

1 **Old Orchard Beach Planning Board**  
2 **July 13, 2017 6:00 PM**  
3 **Town Council Chambers**

4 **CALL TO ORDER**

5 **PLEDGE OF ALLEGIANCE**

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7 **Present:** Robin Dube, Win Winch, Ryan Kelly, Vice Chair Weinstein, Chair Mailhot. **Absent:** Mike  
8 Fortunato, Mark Koenigs. **Staff Present:** Planner Jeffrey Hinderliter, Assistant Planner Megan  
9 McLaughlin.

10  
11 Note: Regular member Michael Fortunato is absent, making first alternate Robin Dube a full voting on  
12 this evening's items.

13  
14 **Public Hearing**

15  
16 **ITEM 1:**

17 **Proposal:** Ordinance amendment, amendment to chapter 78 zoning article 3, conformance and  
18 nonconformance; division 2, nonconformity section 78-180 appeals from restriction on  
19 nonconforming uses.

20 **Action:** Later discussion and schedule public hearing (tonight, already done)

21  
22 Public Hearing opened up at 7:01 p.m.

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24 **Cynthia Kerr, from 206 East Grand Avenue:** Public question: Please describe what this proposal means  
25 and what effect it has.

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27 **Town Planner, Jeffery Hinderliter:** This proposal is to remove the appeals from restriction of  
28 nonconforming uses standard. This standard currently allows nonconforming uses (There are  
29 nonconforming uses, lots and structures, this is nonconforming uses) to be resumed, enlarged,  
30 increased, extended, moved, reconstructed, altered or changed to another nonconforming use up to ten  
31 years after its discontinuance. Most other standards are capped at two years, that will remain and the  
32 council recommends removing the ten year standard. When you have a nonconforming use standard  
33 that allows one nonconforming use to be changed to another nonconforming use up to ten years after  
34 its discontinuance it can be dangerous. For example, if there is a convenient store in a residential area,  
35 the property owner has the right to reopen within ten years and could change the building to something  
36 that is not permissible in that area, such as a marijuana dispensary.

37  
38 **Cynthia Kerr, from 206 East Grand Avenue:** Public question: What effect does this have one the Kinney  
39 Ave recent developments and can you tell me why this was brought forward and why?  
40

1 **Town Planner, Jeffery Hinderliter:** The applicant, even if this did affect that, the applicant already has  
2 vested rights for being in the middle of the planning process. If something were to come along as a  
3 different proposal, this changed could affect that.  
4 Staff and The Planning Board brought this to attention, as we are looking at a lot of different ordinance  
5 to see what works and what could be modified. This is a standard that opens up the town to bad  
6 situations, as people are looking into developing different structure and in staff mind this could be  
7 negative.

8  
9 There being no one else speaking for or against this public hearing it closed at 7:12 p.m.

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11 **Regular Business**

12  
13 **Approval of Minutes: April 13<sup>th</sup>, May 4<sup>th</sup>, May 11<sup>th</sup>, June 1<sup>st</sup>, June 8<sup>th</sup>**

14  
15 **MOTION:**

16 Win Winch made a motion to approve all 5 meeting minutes, seconded by Ryan Kelly.

17  
18 **VOTE:**

19 **Unanimous (5-0)**

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21 **ITEM 2:**

22 **Proposal: Ordinance amendment, amendment to chapter 78 zoning article 3, conformance and**  
23 **nonconformance; division 2, nonconformity section 78-180 appeals from restriction on**  
24 **nonconforming uses.**

25  
26 **Chair Mailhot:** The language that we are proposing to be stricken reads as such: Section 78-170 title  
27 appeals from restrictions on nonconforming uses. This is the language that will be stricken, if that is  
28 what we decide tonight as a recommendation to the council. Notwithstanding section 78-177 1 through  
29 3 and 78-179 B through D; a nonconforming use of land or a nonconforming use of a structure may be  
30 enlarged, increased, extended, moved to another portion of the lot or parcel, reconstructed, structurally  
31 altered, resumed after cessation after a period of more than two years but less than ten years or  
32 converted to another nonconforming use on the lot which it occupied on the effective date of this  
33 ordinance from which this chapter derives or amendment pf this chapter, upon the approval of the  
34 Planning Board as conditional use pursuant to article seven of this chapter. The Planning Board may not  
35 approve any such enlargement, increase, extension, movement, construction, alteration, resumption or  
36 conversion unless it finds that the impact and effects of this enlargement, expansion, extension,  
37 resumption or conversion to another nonconforming use on existing uses of the neighborhood will not  
38 be substantially different from or greater than the impact and effect of the nonconforming use before  
39 the proposed enlargement, expansion, resumption or conversion to another nonconforming use. This is  
40 to take out the expansion of the nonconforming use for “up to ten years”.

41

1 **Win Winch:** The simplest thing to do is to remove the “up to ten years” from the language; as Jeffery  
2 said, no other town has ten years, most have two and in Scarborough it’s one year, but with Old Orchard  
3 beach being a seasonal town it is understandable that there would be more time for changes made on  
4 nonconforming uses.

5  
6 **Vice Chair Weinstein:** I would like to see it moved up to five years, because they can’t really do anything  
7 unless they come to the board, but, in Old orchard, people come and go so much, it’s not like a regular  
8 town. I don’t mind getting rid of 78-180 and change all other ordinances to 5 years. Every year there are  
9 new people coming and new ideas, such as marijuana dispensaries. Eliminating 78-180 and changing 177  
10 and 179 to five years, would be stricter than it is now, but allow for more leeway on the better changes  
11 to the town.

12  
13 **Town Planner, Jeffery Hinderliter:** I wouldn’t do that with ordinance language. If you thought that you  
14 would want to consider that, you could include that as your recommendation to the Council. Because it  
15 is ordinance language there is a process for going through the public hearings, we would have to have  
16 the language prepared, reviewed by the PB and set the public hearing; it can get a little dangerous.  
17 What you can do is:

- 18 • You could go with this as is, and then for the next workshop make a different proposal.
- 19 • You could make a recommendation to the Council.
- 20 • You could say that you don’t want this to move forward until you make the added changes and  
21 look at it as a complete package, also going through the same process of public hearings.

22  
23 **Chair Mailhot:** What I would like to do, is to move forward with this item as it appears on our agenda,  
24 but I can ask Jeffery to put it on the next agenda for the 78-177/179 so that we can discuss that.

25  
26 **Vice Chair Weinstein:** [Agreed]

27  
28 Jeffery will make sure that the council understands that there was discussion of changing the language  
29 of 78-177/179.

30  
31 **MOTION:**  
32 Motion by Win Winch to delete 78-180 and consider modifications to 78-177/179; second by Ryan Kelly.

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34 **VOTE:**  
35 **Unanimous (5-0)**

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37 **ITEM 3:**  
38 **Site plan review:** Expansion of existing nonresidential retail building  
39 **Discussion:** Schedule final ruling  
40 **Owner:** Harold H. Harrisburg, Phyllis I. Harrisburg, and Harrisburg Group Gen  
41 **Partnership**

1 **Location:** 9 East Grand Ave, MBL 306-2-6

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3 Town Planner Jeffrey Hinderliter stated that our town attorney was supposed to be at this meeting to  
4 answer some questions, but he was at the workshop and we have his notes.

5

6 **Town Planner, Jeffery Hinderliter:** The purpose of this meeting is to identify all the outstanding items  
7 that the PB needs to conduct a proper review to make sure that you have the information that will help  
8 you make a solid decision. There has been some time since the PB has had this on their agenda; the PB  
9 has either 60 days after an application is determined complete or 30 days after a public hearing, both of  
10 these time periods have expired. I recommend we hold another public hearing for August.

11 The PB still needs information to make a decision, if the PB were to move forward with the information  
12 they have in front of them now; I could not recommend an approval. The information that has been  
13 requested, has been requested since the determination of completeness in some way, a number of  
14 these items have been checked off. It would be helpful to get some sort of assurance that we will get  
15 the information so that abutters can review that. This doesn't affect the applicant's submission or  
16 deadline.

17

18 **Chair Mailhot:** Tonight we need to urge the applicant, that what we are missing, that we need to have it  
19 for next month's meeting so that we can review it and then schedule a public hearing for September.

20

21 **Town Planner, Jeffery Hinderliter:** I would recommend scheduling a public hearing for August. The  
22 information we need is:

- 23 • The site plan, as it does not conform to the site plan standards and requirements; this means  
24 that the PB needs to receive waivers for items that the applicant doesn't believe they need (this  
25 is on pages four thorough seven of your memo).
- 26 • We also need a loading and unloading plan; this has been an issue with public safety, code  
27 enforcement and the abutters. On page three we provided a structure for the applicant to  
28 create a loading and unloading plan and the PB needs that in writing from the applicant.
- 29 • The applicant may feel that the storage/wholesale questions have been resolved but we do not  
30 have our attorney here and that is important to mention.
- 31 • There have been concerns from the abutter about using the property adjacent for construction.  
32 The applicant has addressed this but they need to provide this in writing.
- 33 • Amend the building plans that show the platform that appears to be going over Kinney Ave and  
34 into a public way.

35 We recommend that we table any final decision on this until we have the written waiver request with  
36 justifications, a written loading and unloading plan, written responses to the warehouse/wholesale  
37 storage questions, written response to building construction without use of Richard Apartment's  
38 property, the amended building plans and scheduling a public hearing for August.

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40 **Chair Mailhot:** Has there ever been any consideration to loading and unloading to the first floor as most  
41 people do.

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**Applicant’s Attorney Neal Weinstein:** That cannot be done because of the way the building is designed, the conveyer on that side wouldn’t work with that. The town doesn’t want loading and unloading by the applicant on East Grand. There would be loading and unloading once or twice a month.

The deadline is July 24<sup>th</sup>, the Planning Board needs everything in writing that was mentioned by the Town Planner and that was talked about today to be considered for approval.

**MOTION:**

Motion to table by Win Winch; Second by Robin Dube.

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

Ryan Kelly – Yes

Robin Dube – Yes

Win Winch – Yes

Vice Chair Weinstein – Abstained

Chair Mailhot – Yes

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

Next item taken out of order by request of applicant attorney

**Item 7**

**Proposal: Conditional use home occupation, personal services, psychic readings**

**Action: Determination of completeness, schedule site-walk and public hearing, schedule final ruling**

**Owner: Mary and Greg Desjardins**

**Location: 94 Saco Ave, MBL 206-5-10**

**Town Planner, Jeffery Hinderliter:** Purposed to operate in the enclosed front porch seven days a week by appointment. There are no product sales, just the service. Home occupations are a conditional use and a home occupation must meet home occupation definition, it must meet the twelve conditional use criteria and also the specific home occupation standards. This specific use of home occupation is permissible; even of the true use is not permissible in that district but home occupations have special standards. It cannot operate unless it is a home occupation, because the personal service use is not permissible in the GB-2 and the information, from codes, there is a two family home on that property and adding another use would go beyond the space of the minimum lot size requirement. It is a well put together proposal; there are two questions staff has:

- Owner occupied, what the home occupations standard states that within a two family it needs to be owner occupied so to conduct a home occupation, it needs to be owner occupied, it doesn’t state which unit.
- The proposed sign is twelve square feet, and home occupations allow for two square feet.

As I understand, the owner doesn’t own either part of the two-family home, and the applicant (not Neil) is the tenant. We can still determine that this is complete, do a site walk and public hearing in August.

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**Win Winch:** If it has to be owner occupied and the owner doesn't live there, then this doesn't work.

**Attorney Neil Weinstein:** They have a purchase agreement to buy the house; they don't have a full title, they have a conditional title. Under a single family house, the owner doesn't have to have anything to do with it for a home occupation; it's only for a two-family home.

**Chair Mailhot:** As with the Dunkin Donuts property, they didn't want to move forward with any purchase until they were guaranteed application approval, so I am okay with the conditional title.

The existing sign is twelve square feet, and the home occupation sign requirement is two feet, but twelve square feet is permitted in this district. You could make an argument that the sign is grandfathered. The former use was a real estate, which was permissible and different from home occupation. This is also not a residential district and this property has not been residential for years.

We can determine this application complete contingent upon purchase and sale agreement. Schedule site-walk for the third of August at 5:30 and public hearing for the tenth of August.

**MOTION:**

Motion by Win Winch to determine the application complete condition upon receipt of the sale agreement, second by Ryan Kelly.

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

- Ryan Kelly – Yes
- Robin Dube – Yes
- Win Winch – Yes
- Vice Chair Weinstein – Abstained
- Chair Mailhot – Yes

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

**ITEM 4**

**Proposal:** Major subdivision, 20 lot cluster subdivision for single residential use known as Eastern Trail Estates, Preliminary plan review, determination of completeness, schedule public hearing, schedule final ruling

**Owner:** Steven and Kevin Boulier

**Location:** Ross Rd. MBL 107-1-4 14 and 16

**Town Planner, Jeffery Hinderliter:** This proposal is for a twenty lot cluster subdivision off Ross Road, served by public water, proposed for individual septic systems and natural gas. The second phase of this plan is in Saco. The purpose of this meeting is to determine completeness, which we recommend contingent upon receiving certain material and schedule a public hearing. We held a site walk on this in June. What the PB should consider is a vote on the two waiver requests; it is our recommendation that

1 you have a vote on this tonight. The first is individual septic systems versus common septic. The second  
2 item is access, our ordinances require more than one access point if you have more than 15 lots, this  
3 have 20 lots. Two of these lots have access right onto Ross Rd and the others have access through the  
4 internal roads. The applicant is requesting a waiver, if the planning board is not comfortable with waiver  
5 you can limit the number of developable lots to fourteen, it is fair to limit the number of lots that would  
6 access the subdivision road, not the two that have access to Ross Rd. This limits it to 16 total lots.  
7 The planning board should discuss other items that are in the memo and comments the members may  
8 have. A few specific notes are the department concerns about dead end streets and snow removal.  
9 Is the OOB portion in any way dependent upon the development of the portion in Saco; the access is but  
10 is there anything else?

11 Traffic is a concern, which we could see in the site walk.

12 There is question about the site distance.

13 There was a former junkyard and there were concerns about that area and what impact it will have on  
14 the proposal. We asked Randy McMullen from Department of Environmental Protection who was on  
15 site when they were bringing in fill, and he is willing to walk out there again with us to see the site. He  
16 didn't seem concerned about the area.

17 The fire chief thought that it would be a good opportunity to bring out a fire hydrant onto Ross Rd.

18

19 We recommend that the application be determined complete and that the PB rule on the waiver  
20 request.

21

22 **Bill Thompson, Engineer from BH2M:** We have addressed the requested for the waivers, which are  
23 item one and two of my letter. We have outlined every section of how this project qualifies for a cluster  
24 development. We asked for the waiver for the access roads, other clusters with more lots than fifteen  
25 have been granted waivers. We will be adding two fire hydrants which will help out the neighborhood.  
26 The snow storage is the shoulder of the road, so that's not an issue. All the lots will have septic systems,  
27 so less chance of cross contamination.

28

29 **Robin Dube:** Has any of the water been tested?

30

31 **Bill Thompson:** We've done test pits for all of the septic systems. Most of that site was forested, which  
32 doesn't support a junk yard.

33

34 **Vice Chair Weinstein:** How deep are the test pits? And what type of access to the eastern trail is there

35

36 **Bill Thompson:** About three to four feet for the pits. There would be no restrictions to getting out to the  
37 Eastern Trail.

38

39 **Chair Mailhot:** There is no regulation on a site that was formerly a junkyard to have the groundwater  
40 tested?

41

1 **Town Planner, Jeffery Hinderliter:** The permit that this qualified for was storm water, and part of the  
2 storm water does not get into review of the potential of remediation of potentially hazardous sites. The  
3 type of DEP permit that was applicable does not get involved in the stuff where you would explore for  
4 potential contaminants.

5  
6 **Eric Begin, owner of Easy Street:** How are deeds of rights being given away on my road? Only two  
7 houses have right of way, there are three more that do not have right of ways.

8  
9 **Town Planner, Jeffery Hinderliter:** The PB would need to hear from the applicant on the matter. They  
10 have the burden of proof.

11  
12 **Chair Mailhot:** One concern with the waiver for the second access, if that doesn't happen and there are  
13 twenty lots with one from of egress, which could be dangerous.

14  
15 **Vice Chair Weinstein:** The traffic and visibility is dangerous.

16  
17 **Bill Thompson:** We have done a traffic analysis and we have exceeded both the state and towns site  
18 distance.

19  
20 **Chair Mailhot:** We would need to vote on the waivers separately.

21  
22 **MOTION:**

23 Eber Weinstein made a motion to table waiver request number one until we get more information  
24 about access, our ordinances require more than one access point of you have more than 15 lots, this  
25 have 20 lots. Two of these lots have access right onto Ross Rd and the others have access through the  
26 internal roads, seconded by Win Winch.

27 **VOTE:**

28 Unanimous (5-0)

29  
30 **MOTION:**

31 Eber Weinstein made a motion to allow individual subsurface disposal systems for approved lots,  
32 seconded by Win Winch.

33 **VOTE:**

34 Unanimous (5-0)

35  
36 **Chair Mailhot:** More information is required about the second access and the question about Easy St.  
37 We are under certain deadlines after we determine an application is complete.

38  
39 **MOTION:**

40 Robin Dube made a motion to approve determine of completeness, seconded by Win Winch.

41 **VOTE:**

42 Unanimous (5-0)



1  
2 Schedule public hearing for August 10, 2017.

3  
4 **ITEM 5**

5 **Proposal:** Site plan review, expansion of existing corps and admin building,  
6 parking lot construction, relocation of church street park construction  
7 building demo landscaping site work

8 **Preliminary plan review:** determination of completeness, schedule site walk and public hearing

9 **Owner:** Salvation Army

10 **Location:** 6<sup>th</sup> Street, Union Ave, Church St, Oakland Ave, 15<sup>th</sup> St. MBL 311-6-1 12  
11 and 8 MBL 311-4-1,2,3,4,5

12  
13 **Town Planner, Jeffery Hinderliter:** Salvation Army is proposing a twelve thousand square foot addition,  
14 parking lot expansion, sidewalks, landscaping, and infrastructure. This particular submission is  
15 preliminary plan, there was a detailed sketch plan review in April, this may look similar but there was a  
16 considerable amount of changes for lot mergers and access points. There is a waiver request for more  
17 than one parking lot driveway for the frontage of a single lot. Usually if you have a parking lot and that  
18 parking lot has frontage on a public or private way you can only have one driveway. They were originally  
19 going to separate the lots, but for zoning purposes, merging lots would work much better. Staff supports  
20 this waiver request.

21 The applicant has provided a detailed survey stamped by a Maine license land surveyor, it's been field  
22 verified it just needs to be updated.

23 There are a number of Wright-Pierce comments, such as whether the storm water measurement has  
24 been fully considered that the pre and post development flows have been considered because this is  
25 taxed; the applicant is working with that. Staff is comfortable with this application's determination of  
26 completeness; there are some things that the applicant will need to provide. We recommend granting  
27 the waiver request. We find no issue with submitting the survey, as long as it is on time. We recommend  
28 a site walk for August 3<sup>rd</sup> and a public hearing on August 10<sup>th</sup>.

29  
30 **Applicant Architect Frank Elliot:** If you would recall, in the previous presentations, we had a setback  
31 issue on the side set back; there was a 15 foot setback and the red line on the map ran through the  
32 building because the corner property had a setback rule, and now the Salvation Army has purchased  
33 that property. Property 45 will not be a parking lot; instead it will be a service area for the  
34 neighborhood. In regards to the parking, we had three parking areas but because of the issue of three  
35 drive ways vs two driveways we designed one that uses two driveways and has a road coming around to  
36 Union Ave and that is why we are requesting the waiver. We have two goals for our landscaping plan:  
37 one is that you can see the church as you are driving down Union, and that the building isn't covered.  
38 We have a list of different plants and heights that will need review.

39  
40 The tabernacle will come down because it needs a new roof and the fire marshal has told us on multiple  
41 occasions that he is not happy with the layout and we haven't decided what to do with the land after.  
42 We will not be touching the houses around the tabernacle, although we do own them.

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**Town Planner, Jeffery Hinderliter:** There are some questions on some property that is closer to the pavilion, which isn't a part of this review. A couple of the structures that the Salvation Army hasn't purchased on Oakland Ave have a fifteen foot set back and the building is on that line, which will need to be surveyed. The survey plans have been stamped and field verified, so I don't see any risk for the planning board.

**MOTION:**

Win Winch made a motion on the driveways, second by Robin Dube.

**VOTE:**

Unanimous (5-0)

**Town Planner, Jeffery Hinderliter:** The survey isn't a waiver request, but once it comes time for final vote it could be something you should add a condition to.

**MOTION:**

Win Winch made a motion to determine completeness, seconded by Robin Dube.

**VOTE:**

Unanimous (5-0)

Site walk scheduled for August 3<sup>rd</sup> at 5:00 PM and a public hearing on August 10<sup>th</sup>

**ITEM 6**

- Proposal:** Major subdivision, 8-lot residential subdivision Red Oak phase three
- Action:** Preliminary plan review, determination of completeness, schedule site walk and public hearing, schedule final ruling
- Owner:** Mark and Claire Bureau
- Location:** 141 Portland Ave, MBL 104-2-2

**Assistant Town Planner, Meagan McLaughlin:** This subdivision was brought before the board back in January as a sketch plan; it's for the creation of 8 lots on Red Oak drive off of Portland Ave. As of right now, there are four houses approved as part of a minor subdivision approved in 2004 and 2005. The applicant is proposing a five foot sidewalk, which will be continued from the first two phases, public water and septic systems. Back in January there was a couple discussion points that were brought up, one of them was an issue that occurred with the second phase with DEP violations, that the storm water pond and piping was constructed within 75 feet of the stream. I did speak with Jason Vafiadis and he said that the issue has been resolved, they filed a permit by rule to restore the stream bank, and they planted some trees and additional modifications so that issue has been resolved. There were some questions about the letter of map amendment for the FEMA area and Jason said that the plan is going to move forward so that if the letter goes through FEMA then they can resubmit a revised plan. A couple of things not included in the memo is that we do not have responses to the cluster subdivision standard, you'll notice in the application it leaves out that it will be a cluster subdivision so we will have to get the responses to how it conforms to those standards and they will have to get a waiver request because

1 they are looking at individual septic systems. The post construction, storm water management plan  
2 looks good but there are minor comments that I can work out with the applicant. We are not sure if it is  
3 intended to be accepted by the town, and fire is wondering where the hydrants will be located and we  
4 have a couple comments from Wright-Pierce.

5  
6 **Chair Mailhot:** I would ask the board and applicant to determine if there is conflict for voting on my part  
7 as I am an abutter behind the property in question.

8  
9 **Applicant Jason Vafiadis:** I have no problem with that as well as his client Mark Bureau.

10  
11 **MOTION:**  
12 Eber Weinstein made a motion to allow Chair Linda Mailhot to vote on this issue, Second by Ryan Kelly.

13  
14 **VOTE:**  
15 ***Planner Hinderliter called for the vote:***

16 Ryan Kelly – Yes  
17 Robin Dube – Yes  
18 Win Winch – Yes  
19 Vice Chair Weinstein – Yes  
20 Chair Mailhot – Abstained

21 **VOTE: (4-0-1)**

22  
23 **Applicant Jason Vafiadis:** The cluster wasn't meant to be hidden, and we may switch this back to a  
24 standard subdivision. We used the cluster subdivision because of the letter of map amendment; we  
25 could have been a standard subdivision if not for the mapping. The applicant owns a great portion of  
26 land, and we may extend the subdivision and road.

27  
28 **Chair Linda Mailhot:** Generally, the cluster tradeoff to get the smaller lot sizes is for a large amount of  
29 open space, and when I looked at the open space it looked like it was all the steep, wet stream type of  
30 area that couldn't be used.

31  
32 **Applicant Jason Vafiadis:** On the map it may look like that, but if you see it in person, it is usable. If we  
33 are awarded the letter of map amendment, we will gain land. Until you get to the stream, there are no  
34 wetlands.

35  
36 **Chair Mailhot:** I think it would make sense to table this until you have decided whether to build a cluster  
37 subdivision or a standard subdivision.

38  
39 **MOTION:**  
40 Win Winch made a motion to table without prejudice, second by Robin Dube.

41  
42 **VOTE:**

1 Unanimous (5-0)

2

3 **Other Business**

4

5 **The Red Brick House:**

6

7 **Town Planner, Jeffery Hinderliter:** At the last meeting, this was on the agenda and the Planning Board  
8 wasn't comfortable with what was submitted so we thought it would be best to check with our town  
9 attorney. He stated that there is nothing that the planning board can do, once a project is approved or  
10 denied; Code Enforcement has to regulate it. What the Planning Board can do is to publically state that  
11 you feel the condition is not met and to write to the Code Officer, preferably from the chair.

12

13 Chair Mailhot Plans to write a letter.

14

15 **Vice Chair Weinstein:** We voted at the DRC for the corner of Cleaves St and East Grand, and there was  
16 supposed to be a fence, and there wasn't and they also took down a hundred-year-old Oak tree, also  
17 there has been no planting.

18

19 **Town Planner, Jeffery Hinderliter:** That has been brought up and I will be going out there soon. What  
20 was discussed was a temporary fence before they got the official property line and then they were to  
21 build a fence.

22

23 **Chair Linda Mailhot:** Jeffery, can you give us an update on the 4 Kidds café that we approved of  
24 recently?

25

26 **Town Planner, Jeffery Hinderliter:** If you have driven by the 4 Kidds café, you will see a deck out front,  
27 which was not approved, based on the front property set back and mortgage loan inspection. In the  
28 Code enforcement officer's opinion, the deck met all the requirements and they were given a permit for  
29 the deck based on a discussion. We still feel that it does not meet the setbacks and that it was given  
30 incorrectly. It is also bigger than what was originally proposed.

31

32 Adjourned at 9:47 pm.

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34 *I, Rebekka Joensen, Secretary to the Planning Board of the Town of Old Orchard Beach, do*  
35 *hereby certify that the foregoing document consisting of Twelve (12) pages is a true copy of the*  
36 *original minutes of the Planning Board Meeting of July 13, 2017.*

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