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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearings & Regular Meeting**
5 **March 14, 2019 6:30 PM**
6 **Town Council Chambers**
7

8 **CALL MEETING TO ORDER 6:30 PM**
9

10 **PLEDGE TO THE FLAG**
11

12 **ROLL CALL**

13 **Present:** David Walker
14 Robin Dube
15 Alt. Chris Hitchcock
16 Vice Chair Win Winch
17 Chair Linda Mailhot

18 **Absent:** Marianne Hubert
19 Mark Koenigs
20

21 **Approval of Minutes: 2/7/19, 2/14/19**
22

23 **MOTION:**

24 David Walker made a motion to approve the meeting minutes for 2/7/2019 and 2/14/2019, seconded by
25 Robin Dube.
26

27 **Planner Jeffrey Hinderliter called for the vote:**
28

29 **VOTE:**

30 Robin Dube - Yes
31 David Walker – Yes
32 Vice Chair Win Winch – Yes
33 Chair Linda Mailhot – Yes
34

35 **PASSES (4-0)**
36

37 **Public Hearings**

38 **ITEM 1**

39 **Proposal: Conditional Use: Accessory Dwelling Unit**
40 **Owner: The Village at Pond View Woods, LLC**
41 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning: RD**
42

43 Public Hearing opened at 6:33 pm.

44 There being no one speaking for or against this item, the Public Hearing closes at 6:33 pm.
45

46 **Regular Business**

47 **ITEM 2**

48 **Proposal: Conditional Use: Accessory Dwelling Unit**
49 **Action: Final Ruling**
50 **Owner: The Village at Pond View Woods, LLC**

1 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning RD**

2
3 Associate Planner Megan McLaughlin stated that the Planning Board began reviewing this proposal at the
4 February meeting. There were a few concerns regarding the aesthetics of the proposed building. It
5 appeared there were too many doors leading into the building and the PB felt as if it resembled a 2 or
6 even a 3 family and that it did not meet the characteristics of an Accessory Dwelling Unit (ADU).
7 The applicant presented a new submission and they were able to remove one of the additional entrances
8 on the garage side of the building and replace it with a window.
9

10 Planning Staff reached out to the Applicant and recommended some entrances into the ADU be removed
11 to help strengthen the proposal.

12 On the floor plans there are three logical ways of entering the ADU. One is through the sliding glass door
13 in the back of the building, which Planning Staff believes would qualify as “subordinate.” The second is
14 through the garage in the front of the building and the third is through the remaining door on the garage
15 side of the structure which would bring them into what appears to be a breezeway in the “primary
16 structure,” they would then have to cross through the garage to enter the ADU.

17 The primary item that the Planning Board needs to decide upon is whether or not the ADU is accessed via
18 the living area of the primary structure. The two primary questions to answer: Is a garage considered
19 “access?” Is a breezeway considered “living area?”
20

21 The Planning Board had a question at the Planning Board workshop meeting about the septic system that
22 currently exists. The Applicant already has test pits results for a new system.

23 One recommendation for a condition of approval on the plan that says they have to submit a septic design
24 to Code Enforcement Staff before the issuance of a building permit. If the Planning Board can determine
25 if the Accessory Dwelling Unit will be accessed through the living area of the primary structure, Staff
26 recommends that the Planning Board approve the application with the Septic System condition. If the
27 Planning Board doesn’t feel that they can approve the application, Staff recommends that they explain to
28 the Applicant how they can improve the design and table it.
29

30 David Walker stated that the Applicant didn’t show up at the Sitewalk and nothing was staked out. He
31 stated that it makes no sense to table it and agrees to vote on it tonight as is.

32 Chair Mailhot has concerns about the septic and wants to make sure that if any septic goes back on this
33 property that it meets the current DEP setbacks for stream protection. Chair Mailhot also expressed her
34 concerns that this concept meets the condition that the project was approved under and that the historic
35 style of the house needs to be preserved. She feels that the Applicant continued to let the building go into
36 a state of disrepair resulting in its demolition.

37 Chair Mailhot also feels that the structure of the Accessory Dwelling Unit that is being proposed doesn’t
38 meet the conditions of the Accessory Dwelling Unit by entering from a garage instead of entering through
39 the main living area. She is also concerned that the size and scale of this overall structure is not respectful
40 to the condition where the Accessory Dwelling Unit needs to be subordinate to the main structure.
41

42 Applicant and owner Peter Bouchard introduced himself. He feels that the Town has a lot of facts wrong.
43 The original purchaser was Diversicorp who came to the town to get the approvals. Mr. Bouchard
44 purchased this from Diversicorp after the fact. He stated that the restoration of that building was
45 impossible. He had gotten 3 engineering reports that said that it wasn’t feasible to restore. Robin Dube
46 stated that the Applicants were not at the meetings to inform the PB of this.
47

48 Vice Chair Winch mentioned that what the Applicant has presented is nice however it looks like a 2
49 family home which is not allowed in that zone.
50

51 Daron Barton introduced himself. He states that he had been in constant communication with Associate

1 Planner Megan McLaughlin. They worked with their architect to revise these plans a couple of times.
2 Robin Dube stated that the Applicants were not at the meetings to inform the PB of this. The original
3 intent was to try to keep the footprint similar and to keep the esthetics as best they could. Mr. Barton
4 stated that they will be using real brick.
5 Mr. Barton stated that their proposal included a site map which shows that the dwelling is close to the
6 original footprint that is was originally presented to the Board. They had moved it to a conforming
7 setback vs. a non-conforming setback. He stated that they are not selling this as a 2 family. They designed
8 this as an ADU.
9 Chair Mailhot stated that the first condition of an ADU states that the ADU shall be accessed via the
10 living area of the primary structure. She doesn't feel that the current design meet's that condition.

11
12 **MOTION:**

13 Robin Dube made a motion to table this item until they get a revised Architectural plan for this property.
14 This motion was amended by David Walker to also add a Septic Design plan, seconded by David Walker.

15
16 **Planner Jeffrey Hinderliter called for the vote:**

17
18 **VOTE:**

19 Robin Dube - Yes
20 David Walker – Yes
21 Vice Chair Win Winch – Yes
22 Chair Linda Mailhot – Yes

23
24 **PASSES: (4-0)**

25
26 **ITEM 3**

27 **Proposal: Site Plan: Second Floor Addition to Existing Structure – Retail/Stockroom Purposes**
28 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**
29 **Owner: Harold Harrisburg**
30 **Location: 9 East Grand Avenue, MBL: 306-2-6; Zoning: DD1**

31
32 Planner Jeffrey Hinderliter stated that at the February meeting the Planning Board decided 3 additional
33 \items must be submitted before the Board can determine the application complete.

34 The three items:

- 35 1. Formal waiver requests
- 36 2. Large set of building plans
- 37 3. Detailed loading/unloading written plan

38
39 All items were received. Also, an updated site plan is included in the large building plan set. The updated
40 site plan shows the proposed building footprints, including overhangs. This accurately reflects the
41 footprint shown on the building plans. One possible problem is the updated plan is not signed and sealed
42 by a land surveyor; although, it uses the boundary survey information shown on the previously submitted
43 site plan which was prepared by a licensed land surveyor.

44 At this time the applicant has submitted all requested documentation.

45
46 Comment regarding the site plan. We have a proposed structure now that is overlaid on a survey plan,
47 however the survey plan that it is overlaid on is not an actual stamped signed and sealed Class 1 boundary
48 survey. It was taken from a Class 1 boundary survey that is under the owners name but the proposed
49 building is not shown on a Class I signed and sealed boundary survey by a land surveyor.

50
51 If the Applicant intends to continue with this site plan, they would need to seek a waiver of that standard

1 in addition to the other waivers that are being proposed.

2
3 Planner Jeffrey Hinderliter stated that if the Planning Board feels that this proposal is complete, they can
4 schedule a site walk and public hearing.

5
6 Planner Hinderliter also mentioned to the Board Members that the Police Chief Kelley provided some
7 comments regarding loading and unloading and asked that the Planning Board consider these comments
8 at final review.

9
10 **MOTION:**

11 Win Winch made a motion to determine the application complete, schedule and sitewalk at the next
12 workshop on April 4, 2019 at 5:15 pm. and a Public Hearing for April 11, 2019 at the regular meeting,
13 seconded by David Walker.

14
15 **Planner Jeffrey Hinderliter called for the vote:**

16
17 **VOTE:**

18 Robin Dube - Yes

19 David Walker – Yes

20 Vice Chair Win Winch – Yes

21 Chair Linda Mailhot – Yes

22
23 **PASSES: (4-0)**

24
25 **ITEM 4**

26 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**

27 **Action: Ruling on Preliminary Plan, Ruling on Final Plan**

28 **Owner: Donald Bouchard**

29 **Location: 189 Saco Avenue, MBL: 208-3-12; Zoning: GB1**

30
31 Associate Planner McLaughlin stated that last month the Planning Board held a Site Walk and Public
32 Hearing and tabled the application per the Applicants request. They went before the Zoning Board of
33 Appeals for a Variance for parking in the front setback and the ZBA tabled the proposal because they had
34 some concerns over stormwater. This new proposal has a new entrance configuration that avoids the
35 Variance through the ZBA and they also no longer need a waiver for the wider driveway entrances.
36 When a development is proposed in the flood plain, there is a condition that is required. Staff
37 recommends that if the Planning Board makes a decision tonight staff recommends that they include that.

38
39 Update from the previous submissions:

- 40
- 41 • Originally, the Applicant was requesting a waiver from Sec. 78-1467 for a 27' driveway entrance
42 when the maximum driveway width at the curb line could not exceed 20 feet. This waiver request
43 is no longer necessary with the new configuration.
 - 44 • The Applicant also does not require a variance from the ZBA for parking in the front setback
45 because of the new configuration.
 - 46 • It appears that a portion of the duplex with units 1&2 is and will be located in the proposed
47 floodplain. Sec. 70-35 of the Town Ordinance requires that the PB put a condition on all
48 subdivision and development proposals in special flood hazard zones.

49 One concern the Planning Board had at the last meeting was the proposed location of the driveway over
50 the proposed 30 foot easement associated with the 36 inch culvert. There is nothing in the ordinance that
51 addresses paving over the easement. Planning Staff has reached out to Stephanie Hubbard from Wright

1 Pierce and Joe Cooper from Public Works for guidance and their thoughts. Planning Staff recommends
2 language be created/submitted to formalize the 30-foot easement in addition to this being submitted on
3 the plan.

4 In speaking with Wright Pierce, the Town has slated the 36 inch culvert for replacement (likely
5 this year) and the cost of construction will be significantly increased due to the proposed paved
6 driveway. In addition, the culvert replacement will prohibit access to the parking lot for all four
7 of the units during construction. Nothing in the easement mentioned this, however, it needs to be
8 discussed and addressed.

9
10 At the Development Review meeting on 2/27/19, Staff had concerns about the new entrance and
11 suggested that the Applicant go back to the ZBA for a parking variance, but this time, with support from
12 Staff (aka Public Works) that stormwater would not be an issue.

13 Staff recommends that the Planning Board needs to offer feedback to the Applicant on the current
14 driveway layout vs. the previously proposed layout and discuss the pavement over the easement.
15 If the Board is ok with the current layout, Staff recommends approving the preliminary and final plans
16 with conditions about the flood plains, easement language and the Wright Pierce comments.

17
18 Travis Letellier introduced himself. He mentioned that they had gotten pushback from ZBA last month
19 regarding the front setback parking and some stormwater concerns. They are now proposing a single
20 driveway so all of the parking is interior to the site. Drainage will be the same as the previous proposal.
21 He met with Joe Cooper from DPW about the culvert and it is his understanding the town has no money
22 for this project for at least the next 3 years.

23
24 Planner Hinderliter stated that staff prefers the driveway be on Macarthur Ave. compared to the proposed
25 location on Saco Ave. specifically due to the culvert being replaced in the short term with 2 driveways.
26 A couple of the Board Members expressed that they much prefer this layout and that this will be a more
27 practical parking design.

28
29 Jim Fisher from Northeast Civil Solution introduced himself. He stated that if Public Works does not
30 have the money in the budget, they cannot wait another 3 years to be able to pave it.

31
32 Chair Mailhot expressed concern that she would like more clarification from both Staff and Public Works
33 in regards to the culvert.

34
35 **MOTION:**

36 Vice Chair Win Winch made a motion to approve the Preliminary Plan with the following conditions:

- 37 1. *Any current and future development at 189 Saco Avenue, which is located in special flood hazard*
38 *zone A, shall be constructed in accordance with Sec. 70-32 of Article II of Chapter 70 of the*
39 *Town Ordinance. The Town of Old Orchard Beach may enforce any violation of the construction*
40 *requirement. This condition shall be included in any deed, lease, purchase and sale agreement, or*
41 *document transferring or expressing an intent to transfer any interest in real estate or structure,*
42 *including but not limited to a time-share interest.*
- 43 2. *Before the start of construction, language shall be provided regarding the 30 foot maintenance*
44 *and access easement associated with the 36 inch culvert located on site.*
- 45 3. *Address the comments in the Wright Pierce memo dated 3/4/19 before the start of construction to*
46 *the satisfaction of Wright Pierce and Planning Staff.*

47 seconded by Robin Dube and added that the requirement from Planning Director to get direct information
48 from the Public Works Director concerning the culvert and when they expect it to be replaced.

1 *Planner Jeffrey Hinderliter called for the vote:*

2
3 **VOTE:**

4 Chris Hitchcock - Yes
5 Robin Dube - Yes
6 David Walker – Yes
7 Vice Chair Win Winch – Yes
8 Chair Linda Mailhot – Yes
9

10 **PASSES: (5-0)**

11
12 David Walker made a motion to move for Final Approval subject to the 3 previous conditions, seconded
13 by Robin Dube.
14

15 *Planner Jeffrey Hinderliter called for the vote:*

16
17 **VOTE:**

18 Chris Hitchcock
19 Robin Dube - Yes
20 David Walker – Yes
21 Vice Chair Win Winch – Yes
22 Chair Linda Mailhot – No
23

24 **PASSES: (4-1)**

25
26 **ITEM 5**

27 **Proposal: Major Subdivision: 5 Unit Condominium Building**
28 **Action: Determination of Completeness, Preliminary Plan Ruling, Schedule Site Walk &**
29 **Public Hearing**
30 **Owner: SJ Peacock Builders**
31 **Location: 21 Union Ave, MBL: 315-15-3; Zoning NC-2**
32

33 Associate Planner McLaughlin stated that the Planning Board approved this last month as a sketch plan.
34 The primary concern was parking in the vacant abandoned road next door, and the dumpster placement in
35 relation to the public access easement. At the last PB meeting, we discussed a number of standards the
36 proposal would have to meet, including: Parking, parking lot and site circulation standards, parking lot
37 dimensions and layout, snow removal, landscaping and the potential for some parking waivers.
38

39 The Applicant is requesting 3 waivers:

- 40
41
 - 42 • To reduce the total parking isle width for 90 degree parking spots from 25' to 20'.
 - 43 • Eliminate the requirement for a curb planting island between different parking orientations.
 - 44 • To reduce the number of parking spaces required from 10 to 8.

45 All parking lots need to provide a suitable on-site disposal area to accommodate plowed snowfall. Snow
46 disposal areas shall not be located in designated pedestrian walks or pathways. The Applicant has
47 indicated that there is not enough space to designate snow storage locations and that in significant snow
48 events the condo owners will need to make arrangements to have snow removed from the property or
49 obtain easements from the other owners of South Avenue to be used for snow storage.

50 A proposed split rail fence and new street tree will be installed between the parking lot and existing
51 sidewalk along Union Avenue. No additional buffering or landscaping is proposed between the parking

1 lot and the adjacent easement and railroad or within the proposed parking lot.
2 At the Development Review meeting on 2/27/19, Staff discussed acquiring the parking from the parking
3 lot next door or somewhere else in order to meet the parking requirements. Staff also recommends that the
4 Applicant address the Wright Pierce comments.
5

6 Travis Letellier stated that this is an odd shaped lot and that is why they are having the parking issues that
7 they are having. They are able to get a drive isle width and additional parking spots with that additional
8 land. Going from 5 parking spots to 8 it does improve the overall maneuverability of the site.
9 The owner has been trying to get in touch with the neighboring owner in regards to a sale of the property
10 or a possible easement of the property for snow removal. If this doesn't come to fruition they will ask for
11 a condition to remove the snow in case of a significant snowstorm and disposed of properly offsite.
12

13 There are 4 (2) bedroom units and 2 of them unfortunately will only have 1 parking spot assigned.
14

15 Robin Dube made a motion to waive the number of parking spaces required from 10 to 8, and any other
16 cars involved will have to find alternative parking, seconded by Win Winch.
17

18 **Planner Jeffrey Hinderliter called for the vote:**
19

20 **VOTE:**

21 Chris Hitchcock - Yes

22 Robin Dube - Yes

23 David Walker – No

24 Vice Chair Win Winch – Yes

25 Chair Linda Mailhot – No
26

27 **PASSES: (3-2)**
28

29 Robin Dube made a motion to waive the total parking isle width for 90 degree parking spots from 25' to
30 20', seconded by Win Winch.
31

32 **Planner Jeffrey Hinderliter called for the vote:**
33

34 **VOTE:**

35 Chris Hitchcock - Yes

36 Robin Dube - Yes

37 David Walker – No

38 Vice Chair Win Winch – Yes

39 Chair Linda Mailhot – No
40

41 **PASSES: (3-2)**
42

43 Robin Dube made a motion to waive the requirement for a curbed planting island between different
44 parking orientations, seconded by Win Winch.
45

46 **Planner Jeffrey Hinderliter called for the vote:**
47

48 **VOTE:**

49 Chris Hitchcock - Yes

50 Robin Dube - Yes

51 David Walker – No

1 Vice Chair Win Winch – Yes
2 Chair Linda Mailhot – No

3

4 **PASSES: (3-2)**

5

6 In regards to the snow removal, the owner is still trying to get an easement from the neighbor to push
7 snow onto at least seasonally, if not it should say in the condo docs that the snow has to be removed.

8

9 Discuss Wright Pierce comments, purpose/ownership of the concrete slab.

10 The applicant stated that they don't know where the concrete slab came from but a portion of it is within
11 their easement and their intention is to cut it off and repave the entire area.

12 Applicants will work on the following for next month's meeting:

- 13 • ability to serve letters,
- 14 • building elevations and layout details and defining the limits of the proposed pavement on the
15 Western side of the property
- 16 • sidewalk re-construction
- 17 • spot grades for proposed parking lot
- 18 • stormwater narrative

19

20 David Walker made a motion to determine the application complete for the construction of a 5 unit
21 condominium building located at 21 Union Ave MBL 315-15-3, seconded by Win Winch.

22

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

24

25 **VOTE:**

26 Chris Hitchcock - Yes

27 Robin Dube - Yes

28 David Walker – Yes

29 Vice Chair Win Winch – Yes

30 Chair Linda Mailhot – Yes

31

32 **PASSES: (5-0)**

33

34 David Walker made a motion to schedule a site walk on Thursday, April 4, 2019 at 5:30 pm. and a Public
35 Hearing on April 14, 2019, seconded by Robin Dube.

36

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

38

39 **VOTE:**

40 Chris Hitchcock - Yes

41 Robin Dube - Yes

42 David Walker – Yes

43 Vice Chair Win Winch – Yes

44 Chair Linda Mailhot – Yes

45

46 **PASSES: (5-0)**

47

48 **ITEM 6**

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

1 **Action: Ruling on Amendment**
2 **Owner: Ross Road LLC**
3 **Location: Mary's Way, MBL: 107-1-417 & 418; Zoning RD**
4

5 This subdivision amendment application is proposing to change the property boundary shared by lot 17
6 and lot 18. The reason for this change is to correct a side setback building encroachment on lot 17.
7 During construction of the building on lot 17, it was discovered that the building was encroaching on the
8 side setback common with lot 18.
9

10 The Applicant is proposing to adjust that property line. The lot area and frontage of both lots will still
11 meet the required minimum.
12

13 **Items Requiring Coordination**

14 There were a number of items flagged in Nov 2018 during the site inspection. These were communicated
15 to the Owner, and I believe there was some further discussion, but no resolution. Staff email on 12/6/18
16 noted the following:

- 17 • Erosion and Sedimentation Controls (ESC) must immediately be installed on lots 18, 19 and 20.
- 18 • Sedimentation extending to the 12 inch culvert from lot 20 must be immediately addressed,
19 sedimentation removed and ESCs installed and maintained until the lot is stabilized.
- 20 • It appears lot 19 and 20 driveways are not located where they are shown on the approved
21 subdivision plan. As you may recall the Planning Board identified these locations due to
22 concerns associated with site distances. This matter shall be resolved before any occupancy
23 permit is issued for lot 19 and 20. Resolution may require a plan amendment which means you
24 will need to secure approvals from the Planning Board. If possible, we prefer to resolve
25 internally which will require you to provide us with site distances in conformance with OOB
26 ordinances for the new driveway locations. Note that staff meet with the developer on-site and
27 the site distance looked fine; although we did not receive requested follow-up information which
28 was documented confirmation of the revised site distances.
- 29 • The Planning Board required 20 ft green strips along each lot line, except for driveway openings.
30 As Stephanie observed, a number of the lots have been cleared to the lot lines. Please submit a
31 restoration plan that addresses this clearing and fulfills the Planning Board requirement. The
32 restoration plan shall be submitted before any further permits are issued.
33

34 Planner Hinderliter believes that the change in the location of the driveways would not require an
35 amendment because when you look at the original approved plan, it says suggested driveway location.
36

37 The outstanding issues should be resolved to Town staff and Wright-Pierce satisfaction before the PB
38 approves this subdivision amendment. We understand the weather may temporarily prevent the developer
39 from implementing some of the items identified above. In these cases a plan should be developed with
40 deliverable dates.
41

42 Bill Thompson, BH2M Engineering introduced himself. Mr. Thompson explained that this is small
43 change.

44 He stated that this is for laying out a sideline assuming the sideline was perpendicular to the lot and it was
45 not. This did not change any to the frontage and they put a kink in the midpoint in that sideline to meet
46 that 10' setback and allowed the builder to keep going. There is also a 20' green strip that is supposed to
47 remain on the fronts of the lots and he can talk to the Applicant to get a suggested planting. This
48 subdivision is still under the same ownership.
49

50 Chair Mailhot suggested that moving forward the Applicant will make sure that this doesn't happen in the
51 future.

1
2 Staff is comfortable with the property line adjustment, they would just like to have the outstanding items
3 resolved.

4
5 Win Winch made a motion to table the subdivision amendment until outstanding issues are resolved to
6 staff satisfaction, seconded by Robin Dube.

7
8 **Planner Jeffrey Hinderliter called for the vote:**

9
10 **VOTE:**

11 Chris Hitchcock - Yes
12 Robin Dube - Yes
13 David Walker – Yes
14 Vice Chair Win Winch – Yes
15 Chair Linda Mailhot – Yes

16
17 **CARRIES (5-0)**

18
19 **ITEM 7**

20 **Proposal: Ordinance Amendment: Chapter 78, Sec. 78-869 (b) (2). Allow Multi-Family**
21 **Dwellings on Sidewalk Level in the NC-3 District**

22 **Action: Schedule Public Hearing**

23 **Applicant: D.E.C. Investments L.L.C.**

24
25 Associate Planner McLaughlin stated that the PB began discussing this amendment at the February
26 meeting and was in favor of allowing multifamily (residential) units on the first floor in the Washington
27 Ave NC-3 District. It is important to note that multifamily dwellings are still required to be reviewed by
28 the PB as a Conditional Use so the PB will continue to have control over them. Also, this amendment
29 will not change permitted and conditional uses- the NC-3 District will continue to allow the same
30 commercial uses as it does now. The only change is this will allow multifamily units on the sidewalk
31 level.

32
33 Planning Staff needed to find support for the ordinance change in our current comprehensive plan. This
34 was a bit of a challenge because the plan is from 1993 but below are some sections that support this
35 change.

36
37 Staff recommends the Planning Board move forward with scheduling the Public Hearing for the April
38 meeting.

39
40 Win Winch made a motion to schedule a Public Hearing for the Ordinance Amendment: Chapter 78, Sec.
41 78-869 (b) (2). Allow Multi-Family Dwellings on Sidewalk Level in the NC-3 District at the April 11,
42 2019 Planning Board meeting, seconded by Robin Dube.

43
44 **Planner Jeffrey Hinderliter called for the vote:**

45
46 **VOTE:**

47 Chris Hitchcock - Yes
48 Robin Dube - Yes
49 David Walker – Yes
50 Vice Chair Win Winch – Yes
51 Chair Linda Mailhot – Yes

1
2 **CARRIES (5-0)**
3

4 **ITEM 8**

5 **Proposal: Ordinance Amendment: Chapter 78, Sec. 78-1272 in its entirety. Amend Accessory**
6 **Dwelling Unit**
7 **standards**
8 **Action: Schedule Public Hearing**
9 **Applicant: Town of Old Orchard Beach**

10
11 Associate Planner McLaughlin stated that last month, the PB offered comments on a draft prepared by
12 staff.

13 Below are the changes to address the PB comments:

- 14 • The PB wanted to reduce the floor area requirement from 500 square feet. Staff recommended this
15 be confirmed with Code Enforcement to ensure the new minimum would meet applicable
16 building codes. Our Code Enforcement officer said: *“IRC states habitable rooms need to be a*
17 *minimum of 70 sqft (bedroom and living room) with no dimension less than 7'. Rooms with a*
18 *sloped ceiling areas with a ceiling height of 5' and less do not count to the 70 sqft. Ceiling height*
19 *needs to be 7' in habitable room and 6' 8" in bathrooms. The town has an ordinance that says the*
20 *kitchen has to be 60 sqft. Add a bathroom and you are easily at 250 sqft. In my opinion I would*
21 *reduce the minimum below 300sqft to eliminate any confusion.”* Planning Staff reduced the
22 minimum size to 300 square feet per his recommendation (**Performance Standard F**).
- 23 • The PB wanted to clarify **Performance Standard G** regarding off-street parking. Planning Staff
24 removed the part about any “new” driveway and left it as any expanded driveway entrance.
- 25 • Planning Staff changed “Season” to “Seasonal Use” to be consistent with the rest of the ordinance
26 language (**Definitions, D**).

27
28 Staff recommends that the Planning Board schedule a Public Hearing for an Ordinance Amendment on
29 April 11, 2019.

30
31 David Walker made a motion to schedule a Public Hearing for an Ordinance Amendment: Chapter 78,
32 Sec. 78-1272 in its entirety to amend Accessory Dwelling Unit standards at the April 11, 2019 Planning
33 Board meeting, seconded by Win Winch.

34
35 **Planner Jeffrey Hinderliter called for the vote:**

36
37 **VOTE:**

38 Chris Hitchcock - Yes
39 Robin Dube - Yes
40 David Walker – Yes
41 Vice Chair Win Winch – Yes
42 Chair Linda Mailhot – Yes

43
44 **CARRIES (5-0)**

45
46 **ITEM 9**

47 **Proposal: Ordinance Amendment: Amend ordinance language associated with**
48 **loading/unloading in GB1 District**
49 **Action: Discussion**
50 **Applicant: Norman and Barbara Delage, Dianne Fredette**
51

1 The primary purpose of this meeting is to allow the applicant to introduce their proposed zoning
2 ordinance amendment. The applicants are proposing the town adopt ordinance amendments that would
3 restrict the hours associated with delivery of goods and private trash pick-up for businesses located in the
4 GB1 District. As proposed, delivery of goods and private trash pick-up for business in the GB1 would be
5 allowed between the hours of 7:00 AM and 5:00 PM. This proposal is not a formal ordinance amendment
6 at this time; it's just a discussion item. Although, the applicants do intend to move forward with an
7 ordinance amendment.

8
9 The applicants live on Portland Ave., across the street from Landry's shopping center. Their homes face
10 the back side of Landry's which is where the dumpsters are located and a majority of deliveries take
11 place. According to the applicants the increase of larger vehicle traffic for deliveries and trash pick-up
12 has created noise and traffic problems for nearby residents which interfere with their quality of life.

13
14 Planner Hinderliter stated that the GB-1 District includes quite a large area of Commercial properties in
15 OOB, so any changes would potentially affect every use in the District.

16
17 There has been attempts from the Applicants to work with Landry's in the past to address these issues,
18 however according to the Applicants the problems still continue.

19
20 Norman Delage who lives at 83 Portland Avenue and who lives directly behind Landry's Market
21 introduced himself. His concern is the delivery trucks coming and going and would like to get perimeters
22 around delivery and unloading times. He feels that there were some oversites when permits were issued.
23 One of them being using a public road to back into the loading dock. There is also an ordinance in place
24 for Portland Avenue that says no vehicle accept emergency or municipal vehicles having a registered
25 gross weight of 30,000 lbs. shall be operated cause to be operated over Portland Avenue from the
26 Scarborough line to Cascade Road.

27
28 Chair Mailhot stated that restrictions on delivery times is something that should have been gone over by
29 the Planning Board when it came up for amending their project. This is not something that we can go
30 back and retroactively do.

31 She explained that any zoning change that the Planning Board makes with respect to limitations and
32 restrictions on those delivery times would affect every business that falls into the GB-1 Zone.

33
34 Planner Hinderliter stated that one way that it could be done is to have restrictions just for a portion of the
35 GB District however this would have to be written up and described.

36
37 Mr. Delage stated that he believes that as the town grows this could become a bigger problem
38 because there are a lot of residential areas that abut these business areas.

39
40 The Planner will get the Findings of Facts for the respect of the Landry's project and bring to the
41 next meeting.

42
43 Diane Fredette from 81 Portland Avenue introduced herself. She stated that she cannot open her windows
44 at night because of the noise. She believes that it is the Towns responsibility to place restrictions on this
45 public nuisance. The enjoyment of her property is being affected by this.

46
47 Planner Hinderliter said that another option if we continue with this option he can come up with some sort
48 of language that is more specific to this particular area.

49

1 Chair Mailhot suggested that they speak to Landry's and ask them to try to help us come to a good
2 neighbor resolution and if this is not successful, we could look at something that is more localized as
3 opposing a GB-1 change.
4

5 **Sign Certificate of Appropriateness**

- 6 • 20 x 50 Expansion of Existing Hotel (Flagship Motel); 50 West Grand Ave; Peter Guidi
- 7 • Modify Exterior Attached Lighting Fixtures (Dollar General); 19 Heath St; Zaremba
- 8 Group, LLC
- 9 • Install Solar Panels on Chamber of Commerce Building; 11 1st Street; Revision Energy

10
11 **Sign Findings of Fact**

- 12 • Shoreland Zone 30% expansion; 21 Winona Ave; Cynthia Lyons

13
14 **Other Business**

15
16 **Good and Welfare**

17
18 **ADJOURNMENT AT 8:39 PM**

19
20 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
21 *Beach, do hereby certify that the foregoing document consisting of Thirteen (13) is a true copy of*
22 *the original minutes of the Planning Board Meeting of March 14, 2019.*
23

24 
25