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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearing and Regular Meeting**
5 **June 14, 2018 7:00 PM**
6 **Town Council Chambers**
7
8

9 **CALL MEETING TO ORDER at 7:00 PM.**

10
11 **PLEDGE TO THE FLAG**

12
13 **ROLL CALL:**

14 **Present: Robin Dube, Marc Guimond, David Walker, Gary Gannon, Vice Chair Win Winch,**
15 **Chair Linda Mailhot.**

16 **Absent: Mark Koenigs.**

17 **Staff Present: Planner Jeffrey Hinderliter, Associate Planner Megan McLaughlin.**
18

19 **Public Hearings**

20
21 **ITEM 1**

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

24 **Applicant: Zarembo Group**

25 **Location: 19 Heath St., MBL: 309-9-33**
26

27 **Opened the Public Hearing at 7:01 PM.**

28
29 Matt Casey from the Zeremba Group and applicant for this project introduced himself.
30 They are fine with all of the conditions from Staff.
31

32 Seth Murdock from 11 Fort Hill Road and abutter introduced himself. Mr. Murdock would like to see
33 them put in a fence between this property and his property.
34

35 **Public hearing closed at 7:03 PM.**
36

37 **ITEM 2**

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

39 **Owner: Mark & Claire Bureau**

40 **Location: End of Red Oak Dr.**
41

42 **Opened the Public Hearing at 7:03 PM.**

43 **Public hearing closed at 7:03 PM.**
44

45 **Approval of Minutes: 5/3/18; 5/10/18**

46
47 **MOTION:**

48 Motion to approve the 5/3/18 and 5/10/18 minutes by Win Winch, seconded by Robin Dube.
49

50 **Jeffrey Hinderliter called for the vote:**

1 Robin Dube – Yes
2 Marc Guimond – Yes
3 Gary Gannon – Yes
4 Vice Chair Win Winch Yes
5 Chair Linda Mailhot – Yes
6

7 **VOTE:**
8 CARRIES (5-0)
9

10 **Regular Business**

11 **ITEM 3**

12 **Proposal: Site Plan Review: Demo existing building and construct new 7,225 sq. ft. retail**
13 **building including associated parking, sidewalks and other site improvements**
14 **Action: Discussion; Final Ruling**
15 **Applicant: Zaremba Group**
16 **Location: 19 Heath St., MBL: 309-9-33**
17

18 This item is up for final ruling. There are a few comments from the site walk about the utility poles in the
19 location of the sidewalk as well as some fencing along Fort Hill Avenue. Staff recommends that the board
20 discuss any final review items that they have. Staff has 4 recommended conditions:

- 21 • The Applicant shall continue to work with the Town on the final crosswalk location at the Saco
22 Ave, Heath Street and Fort Hill Ave Intersection.
- 23 • A notification to the Town shall be provided when the Maine DEP issues a No Action Assurance
24 letter for the project.
- 25 • Prior to the start of construction, the Applicant shall work with the Town to establish an escrow
26 account for \$25,800.25 to cover the cost of sidewalk construction on Fort Hill Ave.
- 27 • Prior to the start of construction, the Applicant shall work with the Town to establish a
28 Maintenance Agreement and Easement for construction and maintenance purposes and for public
29 access to the sidewalk.
30

31 Chris Nadeau with Nobis Engineering explained the Storm trap system.

32 The stormwater on the site was designed to be captured in catch basins on the site and then will go into
33 the storm trap system. It holds about 20,000 gallons of storm water. There is control outlet in that system
34 that allows the water to go out slowly so they reduce the amount of run off to the street system.

35 They clean the tank with hatches in the tank which they can place a hose and vacuum it out and will clean
36 the (2) catch basins on a regular basis as well.

37 Mr. Nadeau stated that right now the poles are in the roadway and right on the curb line and have a 5'
38 sidewalk behind it.

39 If they discuss it with Public Works they can move the curb over a couple of feet so it is within the curb
40 line then they can make sure that the sidewalk is a full 5 feet in width.
41

42 Flow rate out of one of the catch basins are 1 cubic ft. per second and has been sized for a 25 year storm.
43 The other is 1 ½ cubic feet per second.
44

45 Marc Guimond asked if the applicant traced the storm water to the final outflow.

46 Mr. Nadeau stated that they did not follow it all the way down to the outlet in the ocean, they look at their
47 own site and make sure they're not increasing the peaks off of their site and what is currently existing.
48

49 Chair Mailhot recommends adding a 5th condition to a proposed motion that a 6 foot chain link fence will
50 be constructed along the property line along Fort Hill.

1
2 **MOTION:**

3 Robin Dube made a motion to approve the Zarembo Group site plan review application to demo an
4 existing building and construct a new 7,225 sf. retail building including associated parking, sidewalks and
5 other site improvements located at 19 Heath Street MBL: 309-9-33 Dollar General with 5 conditions:

- 6 • The Applicant shall continue to work with the Town on the final crosswalk location at the Saco
7 Ave, Heath Street and Fort Hill Ave Intersection.
- 8 • A notification to the Town shall be provided when the Maine DEP issues a No Action Assurance
9 letter for the project.
- 10 • Prior to the start of construction, the Applicant shall work with the Town to establish an escrow
11 account for \$25,800.25 to cover the cost of sidewalk construction on Fort Hill Ave.
- 12 • Prior to the start of construction, the Applicant shall work with the Town to establish a
13 Maintenance Agreement and Easement for construction and maintenance purposes and for public
14 access to the sidewalk.
- 15 • Construct a 6 foot chain link fence along the property line along Fort Hill Avenue as well as the
16 back side and on the side where the condos are located.

17
18 Motion seconded by Win Winch.

19
20 Chair Mailhot read the 9 Site Plan Review Criteria:

21
22 *(1) The proposed project conforms to all standards of the zoning district and meets or exceeds*
23 *performance standards specified in this article and article VIII of this chapter.*

24 **The proposed Dollar General project is in the Downtown District 2 Zone. The primary use of the**
25 **proposed Dollar General (DG) store is retail, therefore this project meets Sec. 78-747 – Permitted Uses**
26 **(1) d. The proposed DG store is to be built on an existing lot. All zoning standards are met by this**
27 **project (see zoning analysis on the site plan sheet C2 for further detail).**

28 **Concerning the criteria in Article VIII the DG site complies with all applicable performance**
29 **standards for this category of development.**

30 **Article VIII, Division 4, Subdivision V (Sec. 78-1541) – This site meets circulation standards of**
31 **subdivision V.**

- 32 • **Sec. 78-1541(a) – The parking lot has been designed to minimize impacts to the natural**
33 **topography of the site. Existing vegetation to the southern end of the lot is being preserved.**
- 34 • **Sec. 78-1441(b) – Parking spaces have been oriented perpendicular to the building. Signage**
35 **has been provided to indicate ramp locations and the building’s main entryway.**
- 36 • **Sec. 78-1541(c) – Lane marking and striping of parking stalls has been provided to adequately**
37 **comply with this section.**
- 38 • **Sec. 78-1541(d) – Pedestrian circulation to the site has been maintained and improved by**
39 **providing improved sidewalks around the perimeter of the site and a connection from the**
40 **sidewalks along the public street frontage to the sidewalk that is connected to the building**
41 **entryway. Two-way drive aisles have been provided in the design to facilitate adequate site**
42 **circulation. Handicapped van accessible parking has been provided with clearly striped aisles**
43 **for access from parking stalls to the front entrance.**
- 44 • **Sec. 78-1541(e) – Two-way drive aisles have been provided in the design which will facilitate**
45 **adequate site circulation. Handicapped van accessible parking has been provided.**

- 1 • **Sec. 78-1541(f) – Curbing has been provided around the perimeter of the parking area.**
2 **Adequate parking stall striping and directional arrows will be installed at the improved site.**
3 **Pedestrian circulation to the site has been maintained and improved by providing improved**
4 **sidewalks around the perimeter of the site and a connection from the sidewalks along the**
5 **public street frontage to the sidewalk that is connected to the building.**
- 6 • **Sec. 78-1542 – Parking stalls have been dimensioned and laid out in accordance with this**
7 **section. See sheet C2 for parking stall dimensions and parking lot layout.**
- 8 • **Sec. 78-1543 – Proposed snow storage locations are now indicated on the site plan sheet C2.**
- 9 • **Sec. 78-1544 (1) and (2) A 6-ft. high fence along the eastern boundary of the site has been**
10 **provided to screen and buffer the site from the adjacent condominium complex to the east.**
11 **Vegetation and trees along the southern end of the site are to remain to screen and buffer the**
12 **adjacent residences. A guardrail and retaining wall are proposed along Fort Hill Avenue**
13 **which will help to screen this side of the lot. Landscaping with trees will provide additional**
14 **buffering.**
- 15 • **Article VIII, Division 4, Subdivision VI (Sec. 78-1565 and 1567) – Provision of adequate**
16 **number of parking spaces and handicapped accessible spaces has been achieved on this site.**
- 17 • **Article VIII, Division 4, Subdivision VII (Sec. 78-1541) – This site meets the requirement for**
18 **off street loading. The loading dock is situated at the back of the building. Backing up of**
19 **trucks from the public street is not required to access the loading dock. The loading dock is**
20 **screened from adjacent lots with a 10-ft. retaining wall around the loading area. Landscaping**
21 **along the west side of the building is also provided for additional screening. A ramp has been**
22 **provided for access to and from the delivery pad. This ramp will be striped to delineate the**
23 **loading ramp area.**
- 24 • **Article VIII, Division 5 (Sec. 78-1623) – Sign permits will be obtained from the town for this**
25 **project.**
- 26 • **Article VIII, Division 5 (Sec. 78-1629) – Proposed signage is to be located outside of the**
27 **sidewalk path of travel, the public right-of-way and over the entryway of the building.**
28 **Proposed signage is typical of other DG stores and complies with this section.**
- 29 • **Article VIII, Division 7. Subdivision III – The general standards of this section are achieved.**
30 **To the extent practical existing vegetation has been preserved. A landscaping plan has been**
31 **included with the original submittal which provides planting locations and a planting schedule**
32 **for a variety of climate appropriate trees and shrubs. Locations are indicated on the**
33 **landscaping plans. Details on planting method for trees and shrubs have been added to the**
34 **plans. Performance assurances are included for landscaping.**
- 35 • **Article VIII, Division 7, Subdivision IV – Adequate screening and buffering have been**
36 **achieved on the proposed site through a combination of fencing and landscaping plantings as**
37 **shown on the landscaping plan. Landscaping and site appurtenances will be maintained in**
38 **accordance with Sec. 78-1826 Maintenance.**
- 39 • **Article VIII, Division 8 – An erosion and sedimentation control plan has been prepared for**
40 **the proposed site construction activities. Disturbed areas will be seeded and mulched**
41 **according to this section following construction activities. 6’ of loam will be provided under**
42 **all seeded areas. Silt fence is shown in the down gradient locations on the sediment and**
43 **erosion control plan. Silt fence is shown turned upslope at the ends of the silt fence line.**
44 **Permanent curbing, catch basins and a stormwater detention chamber will be in place as**

1 permanent facilities to establish and maintain drainage patterns and control runoff during the
2 design storm. The following note has been added to the erosion control plan: “All disturbed
3 ground shall be temporarily or permanently stabilized within one week from the time it was
4 last actively worked. Permanent stabilization shall occur within nine months of the initial date
5 of exposure.” Additionally, all drainage ways will be vegetated and designed to handle the 25-
6 year storm event.

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

10 This project received Design Review approval on March 5, 2018. The site disturbance is less than 1-
11 acre, so a State of Maine Stormwater Permit is not required.

12 *(3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater*
13 *resources.*

14 This project will not adversely affect the quality of surficial or groundwater resources. The project
15 has been designed to limit post-development peak runoff to the pre-development peak runoff during
16 the 25-year design storm as per Section 78-216(d)(2). Therefore, surficial runoff will be maintained or
17 improved from the pre-developed site. Groundwater resources will not be altered by this project. The
18 stormwater detention chamber is proposed to be wrapped in a watertight membrane to separate
19 surficial drainage from groundwater. Groundwater contamination has been reported to be
20 preexisting on the site. The proposed retail store will not contribute to groundwater contamination
21 and if anything will be a vast improvement over prior commercial activity on the site which may have
22 caused the preexisting and previously observed soil contamination.

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

27 The project has been designed to limit post-development peak runoff to the pre-development peak
28 runoff during the 25-year design storm as per Section 78-216(d)(2). The pre-existing site runoff has
29 historically been routed through the MS4 system. The proposed site proposes to maintain or lessen the
30 peak runoff to the MS4.

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 The proposed site will not have an adverse on-site or off-site impact upon existing pedestrian and
34 vehicle traffic. A single, consolidated driveway access is proposed to accommodate two-way traffic.
35 This will facilitate retail customer traffic flow as well as allow for truck deliveries while maintaining
36 adequate traffic flow to the site. Improved sidewalks along all public street frontages have been
37 proposed. A connection between the public sidewalk and the store entryway and parking area has
38 been proposed. These measures will help to encourage pedestrian circulation around the site.

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

42 No critical wildlife habitats or important cultural resources are known to exist at the site. The project
43 is not located in a shoreland protection area. The site improvements have been designed to minimize
44 environmental impacts and to provide adequate stormwater controls and environmental controls. The
45 existing structure is being replaced with a modern facility which is more visually appealing than the

1 current former auto shop. The proposed building is smaller than the prototypical Dollar General
2 store (7,500 versus 9,100 square feet), this reducing overall impervious area and impact to the site.

3 Landscaping will be installed with this project to provide an aesthetic quality to the site. Screening
4 and buffering is being achieved through provision of fencing, landscaping improvements and
5 preservation of existing vegetation.

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

9 The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other
10 nuisances that will adversely impact the quality of life, character, or the stability of property values of
11 surrounding parcels. The proposed DG building is being designed within the maximum height
12 restrictions for the DD2 Zone, therefore no solar obstruction will be caused. Loading and offloading
13 activities have been placed along the side and back of the building and are surrounded by a retaining
14 wall. Loading and deliveries will be conducted during normal business hours. Noise caused by truck
15 loading and offloading will be buffered by the 10' high retaining wall. Modern rooftop HVAC
16 equipment will be used at the new facility and surrounded by screening to minimize any noise or
17 visual impact.

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

19 This project will not have a negative fiscal impact on the municipal government. The Town will
20 benefit from the taxes paid on the improved property and through the associated utility charges.

21 (9) *The proposed project will not have an adverse impact upon surrounding property values.*

22 The proposed project is an improvement over the existing abandoned, and environmentally
23 contaminated site. A modern building with landscaping and improved drainage and pedestrian
24 features will positively impact the surrounding community and alleviate potential blight concerns
25 with the existing structure not currently in use.

26 **Jeffrey Hinderliter called for the vote:**

27
28 Robin Dube – Yes
29 Marc Guimond – Yes
30 Gary Gannon – Yes
31 Vice Chair Win Winch Yes
32 Chair Linda Mailhot – Yes
33

34 **VOTE:**
35 CARRIES (5-0)
36

37 **ITEM 4**

38 **Proposal:** Major Subdivision: 10 lot residential subdivision (Red Oak Phase III)
39 **Action:** Discussion; Final Ruling
40 **Owner:** Mark & Claire Bureau
41 **Location:** End of Red Oak Dr.
42

43 Last month the Planning Board made a determination of completeness, held a site walk and scheduled the
44 public hearing.

45 In the most recent submission, the applicant responded to staff comments as well as the Wright Pierce
46 memo. There are very minor comments left by Wright Pierce. Planning staff recommended 2 different

1 plans 1.) Showing the building envelope for lot #1 before and one showing the building envelope after the
2 potential letter of map amendment that they get to adjust the location of the flood plain.
3 The deed and the land area with lot #7 was discussed at the last meeting. Staff consulted with the Town
4 Attorney and he provided an opinion which states that because the applicant has presented a boundary
5 survey that is signed and stamped by a professional land surveyor, as well as a title opinion from their
6 attorney both stating that the applicant owns the land in question. He recommended that the Planning
7 Board add a condition to the plan to address this.
8 Staff will put a comprehensive list presented at the next meeting.
9 A comment from Staff about the street lighting. Would like to see modest street lighting throughout the
10 project.
11 The applicant is working on addressing the final minor punch list items. Staff recommends making a
12 ruling on the
13 Preliminary Plan and schedule the Final Plan for next month.

14
15 Marc Guimond asked about having a condition on street lighting if it is to become a public way. And if
16 street lighting is put in it would be to a CMP standard.
17 Megan McLaughlin stated that we have part of the comprehensive list for recommended conditions.
18 There was one discussed about if the applicant petitions to get this road accepted we need documentation
19 on the first 750 ft. of roadway, we could also include that they need to install street lighting as a condition
20 as well.

21
22 Jason Vafiadis from Atlantic Resources Consultants for Claire and Mark Bureau stated that he may
23 recommend that they could run an extra line of conduit for that service.

24
25 **MOTION:**

26 Robin Dube made a motion to approve the Preliminary Plan for the 10 lot Residential Subdivision (Red
27 Oak Phase III) located at end of Red Oak Drive, seconded by Win Winch.

28
29 **Jeffrey Hinderliter called for the vote:**

30
31 Robin Dube – Yes
32 Marc Guimond – Yes
33 Gary Gannon – Yes
34 Vice Chair Win Winch Yes
35 David Walker - Yes
36 Chair Linda Mailhot recused herself from the vote.

37
38 **VOTE:**

39 CARRIES (5-0)

40
41 **ITEM 5**

42 **Proposal: Subdivision/Site Plan Amendment: Amend Atlantic Park Condominium to allow**
43 **construction of 21 new units, sidewalks, parking, access ways, landscaping, and**
44 **other misc. improvements.**

45 **Action: Discussion; Final Ruling**

46 **Owner: KAP Atlantic, LLC**

47 **Location: 11 Smithwheel Rd., MBL: 210-1-7**

48
49 This is an amendment to an approved plan. Jeffrey Hinderliter suggested adding a condition to state that
50 the applicant shall work with the Town Of Old Orchard Beach Planning Staff and their consulting
51 engineer to come up with solutions to the outstanding issues to the satisfaction of Planning Staff.

1
2 There a couple of significant items in the Wright Pierce memo:

- 3 • The evaluation of final paving in areas where existing paving exists however this can be done on
- 4 site.
- 5 • Confirmation of existing infrastructure locations completed before construction begins.
- 6 • Increase in post development flows at the Goosefare Brook and the Reserve Ave. study area.
- 7 BH2M states that through their work it is insignificant but they still need to request a waiver
- 8 through Maine DEP for that.
- 9

10 Staff feels comfortable recommending Conditional Approval with the first condition being that the

11 applicant secure all applicable Maine DEP approvals before construction begins. The second condition

12 that the applicant address the items identified in the Wright Pierce memo dated 06/11/2018 to the

13 satisfaction of Planning Staff.

14

15 Bill Thompson, Project Manager from BH2M Engineers stated that the applicant has met with the Condo

16 Association has acknowledged that they do have funds for other maintenance on site.

17 They will check with Wright Pierce and make sure that they have everything that they need and what they

18 may be missing.

19 There was a cost estimate done on the Performance Guarantee and will look at what might need to be

20 increased. DEP ruled the application complete on May 25, 2018.

21 Fire Department has reviewed everything and will add Reserve Avenue details of the interconnection with

22 a break away gate and will get details what the Fire Chief would like to see there.

23 Mr. Thompson will put a construction schedule together prior to pre-construction.

24 There is a 4' high chain link fence around the pond.

25 The utilities are in place for almost all of this site and all of these utilities will be reviewed by Maine

26 Water. They do have a water main extension to tie in.

27 Construction updates to the Atlantic Park Condo Association.

28 They are hoping to start construction this fall.

29 Robin Dube mentioned that she would like to see other areas that need repairing such as paving,

30 sidewalks done at the same time.

31 Jeffrey Hinderliter stated that issues/concerns that previous phases of this development have been worked

32 out.

33

34 **MOTION:**

35 Marc Guimond made a motion to conditionally approve the Atlantic Park Condominium Subdivision

36 Amendment to allow construction of 21 new units, sidewalks, parking access ways, landscaping,

37 infrastructure, and other misc. improvements located at 11 Smithwheel Rd., MBL: 210-1-7, owner KAP

38 Atlantic, LLC.

39 Condition: Maine Department of Environmental Protection permit approval shall be secured before

40 construction begins and that the applicant address the items in the Wright Pierce memo regarding the

41 proposal dated June 11, 2018 and that the memo be attached to this motion, seconded by Robin Dube.

42

43 Win Winch was concerned with post construction damage that may need to be repaired. Jeffrey

44 Hinderliter stated that we do have some protection with the Performance Guarantee.

45

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

47

48 Robin Dube – Yes

49 Marc Guimond – Yes

50 Gary Gannon – Yes

51 Vice Chair Win Winch Yes

1 Chair Linda Mailhot – Yes

2
3 **VOTE:**

4 CARRIES (5-0)

5
6 **ITEM 6**

7 **Proposal: Ordinance Amendments: Amend 78-747 (3) to allow Medical Marijuana Registered**
8 **Dispensary as a Conditional Use in the Downtown District 2**

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

10 **Applicant: Thomas Mourmouras**

11 **Location: Downtown District 2**

12
13 What is important in this proposal is not for adult use marijuana, this is for Medical Marijuana purposes.
14 The Medical Marijuana Registered Dispensary is currently a permissible use. In 2015 the Town adopted
15 Medical Marijuana Ordinance Standards and identified the Medical Marijuana Registered Dispensary as
16 an allowed use. Right now the only District in town that this is allowed is the GB-1 District.

17 This proposal is to allow a Medical Marijuana Registered Dispensary in addition to the GB-1, also make
18 it allowed as a Conditional Use in the DD-2 District. The Medical Marijuana Registered Dispensary has
19 Performance Standards. You would need both State and Town approval which includes both Conditional
20 Use and Licensing through the Council.

21 Jeffrey Hinderliter talked a bit about the difference between a Registered Dispensary and a Medical
22 Marijuana Storefront.

23 Dispensaries are much more regulated than storefronts. Dispensaries are only limited to 8 Statewide.
24 Dispensaries have a selection process which is administered by the State. Dispensaries also have State
25 Criteria that they must meet and the Town also has clear legal authority to regulate Medical Marijuana
26 Registered Dispensaries. Dispensaries can sell to other caregivers and can be regulated and they have
27 much more regulation than a storefront. There are no limits to Storefronts.

- 28
29
- MMRD's are only allowed in the GB1 district.
 - Only 1MMRD is allowed in town.
 - MMRD review process includes state authorization, PB review as a conditional use, business license. PB review process includes abutter notice, site walks and public hearings.
 - MMRD applicants must secure state authorization before submission of conditional use application.
 - MMRD proposals must meet applicable performance standards including: no closer than 500 ft. to a property which occupies a day care, school, town park, town playground, church; security plan; outside appearance standards; odor regulations
- 30
31
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38

39 Applicant Tom Mourmouras, resident of 30 Saco Avenue introduced himself to the Board Members. He
40 is here to propose an ordinance amendment to Chapter 78 Zoning that would allow Medical Marijuana
41 Registered Dispensaries in the DD-2 District as a Conditional Use. Currently this is only allowed in the
42 GB-1 District at this time. He is here to explain why the DD-2 District would be more appropriate.
43 The elementary and middle school borders the GB-1 District to the East. On the Western end of GB-1
44 before the spur we are seeing and hearing the backlash from concerned residents about the adverse traffic
45 effects that the new Dunkin Donuts has brought to that area. They feel that DD-2 is an extension of where
46 they want to see more businesses coming to this area and making it into a more commercial zone and also
47 bringing some diverse and unique businesses to this area. They feel that the registered dispensary is very
48 similar to the Rite Aid Pharmacy. Coastal Convenience and MacDonald's garage sells beer, wine, tobacco
49 and lottery tickets. A common thread between all of these stores is that they are all Commercial Land
50 Uses that dispense state regulated products to qualifying individuals. A Medical Marijuana Registered

1 Dispensary is another Commercial Land Use that dispenses state regulated products to qualifying patients
2 in a secure facility. They believe that the land use that's currently in DD-2, Rite Aid Pharmacy is
3 extremely similar to a proposed Registered Dispensary.
4 He expressed that this is only a zoning change to allow for it to be in that use.
5 Currently there are only 8 registered dispensaries licensed by the State at this time.
6

7 Chair Mailhot asked if there is a limit to the number of patients that a dispensary can serve.
8 A registered dispensary has an unlimited number of patients. However it is limited with plant count and it
9 has to be grown at an off-site location. For the caregivers and dispensaries you are only allowed 5 plants
10 per patient.

11
12 Win Winch asked if they could produce a picture of a Storefront vs. Dispensary.
13 Mr. Mourmouras will follow up with that for the public hearing meeting next month.
14

15 David Walker asked what is the real reason for this proposal.
16 Mr. Mourmouras stated that they feel that they have analyzed all of the land uses that are currently in Old
17 Orchard Beach where they feel that one of these land uses would be appropriate.
18

19 Robin Dube feels that this shouldn't be near any schools.
20 Chair Mailhot stated that there are State regulations on how close a dispensary can be to schools.
21 The distance is 500 ft.
22

23 A Public Hearing is set for July 12, 2018.
24

25 **ITEM 7**

26 **Proposal:** Conditional Use (Shoreland Zoning): Nonconforming structure replacement and 30
27 % expansion- demo and construction of 1200 sq. ft. 1-family dwelling
28 **Action:** Determination of Completeness; Schedule Site Walk and Public Hearing
29 **Owner:** Todd and Kathy Whitney
30 **Location:** 68 Colby Ave, MBL: 320-1-1
31

32 With this proposal they are looking to comply with standards that they don't have to comply with. The
33 standards are the flood plain ordinance. They would still need to come to the Planning Board in order to
34 do an expansion. They are looking to elevate the structure to comply with future flood plain
35 regulations. However does the elevation of the structure (the area on the first floor) actually count towards
36 30% area and volume calculations.

37 It comes down to making sure that the ground floor area is truly being elevated for flood plain purposes
38 and that the area will not be finished or used for recreation or habitable purposes.
39

40 The Planning Board can make a determination of completeness but if they do that it would be conditioned
41 upon 7 items.

42 The question is does the Planning Board feel that they need more information on the flood plain before
43 they determine that this is complete?

44 Staff is comfortable with this moving forward.
45

46 Todd Whitney introduced himself to the Board Members. He stated that he and his wife used that cottage
47 as a summer residence for the last 15 years. He had answered all 7 of the questions and he was at DEP
48 and went through the completeness of his application. He delivered both to the DEP and Town Planner a
49 full scale survey that shows the elevation for the existing and will also get a survey after they raise it
50 which will be approximately 6' from the existing height. The existing elevation is 11.7'

51 They will be moving an existing staircase to give them a longer setback. The footprint will be no greater

1 than what it is right now. The existing footprint will be utilized.
2

3 Diane Doyle, builder introduced herself. She stated that in 2013 FEMA decided that the flood elevation
4 in Ocean Park currently is 9'. The elevation that people have to build to meet the flood elevation in towns
5 is not sufficient anymore because at high tide people's homes are being damaged. FEMA decided that
6 they need to lift these flood elevations to 14' or 15' but it hasn't been done yet because a lot of towns are
7 protesting the height they are asking the towns to lift that elevation to. The banks are not giving
8 mortgages to houses that are not being built to what FEMA is projecting what is going to happen.
9 She stated that we will be seeing a lot more of these issues. When FEMA flood laws are put into place
10 there will be a lot of people who live in Ocean Park and Old Orchard Beach that will be required to lift
11 their homes to the new FEMA flood elevations.

12 So when they lift their home elevation to 14' they will be expanding their basement more than 3' which is
13 what kicks in to saying that that lift has to be added into the 30% expansion. So there is no way that they
14 can lift their house to the FEMA height with the current rules that are in place without having to come to
15 the Board have them allow the expansion. They are saying that in order to lift the house you have to add
16 more steps to it, and those steps in most cases will increase your non conformity.
17

18 She suggested for the town to consider changing their rules because if FEMA is making people lift their
19 homes they should not have to come to the Planning Board to ask if they can add the stairs that they need
20 to add in order to meet what FEMA is asking them to do.

21 The Board needs to be aware that these changes are coming and that changes need to be made to the
22 towns rules so that they will not be bogged down with the people who will be coming to the Planning
23 Board to ask to add more stairs.
24

25 **MOTION:**

26 Win Winch made a motion to determine this application is complete, seconded by Robin Dube.
27

28 **Jeffrey Hinderliter called for the vote:**
29

30 Robin Dube – Yes

31 Marc Guimond – Yes

32 Gary Gannon – Yes

33 Vice Chair Win Winch Yes

34 Chair Linda Mailhot – Yes
35

36 **VOTE:**

37 CARRIES (5-0)
38

39 Scheduled a Site Walk for July 5, 2018 at 5:30 PM. and a Public Hearing for July 12, 2018.
40

41 **Other Business**
42

43 Chair Mailhot congratulated Associate Planner Megan McLaughlin for all of her hard work with the
44 Museum in the Streets Project. Megan was also nominated for Town Employee of the Year at the
45 Chamber of Commerce event.
46

47 **Good and Welfare**
48

49 **ADJOURNMENT AT 8:46 PM.**
50

1 I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard
2 Beach, do hereby certify that the foregoing document consisting of Twelve (12) is a true copy of
3 the original minutes of the Planning Board Meeting of June 14, 2018.
4

5 
6
7
8