Public Hearings**

20 **ITEM 1**

21 **Proposal: Private Way Application**
22 **Owner: David Deshaies**
23 **Location: Ross Rd., MBL: 105-2-16**
24

25 Opened the Public Hearing at 7:01 pm.
26

27 Walter Gibson from 91 Ross Road introduced himself.
28 He bought his property from Mr. Deshaies and at the time Mr. Deshaies represented the property for sale
29 with one additional house to be built in back of their house.
30 Also on the original blueprint, it states that the abutters would be responsible for maintenance of his road.
31 He objected to that however he believes that has been corrected. He is concerned with sewage flow onto
32 his property in the event of a malfunction of the septic system.
33 He has no objection for Mr. Deshaies to build a single residence.
34 Mr. Gibson objects to a road being built and potential flooding from the drainage pipe.
35

36 Catherine Gibson from 91 Ross Road also has a concern about the drainage pipe. Doesn't want any water
37 issues on her property. And she is opposed to the 2 lots.
38

39 Jim Houle from 93 Ross Road is concerned that the road that is proposed will be within 10' from their
40 leach field. Concerned about his leach field getting damaged.
41 He is also concerned that the road is going to be 40' from their deck which will take their privacy away.
42 He is also concerned about the drainage.
43

44 There being no one else speaking for or against this item, the Public Hearing closed at 7:08 pm.
45

46 **ITEM 2**

47 **Proposal: Conditional Use (Shoreland Zoning): 30 % nonconforming structure expansion-**
48 **construction of sunrooms and decks**
49 **Owner: Daniel B. Chasse**
50 **Location: 18 Tioga Ave, MBL: 321-26-3**

1
2 Opened the Public Hearing at 7:09 pm.
3
4 There being no one speaking for or against this item, the Public Hearing closed at 7:10 pm.
5
6 **Election of Officers**
7
8 **MOTION:**
9 Win Winch made a motion to elect Linda Mailhot as Chair, seconded by Robin Dube.
10
11 *Planner Jeffrey Hinderliter called for the vote:*
12
13 David Walker - Yes
14 Robin Dube - Yes
15 Win Winch - Yes
16 Marc Guimond - Yes
17 Linda Mailhot – Yes
18
19 **VOTE:**
20 CARRIES (5-0)
21
22 **MOTION:**
23 Robin Dube made a motion to elect Win Winch as Vice Chair, seconded by David Walker.
24
25 *Planner Jeffrey Hinderliter called for the vote:*
26
27 David Walker- Yes
28 Robin Dube - Yes
29 Win Winch - Yes
30 Marc Guimond - Yes
31 Linda Mailhot – Yes
32
33 **VOTE:**
34 CARRIES (5-0)
35
36 **Approval of Minutes: 1/4/18; 1/11/18**
37
38 **1/4/18: Workshop meeting**
39 PB did not have a meeting on 1/4/18 because of snow.
40
41 **1/11/18: Regular meeting**
42 Needing more clarification on item #6 Ross Road, David Deshaies project.
43 On page 5, (change not to note)
44 On page 8, line 49 (take out each)
45 On page 8, line 50 (add each)
46 Page 11, line 11 (add visual trash buffering)
47
48 **MOTION:**
49 Win Winch made a motion to approve the 1/11/18 meeting minutes with amendments, seconded by Robin
50 Dube.
51

1 **VOTE:**
2 CARRIES (5-0)

3
4
5 **MOTION:**
6 Win Winch made a motion to take up Item 4 followed by Item 3, seconded by Robin Dube.

7
8 *Planner Jeffrey Hinderliter called for the vote:*

9
10
11 David Walker - Yes
12 Robin Dube - Yes
13 Win Winch - Yes
14 Marc Guimond - Yes
15 Linda Mailhot – Yes

16
17 **VOTE:**
18 CARRIES (5-0)

19
20 **Regular Business**

21
22 **ITEM 4**

23 **Proposal: Subdivision Amendment: Amend Subdivision Plan David Deshaies Ross Road to**
24 **create 1 lot**

25 **Action: Discussion; Ruling**

26 **Owner: David Deshaies**

27 **Location: Ross Rd., MBL: 105-2-16**

28
29 Chair Mailhot pointed out that in Sec, 78-964, Space and Bulk Regulations for Rural District.

- 30
 - Minimum lot size is 75,000 sf. without public sewer/water.
 - Minimum lot size is 40,000 with public sewer/water.

31
32
33 These 2 proposed lots will only be served by well and septic, however public water is not anywhere near
34 this property to be able to tie in immediately.

35
36 Planner Hinderliter gave a brief summary:

37 The proposed amendment is to divide a single lot into two lots. The single lot associated with this
38 proposal is part of a 3 lot subdivision approved during 2002. This lot was created as an estate lot and
39 retained by the original sub divider (Deshaies) but was not developed. The owner is now proposing to
40 divide the estate lot into two lots, each for single-family use.

41
42 A subdivision is a legal document and whenever you change a document (especially boundary lines) in
43 order to change this document the Planning Board needs to review and make another determination on
44 whatever the change is.

45
46 Planner Hinderliter stated that the proposed lot was created as an estate lot.

47 An estate lot forgives the frontage requirement as long as you have a 50' wide access way from the
48 primary street leading to the lot. The estate lot was approved previously by the Planning Board.

49
50 How do we interpret the minimum lot size?

1 As proposed, the subdivision lots meet the 40,000 minimum lot size but does not meet the 75,000. Public
2 water infrastructure is proposed to be installed within the proposed private way but there will be no
3 extension of the water lines to public water source. The proposed lots have the ability to connect to
4 public water but will not make the actual connection right now.

5
6 Planner Hinderliter made some suggestions:

- 7
- 8 • The Planning Board could not approve this as it is proposed right now unless the applicant seeks
- 9 a waiver.
- 10 • The applicant could also condominiumize the lots.
- 11 • Another option would be seeking a Variance through the Zoning Board of Appeals.
- 12

13 The Planning Board should determine whether the 75,000 or the 40,000 sf. applies.

14
15 Win Winch is concerned that they do not have the ability to serve water and sewer and he added that the
16 other homeowners bought their lots on the condition that there was going to be the “one” house built.

17
18 Chip Haskell from CES Engineers is here representing the owner. The applicant has sent a letter to move
19 forward with a waiver request.

20 The applicant is requesting to table the item.

21
22 **MOTION:**

23 Win Winch made a motion to table this item without prejudice, seconded by Robin Dube.

24
25 **VOTE:**

26 CARRIES (5-0)

27
28 **ITEM 3**

29 **Proposal: Private Way Application**

30 **Action: Discussion; Ruling**

31 **Owner: David Deshaies**

32 **Location: Ross Rd., MBL: 105-2-16**

33
34 This proposal is a private way to serve 2 lots.

35 This property is originally part of the 3 lot subdivision which was approved in 2002.

36 The 3rd lot is currently vacant and this is the lot that they are proposing to split into 2 separate lots which
37 would be served by this private way.

38
39 At the January meeting, Planning Staff discussed any potential changes the PB might like to change on
40 the Draft Declaration of Maintenance of a Private Way in lieu of the Portland Ave Private Way proposal.
41 The PB decided the only change would be to change the title to “Maintenance Agreement.”

42
43 Planning Staff also discussed the need for a condition regarding the potential for more than 2 dwelling
44 units which would trigger subdivision review. Note: Private Ways serving 3 or more dwelling units have
45 different requirements which include meeting a different ordinance standard. The PB asked that a
46 condition be added to the proposal: The Private ROW is intended to provide access to a maximum of 2
47 dwelling units. This condition has been added to the 11x17 plan.

48
49 There were comments received from Wright Pierce at the January meeting and Planning Staff received an
50 updated plan and performance guarantee worksheet that addresses all of the comments.

51

1 One comment was received from the DPW Director about this project:

- 2 • Ensure Storm water does not drain to abutters properties. Line of Site Clearing is complete and road
3 exiting to Ross Rd is at least the same elevation.

4
5 The DPW Director and the applicant got together to discuss and the DPW is all set with the private way.

6
7 The applicant is requesting to table this item.
8

9 **MOTION:**

10 Win Winch made a motion to table this item without prejudice, seconded by Robin Dube.

11
12 **VOTE:**

13 CARRIES (5-0)
14

15 Planner Hinderliter stated that the applicant has sent a letter to move forward with a waiver request which
16 he will forward to the Planning Board members.

17
18 **ITEM 5**

19 **Proposal: Conditional Use (Shoreland Zoning): 30 % nonconforming structure expansion-**
20 **construction of sunrooms and decks**

21 **Action: Discussion; Ruling**

22 **Owner: Daniel B. Chasse**

23 **Location: 18 Tioga Ave, MBL: 321-26-3**
24

25 Megan updated the members on the Shoreland Zoning proposals.

26 In our ordinance we have the Highest Annual Tide. If a structure is within 100' of the highest annual tide
27 it is considered non-conforming and are only allowed to expand up to 30% by volume and floor area.

28 They have to meet Conditional Use Standards, Shoreland Zoning Standards and they have to submit the
29 calculations to show that they are under the 30%, a plot plan and erosion control plan.
30

31 Last month the Planning Board voted the application complete. The only change was to the building
32 where they wanted a pitched roof instead of a flat roof and update the floor area and volume calculations.
33 All of the items have been submitted.

34 They have 12 conditional use standards and 8 standard conditions in the Shoreland Zone that they have to
35 meet.

36 It appears that everything has been addressed.
37

38 Mike Skolnick from Northeast Civil Solutions, Inc. representing the applicant introduced himself and
39 stated that he believes that the patio block will be on porous pavement. This will mostly be used as a
40 summer home.

41 David Walker was concerned with run off to the neighbor's yard.

42 Mr. Skolnick stated that there is an easement for maintenance around the yard to ensure that there will not
43 be any run off to the neighbor's yard.
44

45 Mark Guimont suggested making it somewhat pervious would help.

46 Mr. Skolnick stated that he would relay this to the property owner.
47

48 Planner Hinderliter stated that there is no requirement in our ordinance on patio blocks.
49

1 Chair Linda Mailhot read the 12 Conditional Use Standards:
2
3

4 **12 Conditional Use Responses (78-1240):**

5 *1. Not result in significant hazards to pedestrians or vehicular traffic, on-site or off-site.*

6 The proposed use will not result in significant hazards to pedestrian or vehicle traffic, on-site or off-site.
7 The proposed sunroom addition to the existing residential dwelling will not generate any traffic, nor
8 create any hazards to pedestrians.
9

10 *2. Not create or increase any fire hazard.*

11 The proposed use will not create or increase any fire hazards for nearby homes nor the existing dwelling.
12

13 *3. Provide adequate off-street parking and loading areas.*

14 The proposed use will not propose any additional off-street parking or loading areas. The existing
15 residential driveway has adequate parking for the existing dwelling and the proposed sunroom addition.
16

17 *4. Not cause water pollution, sedimentation, erosion or contamination of any water supply.*

18 The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water
19 supply. The proposed sunroom addition will use the existing water service provided by Maine Water.
20

21 *5. Not create unhealthful conditions because of smoke, dust or other airborne contaminants.*

22 The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
23 contaminants.
24

25 *6. Not create nuisances to neighboring properties because of odors, fumes, glare, hours of
26 operation, noise, vibration or fire hazard, or unreasonably restrict access of light and air to
27 neighboring properties.*

28 The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
29 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
30 neighboring properties.
31

32 *7. Will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.*

33 The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated
34 by the use. The sunroom addition will take advantage of the existing solid and liquid waste services.
35

36 *8. Will not adversely affect the value of adjacent properties.*

37 The proposed use will not adversely affect the value of adjacent properties.
38

39 *9. Be compatible with existing uses in the neighborhood, with respect to the generation of noise and
40 hours of operation.*

41 The proposed use will be compatible with the existing uses in the neighborhood, with respect to the
42 generation of noise and hours of operation. The proposed use will not generate any unwanted noises, and
43 construction will take place during daytime hours.
44

1 *10. The Applicant’s proposal must include any screening or buffering necessary to visually obstruct*
2 *the subject property from abutting uses or to assure the continued enjoyment of abutting uses.*

3 The proposed use will be screened by an existing tree line and fence buffering the subject property from
4 abutting uses, ensuring the continue enjoyment of abutting uses.
5

6 *11. The Applicant’s proposal must adequately provide for drainage through and for preservation of*
7 *existing topography within its location, particularly in minimizing any cut, fill or paving intended.*

8 The proposed use shall adequately provide drainage through and preserves existing topography within its
9 location. The layout is designed to minimize any cut, fill, or paving.
10

11 *12. The Applicant must be found to have adequate financial and technical capacity to satisfy the*
12 *foregoing criteria and to develop and thereafter maintain the proposed project or use in accordance*
13 *with all applicable requirements.*

14 The applicant has adequate financial and technical capacity to satisfy the criteria in this section and to
15 develop and thereafter maintain the proposed project or use in accordance with all applicable
16 requirements.
17

18 Chair Mailhot went over the Shoreland Zone responses:
19

20 **Shoreland Zone Responses (78-34(e)) – Standard Conditions in any Shoreland Zone. No permit**
21 **shall be issued for any structure or activity within any shoreland zone unless all of the following**
22 **standard conditions are met:**
23

- 24 • *Will maintain safe and healthful conditions;*

25 The proposed construction will not result in any unsafe or unhealthy conditions. The construction will
26 maintain safe and healthful conditions throughout the lifetime of the structure.
27

- 28 • *Will not result in water pollution, erosion, or sedimentation to surface waters;*

29 No adverse effects on water pollution, erosion, or sedimentation to surface waters will result from the
30 proposed construction. The necessary erosion control measures meeting Maine DEP standards will be
31 taken throughout the construction process.
32

- 33 • *Will adequately provide for the disposal of all wastewater;*

34 The proposed construction will not feature any additional facilities that will require wastewater disposal.
35

- 36 • *Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife*
37 *habitat;*

38 The existing dwelling, nor the proposed construction will have any adverse impact on spawning grounds,
39 fish, aquatic life, birds or other wildlife habitat. There are no habitats of special significance in the project
40 area.

- 41 • *Will conserve shore cover and visual, as well as actual, points of access to inland and coastal*
42 *waters;*

43 The proposed development will not have any shore cover or visual, as well as actual, points of access to
44 inland and coastal waters.
45

1 • Will protect archaeological and historic resources as designated in the comprehensive plan;

2 There are no archeological or historic resources located in the area of development.

3

4 • Will avoid problems associated with floodplain development and use; and

5 The proposed construction will be elevated 1' above the floodplain.

6

7 • Is in conformance with the provisions of all applicable shoreland zoning standards in division 17
8 of this chapter.

9 The proposed development conforms with all the provisions of all applicable shoreland zoning standards
10 to the greatest practical extent.

11

12 **MOTION:**

13 Win Winch made a motion to approve the Conditional Use, Shoreland Zoning Application to expand a
14 non-conforming structure in the Shoreland Zone owned by Daniel B. Chasse located at 18 Tioga Ave,
15 MBL: 321-26-3, seconded by David Walker.

16

17 *Planner Jeffrey Hinderliter called for the vote:*

18

19 David Walker - Yes

20 Robin Dube - Yes

21 Win Winch - Yes

22 Marc Guimond - Yes

23 Linda Mailhot – Yes

24

25 **VOTE:**

26 CARRIES (5-0)

27

28 **ITEM 6**

29

30 **Proposal: Site Plan Review Sketch Plan: Campground Expansion- add 19 seasonal full utility**
31 **sites, associated road and infrastructure**

32 **Action: Discussion and recommendations**

33 **Applicant: Sun Wild Acres RV LLC**

34 **Location: Wild Acres Campground, MBL: 208-3-2**

35

36 Assistant Planner Megan McLaughlin gave an overview.

37

38 This is a Site Plan proposal for the addition of 19 full utility campsites at the Wild Acres Campground.

39 The project right now is in the Sketch Plan review stage which gives the Planning Board a chance to

40 review before a formal submission is made. The Campground Overlay District allows campground

41 expansions of up to five sites per year through an Administrative Site Plan review process. However,

42 anything more than that requires Site Plan Review through the Planning Board.

43

44 Planning Staff began review of this proposal and noticed on the GIS and on the Zoning Maps that the

45 Campground Overlay District does not encompass the entire parcel (208-3-2). It appears that the area

46 where the 19 sites are proposed are outside of the existing overlay (the green lines on the map below are

47 the extent of the CG Overlay on this parcel).

48

1 This situation is a little similar to what we saw for Paradise Park. At that time, we noted that there may
2 have been additional discrepancies in the Campground Registration packets from 2004 that were not
3 translated to the official zoning maps.
4

5 Another question that prompted staff to think more about this is that some sites are already located in this
6 area of the campground. How did these sites get there? When did these sites get there if that area is not
7 currently in the Campground Overlay?
8

9 Planning Staff spent some time on this and it appears that this area should be in the Campground Overlay
10 district. Our reasoning for this is because of a couple of reasons, one is that we found some
11 correspondence in the file that said "...Also: All of the parcels 315-3-1 [(the old Spruce Lodge which was
12 combined with Wild Acres) and 208-3-2 (Currently Wild Acres)] should be in the Campground Overlay
13 District. This should have been done in 2004 when the CO District was adopted by Council, but it was
14 done incorrectly. The overlay should cover both parcels. (By updating this Zoning District, we will need
15 to have Council approve a new zoning map. This change can be made to the GIS for now, but the zoning
16 map will show the incorrect CO boundary line until Council approves the zoning map amendment)." We
17 reached out to Tom Burns, our GIS Consultant who was around at the time of that note and he said that
18 this was an error and the Campground Overlay should have been expanded onto the entire parcel.
19

20 Staff also mentioned that the other reason we feel this area should have been part of the Campground
21 Overlay District is because we also found a plan, which was prepared by BH2M in 2009, that shows
22 expansions that took place in 2007, 2008 and 2009 in this area.
23

24 One item we recommend BH2M submit with their formal application is a current update/list of how many
25 sites exist at the campground today as well as how many State Licenses the campground holds. According
26 to one document we found while looking through the file (a Notice of Decision from 2011), Wild Acres
27 was at 378 sites and their State License only allowed for 400 campsites. It mentioned 444 originally but
28 that number was changed in 2011 back down to 400. If that is the case, they would not be able to expand
29 more than 12 sites.
30

31 Currently, the Town licensing shows the Campground licensed for 649 sites (2016-2018 license).
32

33 Given our discussion above, Planning Staff believes that this section of the MBL is in the Campground
34 Overlay but wasn't shown on the official zoning map. Therefore, we believe the application can move
35 forward as it has in 2007, 2008 and 2009 for expansions in this area. The Zoning Map will have to be
36 updated to reflect this area in the Campground Overlay district but we do not believe this will affect the
37 Planning Boards ability to rule on the application because it is already in the overlay.
38

39 **For projects located in the Campground Overlay District, these are the items the PB should be**
40 **aware of when reviewing the proposal:**

- 41 • It appears that this portion of the lot is located in the A Flood Zone. This could have some
42 implications on where campsites can be placed and will likely trigger review by the DEP.
- 43 • This will require Plenary Site Plan Review and will have to meet the Performance Standards
44 under
 - 45 ○ Buffering
 - 46 ○ Signage
 - 47 ○ Parking and Circulation (most applicable standard)
 - 48 ○ Lighting
 - 49 ○ Space and bulk requirements
 - 50

1 No decisions have to be made on this application tonight. This is a good opportunity for the Planning
2 Board to look at and discuss with the applicant and give them recommendations before they come back
3 with a formal application.

4
5 Bill Thompson, Project Manager Engineer from BH2M gave a presentation.
6 Applicant needs to work on past data and finding how many sites are out there. They will have a network
7 of roads. They have a 100 year flood zone on both sides which they will do an analysis on this and work
8 with FEMA.
9 Recognizing and accepting the 100 year flood line. Bringing the 15' wide roadway network through. Full
10 utilities. 19 full sites will have water and sewer on site and will design extensions to be able to provide
11 that. Will look into stormwater. Sites will be 40' x 60'.

12
13 Chair Linda Mailhot disclosed to the public that she does own a campground in town and BH2M does
14 engineering work for her businesses as well.

15
16 Mark Guimont asked if the road will be a one way circulation.
17 Mr. Thompson stated that it will probably designed that way due to the angle of the sites.

18
19 Mark Guimont also asked if there will be guest parking there as well?
20 Mr. Thompson stated that he thinks these sites lend themselves to 2 parking spaces per campsite.
21 Roadway network will be paved however he believes that the sites will be crushed stone/stone dust.

22
23 Mark Guimont asked if the Fire Department is concerned with density and their ability to get their trucks
24 in and out?

25 Mr. Thompson stated that the Fire Department will be able to review this proposal.

26
27 David Walker asked how many feet from the pond will these sites be.
28 Mr. Thompson stated is approx. 400-500 ft.

29
30 **ITEM 7**

31 **Proposal: Ordinance Amendments: Consideration of zoning ordinance amendments**
32 **associated with contractor businesses in the Rural District**

33 **Action: Discussion; Schedule Public Hearing**

34 **Applicant: Debbie Macdonald**

35 **Location: RD Zoning District**

36
37 Planner Jeffrey Hinderliter gave an overview of this proposal.

38
39 In regards to Debbie Macdonald and her family's property (169 -173 Portland Ave, 3 properties) the town
40 received complaints regarding the operation of excavating, wood and other material processing, and a
41 type of sewage disposal/storage unit business. The complaints allege operation of these businesses is
42 violating OOB ordinances. As part of our attempts to address this we are looking at a few options, one is
43 amending zoning ordinance language to allow these uses to legally exist.

44
45 Other options:

- 46 • Formal Enforcement Action
- 47 • Administrative Consent Agreement
- 48 • Non Action Letter
- 49 • Grandfathered.

1 The question of “Spot Zoning” is something to consider as part of our review. Spot zoning has been
2 defined as the process of singling out a property for a use classification totally different from the
3 surrounding area for the benefit of the property owner to the detriment of other owners. To determine
4 whether a proposed amendment creates a spot zone, the following should be considered:

- 5 • Size of area associated with the amendment. Is it just a small parcel, neighborhood, entire zoning
6 district?
- 7 • Use classification and development of adjacent property
- 8 • Relation of amendment to existing zoning patterns and objectives
- 9 • History of the amendment
- 10 • Benefits or detriments to the owner, adjacent owners, neighborhood, town
- 11 • Is the proposed change pursuant to and consistent with the comp plan

12
13 When deciding if a proposed amendment constitutes spot zoning the PB should apply the comments
14 above to the facts of the specific proposal.

15
16 Staff would like to know if the Planning Board would support them to look into the zoning amendment
17 option. Right now the Code Office has not identified formal code violations or formal enforcement
18 actions taken on these properties.

19
20 Chair Linda Mailhot stated that although she is not a direct abutter to this property, she is very close to
21 this property.
22 She also mentioned that this use seems very close to a couple of other uses in this area.

23
24 Planner Hinderliter stated that there are 3 or 4 uses that are similar in this area.

25
26 Member David Walker asked how this would be fair to the other businesses that are operating in that area.
27 Planner Hinderliter stated that the adoption of performance types of standards address a lot of common
28 abutters concerns associated with these sorts of businesses such as noise, odors, traffic. These standards
29 regulate those sorts of impacts to adjacent properties while still allowing the use to operate.

30
31 Robin Dube asked how some businesses being similar are able to be licensed and this one that is
32 supposedly not in compliance. She feels that this should be looked into further.

33 Planner Hinderliter stated that we are finding that there are other uses that are similar to the McDonalds
34 that are growing that have been established but have not been established legally. So we are looking at a
35 broader picture. Maybe how it was adopted prior just isn't working with how exists today.

36
37 Mark Guimont stated that it seems that a performance standard is perhaps a shorter term solution than to
38 look at the zoning of the area.

39
40 Planner Hinderliter mentioned that the Comprehensive Plan Committee is looking into the zoning in the
41 area but is a couple of years away.

42
43 Harry Center, Attorney hired by Debbie MacDonald introduced himself.
44 He agrees that there are uses around the area that need to be looked at.

45
46 Debbie MacDonald from 169 Portland Avenue introduced herself and gave a brief history.
47 She bought the property from her neighbor. She lived in the house next door. She eventually bought the
48 property and used it as a florist and arts and crafts in 1996. Then she started doing landscaping and
49 solving drainage problems and the business eventually grew. She has 4 employees that work on the

1 excavation end of the business. They do sewer line and water line replacements, drainage and maybe one
2 or two house lots a year. The septic business is 4 years old.

3
4 Chair Linda Mailhot mentioned that the Contractor Storage Yard #2 is already allowed in this area as a
5 Conditional Use. She asked Debbie MacDonald how many commercial motor vehicles she keeps there on
6 a regular basis.

7 Debbie MacDonald stated that she keeps 4 vehicles there. They are in DEP compliance.

8
9 Chair Mailhot stated that it seems to her that how this property is being used is not inconsistent with
10 multiple other uses on that same strip. She suggested looking for a way that this would be agreeable for
11 the area as a whole.

12
13 Mark Guimont asked what they do to control odor.

14 Debbie MacDonald stated that they have a double lined sewage disposal Frack tank that is a self-
15 contained unit. With this new unit there is no vapor smell.

16
17 Robin asked if she had paid business license fees for her additional businesses.

18 Debbie MacDonald stated that she had only gotten a business license for her florist shop and she has
19 treated these other services as an off shoot of her florist and landscaping business over the years.
20 Everything she has is registered, licensed and inspected through the town.

21
22 Chair Mailhot would best like to see how the town feels that they can best move forward in trying to
23 make these similar businesses more amenable.

24
25 Planner Hinderliter suggested using a technique where these certain types of uses are allowed in certain
26 areas because it is grown to be that way. Sort of like the campground overlay district.

27
28 Chair Mailhot suggested that however the Planning staff feels like it would be most appropriate to address
29 the overall issue and report back to the Planning Board.

30
31 **Certificate of Appropriateness**

32 **ITEM 8**

33 **Proposal: Proposed 14' x 20' café building with on-site outdoor seating**

34 **Action: Certificate of Appropriateness Ruling**

35 **Applicant: Brian Macsuga**

36 **Location: 16 Old Orchard St., MBL: 205-5-5, DD1**

37
38 This was already approved by the Design Review Committee.

39
40 **MOTION:**

41 Win Winch made a motion to approve the Certificate of Appropriateness, seconded by Robin Dube.

42
43 Planner Hinderliter mentioned to the new Board Members that the DRC only approves the downtown
44 aesthetics portion of the project. Then the Planning Board approves the DRC's determination.

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

47
48 David Walker - Yes

49 Robin Dube - Yes

50 Win Winch - Yes

51 Marc Guimond - Yes

1 Linda Mailhot – Yes

2

3 **VOTE:**

4 CARRIES (5-0)

5

6

7 **Other Business**

8 **1. Findings of Fact signatures: Waves (additions); Casey Gray (private way); Sandy Meadows**
9 **(subdivision amendment)**

10 **2. Sign Sandy Meadows Mylar**

11

12

13 **Good and Welfare**

14

15 An enforcement letter went out to OMNI from Rod Belanger in the Code Enforcement Office.
16 There are improvements to the dumpster area. The next step will be the signs.

17

18 The Red Brick House plan was brought before the board last month and they are moving forward and it
19 has to be designed according to that plan. They don't have any permits from the code office as of yet.

20

21 **ADJOURNMENT**

22

23 There being no additional business to discuss, the meeting adjourned at 9:04 pm.

24

25 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
26 *Beach, do hereby certify that the foregoing document consisting of Thirteen (13) is a true copy of*
27 *the original minutes of the Planning Board Meeting of February 8, 2018.*

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