

1  
2  
3 **OLD ORCHARD BEACH PLANNING BOARD**  
4 **Public Hearing and Regular Meeting**  
5 **January 11, 2018 7:00 PM**  
6 **Town Council Chambers**  
7

8 CALL MEETING TO ORDER: 7:00 pm  
9

10 PLEDGE OF ALLEGIANCE  
11

12 **Roll Call:** Chair Linda Mailhot, Win Winch, Robin Dube and Mark Koenigs. **Absent:** Mike Fortunato.  
13 **Staff Present:** Planner Jeffrey Hinderliter, Assistant Planner Megan McLaughlin.  
14

15 **Public Hearings**

16 **ITEM 1**

17 **Proposal:** Site Plan Review: Additions and new construction including enclosed stairway,  
18 elevator, lobby, elevated walkway

19 **Owner:** Lafayette Old Orchard, LLC

20 **Location:** 87 West Grand Ave, MBL: 313-5-1, 4, 5  
21

22 Opened the public hearing at 7:02 pm.  
23

24 There being no one speaking for or against this item, the public hearing closed at 7:03 pm.  
25

26 **Approval of Minutes:** 12/7/17, 12/14/17  
27

28 **MOTION:**

29 Motion made by Win Winch, seconded by Robin Dube to approve the meeting minutes for 12/7/2017 and  
30 12/14/2017.  
31

32 *Planner Hinderliter called for the vote:*  
33

34 Robin Dube – Yes

35 Win Winch – Yes

36 Mark Koenigs – Yes

37 Chair Mailhot – Yes  
38

39 **VOTE:**

40 APPROVED (4-0)  
41

42 **Regular Business**

43 **ITEM 2**

44 **Proposal:** Site Plan Review: Additions and new construction including enclosed stairway,  
45 elevator, lobby, elevated walkway

46 **Action:** Discussion; Ruling

47 **Owner:** Lafayette Old Orchard, LLC

48 **Location:** 87 West Grand Ave, MBL: 313-5-1, 4, 5  
49  
50

1 Planner Hinderliter stated that at the December Planning Board meeting the Board determined this was  
2 complete subject to further information for a waiver request justification.  
3

- 4 • 3.m. asks for location, layout and dimensions of all existing and proposed drainage along  
5 with drainage calculations. The revised plans includes all existing and proposed drainage  
6 (proposed appears to be just down spouts) in the areas associated with new development.  
7 Also, the 20 Dec cover letter includes drainage comments. The proposal does not include  
8 drainage calcs. Staff feels that because there is no new impervious surface and changes  
9 are minor (e.g., no new catch basins, topo changes, etc) the plans do not need to show  
10 drainage infrastructure beyond the development area and drainage calcs will not provide  
11 any info that will warrant changes to site design.
- 12 • 3.n. asks for location, specs, height and photometric data of existing and proposed site.  
13 The new submissions appear to show enough info to conform with 3.n., we just request  
14 an explanation of the candela tabulation sheets. Staff expects 3.n. will not require a  
15 waiver.

16 1. More detailed Site Plan Review Criteria responses. The applicant submitted revised responses.  
17 Staff feels these responses are acceptable with the following modifications (can be stated during  
18 the PB's reading of the criteria):

- 19 • (2) Add: This project received Certificate of Appropriateness approval during October  
20 2017.
- 21 • (6) Add: There are no known important cultural resources on or adjacent to this site;  
22 therefore, there will be no impact.

23 2. Amend site plan to show all construction associated with this proposal. The revised site plan  
24 (C1.1) appears to show all proposed construction with the exception of the elevated walkway.  
25 Staff recommends the applicant submit a revised site plan showing the elevated walkway. This  
26 can be a condition.  
27

28 The PB should first rule on the waiver requests. Staff believes 3.m. request can be modified so the waiver  
29 is only applicable for a plan that shows all existing site drainage and drainage calcs. Also, we believe 3.n.  
30 can be removed from the waiver requests or the PB can grant a waiver just for the submission of a  
31 photometric plan. If the PB approves the waivers, the Board can rule on the Site Plan Review Criteria.  
32

### 33 **RECOMMENDATIONS:**

34 If the PB finds they can grant the waiver requests, Staff recommends the PB motion to conditionally  
35 approve Lafayette Old Orchard LLC Site Plan Review Application for additions and new construction  
36 including enclosed stairway, elevator, lobby, elevated deck/walkway on the property located at 87 West  
37 Grand Ave, MBL: 313-5-1, 4, 5 (Waves Hotel). Condition: Submission of site plan showing elevated  
38 walkway.  
39

40 Architect from Lafayette Hotels introduced himself.

41 Lighting doesn't affect any of the seascape or adjoining properties. Engineer agreed that they do not need  
42 to do drainage calcs.  
43

### 44 **WAIVER #1:**

#### 45 **MOTION:**

46 Win Winch made a motion to approve the waiver request for (3k) Location of existing and proposed  
47 utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate  
48 valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells,  
49 seconded by Robin Dube.  
50

1 ***Planner Hinderliter called for the vote:***

2

3 Robin Dube – Yes

4 Win Winch – Yes

5 Mark Koenigs – Yes

6 Chair Mailhot – Yes

7

8 **VOTE:**

9 CARRIES (4-0)

10

11 **WAIVER #2:**

12 **MOTION:**

13 Win Winch made a motion to approve the waiver request for (3l) Specification, layout and quantity of  
14 proposed landscaping plant materials, seconded by Robin Dube.

15

16 ***Planner Hinderliter called for the vote:***

17

18 Robin Dube – Yes

19 Win Winch – Yes

20 Mark Koenigs – Yes

21 Chair Mailhot – Yes

22

23 **VOTE:**

24 CARRIES (4-0)

25

26 **WAIVER #3:**

27 **MOTION:** Win Winch made a motion to approve the waiver request for (3m) Location, layout and  
28 dimensions of all existing and proposed drainage facilities accompanied by detail calculations signed and  
29 sealed by a professional engineer licensed in the state, seconded by Robin Dube.

30

31 ***Planner Hinderliter called for the vote:***

32

33 Robin Dube – Yes

34 Win Winch – Yes

35 Mark Koenigs – Yes

36 Chair Mailhot – Yes

37

38 **VOTE:**

39 CARRIES (4-0)

40

41 **WAIVER #4:**

42 **MOTION:** Win Winch made a motion to approve the waiver request for 3(o) Soil erosion control  
43 planning showing location, quantity and specifications of erosion control devices and strategies to be  
44 implemented to minimize on and off site sedimentation, seconded by Robin Dube.

45

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

47

48 Robin Dube – Yes

49 Win Winch – Yes

50 Mark Koenigs – Yes

51 Chair Mailhot – Yes

1  
2 **VOTE:**  
3 CARRIES (4-0)

4  
5 Chair Mailhot read the Site Plan Review Criteria and Responses for approval:

6  
7 (1) The proposed project conforms to all standards of the zoning district and meets or exceeds  
8 performance standards specified in this article and article VIII of this chapter.

9 **RESPONSE: This is the modification of an existing building. The zoning data is on Sheet C1.1. The**  
10 **existing buildings are conforming to the setbacks and lot coverage.**

11  
12 (2) The proposed project has received all required zoning board of appeals and/or design review permits  
13 as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all  
14 applicable federal and state permits.

15 **RESPONSE: This project does not require a DEP Permit for work on the sand dunes. See email**  
16 **from David Cherry. This project received Certification of Appropriateness approval during**  
17 **October 2017 and Administrative Site Plan Review approval during November 2017.**

18  
19 (3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater  
20 resources.

21 **RESPONSE: This project will have no impact on groundwater resources. The site is paved**  
22 **minimizing the infiltration of water or other items. There are no subsurface disposal systems. This**  
23 **project will not have discharge to the ground.**

24  
25 (4) The project provides adequate stormwater management facilities to produce no additional peak runoff  
26 from the site during a 25-year storm event or any other event so required by the planning board, and will  
27 not have an undue impact on municipal stormwater facilities or downstream properties.

28 **RESPONSE: The impervious coverage stays the same so there are no changes in the stormwater**  
29 **runoff. It drains directly to the Atlantic Ocean, so no downstream properties are effected.**

30  
31 (5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and  
32 pedestrian circulation systems within the community or neighborhood.

33 **RESPONSE: This renovation project will not change the vehicular or pedestrian circulation system**  
34 **in the neighborhood. Although busy in the summer the on-site and off-site traffic will remain safe.**

35  
36 (6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife  
37 habitats, marine resources, important cultural resources or visual quality of the neighborhood,  
38 surrounding environs, or the community.

39 **RESPONSE: This project will improve the visual aesthetic of the building. It will have no impact**  
40 **on the quality of wildlife or marine resources of environs. The site is fully developed and does not**  
41 **habitat suitable critical wildlife.**

42  
43 (7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other  
44 nuisances that will adversely impact the quality of life, character, or the stability of property values of  
45 surrounding parcels.

46 **RESPONSE: this project will not generate dust or debris once completed. It minimizes solar**  
47 **obstructions. No change in the use will occur. The property values of the surrounding properties**  
48 **will not be impacted.**

49  
50 (8) The proposed project will not have a negative fiscal impact on municipal government.

1 **RESPONSE: There should be no change on municipal fiscal budgets. This site provides a place for**  
2 **visitors to stay. It builds the local economy providing for better property values to the community**  
3 **and results in more tax funds to the municipality.**  
4

5 (9) The proposed project will not have an adverse impact upon surrounding property values.  
6 **RESPONSE: This project should enhance the surrounding property values. Studies have shown**  
7 **that upgrading property in a neighborhood raises the overall value of properties in the**  
8 **neighborhood.**  
9

10 **MOTION:**

11 Mark Koenigs made a motion to approve the site plan review for 87 West Grand Avenue, MBL: 313-5-1,  
12 4, 5 as proposed and presented by the applicant with the condition that the site plan C1.1 sheet be revised  
13 to show the elevated walkway and that revised site plan be provided to the town prior to issuance of a  
14 building permit, seconded by Win Winch.  
15

16 *Planner Hinderliter called for the vote:*  
17

18 Robin Dube – Yes  
19 Win Winch – Yes  
20 Mark Koenigs – Yes  
21 Chair Mailhot – Yes  
22

23 **VOTE:**

24 CARRIES (4-0)  
25

26 **ITEM 3**

27 **Proposal: Private Way Application**  
28 **Action: Discussion; Ruling**  
29 **Owner: Casey Gray**  
30 **Location: 54 Portland Ave., MBL: 205-1-37**  
31

32 Assistant Planner Megan McLaughlin stated that there were concerns at the public hearing about the draft  
33 declaration of maintenance on a private way that was submitted.  
34 The applicant and abutter worked out a Maintenance Agreement.  
35 It also required some note changes on the plan.  
36 The applicants attorney requested that the Planning Board not use Right Title and Interest that was  
37 recommended by our town attorney. All agreed.  
38 Staff received the Maintenance Agreement and is recommending the Planning Board approve the private  
39 way with one Condition.  
40

41 **MOTION:**

42 Win Winch made a motion to approve this proposal with the condition that the private Right of Way is  
43 intended to provide access to a maximum of 2 dwelling units, seconded by Robin Dube.  
44

45 *Planner Hinderliter called for the vote:*  
46

47 Robin Dube – Yes  
48 Win Winch – Yes  
49 Mark Koenigs – Yes  
50 Chair Mailhot – Yes  
51

1 **VOTE:**  
2 CARRIES (4-0)

3  
4 **ITEM 4**

5 **Proposal:** Subdivision Amendment: Amend Sandy Meadows Subdivision Plan: revise lot lines  
6 to lots 5-8, 18, 21, 22; revised building locations; revised parking

7 **Action:** Discussion; Ruling

8 **Owner:** Lacosta Development, LLC

9 **Location:** Lacosta Dr., Sandy Meadows, MBL: 105A-1-A

10  
11 Planner Jeffrey Hinderliter stated that there is only minimal changes to the most recent plan. Change to  
12 the ditch line and the size of the culvert.

13 There are two big items:

- 14 • Engineered sidewalk
- 15 • Securing the finance.

16  
17 We now have financing secured, we have the bond and have the engineered plans.

18  
19 The towns Engineer had some final concerns with the engineered plans in regards to the ditch line that  
20 parallels Ross Road and ensuring that the culvert that crosses Ross Road, close to the intersection of  
21 Cascade Road was sized properly wouldn't be interfered with as a result of this construction.

22 Our Engineer also had concerns about a cluster of trees that are close to Ross Road where the sidewalk  
23 will be running by.

24 The Developer would like to save these trees.

25 We are hoping that the construction will take place by the fall of 2018 but before the bond ends which  
26 would be January 11, 2019.

27  
28 Attorney David Ordway spoke on behalf of Lacosta.

29 He suggested that the Planning Board can include a condition of approval on construction that it needs to  
30 be completed before the bond expires.

31 He explained that there is also room for adjustments as conditions warrant.

32  
33 Mark Koenigs stated that it would be a good idea to have the sidewalk go past the mailboxes to intersect  
34 where the pathway is to Dunegrass across Ross Road to the Cascade Road.

35 David Ordway explained that he has been working with this subdivision for some time now and there  
36 were sidewalks and no connectivity.

37 Mark Koenigs is concerned that sidewalks need to be updated, added and extended. In the ordinances it  
38 say that it's incumbent upon the developer to put in a sidewalk with their subdivision on the front of their  
39 property.

40  
41 Mark Koenigs also asked why there are 2 seconded amended plans in the record with basically the same  
42 information but a different layout.

43 Linda Mailhot stated that we could ask for a condition that the approved plan would be stated third  
44 amendment.

45  
46 **MOTION:**

47 Win Winch made a motion to approve this project to amend Sandy Meadows Subdivision Plan: revise lot  
48 lines to lots 5-8, 18, 21, 22; revised building locations; revised parking with 2 conditions.

- 49 • Construction of the sidewalks shall be completed before October 1, 2018.
- 50 • Mylar be updated to say that this is the 3<sup>rd</sup> amendment plan and is dated January 10, 2018.

1 Seconded by Robin Dube.

2

3 ***Planner Hinderliter called for the vote:***

4

5 Robin Dube – Yes

6 Win Winch – Yes

7 Mark Koenigs – Yes

8 Chair Mailhot – No

9

10 **VOTE:**

11 CARRIES (3-1)

12

13 **ITEM 5**

14 **Proposal: Subdivision Amendment: Amend Wild Dunes Way 8 Lots Subdivision Plan to add a**  
15 **9<sup>th</sup> lot**

16 **Action: Discussion; Ruling**

17 **Owner: Dominator Golf LLC**

18 **Location: Wild Dunes Way, MBL: portion of 105A-200**

19

20 Applicant BH2M recommended that this be tabled.

21

22 **MOTION:**

23 Win Winch made a motion to table this item, seconded by Mark Koenigs.

24

25 ***Planner Hinderliter called for the vote:***

26

27 Robin Dube – Yes

28 Win Winch – Yes

29 Mark Koenigs – Yes

30 Chair Mailhot – Yes

31

32 **VOTE:**

33 CARRIES: (4-0)

34

35 **ITEM 6**

36 **Proposal: Subdivision Amendment: Amend Subdivision Plan David Deshaies Ross Road to**  
37 **create 1 lot**

38 **Action: Discussion; Ruling**

39 **Owner: David Deshaies**

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

41

42 The single lot associated with this proposal is part of a 3 lot subdivision approved during 2002. This lot  
43 was created as an estate lot and retained by the original sub divider (Deshaies) but was not developed.

44 The owner is now proposing to divide the estate lot into two lots, each for single-family use.

45 A zoning amendment to remove the ID and change the lots' district so it is entirely within the RD was  
46 proposed and approved during 2017.

47

48 A majority of issues that came up have been addressed during the initial planning of this proposal. One  
49 question that remains is the 200' lot width standard.

50

1 The proposal is well done. One question that should be resolved is lot width. Also, because the creation  
2 of lots is tied to frontage which is associated with the private way proposal, a ruling on the subdivision  
3 amendment should be held at the same time as the private way. Because the private way is under review  
4 and will continue to be after January there is no reason for the PB to take formal action on this proposal  
5 now. Although, if the PB feels the width matter will require ZBA approval before the PB rules on the  
6 amendment the PB should state this.

7  
8 The applicant stated that the immediate intention is to use private wells and septic. Each lot would have  
9 its own well.

10  
11 Planner Hinderliter mentioned that when we get to the end of the review of this proposal, the Planning  
12 Board would need to approve the private way before the sub division approval first because the private  
13 way gives the frontage, which is the key piece.

14  
15 This is a 3 lot subdivision that is being amended to create a 4<sup>th</sup> lot.

16  
17 Planner Hinderliter recommended to the Planning Board that if they think the lot needs 200' of width  
18 throughout, they would need to get ZBA approval.

19  
20 Chair Linda Mailhot assumed that the only way you can have a 40,000 sf lot in the rural zone was to have  
21 public utility. Either public water/sewer.

22 Planner Hinderliter stated that they have the ability to connect to water. He will check to see if they do  
23 indeed need to have public utility vs. just the ability.

24  
25 The applicant stated that the immediate intention is to utilize private wells and septic. Each lot would  
26 have its own well. They also have soil tests done at 2 locations for subsurface disposal for each lot.

27  
28 **MOTION:**

29 Win Winch made a motion to take up item #6 after the Planning Board takes up item #7, Seconded by  
30 Robin Dube.

31  
32 **VOTE:**

33 CARRIES: (4-0)

34  
35 It was decided to wait until the next meeting to get clarification on services for the lots and what the  
36 minimum size could be.

37  
38 **MOTION:**

39 Win Winch made a motion to table Item 6, seconded by Robin Dube.

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

42  
43 Robin Dube – Yes

44 Win Winch – Yes

45 Mark Koenigs – Yes

46 Chair Mailhot – Yes

47  
48 **VOTE:**

49 CARRIES: (4-0)

50  
51 **ITEM 7**



1 **Proposal: Private Way Application**  
2 **Action: Determination of Completion; Schedule Site Walk and Public Hearing**  
3 **Owner: David Deshaies**  
4 **Location: Ross Rd., MBL: 105-2-16**  
5

6 Assistant Planner McLaughlin stated that this proposal is for the establishment of a Private Way to serve  
7 two lots on Ross Road. The property was originally part of a 3-lot subdivision that was approved in 2002.  
8 The Applicant is also proposing an amendment to that subdivision plan to split lot #3 (105-2-16), which is  
9 currently a vacant lot, into two separate lots which are planned to be served by this Private Way.

10  
11 The Private Way is proposed to be a gravel road, 550 feet long, 16 feet wide with a hammerhead  
12 turnaround provided at the end. The dimensions for this were provided by the DPW Director. The Private  
13 Way will consist of underground electric, cable and telephone conduits from the existing utility pole on  
14 Ross Road. Wells are proposed for each of the homes. The nearest hydrant is 1,260 feet away at the  
15 end of Patoine Place. Each dwelling unit will have a septic system.  
16 part of the most recently approved subdivision, Eastern Trail Estates a hydrant will be constructed at the  
17 end of Mary's Way which is ~800 feet away from the Private Way. The Fire Department has indicated  
18 that a typical fire pumper carries 1,000 feet of water supply hose so distances greater than that are  
19 concerning. Unfortunately, public water does not exist on Ross Road and it would cost over \$200,000 to  
20 bring it to this private way to serve two homes which would be cost prohibitive. Should a public water  
21 supply be available in the future on Ross Road, the Applicant has shown a potential connection on the  
22 plan.

23  
24 Staff will leave it up to the Planning Board if they want to make changes to the Declaration of  
25 Maintenance.

26  
27 Planning Staff recommended a condition be added to the Portland Ave Private Way that the Private ROW  
28 is intended to provide access to a maximum of 2 dwelling units. The reason we would recommend that  
29 same condition in this case as well is because the design standards section of the ordinance (78-1414)  
30 says that 3 or more dwelling units served requires subdivision review so it would not hurt to add this as a  
31 condition.

32  
33 The Public Works Director states that he doesn't have any issues with the storm water.

34  
35 Staff spoke with the applicant and received the updated plan and a performance guarantee.

- 36  
37
- Sec. 74-67 of the Ordinance for Performance Guarantees says "Where the subdivision roads  
38 are to remain private
  - ways, the following words shall appear on the linen copy of the final subdivision plan:

39  
40 All roads in this subdivision shall remain private ways to be maintained by the developer or the abutters  
41 (delete 1) and shall not be accepted or maintained by the Town until such roads are brought into  
42 conformance with the Street Design and Construction Standards contained.

43  
44 A couple of items to discuss with the Planning Board:

- Any changes to the Maintenance Agreement.
- Performance Guarantee Standard.

45  
46  
47  
48 Planning Board would like to change the wording:

49 All roads in this subdivision shall remain private ways to maintained by the 2 lot owners served by this  
50 private way.

1  
2 Planning Board members will get the recent plan in February.

3  
4 **MOTION:**

5 Win Winch made a motion to determine this application complete, seconded by Robin Dube.

6  
7 ***Planner Hinderliter called for the vote:***

8  
9 Robin Dube – Yes

10 Win Winch – Yes

11 Mark Koenigs – Yes

12 Chair Mailhot – Yes

13  
14 **VOTE:**

15 CARRIES (4-0)

16  
17 Scheduled sitewalk on February 1, 2018 at 5:30 pm and a Public Hearing at the February Planning Board  
18 meeting.

19  
20 Planning Board went back to Item # 6 at this time.

21  
22 **ITEM 8**

23 **Proposal:** Site Plan Review: Demo existing building and construct new 7,225 sq. ft. retail  
24 building including associated parking, sidewalks and other site improvements

25 **Action:** Discussion and recommendations

26 **Applicant:** Zaremba Group

27 **Location:** 19 Heath St., MBL: 309-9-33, DD2

28  
29  
30 This proposal is for the demolition of the existing building and associated features at 19 Heath Street and  
31 the construction of a 7,225 square-foot retail building with 30 parking spaces. The proposed retail use is a  
32 Dollar General store. This proposal is in a very preliminary stage and proposals in the early stages like  
33 this offer an opportunity for the PB to discuss and provide recommendations to the Applicant on what  
34 direction the project should go.

35  
36 The property is located in the DD2 Zone and requires review by the DRC. A preliminary sketch was  
37 brought before the DRC at their December meeting. At that meeting, the DRC had some  
38 recommendations for the Applicant including building design elements as well as:

- 39
- 40 • Placing a fence around the HVAC unit.
    - 41 ○ Locating the HVAC unit in the center of the roof.
  - 42 • Planting quick growing trees along Fort Hill Ave – they recommended Spruce/Evergreen.
  - 43 • Constructing the building such that it could, in the future, support a second story.

44 There are a few items that Planning Staff would like the PB to consider and these are items that the  
45 Applicant should be prepared to address in their formal submission.

- 46
- 47 1. The previous use of the site was a car repair place. Therefore, there is the potential for  
48 contamination. The Applicant indicated at the DRC meeting that they will be completing testing  
49 at the site but it is unclear as to what extent this testing will cover.
  - 50 2. The backside of the site are four homes along Fort Hill Ave. The elevation change in this

- 1 area is Significant. The homes on Fort Hill Ave will essentially be looking down on the  
2 roof of the proposed  
3 Dollar General. Is the proposed 6' fence an adequate buffer? Should there be a vegetative  
4 buffer instead? A 6' privacy fence is also proposed on the left side of the property  
5 adjacent to the condos on Heath Street. Is this an adequate buffer or should there be a  
6 vegetative buffer in this area as well?
- 7 3. Placement of the HVAC unit on the roof, the DRC recommended locating this in the center of the  
8 roof with a fence around it.
  - 9 4. Currently, the dumpster is proposed to be located in the back of the building adjacent to the homes  
10 along Fort Hill  
11 Ave. Is this an adequate location for the dumpster?
  - 12 5. There have been some conversations between Town Staff and the Applicant regarding  
13 repairing/installing a  
14 sidewalk along Saco Ave and upgrades to that intersection at the corner.
  - 15 6. What type of lighting are they proposing to use in the parking lot/on the building. Will this cause  
16 any issues for the Abutters?
  - 17 7. At the Development Review meeting, Staff discussed different aspects of the project including:  
18 preserving the trees/vegetative buffer along Fort Hill, reducing light pollution (i.e. installing  
19 shoebox lighting that projects down), sidewalk/intersection along Heath and Saco Ave,  
20 stormwater retention.
    - 21 a. *Note: This project is less than an acre, therefore, it does not trigger Chapter 71 of our*  
22 *stormwater ordinance, however, stormwater is included under the 9 site plan review*  
23 *criteria and calculations will be required for the 25-year storm event or any other event*  
24 *required by the Planning Board.*

25  
26 This proposal will have to comply with the Performance Standard items and also the 9 Site Plan Review  
27 Criteria items.

28  
29 Win Winch expressed his concern that they have ample visual trash buffering and is all secure.

30  
31 Matt Casey from the Zaremba Group (developer for this project) introduced himself and presented his  
32 plan.

33  
34 This proposal previously went before the DRC and have made a couple of changes to the plan.  
35 This is a re-development and have done some environmental testing and found that there is petroleum site  
36 contamination located in 2 places. Brought their findings to the State They reviewed their proposal and  
37 are now getting ready to do all of the testing that they are going to require. They will be doing a soil  
38 management plan. There will be a deed restriction that this will be only for commercial purposes.

39  
40 Dumpsters will be located at the rear of the building and will be fully screened in and will be shielded  
41 from the public. They will have a loading area. Proposing new sidewalk along Heath St. and the corner of  
42 Fort Hill St. Also proposing landscaping along Fort Street and in the back. Operate 7 days a week with  
43 typical hours being 8:00 am – 10:00 pm. Lighting will turn off ½ hour after close and ½ before opening.  
44 One point of access in and out. Main delivery comes once a week.

45  
46 This would be a 7500 sf. building.

47 They will be going back to the DRC with changes suggested by the DRC with a new look for the  
48 building. Metal awnings over the windows. Eliminate lights on the rear and side of the building so there  
49 will be no glaring lights. White PVC fully shielded mechanicals on the top of the building. They will be  
50 working with the grades of the building as well,

1  
2 Possibly going with an underground system for stormwater.  
3

4 **ITEM 9**

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

7 **Action:** Determination of Completeness; Schedule Site Walk and Public Hearing

8 **Owner:** Daniel B. Chasse

9 **Location:** 18 Tioga Ave, MBL: 321-26-3  
10

11 This proposal is for the addition of a sunroom and access deck to an existing dwelling located within the  
12 Residential Activity Shoreland Zone. Because the structure at 18 Tioga is within a Shoreland Zone  
13 (Residential Activity) and because the structure is nonconforming (it is within the 100' setback) of the  
14 Highest Annual Tide, expansion requires Planning Board (PB) review as a Conditional Use and  
15 Shoreland Nonconforming Structure Expansion. The applicant is proposing to expand the footprint of the  
16 dwelling by adding a sunroom and deck which will result in a 24% increase of floor area which is less  
17 than the allowable 30%. The Applicant has also applied for a variance through the Zoning Board of  
18 Appeals (ZBA) because of the limitations of the 15' side yard setback. Planning Staff anticipates this  
19 proposal will be before the ZBA at their January meeting.  
20

21 This proposal is slightly different from the other proposals the PB has recently reviewed (129 West  
22 Grand, 10 Tioga, & 15 Tioga) because the existing structure is going to remain with a proposed addition.  
23  
24

25 To rule on this proposal, the Planning Board has a few considerations:

- 26 • This proposal must demonstrate compliance with the 12 Conditional Use Standards (78-1240).  
27 *Responses to each of these have been provided in the application materials submitted for*  
28 *January.*
- 29 • This proposal must also demonstrate compliance with the 8 standard conditions in the Shoreland  
30 Zone (78-34(e)). *Responses to each of these have been provided in the application materials*  
31 *submitted for January.*
- 32 • Because the structure is nonconforming, the existing floor area or volume cannot increase by  
33 more than 30% (78-1181(c)(1)). Floor area is the square footage of all floors, porches and decks.  
34 Volume is the space within a roof and fixed exterior walls. *These calculations have been included*  
35 *in your PB packets for January.*
- 36 • Relocation of the structure away from the “water” (Highest Annual Tide) to the greatest extent  
37 possible (78-1181(c)(2)). Shoreland standards seek to make nonconforming structures as  
38 conforming as possible so one standard requires nonconforming structures to be moved as far  
39 away from the water as possible. *The applicant has indicated in their cover letter dated 12/21/17*  
40 *that “the proposed dwelling will not increase nonconformity by expanding toward the waterbody.*  
41 *The proposed construction will extend away from the setback, conform to the setback standards*  
42 *to the greatest practical extent, meanwhile reduce unnecessary disturbance and erosion toward*  
43 *the resource.”*
- 44 • Typically with Shoreland Zone proposals a plot plan (scaled) showing existing conditions and  
45 proposed changes is submitted. The plan generally includes property boundaries, where the  
46 “water” is located on the property, structure footprint, driveway, vegetation, fences, etc. *This plan*  
47 *has been included in your packets for January.*
- 48 • An Erosion Control and Sedimentation Plan is required for all projects in the Shoreland Zone (78-  
49 1215). Since the footprint of the existing and proposed structure is not changing, this does not  
50 have to be particularly detailed but should list the type of BMPs to be used on the site. *The*

1            *Applicant has not submitted an ESC plan but has indicated in the cover letter that the project will*  
2            *reduce unnecessary disturbance and erosion toward the resource. Staff recommended that more*  
3            *on this be submitted and the Applicant indicated that there will be no excavating needed for the*  
4            *project to be completed and minimal erosion will occur due to a lack of total disturbed area.*  
5            *Note: The PB did not require and ESC plan for the other two reconstruction projects on Tioga,*  
6            *however, this one is a little bit different because they are adding an addition. Planning Staff will*  
7            *leave the decision on requiring an ESC plan up to the PB.*

8            Mike Skolick from Northeast Civil Solutions, here representing the applicant stated that the house was  
9            built in the 1900's (before town zoning) and the house sits over the property line. There was a boundary  
10           line agreement recently done as well as an easement.  
11           This is intended to be a 4 season sunroom. Expanding to one side of the building. They have an updated  
12           plan with calculations.

13  
14            **MOTION:**

15            Win Winch made a motion to determine the application complete, seconded by Mark Koenigs.

16  
17            ***Planner Hinderliter called for the vote:***

18  
19            Robin Dube – Yes  
20            Win Winch – Yes  
21            Mark Koenigs – Yes  
22            Chair Mailhot – Yes

23  
24            **VOTE:**

25            CARRIES (4-0)

26  
27            Chair Mailhot scheduled the site walk on February 1, 2018 at 5:00 pm. and Public Hearing at the  
28            February 8, 2018 Planning Board meeting.

29  
30            **Other Business**

- 31            1. Findings of Fact signatures: 91 Union Ave (ADU); 22 Washington Ave (Appeals from  
32            nonconforming uses); 15 Tioga (Shoreland nonconforming structure replacement); 101 Ross Rd  
33            (single family in ID zones, estate lot)  
34            2. Red brick house update:  
35            Staff has a new plan that had been submitted as a 2 family house and a 2 family is not permissible  
36            in that zone. The developer prepared a new plan that is a single family house. Staff will come  
37            back to let the Board know what kind of brick will be installed on the house.

38  
39            The issues with Red Rocket has been turned over to Code Enforcement to deal with the issues there and  
40            in the process of writing a violation letter.

41  
42            Dunkin Donuts stated that they will possibly open in the spring.

43  
44            Win Winch asked about the landscaping and improvements by the Americana Hotel. Planner Hinderliter  
45            stated that the design showed that the R.O.W. was skewed through 1<sup>st</sup> Ave. to the Western side and runs  
46            through some houses. And the side that is close to the Railroad tracks goes over to the extent that the  
47            R.O.W. is almost to the center of the existing road. This created a different design consideration that  
48            increased the expense of the proposed considerably.

1 **Good and Welfare**

2

3 **ADJOURNMENT at 9:16 pm.**

4

5

6 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*  
7 *Beach, do hereby certify that the foregoing document consisting of Fourteen (14) pages is a true*  
8 *copy of the original minutes of the Planning Board Meeting of January 11, 2018.*

9

10 