

1 **OLD ORCHARD BEACH PLANNING BOARD SITE WALKS AND WORKSHOP**

2 **June 1, 2017 5:15 and 5:45 PM (Site Walk, On-Site)**

3 **June 1, 2017 6:00 PM (Workshop, Town Council Chambers)**

4
5 **Present:** Win Winch, Mark Koenigs, Chair Linda Mailhot, Robin Dube, Ryan Kelly and Mike Fortunato.

6 **Absent:** Eber Weinstein. **Staff Present:** Planner Jeffrey Hinderliter, Assistant Planner Megan McLaughlin.

7
8 **Workshop called to order at 6:00 pm.**

9
10 **Site Walk (5:15PM, On-Site)**

11 **Proposal: Major Subdivision: 20 lot cluster subdivision for single-family residential use (Eastern**
12 **Trail Estates)**

13 **Owner: Ross Road LLC**

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

15
16 Once Ross Rd was paved, people began driving very fast. There are people who walk their dogs and ride
17 bikes, with no shoulder, this is very dangerous. The site distance is every ten feet per mile an hour.
18 There has to be a DEP Permit to go through with this proposal. There is visible trash and glass all over
19 the lot, as seen in the site walk. There are things that will have to be checked on at the site, as it was a
20 junk yard where people would throw trash and appliances.

21
22 **Site Walk (5:45 PM, On-Site)**

23 **Proposal: Conditional Use: Establish a Cafè (Bakery) within an existing building**

24 **Owner: 4 Kidds LLC**

25 **Location: 64 Saco Ave., MBL: 206-10-7**

26
27 There are two new documents in the packet, the cover letter and the plan. The pan is simple, in the new
28 plan, the deck has been removed and there is a fence before the dumpster. This item is ready for
29 approval without conditions.

30
31 **PUBLIC HEARINGS:**

32 **ITEM 1**

33 **Proposal: Conditional Use: Establish a Cafè (Bakery) within an existing building**

34 **Owner: 4 Kidds LLC**

35 **Location: 64 Saco Ave., MBL: 206-10-7**

36
37 **ITEM 2**

38 **Proposal: Zoning Map Amendment: Change Zoning District from Industrial District to Rural**
39 **District for lot identified as MBL 105-2-16**

40 **Owner: David Deshaies**

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

1 Letters were sent out about this change, more detailed than usual, as it is a zoning change. There was a
2 response back from people next to the location, who were not happy about the change, as it may be
3 that there will be construction near where they live in the future.

4
5 **Regular Business***

6 **ITEM 3**

7 **Proposal:** Conditional Use: Establish a Café (Bakery) within an existing building
8 **Action:** Discussion; Final Ruling
9 **Owner:** 4 Kidds LLC
10 **Location:** 64 Saco Ave., MBL: 206-10-7

11
12 **ITEM 4**

13 **Proposal:** Zoning Map Amendment: Change Zoning District from Industrial District to Rural
14 District for lot identified as MBL 105-2-16
15 **Action:** Discussion; Recommendation to Council
16 **Owner:** David Deshaies
17 **Location:** Ross Rd., MBL: 105-2-16

18
19 **ITEM 5**

20 **Proposal:** Ordinance Amendment: Amendment to Chapter 78—Zoning, Article III—
21 Conformance and Nonconformance, Division 2—Nonconformities, section 78-180—
22 Appeals from restrictions on nonconforming uses.
23 **Action:** Discussion; Schedule Public Hearing

24
25 There will be a public hearing scheduled in July, all ordinance amendments in the past have had a public
26 hearing and it will be posted for people to come.

27
28 **ITEM 6**

29 **Proposal:** Approved 31-lot Cluster Subdivision for Single-Family Homes
30 **Action:** Condition compliance discussion and action concerning red brick home
31 **Owner:** The Village at Pond View Woods LLC
32 **Location:** 206 Portland Ave., MBL: 103-1-432

33
34 The brick building may fall down soon, and is too close to the road. We don't know yet whether it would
35 be okay to build a replica. We approved this in March 2015, the subdivision included the red brick home
36 on lot 32, the house is not included on the historic registry but we want to preserve it, as it is an important
37 structure in the town. There have been a couple options to try to preserve the structure; one is to gift it to
38 the town, which didn't work. Ultimately the planning board decided to protect it by adding a condition
39 and note on the subdivision plan. After meeting with the property owners, we agreed that the best way to
40 move forward was to get a design professional to analyze the structure and determine if we could keep the
41 structure or how it could be replicated. After not receiving a plan, we reported it to codes, who then
42 initiated an enforcement action to demolish the building, that was held off, as the planning board has
43 conditions. Meagan, assistant town planner, has been in communication with the owners asking for a
44 plan, but they never deliver—because nothing has moved forward, and the owners are not delivering on
45 their promises and we cannot get a plan, we put it on the agenda. We recommend that we review what we

1 receive, discuss the submissions mentioned in Daren’s emails, and what we think about that condition and
2 their compliance with that condition. Discussion should also include the planning boards thoughts on the
3 intent and application of the condition, and is the owner actually violating the condition.
4

5 **Certificate of Appropriateness**

6 **ITEM 1**

7 **Proposal: Parking lot buffer**
8 **Action: Certificate of appropriateness ruling**
9 **Owner: Daphne & Dennis Rioux**
10 **Location: 4 Cleave St., MBL: 305-5-6, DD2**
11

12 The owners tried using the lawn as a parking lot, but now they want to pave it and make it look better—
13 because they are making it a formal parking lot, they have to have a buffer and they are proposing a
14 fence. The parking lot is only for the owners and their customers, and they will be using landscaping and
15 making sure it looks good.
16

17 **ITEM 2**

18 **Proposal: Amend Slyders proposal to allow 4’x4’ building with 2 signs**
19 **Action: Certificate of appropriateness ruling**
20 **Owner: Old Orchard Beach Associates, Applicant Archie Miller**
21 **Location: 16 Old Orchard St., MBL 205-5-5, DD1**
22

23 The person, who has signed this as the property owner on the application, is the person leasing this
24 property and the owner, George says that he is not authorizing this.
25

26 **Other Business**

27
28 In the packets, there is a summary of a lot of different information and some excerpts from ordinances in
29 Biddeford, Scarborough and Arundel—Arundel’s ordinances look a lot like Old Orchard’s.
30 Scarborough’s expiation is based on performance guarantees on bonds as opposed to a time line. We, in
31 Old Orchard, have, under our current language, nothing for expiration dates under conditional uses, we
32 have expiration on site plans, on subdivisions we have a tough expiration. The clear expiration we have is
33 the recording of a subdivision plan, which is ninety days.
34

35 Because Old Orchard has no expiration date on subdivisions, places such as Dirigo Woods can be
36 approved but then sit there with no progress.
37

38 For next month, we should find a solution for the Cherry Hill pump station.
39

40 **Good and Welfare**

41
42 **ADJOURNMENT**
43
44

1 *I, Rebekka Joensen, Secretary to the Planning Board of the Town of Old Orchard Beach, do*
2 *hereby certify that the foregoing document consisting of Four (4) pages is a true copy of the*
3 *original minutes of the Planning Board Meeting of June 1, 2017*

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