

1 **OLD ORCHARD BEACH PLANNING BOARD**  
2 **Regular Meeting**  
3 **June 13, 2019 6:30 PM**  
4 **Town Council Chambers**

5  
6 **CALL MEETING TO ORDER 6:31 PM**

7  
8 **PLEDGE TO THE FLAG**

9  
10 **ROLL CALL:**

11 David Walker  
12 Robin Dube  
13 Vice Chair Win Winch  
14 Chair Linda Mailhot  
15 Marianne Hubert  
16 Chris Hitchcock

17  
18 **Absent:** Mark Koenigs

19  
20 **Staff Present:**

21 Planner Jeffrey Hinderliter  
22 Assistant Planner Michael Foster

23  
24 Approval of Minutes: 5/2/19, 5/9/19 (the only minutes to approve at tonight's meeting is the 5/2/19  
25 minutes).

26  
27 **MOTION:**

28 Win Winch made a motion to approve the 5/2/2019 meeting minutes, seconded by Robin Dube.

29  
30 **VOTE:** Unanimous

31  
32 David Walker apologized for missing the last Planning Board Workshop however he stated that he has  
33 read all of the materials and he is fully prepared to conduct business tonight.

34  
35 **Regular Business**

36 **ITEM 1**

37 **Proposal:** Minor Subdivision: 2 Duplex (4 residential apartment units)  
38 **Action:** Determination of Completeness; Ruling on Preliminary Plan  
39 **Owner:** Earle Enterprises, LLC  
40 **Location:** 4 Smithwheel Rd, MBL: 210-2-16; Zoning: R4

41  
42 Planner Jeffrey Hinderliter stated that at the last meeting the complete application was pending due to some  
43 of the concerns of the access to the site. At the May Planning Board meeting the Planning Board requested  
44 a traffic report.

45 There are 3 waivers that are directly linked to the traffic study. If the Planning Board approves the waivers  
46 then the project can move forward. There are other concerns that the Planning Board has concerns about.

47 The buffer, interior parking, the overall layouts, stormwater etc.

48 Travis Letellier from N.E. Civil Solutions stated that they have submitted their traffic assessment. The  
49 assessment stated

50 that the placement of the driveway was in conformance with standards and safety concerns. The analysis

1 did point out that Smithwheel Road is posted at 25 mph in this zone and also pointed out the low occurrence  
2 of accidents within this stretch of the road. They did point out a high crash zone at Ocean Ave. It also  
3 pointed out that there is significant site distance that makes it a safe access to the property. Waiver #4 in  
4 the ordinance it does state that they only require 50 ft. of separation between the driveway and a local road.  
5 It requires 100 ft. of separation between a collector or arterial road.  
6 His argument is that an urban road should be a local road because it only serves 4 properties. He believes  
7 that this would not require a waiver.  
8 Chair Mailhot stated that she has concerns with the waiver requests in that she thinks that the percentage of  
9 the first (3) waivers that they are requesting seems quite high.  
10 Has there been greater consideration in using the shared driveway with the existing one story building and  
11 maybe be able to get 2 duplex units. Wright Pierce had a concern about considering fire vehicles and the  
12 auto-turn in the parking in that space. And making sure the stormwater system met the Maine DEP  
13 guidelines.  
14  
15 Win Winch stated that one building with 3 units would be better. He believes that 4 waivers are a lot.  
16 David asked Mr. Letellier if they had resolved the issue with the abutter with the land that was under  
17 dispute.  
18 Mr. Letellier stated that he had not heard anything from the Condo Association about that.  
19 Jim Fisher from N.E. Civil Solution stated that nothing has been specifically resolved but they did have a  
20 conversation with the 3 individuals. They don't want to go forward with anything. Their issue is with  
21 snow storage. Mr. Fisher doesn't think that there will be a problem with this.  
22 In regards to fire vehicles he doesn't see a problem because the site is very flat and very open. In regards  
23 to the building concerns, these 4 residential apartment units they are relatively small buildings and there is  
24 certainly a demand for it.  
25 Robin Dube asked if the driveway will be a one way in and out or do not enter on one side, because she is  
26 concerned with people coming from Ryefield Drive taking shortcuts to try to get out of the trailer park.  
27 Mr. Fisher doesn't think that will happen.  
28 Win Winch stated that 3 units would only require 6 parking spaces and could make the 3 units a little  
29 larger also.  
30 Andrew Earle, Developer he has owned rental properties and he prefers a duplex instead of a tri-plex or  
31 quad-plex is because the type of tenant that he manages is a lot easier.  
32 Mr. Fisher stated that the snow storage will be completely on their property. They will be cutting some  
33 trees to be used for additional snow storage.  
34  
35 Andrew Earle suggested..... moving the driveway.  
36  
37 Planner Hinderlitter stated that the 4<sup>th</sup> waiver is not required.  
38 And waiver #1 would go away with the Andrew Earle suggestion.  
39  
40 Marianne Hubert asked in regards to the Traffic study there have been a lot of accidents between  
41 Smithwheel Road and Ocean Park Road.  
42 Wondering if the applicants had asked D.O.T. about their concerns for putting the driveway closer than  
43 what the recommended standards are.  
44 Mr. Fisher stated that they have not contacted D.O.T.  
45  
46 **MOTION:**  
47 David Walker made a motion to approve Waiver #2 to reduce the offset from intersections from 100 feet  
48 to 60 feet. seconded by Robin Dube.  
49 **VOTE:**  
50 Robin Dube – Yes  
51 Elizabeth Hubert - Yes

1 David Walker - Yes  
2 Win Winch - Yes  
3 Chair Mailhot – No

4  
5 **Carries (4-1)**  
6

7 **MOTION:**

8 David Walker made a motion to approve Waiver #3 to reduce the aisle width for 90 degree parking  
9 spaces from 25 feet to 23 feet, seconded by Win Winch.

10  
11 **VOTE:**

12 Robin Dube – Yes  
13 Elizabeth Hubert - Yes  
14 David Walker - Yes  
15 Win Winch - Yes  
16 Chair Mailhot – No

17  
18 **Carries (4-1)**  
19

20 Win Winch made a motion to Conditionally Determine the Application complete for the construction of 2  
21 duplexes for a total of 4 new residential units at 4 Smithwheel Rd, MBL: 210-2-16; Zoning: R4  
22 contingent upon the submission of buffer and screening of the plan for the traffic study and detailed sheets  
23 response from the Wright Pierce Memo and change the plans be updated to show he re-configuration o  
24 of the updated driveway, seconded by Robin Dube.

25  
26 **VOTE:**

27 Robin Dube – Yes  
28 Elizabeth Hubert - Yes  
29 David Walker - Yes  
30 Win Winch - Yes  
31 Chair Mailhot – Yes

32  
33 **Carries (5-0)**  
34

35 Robin Dube made a motion to conditionally approve the preliminary plan for the construction of two  
36 duplexes for a total of four new residential units at 4 Smithwheel Road, MBL: 210-2-16 in the R4 district  
37 contingent upon the submission of buffer and screening on the plan and details sheet, response to the  
38 4/30/19 Wright Pierce memo, seconded by David Walker.

39  
40 **VOTE:**

41 Robin Dube – Yes  
42 Elizabeth Hubert - Yes  
43 David Walker - Yes  
44 Win Winch - Yes  
45 Chair Mailhot – Yes

46  
47 **Carries (5-0)**  
48

49 **ITEM 2**

50 **Proposal: Major Subdivision and Site Plan Review: 22 lot residential and 32 unit**  
51 **condominium building**

1 **Action:** Discussion and Recommendations  
2 **Owner:** Mark and Claire Bureau, Mark Bureau  
3 **Location:** Red Oak Drive (Phase II); 139 Portland Ave; Zoning: RD

4  
5 Planner Hinderliter suggested that the Board get an early review on this proposal is because it is a large  
6 proposal. There is a multi-family component to this which is not permissible in this zoning district and  
7 will have to be removed.

8 There is also a question about the second access drive, once you go 15 lots or more there is a requirement  
9 for a second access drive. Some information about lot area which can be adjusted as the project moves  
10 forward. A bigger item that still needs to be worked out is Public Sewer connection and whether the  
11 existing pump station on Portland Ave. has the ability to handle the additional flow. Development on lots  
12 due to floodplain, shoreland zoning, general flood plain, if a traffic study is needed, will infrastructure be  
13 public or private, buffer screening etc.

14  
15 Charlie Brown from Atlantic Resource Consultants stated that in regards to the multifamily component  
16 they have split that up and have several condo units now. There is also a couple alternatives as far as the  
17 access road.

18 There is an existing condominium association that Mark Bureau currently has and easement to connect  
19 into the sewer line there. He may have to develop the road to a higher level to provide for fire access. Mr.  
20 Brown will be meeting with the interim Fire Chief. He has 22 lots and wants to split one lot off of the  
21 front.

22 Robin Dube asked if this should be tabled.

23 Planner Hinderliter suggested that the Board may want to get an early look at this and make some  
24 recommendations it would be a good opportunity.

25 David Walker stated that this was already approved for 9 units.

26  
27 Chair Mailhot stated that she would like to see the siting of the grave sites that are on that property and  
28 make sure they are on the plan. Second means of access for anything totally more than 15 lots, would like  
29 to make sure that all of the setbacks on the upcoming plan will be the 75 feet from the upland edge of the  
30 wetland. The minimum lot size is 40,000 sf.

31 Mr. Brown will be communicating with the Phase I neighbors to let them know what they are proposing.  
32 He will also be working with Wright Pierce about the Pump Station.

### 34 **ITEM 3**

35 **Proposal:** Site Plan Review: Building rehab, add two units, one office, site improvements (e.g.,  
36 parking, landscaping)

37 **Action:** Discussion and Recommendations

38 **Owner:** Trahan Apartments – OOB LLC

39 **Location:** 68 East Grand Ave, MBL: 304-6-1; Zoning: DD2, Shoreland GD and RP

40  
41 Assistant Planner Michael Foster updated the project to the Board Members. This is a Site Plan Review  
42 Proposal for mixed use building rehab and addition. The project includes 2 units on 2 new units, one  
43 office, two new floors, interior and exterior renovations, elevator and various site improvements. DD-2  
44 District. There were comments made on the performance standards on driveway dimensions, snow  
45 removal and questions about lot dimensions and layout. Public Works also had some comments and  
46 concerns related to snow. No decisions need to be make at this meeting, however staff recommends that  
47 the Planning Board use the opportunity to discuss this proposal. They are adding 2 additional units  
48 for a total of 6 units. However they don't know the exact use of the unit and the additional office space  
49 that their adding is associated with the operation of the building,

50 Chris Duplanis, Project Manager for Weger Architects here representing the Owner. They currently have a  
51 2 story- 4 unit building and they are proposing 2 story addition consisting of one unit per story to turn this

1 into a 4 story-6 unit building.  
2 It is a mixed use building with an office located on the first level which will be relative to the planning  
3 and the running of the business and the rental of the property. They have met with the Design Review  
4 Committee and are currently applying for a DEP permit.  
5 This building was previously called the Britz Motel.  
6 2 notes that they wanted to address:  
7 Parking. They have taken measures to fulfill the parking requirements. Ms. Trahan purchased some  
8 property from the Railroad Utility. They have increased lot size as much as possible. The existing  
9 footprint of the building will remain the same. They will be slightly increasing the footprint for staircase  
10 in the front of the building only for the stairwell and is a necessity for egress and fire concerns. They are  
11 looking for a variance for parking in the back.  
12 They did an evaluation for traffic coming in and out of the unit and it seems to be adequate.  
13 They will need to address snow removal. This building will consist of 3 year round and 3 seasonal  
14 apartments.  
15  
16

17 **ITEM 4**

18 **Proposal: Subdivision Amendment (Eastern Trail Estates): Adjust shared property line for**  
19 **lots 17 & 18**

20 **Action: Ruling on Amendment**

21 **Owner: Ross Road LLC**

22 **Location: Mary's Way, MBL: 107-1-417 & 418; Zoning RD**  
23

24 Planner Hinderliter stated that this has been before the board a couple of times and there were a number  
25 of items that needed to be completed before staff could offer a positive recommendation for approval.  
26 Planner Hinderliter has met with Kevin Beaulieu and Bill Thompson and all of the items that were  
27 requested were either completed on site or have been submitted to staff. Staff is recommending approval  
28 of this amendment.  
29

30 **MOTION:**

31 Win Winch made a motion to approve this Amendment, seconded by Robin Dube.

32 Robin Dube removed her motion.  
33

34 Chair Mailhot stated that she has no problem moving forward with this, however because this is the 3<sup>rd</sup> or  
35 4<sup>th</sup> request to adjust property boundaries because building haven't been set in the right places she would  
36 like a condition that moving forward that each foundation will be sited and staked by a main licensed land  
37 surveyor or engineer so that we are not coming back to this again.  
38

39 **MOTION:**

40 Win Winch made a motion to approve this Amendment with a condition that moving forward that each  
41 foundation will be sited and staked by a main licensed land surveyor or engineer, seconded by Robin  
42 Dube.  
43

44 **VOTE:**

45 Robin Dube – Yes

46 Elizabeth Hubert - Yes

47 David Walker - Yes

48 Win Winch - Yes

49 Chair Mailhot – Yes  
50

51 **Carries (5-0)**

1  
2 Certificates of Appropriateness

- 3 1. Proposal: Remove 3 built in AC units, make repairs, paint building, replace awnings, replace  
4 main sign and rewrap existing signs. Applicant: Kim Verreault. Location: 11 First Street, 206-32-  
5 2, DD-1  
6 *Chamber of Commerce received DRC Recommendation.*  
7

8 **MOTION:**

9 Win Winch made a motion to approve the Design Review Certificate for 11 First Street, 206-32-2, DD-1,  
10 seconded by David Walker.

11  
12 **VOTE:**

13 Robin Dube – Yes  
14 Elizabeth Hubert - Yes  
15 David Walker - Yes  
16 Win Winch - Yes  
17 Chair Mailhot – Yes  
18

19 **Carries (5-0)**

- 20  
21 2. Proposal: Add two units, an office, and two stories, with exterior stairs, and an elevator to existing  
22 two story 4 unit building. Applicant: J Brud Weger- Agent. Location: 68 E Grand Av, 304-6-1,  
23 DD-2  
24 *Staff expects full approval at the next DRC meeting.*  
25

26 **Sign Findings of Fact**

- 27 • Minor Subdivision: 5 Unit Condo; SJ Peacock Builders  
28 • Conditional Use: Accessory Dwelling Unit; The Village at Pine View Woods, LLC  
29

30 **Other Business**

31 **Good and Welfare**

32  
33 **ADJOURNMENT 7:48 PM.**

34  
35 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*  
36 *Beach, do hereby certify that the foregoing document consisting of Six (6) is a true copy of the*  
37 *original minutes of the Planning Board Meeting of June 14, 2019.*  
38

39   
40