

1 **OLD ORCHARD BEACH PLANNING BOARD**  
2 **Public Hearings and Regular Meeting**  
3 **June 8, 2017 7:00 PM**  
4 **Town Council Chambers**

5  
6 **CALL TO ORDER (7:00 PM)**  
7

8 **ROLL CALL:** Robin Dube, Win Winch, Mike Fortunato, Vice Chair Eber Weinstein, Chair Linda Mailhot.  
9 **Absent:** Ryan Kelly and Mark Koenigs. **Staff:** Planner Jeffrey Hinderliter and Assistant Planner Megan  
10 McLaughlin.  
11

12 **PLEDGE OF ALLEGIANCE**  
13

14 **PUBLIC HEARINGS:**  
15

16 **ITEM 1:**

17 **Proposal:** Conditional use, establish café in an existing building  
18 **Owner:** 4 Kidds LLC  
19 **Location:** 64 Saco Avenue, MBL: 206-10-7  
20

21 The public hearing opened to the public at 7:02 pm.  
22 There being no one speaking for or against the proposal, the public hearing closed at 7:02 pm.  
23

24 **ITEM 2:**

25 **Proposal:** Zoning map amendment, change from industrial to rural, MBL: 105-2-16  
26 **Owner:** David Deschaise  
27 **Location:** Ross Rd. MBL: 105-2-16  
28

29 The public hearing opened to the public at 7:03 pm.  
30 There being no one speaking for or against the proposal, the public hearing closed at 7:03 pm.  
31

32 **REGULAR BUSINESS:**  
33

34 Approval of minutes: 04/06, 04/13, 05/04, 05/11  
35

36 There were only one set of Planning Board Meeting Minutes that could be approved.  
37

38 **MOTION**

39 Win Winch made a motion to approve the workshop minutes for 04-06-2017, seconded by Robin Dube.  
40  
41

1 **VOTE**

2 Planner Hinderliter called for the vote:

3

4 Robin Dube – Yes

5 Win Winch – Yes

6 Mike Fortunato – Yes

7 Vice Chair Weinstein – Yes

8 Chair Mailhot – Yes

9

10 **PASSES (5-0)**

11

12 **ITEM 3:**

13 **Proposal: Conditional use, establish café in an existing building**

14 **Action: Discussion with final ruling**

15 **Owner: 4 Kidds LLC**

16 **Location: 64 Saco Avenue, MBL: 206-10-7**

17

18 There was a site walk last Thursday at the workshop, all were in attendance. There were two  
19 outstanding issues which we wanted to see changed:

20 1. The fencing added to the plan

21 2. Removal of the originally proposed deck, which has been removed from the plan

22 Two more items that were discussed:

23 1. A revision to review criteria number ten to include language associated with screening and  
24 buffering, which the applicant has done

25 2. There was a comment about the time of deliveries, concern with times before 7am brought  
26 up by the planning board committee.

27 The fence will be done within the week, applicant was waiting for approval.

28

29 **MOTION**

30 Robin Dube made a motion to accept this proposal with the condition that there will be no deliveries  
31 before 7:00 am., seconded by Win Winch.

32

33 **VOTE**

34 Planner Hinderliter called for the vote:

35

36 Robin Dube – Yes

37 Win Winch – Yes

38 Mike Fortunato – Yes

39 Vice Chair Weinstein – Yes

40 Chair Mailhot - Yes

41

1 **PASSES (5-0)**

2

3 **ITEM 4:**

4 **Proposal: Zoning map amendment, change from industrial to rural, MBL: 105-2-16**

5 **Action: Discussion with recommendation to council**

6 **Owner: David Deschaise**

7 **Location: Ross Rd. MBL: 105-2-16**

8

9 Introduction: Currently a vacant lot that is zoned both industrial and rural; and they would like to make  
10 it all rural. This would be more favorable for residential development. The current comprehensive plan  
11 would favor this being a residential zone, and the new future land use plan is consistent with this zoning  
12 change. The planning board needs to provide a recommendation to the council and they will make the  
13 decision.

14

15 There were some email communications with people adjacent to the property. They were concerned  
16 with what type of development would happen on the lot in the future, believed to be a form of  
17 residential use. There would be about two units max for this lot. There isn't much other than residential  
18 areas there anyway, and it makes sense to change the zoning from industrial to rural.

19

20 **MOTION**

21 Win Winch made a motion to forward this to the Town Council for a formal recommendation to change  
22 the zoning district from to rural, seconded by Mike Fortunato.

23

24 **VOTE**

25 Planner Hinderliter called for the vote:

26

27 Robin Dube – Yes

28 Win Winch – Yes

29 Mike Fortunato – Yes

30 Vice Chair Weinstein – Yes

31 Chair Mailhot – Yes

32

33 **PASSES (5-0)**

34

35 **ITEM 5:**

36 **Proposal: Ordinance amendment to chapter 78 zoning, article 3, conformance and**  
37 **nonconformance, division 2-nonconformity section 78-180 restriction on**  
38 **nonconforming uses**

39 **Action: Discussion, schedule public hearing**

40

1 Summary: We are considering a standard called appeals on restrictions on nonconforming uses, which  
2 allows a nonconforming use to be enlarged, increased, extended, moved, reconstructed, resumed,  
3 converted to another use up to ten years after the nonconforming use ceases. Two year standard cap is  
4 normal; a ten year standard has allowed good projects, such as Summer Winds, and has also allowed for  
5 some not so good projects. We have been lucky, as a municipality that nothing bad has come from this.  
6 This proposes a potential danger to the town as it becomes more popular and more development  
7 happens. The converted to another nonconforming use is a very dangerous standard because it could be  
8 converted to any single use that exists; for example, if you bought an area next to a convenient store, in  
9 a residential space, and the convenient store goes out of business, the new owner could convert that  
10 into an adult business or warehouse. This standard permits nonconforming use and the planning board  
11 has to interpret the use.

12  
13 The planning board recommends the deletion of this standard, which wouldn't delete someone's ability  
14 to use a nonconforming use, because they would have the two year time, we are deleting the ten year  
15 cap.

16 Public hearing scheduled Thursday, July 13<sup>th</sup>.

17

18 **ITEM 6:**

19 **Proposal: Approve 31 lot cluster subdivision for single family homes**

20 **Action: Condition compliance discussion and action concerning red brick house**

21 **Owner: The Village at Pond View Woods LLC**

22 **Location: 206 Portland Avenue, MBL: 103-1-432**

23

24 This is before the board to discuss the condition compliance. It was associated with a subdivision off of  
25 Portland Ave, approved two years ago, and was called Orchard Estates. There is history tied to the red  
26 brick house, and what happened there was a concern, so there was a condition by the planning board to  
27 the approval of Orchard estates; which states: a note shall be added to the plan to ensure the historic  
28 style of the house is preserved. The note states that lot 32 developer and or future owner of the existing  
29 house shall maintain existing exterior features to preserve the historic style of the home.

30

31 The developers have agreed to prepare a plan by design professional that would analyze the home in  
32 regards to its preservation or replacement and provide recommendations regarding the conditions.

33 The planning board needs to decide if this submission is in accordance with the note on the plan.

34

35 The intent of this item, for the preservation of the historic look, was to preserve how the building looks  
36 and its history. The goal was for them to be able to redo the interior, without changing the exterior. The  
37 building may be too far gone, and removing certain parts, but keeping it as a cap with brick façade could  
38 work. The condition, unfortunately, is very loose and only calls for the style of the home to be  
39 maintained. If we take a strict interpretation of the condition, the plan proposed by the owners is  
40 terrible and doesn't account for the condition. It is not up to standard and the applicant not being in  
41 attendance is saddening.

1  
2 We are not willing to accept this design, therefore we may need to contact legal. We would like to hear  
3 from them in two weeks to provide direction before the next meeting, to be dealt with immediately. The  
4 planning board could instruct code enforcement to not give any permits until the conditions are met.  
5 Already, codes has been instructed to not give permits until the escrow has been done. Codes walked  
6 thorough and called it a dangerous building, and wanted it removed, but we would like to see the  
7 history maintained.

8

9 **CERTIFICATE OF APPROPRIATENESS**

10

11 **ITEM 1:**

12 **Proposal:       Parking lot buffer**  
13 **Action:         Certificate of appropriateness ruling**  
14 **Owner:         Daphne and Dennis Rue**  
15 **Location:       4 Cleaves St, MBL: 305-5-6 DD2**

16

17 This just came up before the DRC, who approved this. There are a couple of conditions attached to the  
18 proposal; one of the reasons for the fourth condition is because it appears as though the owners have  
19 more land than they originally thought. They checked the deeds and the assessor says they have this  
20 land that is now sidewalk; the DRC is okay with this. If we approve the certificate of appropriateness, all  
21 of these same conditions apply.

22

23 The owner's initial proposal is to put a white fence where the existing chain link fence was. The goal is to  
24 move the fence out for bigger vehicles, and the sidewalk would be a part of that if it is theirs. The owner  
25 will also put barrels of shrubbery as barriers for the parking lot.

26

27 **MOTION**

28 Win Winch made a motion to issue a certificate of appropriateness for lots 4 & 5 Cleaves Street. MBL:  
29 305-5-6.

30

31 **VOTE**

32 Planner Hinderliter called for the vote:

33

34 Robin Dube – Yes  
35 Win Winch – Yes  
36 Mike Fortunato – Yes  
37 Vice Chair Weinstein – Yes  
38 Chair Mailhot – Yes

39

40 **PASSES (5-0)**

41

1 **ITEM 2:**  
2 **Proposal:** Amend Slyders proposal to allow 4x4 building with two signs  
3 **Action:** Certificate of appropriateness ruling  
4 **Owner:** Old Orchard Beach Associates, Archie Miller  
5 **Location:** 16 Old Orchard St, MBL: 205-5-1 DD1  
6

7 The DRC tabled this item because the owner who was identified on the application was not the owner.  
8 The DRC said to come back with the owner by the July meeting, or it will be denied.  
9

10 No action necessary  
11

12 **Other Business**

13  
14 The pump on Cherry Hill is on the radar, as the pump station will be needed. The report will be there at  
15 the July meeting.  
16

17 Parking has been an issue in the past, but parking enforcement has already been out in the parking lot.  
18

19 *I, Rebecca Joensen, secretary to the Planning Board of the Town of Old Orchard Beach, do*  
20 *hereby certify that the foregoing document consisting of six (6) pages is a true copy of the*  
21 *original minutes of the Planning Board Meeting of June 8, 2017.*  
22