

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**OLD ORCHARD BEACH PLANNING BOARD**  
**Public Hearing and Regular Meeting Minutes**  
**July 12, 2018 7:00 PM**  
**Town Council Chambers**

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

**PLEDGE TO THE FLAG**

**ROLL CALL: Present:** Robin Dube, Marc Guimont, David Walker, Vice Chair Win Winch, Chair Linda Mailhot.

**Absent:** Mark Koenigs, Gary Gannon

**Staff Present:** Planner Jeffrey Hinderliter, Associate Planner Megan McLaughlin.

**Public Hearings**

Public hearing opened at 7:01 PM.

**ITEM 1**

**Proposal:** Ordinance Amendments (Medical Marijuana Registered Dispensary): Amend to Ch. 78 – Zoning, Article VI – Districts, Division 7 – Downtown Business Districts, Sec. 78-747 – Permitted Uses, (3) – Conditional Uses

**Applicant:** Thomas Mourmouras

**Location:** Downtown District 2

Peter Mourmouras from 30 Saco Avenue introduced himself. He stated that in 2014 the Planning Board allowed a dispensary to be allowed in the GB-1 Zone. Since 2014 many changes to the Federal State and Local laws have taken place. 4 years later with the information that we now possess a dispensary should also be allowed as a Conditional Use in the DD-2 Zone. At a previous meeting the applicant stated that they were told that the Planning Board went through a process and checked off boxes of where this use should go. The boxes that were checked for GB-1 in 2014 are also checked for DD-2 in 2018 with the added advantage that there are already similar uses in the zone such as Rite Aid. If for some reason the Board has any hesitation at all about adding a Registered Dispensary to this zone, please provide valid reasons related to zoning and land use. The fact that it is allowed in GB-1 is not a reason that it should not be allowed in DD-2 also. He would like to stress that this zoning amendment does not open a store in Old Orchard Beach. This amendment simply adds DD-2 alongside GB-1 as a place that allows for potential application. You will still have 100% control over whether a store opens in Old Orchard Beach as any potential applicant must appear before this board and satisfy all of your requirements. He stated that he makes himself available for any questions that the Board may have.

Tom Mourmouras from 30 Saco Avenue introduced himself. Since the last 4 years, Tom stated that he amassed over 300 Medical Marijuana clients, as one of the most respected Business Consultants in this industry. He has worked with the Vice President of Seaport Credit Union to allow his clients to do legitimate banking. He has also worked with the Director of Maine Revenue Service in the sales tax division to collect taxes on marijuana sales going back to 2013. Their company alone has brought in over 1 million dollars in income and sales tax to the State of Maine, while also helping people in the industry come into compliance and legitimacy. He has spoken at the Maine Town Managers Association’s annual meeting alongside a retired Town Manager from Colorado and the Chief of Police from Falmouth. He was also invited to speak to the Maine’s Legislature Marijuana Committee on Industry Compliance and he remains a resource for both the municipalities of Maine and the State Legislature. It is amazes him to

1 see how far he and the industry has come in the past 4 years. We now know far more about what a  
2 Registered Dispensary looks like and how it operates. He did provide pictures at the last Board meeting.  
3 They are simply asking the Board to add DD-2 to GB-1 as an appropriate zone for this use. He has been a  
4 member of the Comprehensive Plan Committee for 2 years and have identified DD-2 for a perfect zone  
5 for year round boutique commercial expansion. He believes that an upscale registered dispensary would  
6 be an ideal year round anchor store that fits in with the business uses already in the zone such as Rite Aid.  
7 As a final take a way he would like to stress that as a 3<sup>rd</sup> generation resident of this town, as well as one of  
8 the longest tenured year round businesses we feel as though nobody knows or loves Old Orchard Beach  
9 as much as they do. If the Board has any doubts about voting yes, he respectfully ask to be part of the  
10 discussion to address any issues the Board may have. He thanked the Board for their time.

11  
12 OOB Police Chief Dana Kelley Comments (via email):

13  
14 Linda, I am writing concerning the proposed zoning change before the Planning Board that would allow  
15 Medical Marijuana Dispensaries in the DD2 district. As you know, Dispensaries are allowed in the GB2  
16 District that extends from the intersection of E.Emerson Cummings Blvd to the Saco line on the  
17 OceanPark and Old Orchard Rds. A couple of years ago, after much debate and research, the planning  
18 department recommended that Medical Marijuana Dispensaries be allowed in the GB2 District. After  
19 review by the planning board the recommendation was endorsed and as a result of that, Medical  
20 Marijuana Dispensaries are currently allowed in the GB2 District. Since that time, marijuana laws have  
21 been changed but the Dispensary piece has not. A lot of time and effort by town staff went into  
22 considering where Medical Marijuana Dispensaries should be located. Personally, I am not in favor of  
23 Medical Marijuana Dispensaries or Caregivers. I do not oppose Medical Marijuana and have no doubt  
24 that in certain instances it can help patients, but the rules governing medical marijuana Caregivers, in my  
25 opinion, are ludicrous. I have seen many instances of alleged Caregivers who are the last people that  
26 should be dispensing marijuana to anyone. I also am aware of fires that have been caused by unsafe  
27 wiring and grow lights that were not installed properly. We have also experienced home invasions and  
28 burglaries of caregivers homes, one of which resulted in the homeowner (Caregiver) being tied up and all  
29 of his Marijuana stolen. I have no reason to believe that Dispensaries would not suffer the same fate. I am  
30 aware of a couple of arguments that have been made, touting the fact that proposed Medical Marijuana  
31 facilities will have state of the art security systems. Why would that be needed if there wasn't a concerns  
32 about the possibility of burglaries or armed robberies occurring at these facilities? I firmly believe that  
33 Marijuana that is dispensed for medical reasons, should come from a pharmacy and be regulated like all  
34 other medications. I am aware that those who support Medical Marijuana Dispensaries will argue that,  
35 allowing them will legitimize the Medical Marijuana business, however, I would argue that they have the  
36 potential of increasing crime (burglaries etc.). The town has already designated a location where Medical  
37 Marijuana Dispensaries can be located, I see no reason why it should be expanded or changed. Any  
38 questions please feel free to contact me.

39  
40 Chief Dana M. Kelley

41  
42 Public Hearing closed at 7:06 PM.

43  
44 **ITEM 2**

45 **Proposal: Conditional Use (Shoreland Zoning): Nonconforming structure replacement and 30**  
46 **% expansion- demo and construction of 1200 sq. ft. 1-family dwelling**

47 **Owner: Todd and Kathy Whitney**

48 **Location: 68 Colby Ave, MBL: 320-1-1**

49  
50 Applicant Todd Whitney introduced himself to the Board. He attended the site walk last week and wanted  
51 to know if the Board Members had additional questions for him.

1  
2 Public Hearing closed at 7:07 PM.  
3

4 **Approval of Minutes: 6/7/18, 6/14/18**

5 We will only be voting on the 6/7/18 meeting minutes as the 6/14/18 meeting minutes are not finished.  
6

7 **MOTION:**

8 Motion to approve the 6/7/18 meeting minutes by Marc Guimont, seconded by Win Winch.  
9

10 **Planner Jeffrey Hinderliter called for the vote:**

11  
12 Robin Dube - Yes

13 Marc Guimont - Yes

14 David Walker - Yes

15 Vice Chair Win Winch - Yes

16 Chair Linda Mailhot – Yes  
17

18 **VOTE:**

19 PASSES (5-0)  
20

21 **Regular Business**

22  
23 **ITEM 3**

24 **Proposal: Major Subdivision: 10 lot residential subdivision (Red Oak Phase III)**

25 **Action: Discussion; Final Ruling**

26 **Owner: Mark & Claire Bureau**

27 **Location: End of Red Oak Dr.**  
28  
29

30 Associate Planner Megan McLaughlin provided an update to the board. She recapped that this proposal is  
31 for the creation of 9 lots and an extension of Red Oak Drive off of Portland Ave. The PB has been  
32 reviewing this proposal since last year at this time. The PB is required, within 30 days of the Public  
33 Hearing (which was held last month) to approve, modify and approve or disapprove the final plan.  
34

35 Wright Pierce and Staff agree that the remaining items are minor but there are still a number of items that  
36 need to be buttoned up before they feel that the proposal is ready for a ruling. Over the past week, there  
37 have been a number of memos and emails from Wright Pierce and the Applicant. Staff created a summary  
38 documented titled: “*Red Oak Correspondence 7/12/18.*”  
39

40 In that correspondence memo, Staff listed out all of the items that still need to be addressed. Most of them  
41 are associated with the 7/3/18 Wright Pierce memo and are clarification items. For example, updating the  
42 Post-Construction Stormwater Management Plan to include who is responsible for maintenance of the  
43 individual lot BMPs (the Homeowners Association, Lot Owners, etc.). Jason Vafiades (Applicants  
44 Engineer) responded in red to the correspondence memo this morning, each of the items should be taken  
45 care of by the next meeting.  
46

47 If the Planning Board has any other thoughts or comments, Planning Staff suggested letting the Applicant  
48 know at the meeting so that they can make sure everything is ready to go for next month. For example,  
49 Staff brought up the request for street lighting. How does the PB feel about street lighting in the  
50 development? Should it only be required if the streets become public?  
51

1 Planning Staff did not feel as if the project was ready for a final vote at the meeting, they recommend  
2 determining the final plan is incomplete and require the Applicant to address the items listed in the Red  
3 Oak Correspondence Document dated 7/12/18 by the August Planning Board meeting submission  
4 deadline of July 23<sup>rd</sup>, 2018.  
5

6 Jason Vafiades – Atlantic Resource Consultants – Applicants Engineer, introduced himself and discussed  
7 the installation of conduits throughout the development. He indicated that if/when the Homeowners  
8 Association decides they want to have the lights installed the conduits will already be in place. It was  
9 noted that Town Department Heads requested modest street lighting throughout the development for  
10 public safety. The Planner asked the Planning Board how they felt about street lighting in the  
11 Development and if it should only be required if or when it becomes a public street. Mr. Vafiades  
12 indicated that there were 10 places, every 300-400 feet, designated for lights including the existing part of  
13 the subdivision (Phases I & II).  
14

15 The Board reiterated that there were a number of comments presented in the memo from Planning Staff  
16 and Wright Pierce. The Applicant should review these and bring a new submission back addressing the  
17 comments.  
18

19 Chair Mailhot recommended the Applicant request the proposal be tabled so the remaining items can be  
20 addressed. Otherwise, the Board would have to make a vote on what is in front of them and it may be  
21 unfavorable.

22 The Applicant did indeed ask to have the item tabled to the next meeting.  
23

24 Member Robin Dube asked if all of the DEP permits had been secured. Mr. Vafiades said that this project  
25 only requires a Permit by Rule (PBR). He said that through his recent research, the existing road was  
26 actually built earlier than his client originally said. Therefore, it only requires a PBR. These are usually  
27 submitted two weeks prior to construction.  
28

29 **MOTION:** Vice Chair Winch moved to Table this Item until the next meeting and Member David  
30 Walker seconded.  
31

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

33 Robin Dube – Yes

34 Marc Guimont – Yes

35 David Walker – Yes

36 Vice Chair Win Winch – Yes

37 Chair Linda Mailhot - Abstained  
38

39 **VOTE:**

40 PASSES (4-0-1)  
41

42 **ITEM 4**

43 **Proposal:** Ordinance Amendments (Medical Marijuana Registered Dispensary): Amend to  
44 Ch. 78 – Zoning, Article VI – Districts, Division 7 – Downtown Business Districts,  
45 Sec. 78-747 – Permitted Uses, (3) – Conditional Uses

46 **Action:** Discussion; Recommendation to Town Council

47 **Applicant:** Thomas Mourmouras

48 **Location:** Downtown District 2  
49

50 It was noted that the only ordinance change is allowing Medical Marijuana Registered Dispensary  
51 (MMRD) as a Conditional Use in the DD2. Nothing has changed since the June Planning Board meeting

1 in which a map was provided showing the area for discussion. It should be noted that since 2014 the only  
2 change is that the Medical Marijuana Registered Dispensaries to be conditional use. The performance  
3 standards have not changed as to location avoiding schools, church, and residential areas. The definition  
4 of medical marijuana storefronts was provided to the Board. These amendments change/add language to  
5 Chapter 18 (Businesses) and Chapter 78 (Zoning).  
6

7 After consideration and holding a public hearing, the PB voted 4-1 to recommend the Council adopt the  
8 ordinance amendments as written (same language presented to Council). The Board was informed that  
9 MMRD's are defined as "Medical marijuana registered dispensary (land use): A not-for-profit entity  
10 registered pursuant to State law that acquires, possesses, cultivates, manufactures, delivers, transfers,  
11 transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational  
12 materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may  
13 be either a single facility, or it may be divided into two separate but related facilities where growing is  
14 done at only one of the facilities. This shall be considered commercial use." It should be noted that only  
15 one dispensary would be permitted in the Town.  
16

17 Chair Mailhot indicated that she does not believe that a dispensary should be located in any residential  
18 area or near Churches or Schools. She felt that the only place possible would be the industrial area. It  
19 should be noted that DD2 borders several different zoning areas.  
20

21 Member Dube indicated that she feels it should be located where it could be seen such as the main street  
22 which would allow the Police to monitor closely the activity. She also suggested that working with a  
23 Pharmacy would seem more practical. She also asked Thomas Mourmouras why it is so important to  
24 have it here in Old Orchard to which he responded that it has been his desire to make this an acceptable  
25 means of distribution in our community taking it out of the shadows and removing the stigma, making it  
26 visible and acceptable.  
27

28 The Planner reminded the Board that distribution issues are regulated by State agencies who work closely  
29 with our Police Department. The Planner said there are several options including the Council approving  
30 or denying the ordinance amendment; approve the ordinance amendments with changes to the language  
31 which needs to be identified or postponing a vote to continue to work on the amendment language.  
32

33 **MOTION:** David Walker moved to deny amendments to chapter 78 – Zoning, Article VI – Districts,  
34 Division 7 – Downtown Business districts, Section 78-767 – Permitted Uses, (3) – Conditional Uses and  
35 Member Marc Guimont seconded.  
36

37 **Planner Jeffrey Hinderliter called for the vote:**

38 Robin Dube – No

39 Marc Guimont – Yes

40 David Walker – Yes

41 Vice Chair Win Winch – Yes

42 Chair Linda Mailhot - Yes  
43

44 **VOTE:**

45 PASSES (4-1)  
46

47 **ITEM 5**

48 **Proposal:** Conditional Use (Shoreland Zoning): Nonconforming structure replacement and 30  
49 % expansion- demo and construction of 1200 sq. ft. 1-family dwelling

50 **Action:** Discussion; Final Ruling

51 **Owner:** Todd and Kathy Whitney

1 **Location: 68 Colby Ave, MBL: 320-1-1**

2  
3 Jeffrey Hinderliter provided an update to the board. At the June meeting, staff and the PB determined  
4 seven items needed to be addressed by the Applicant prior to the PB making a final ruling. These  
5 included:

- 6 1. Amend the response to Conditional Use standard #12 to show property owner has the ability to  
7 finance the project. – *Letter from RBC Wealth Management was submitted.*
- 8 2. Amend Shoreland Zoning Standard # 3 to include a statement regarding how the home will  
9 provide for adequate disposal of water. – *Staff recommendation: Statement explaining how*  
10 *project will provide adequate disposal of waste water. Applicant states sewer will be*  
11 *reconnected. Staff recommendation: this is a good time to inspect the sewer line to determine its*  
12 *condition, especially if the home owners intend to occupy the home for longer periods of time.*
- 13 3. Amend Shoreland Zoning Standard Response to #8 to explain how the project complies with the  
14 nonconforming structure 30% expansion standard (78-1181) (c) (1) and nonconforming structure  
15 reconstruction or replacement standard (78-1811) (c) (3). –*Explain how the project complies with*  
16 *nonconforming structure 30% expansion and reconstruction or replacement. The applicant*  
17 *provides a more detailed response.*
- 18 4. Provide status of DEP permitting – *The applicant secured DEP permit by rule approval*  
19 *(submitted).*
- 20 5. Provide response to current driveway. *The applicant met with the Public Works Director who saw*  
21 *no problem with the proposal. Also, the revised plan (submitted) provides more detail.*
- 22 6. Provide documentation that shows the ground floor area meets applicable floodplain standards  
23 and is only being elevated for floodplain purposes. This could include elevation certificates or  
24 something official that shows how this building is being designed to comply with floodplain  
25 standards. *The applicant provides more detail concerning floodplain in the revised responses to*  
26 *Shoreland Zoning Standard #7 and 8. Staff recommendation is the elevation certificate shall be*  
27 *completed and provided to the Code and Planning Office upon completion of the home*  
28 *construction.*
- 29 7. Provide a plan that shows a definitive fixed location of the existing and proposed structure to  
30 ensure it does not become more nonconforming as it relates to the waterbody/HAT setback. *A*  
31 *more detailed, larger, clear, scaled plan is submitted. The proposed building will be in the same*  
32 *footprint as the existing building (except for a few locations as noted on the plan). Staff*  
33 *recommendation is to stake the foundation corner before pouring concrete and contact the Code*  
34 *Office to verify the building location.*

35  
36 Mr. Hinderliter stated that the Applicant did a good job conforming to the requirements. There were two  
37 conditions that were recommended to be added to the final vote: Elevation Certificate shall be completed  
38 and provided to the Code and Planning Offices upon completion of home construction; and Applicant or  
39 their representatives shall stake the foundation corners before pouring concrete and contact the Code  
40 Office to verify building location.

41  
42 Chair Linda Mailhot read the Shoreland Zone and Conditional Use Standards into the record.  
43 *Sec. 78-34 Standard conditions in any shore land zone.* No permit shall be issued for any structure or  
44 activity within any shore land zone unless all of the following standard conditions are met:

45  
46 **(1) Will maintain safe and healthful conditions;**

47 *Response:* The demolition and rebuilding will be completed in a safe and healthful manner.

48  
49 **(2) Will not result in water pollution, erosion, or sedimentation to surface waters;**

50 *Response:* With the use of silt fence there will be no pollution, erosion or sedimentation to surface waters.

1  
2 **(3) Will adequately provide for the disposal of all wastewater;**

3 *Response:* During the teardown and construction there will be a port-o-potty on site for the removal of  
4 wastes. The new home will be re-connected to the OOB public sewer and Maine Water just as the old  
5 cottage was connected.  
6

7 **(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife**  
8 **habitat;**

9 *Response:* Every effort will be made to prevent any adverse impact on spawning grounds, fish, aquatic  
10 life, bird, and other wildlife.  
11

12 **(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal**  
13 **waters;**

14 *Response:* Not applicable to this project.  
15

16 **(6) Will protect archaeological and historic resources as designated in the comprehensive plan;**

17 *Response:* There is no issue with archaeological or historic resources impacted by this project.  
18

19 **(7) Will avoid problems associated with floodplain development and use; and**

20 *Response:* This project will follow all floodplain development as dictated. The new home will be elevated  
21 approximately 6 Ft. to meet and exceed new FEMA or future requirements. The surveyor (Dow &  
22 Coulombe) will locate points for new foundation based on the survey completed with existing elevations  
23 in January 2018. An elevation certificate will be done after construction is complete. The new home's  
24 height will not exceed 35 ft. A full scale copy of the existing property has been supplied to PB staff.  
25

26 **(8) Is in conformance with the provisions of all applicable shore land zoning standards in division**  
27 **17 of this chapter.**

28 *Response:* After demolition of the cottage the new, year round 1200 square-foot home will have a  
29 foundation that does not exceed the existing footprint and will not increase by more than 30% in volume.  
30 The home will be elevated approximately 6 feet to meet the new FEMA requirement. The home will not  
31 exceed the 35' height limit. The ground level will not be habitable as frost walls will include flow vents  
32 and slats with spacing will be used where practical on exterior walls. The existing topography will be  
33 restored at completion of construction. The existing rear and front setbacks encroachment will be reduced  
34 by the removal of the existing staircase and front landing.  
35

36 Sec. 78-1240. Before authorizing any conditional use, the planning board shall make written findings  
37 certifying that the proposed use is in compliance with the specific requirements governing individual  
38 conditional use and demonstrating that the proposed use meets the following standards:  
39

40 **1. The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-**  
41 **site or off-site.**

42 *Response:* Both the existing and proposed are single family structures, the new home will add a garage  
43 under for additional parking and will not generate any traffic, nor create any hazards to pedestrians. The  
44 applicant met with the Director of Public Works to review the proposed and existing location of the  
45 proposed pervious driveway and existing crushed stone driveway. Given the location of this corner lot,  
46 the existing lawns with no sidewalks, the Director who was familiar with the project and saw no problem  
47 with the proposal.  
48

49 **2. The proposed use will not create or increase any fire hazard.**

1 *Response:* The proposed structure will not create or increase any fire hazard beyond those associated with  
2 normal residential dwellings. Given the current 1937 cottage state, the proposed structure will reduce the  
3 risk of fire on the property.  
4

5 **3. The proposed use will provide adequate off-street parking and loading areas.**

6 *Response:* The proposed home will have a garage to provide parking and the existing crushed stone  
7 driveway will be reduced to provide the same amount of lawn as existing.  
8

9 **4. The proposed use will not cause water pollution, sedimentation, erosion, or contamination of**  
10 **any water supply.**

11 *Response:* The proposed structure will reduce soil erosion through the implementation of an appropriate  
12 yard. During construction silt fences will be employed to avoid sedimentation and contamination of the  
13 water supply. The proposed home will not result in water pollution, it will be connected to the Public  
14 Sewer System and Maine Water.  
15

16 **5. The proposed use will not create unhealthful conditions because of smoke, dust or other**  
17 **airborne contaminants.**

18 *Response:* The home once completed, will create neither smoke, dust nor other airborne contaminants.  
19

20 **6. The proposed use will not create nuisances to neighboring properties because of odors, fumes,**  
21 **glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light**  
22 **and air to neighboring properties.**

23 *Response:* The proposed home will not create odors, fumes, glare, vibrations, or excessive noise. As a  
24 home, it will not have hours of operation. The final home will have a reduced likelihood of fire as  
25 compared to the current older cottage. The home will neither restrict access to light and or air to  
26 neighboring properties. It will be similar in size and height as existing homes in the immediate  
27 surrounding area.  
28

29 **7. The proposed use will provide adequate waste disposal systems for all solid and liquid wastes**  
30 **generated by the use.**

31 *Response:* The new dwelling will take advantage of the existing solid and liquid waste town services.  
32

33 **8. The proposed use will not adversely affect the value of adjacent properties.**

34 *Response:* New year round home replaces a seasonal cottage of much lesser value. The new home will  
35 improve the value of the neighborhood.  
36

37 **9. The proposed use will be compatible with existing uses in the neighborhood, with respect to**  
38 **the generation of noise and hours of operation.**

39 *Response:* The proposed use will be compatible with the surrounding area, which is residential and the  
40 home is a year round single family home.  
41

42 **10. The applicant's proposal must include any special screening or buffering necessary to visually**  
43 **obstruct the subject property from abutting uses or to ensure the continued enjoyment of**  
44 **abutting uses.**

45 *Response:* No special screening or buffering will be necessary to allow for the continued enjoyment of  
46 abutting properties.  
47

48 **11. The applicant's proposal must adequately provide for drainage through and for preservation**  
49 **of existing topography within its location, particularly in minimizing any cut, fill, or paving**  
50 **intended.**



1 *Response:* During construction, silt fence will be used to preserve the topography of the land. Upon  
2 completion of the home, a lawn will be installed to ensure the continued stability of the land. A pervious  
3 10'x18' driveway will give access to the garage. There are no sidewalks.  
4

5 **12. The applicant must be found to have adequate financial and technical capacity to satisfy the**  
6 **criteria in this section and to develop and thereafter maintain the proposed project or use in**  
7 **accordance with all applicable requirements.**

8 *Response:* Doyle Enterprises is one of the premier builders in the area. There are many examples of  
9 homes they have built in the Ocean Park area. RBC Wealth Management provided a letter on June 8<sup>th</sup>  
10 advising Jeffrey Hinderliter that the applicants have ample funds to complete their project at 68 Colby  
11 Ave.  
12

13 **MOTION:** Member Marc Guimont motioned to conditionally approve the nonconforming structure  
14 replacement and 30% expansion of the 1,200 square foot one-family dwelling located at 68 Colby Avenue  
15 owned by Todd and Kathy Whitney seconded by Member David Walker. The two conditions being:

- 16 1. Elevation certificate shall be completed and provided to the code and planning office upon  
17 completion of home construction.
- 18 2. Applicant or their representative shall stake foundation corners before pouring concrete and  
19 contact the codes office to verify building location.  
20

21 **Planner Jeffrey Hinderliter called for the vote:**

22 Robin Dube – Yes

23 Marc Guimont – Yes

24 David Walker – Yes

25 Vice Chair Win Winch – Yes

26 Chair Linda Mailhot - Yes  
27

28 **VOTE:**

29 PASSES (5-0)  
30

31 **ITEM 6**

32 **Proposal: Site Plan Review Sketch Plan: Campground Expansion – Add 7 RV sites with**  
33 **utilities and construct a 40'x60' maintenance building behind existing site 22.**

34 **Action: Discussion and Recommendations**

35 **Owner: Seacoast RV Resort LLC**

36 **Location: 1 Seacoast Lane, MBL: 102-3-7**  
37

38 Associate Planner Megan McLaughlin provided an update to the board.

39 She began by stating that this is a new proposal before the board that's in the Sketch Plan stage. It's for  
40 the addition of 7 full utility R.V. campsites and a 40x60 maintenance building at the Seacoast RV  
41 campground located off of Ross Road. Where this proposal is in the very preliminary stages, it's a good  
42 opportunity for the PB to discuss and provide recommendations to the Applicant.  
43

44 One of the biggest questions with this is whether or not the parcel (102-3-7) where the expansion is  
45 proposed, is supposed to be located in the campground overlay or not. According to the Towns current  
46 zoning maps, it doesn't appear to be located in the overlay but this was also the case with that Paradise  
47 Park parcel and the last sketch plan the PB looked at for Wild Acres. Planning Staff recommend the  
48 Applicant provide additional information on this parcel to make the argument that it should be included in  
49 the Campground Overlay.  
50

1 In the memo provided to the PB, Planning Staff also went through the Performance Standards the  
2 proposal would have to meet, assuming the property is located in the Campground Overlay. These  
3 standards include buffering, signage, parking and circulation, lighting, emergency vehicular and  
4 pedestrian circulation, and space and bulk requirements.

5  
6 Some of the most applicable standards for this proposal are the buffering, will the 100 foot buffer apply  
7 based on the ordinance language about registered campgrounds? Parking and circulation, the ordinance  
8 says that driveway surface materials should be gravel or crushed stone. Since this includes a stream  
9 crossing the Planning Board should determine if pavement would be more applicable here. Lighting, it  
10 doesn't appear that there are many residential homes nearby, however, the Applicant should provide  
11 footcandle calculations to ensure they are meeting the 0.1 footcandle of illumination threshold.  
12 Emergency and Vehicular access. Does the campground currently have an emergency exit? If so, how  
13 will this section connect? If not, would the addition of 7 sites require an emergency exit? And lastly, how  
14 will stormwater be handled from the additional sites. Currently, they are subject to Chapter 71 of the  
15 ordinance and have an existing stormwater management plan. This amendment may just require some  
16 modifications to that plan.

17  
18 Associate Planner McLaughlin recommended the PB use this opportunity to provide feedback to the  
19 Applicant on the proposal.

20  
21 The Chair removed herself from discussion of this item as she and her husband are the owners.

22  
23 Bill Thompson, Applicant's Engineer with BH2M introduced himself and noted that the proposal is for  
24 the addition of seven full utility R.V. Campsites at the Seacoast RV Resort Campground and a 40x60  
25 maintenance building.

26  
27 Mr. Thompson indicated that he knew the need to address stormwater issues including the culvert. He  
28 indicated they will be applying for the various DEP permits required for the stream crossing. They will  
29 also provide additional information on parcel 102-3-7 to show that it has historically been included as part  
30 of the CGO.

31  
32 No motion was required.

### 33 34 **Certificate of Appropriateness**

#### 35 36 **ITEM 7**

37 **Proposal: Locate a Free-Standing Sign along Old Orchard Street in the Historic Overlay**  
38 **District**

39 **Action: Certificate of Appropriateness Ruling**

40 **Applicant: Old Orchard Beach Community Friendly Connection**

41 **Location: 1 Portland Ave, MBL: 205-2-1, DD1, HO**

42  
43 The OOBFCFC applied to place a sign on Town Property (1 Portland Ave), facing Saco Ave and Old  
44 Orchard Street to assist in promotion of Town Events and activities.

45  
46 There was a lengthy conversation about the need for the ability to provide information to our residents  
47 and visitors. A recent Town Survey provided to residents indicated the need for better communications to  
48 the community in the form of announcements and the presence of vital information using signage.

49  
50 Member Robin Dube asked questions regarding the purpose of the sign and who would be responsible for  
51 maintaining it. It was determined that a Town Staff and Volunteers from the OOBFCFC group would be

1 responsible for the upkeep and timeliness of the signage. She also had concerns about the electricity  
2 supply.

3  
4 Marc Guimont had a question about who controls the sign. He has seen unfortunate instances where the  
5 wrong people had access.

6  
7 Associate Planner McLaughlin said that a Staff Member will likely be responsible for putting messages  
8 on the sign, similar to the sign that is up at the Fire Station.

9  
10 Chair Linda Mailhot stated that just to be clear, the only item the board is voting on is the DRC  
11 Certificate which has already been granted. She agrees with the discussion and recommends that those  
12 comments be presented to the Town Council when they discuss the use of the sign.

13  
14 **MOTION:** Vice Chair Winch moved to grant a Certificate of Appropriateness to locate a free-standing  
15 sign along Old Orchard Street in the Historic Overlay District, Seconded by Robin Dube.

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

18 Robin Dube – Yes

19 Marc Guimont – Yes

20 David Walker – Yes

21 Vice Chair Winch – Yes

22 Chair Linda Mailhot - Yes

23  
24 **Other Business**

25 **1. Findings of Fact signatures: Dollar General (Site Plan Review), Atlantic Park (Subdivision**  
26 **Amendment)**

27  
28 No Discussion. The Planning Board signed the Findings of Facts.

29  
30 **Good and Welfare**

31 Vice Chair Winch mentioned that there is an exemption for municipal signage in Scarborough and asked  
32 if there is an exemption in Old Orchard Beach.

33  
34 Planner Hinderliter said that there are exemptions for some things but not signage unless it is related to  
35 public safety – stop signs, etc.

36  
37 Chair Mailhot asked for an update on the Omni Inn.

38  
39 Planner Hinderliter said that it seems to be in compliance, the lot is striped, signs are up, still need to  
40 check to ensure the curb stops are in place.

41  
42 Chair Mailhot mentioned that there should be a sign between the Convenience Store and the Cabins that  
43 says the parking area is for the Omni Inn residents only.

44  
45 Planner Hinderliter said that they have a “do not enter” sign but he does not remember additional signage.

46  
47 Member Dube said that the signs are facing the wrong direction. People are not supposed to exit onto  
48 Union, it’s enter only.

49  
50 Planner Hinderliter said that he thought the intention of the sign was so that people do not use that area as  
51 a short cut to get around traffic, he will check into that and the residential parking sign.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Chair Mailhot asked if the issue with the brick house had been resolved.

Associate Planner McLaughlin said that they were going to be applying for permits to demo the building and construct the new structure in accordance with the plan the board reviewed. She hasn't heard anything recently. They do have a number of outstanding stormwater documentation that needs to be submitted to the Town for the project.

Vice Chair Winch asked if the Chiefs comments re: Marijuana were going to be included in the minutes for the Public Hearing. He said it should be.

Member Walker asked if this will still go to the Council with a failed recommendation.

Chair Mailhot said it will go to the Council and they can make a decision from there.

**ADJOURNMENT at 9:08PM.**