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3  
4 OLD ORCHARD BEACH PLANNING BOARD

5 Regular Meeting  
6 March 21, 2018 7:00 PM  
7 Town Council Chambers

8 PLEDGE OF ALLEGIANCE

9  
10 CALL MEETING TO ORDER 7:00 PM

11  
12 **Present:** Robin Dube, Win Winch, Chair Linda Mailhot, David Walker and Gary Gannon.

13 **Absent:** Mark Koenigs, Mark Guimont.

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

15  
16 **Approval of Minutes: 2/8/18**

17  
18 Corrections on minutes:

19 Page 1 line 31 : surge replaced with sewage

20 Page 2 lines 13,23 and 27: Change Gary Gannon to David Walker

21 Page 3 line 10: Change Gary Gannon to David Walker

22 Page 8 line 19: Change Gary Gannon to David Walker

23 Page 10 line 27: Change Gary Gannon to David Walker

24 Page 11 line 26: Change Gary Gannon to David Walker

25 Page 12 line 48: Change Gary Gannon to David Walker

26  
27 **MOTION:**

28 Win Winch made a motion to approve the 2/8/18 meeting minutes with changes, seconded by David Walker.

29 **VOTE:**

30 PASSES: (5-0)

31  
32 **Regular Business**

33 **ITEM 1**

34 **Proposal: Subdivision Amendment: Amend Subdivision Plan David Deshaies Ross Road to create 1 lot**

35 **Action: Discussion; Ruling**

36 **Owner: David Deshaies**

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

38  
39 The primary outstanding issue appears to be the minimum lot size. At the PB's February meeting, the Board determined  
40 this proposal did not meet the lot size square footage requirements so the application was tabled. For our March meeting  
41 the applicant submitted a request to waive the public water or sewer standard allowing for one lot (3-2) to be reduced to  
42 60,000 sq. ft. requirement through use of Subdivision Ordinance Sec. 74-34 (b). To grant a waiver request the PB must  
43 find:

- 44 1. Due to special circumstances of a particular plan, the provision of certain required improvements is not  
45 requisite in the interest of public health, safety, and general welfare; or  
46 2. Is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the proposed  
47 subdivision.

48  
49 The applicant argues public water and sewer should be waived allowing for lot 3-2 to be reduced to 60,000 sq. ft. because:

- 50 1. It is demonstrated that the 60,333 sq. ft. lot (3-2) can accommodate private water and sewer with no impact to  
51 public health, safety and general welfare as shown by soils tests and septic design prepared by a certified  
52 professional and the likelihood of a healthful water supply as stated by a certified professional.

- 1 2. Due to the lack of connecting facilities adjacent or in the proximity of the proposal, connection is  
2 inappropriate because the cost would prevent development of the lots. The closest existing public water is  
3 1,300 ft. from the proposed roadway entrance. Public sewer is 1.1 miles away. Estimated cost to extend  
4 water is \$200,000.  
5

6 The applicant concludes public water or sewer should not be required for lot 3-2 because it is demonstrated private water  
7 and sewer will not negatively impact public health, safety and general welfare and, due to lack of connecting facilities  
8 adjacent to or in proximity of the proposal, connection is not possible because costs will prevent development of the  
9 proposal. Because public water or sewer is not required the 75,000 sq. ft. standard does not need to be applied to this  
10 project.

11 In order for the Planning Board to find that a waiver request does not meet the Planning Board standards they can find one  
12 or both of these:

- 13 1. Due to special circumstances of a particular plan, the provision of certain required improvements is not  
14 requisite in the interest of public health, safety, and general welfare; or  
15 2. It is inappropriate because of inadequate or lack of connecting facilities adjacent or in proximity to the  
16 Proposed subdivision.  
17  
18

19 The Planning Board needs to discuss whether they feel that they can grant the waiver or not based on the applicants  
20 argument and their premises and make a ruling based on the waiver criteria.

21 If the Planning Board does not grant the waiver, the proposed sub division amendment cannot move forward as it is right  
22 now, therefore Staff would recommend that the Planning Board table without prejudice. This would allow this proposal to  
23 come back within a year timeframe but it would need to be changed in some way to show conformance with the standards  
24 that the Planning Board feels that the proposal is currently not.  
25

26 Chair Mailhot stated that the Planning Board previously recommended a zoning change to the Town Council for one lot.  
27 She feels that if we start granting waivers on minimum lot sizes we would have to be prepared for every lot owner to  
28 come to the Planning Board and state the same.

29 She also verifies that the minimum lot width for this project is not 200'. It states that the minimum lot width needs to be  
30 200' and the minimum is not met.

31 Win Winch mentioned that they would need a letter from Maine Water for their ability to serve, which they cannot do. We  
32 cannot bet on the future, the water and sewer needs to be there now.  
33

34 **MOTION:**

35 Win Winch made a motion to table this item without prejudice, seconded by Robin Dube.  
36

37 **Planner Jeffrey Hinderliter called for the vote:**  
38

39 **VOTE:**

40 David Walker – Yes

41 Robin Dube – Yes

42 Gary Gannon – Yes

43 Win Winch – Yes

44 Chair Mailhot – Yes  
45

46 **CARRIES:**

47 (5-0)  
48

49 **ITEM 2**

50 Proposal: Private Way Application

51 Action: Discussion; Ruling

52 Owner: David Deshaies

53 Location: Ross Rd., MBL: 105-2-16  
54

1 **MOTION:**

2 Win Winch made a motion to table this item without prejudice, seconded by David Walker.

3  
4 **Planner Jeffrey Hinderliter called for the vote:**

5  
6 **VOTE:**

7 David Walker – Yes

8 Robin Dube – No

9 Gary Gannon – Yes

10 Win Winch – Yes

11 Chair Mailhot – Yes

12  
13 **CARRIES:**

14 (4-1)

15  
16 **ITEM 3**

17 **Proposal: Subdivision Amendment: Amend “8 Lots At Wild Dunes Way” Subdivision to add 9<sup>th</sup> lot**

18 **Action: Discussion; Ruling**

19 **Owner: Dominator Golf LLC**

20 **Location: Wild Dunes Way; MBL: 105A-200 (portion of)**

21  
22 This proposal is for an amendment to the “8 Lots at Wild Dunes Way” subdivision plan. The 8 Lots at Wild Dunes Way  
23 plan created 8 lots for single-family homes along various locations of Wild Dunes Way (see plans). This amendment  
24 proposed to add a 9<sup>th</sup> lot for single-family use. Like the formerly approved lots, there is no need for creation of new roads  
25 as the driveway will directly connect to Wild Dunes Way. Public water and sewer will serve this lot. Stormwater will be  
26 managed by a perimeter drip edge and possibly a small bio-retention basin. Stormwater is still being designed and will  
27 require DEP approval.

28 Comments for consideration:

- 29 • Wright Pierce peer review comments.
- 30 • Open space calcs.
- 31 • Unit count and swaps. Trying to maintain the 589 unit count.
- 32 • Setbacks should be added as a note in the plan.
- 33 • The Inn lot.
- 34 • Important that developer specify how the new lot will connect to sewer
- 35 • DEP is requiring an amended site location permit. Mainly associated with the stormwater.

36  
37 Bill Thompson, Project Manager with BH2M introduced himself, along with Domenic Pugliares, owner of Dominator  
38 Golf.

39  
40 Basically just want to move a one acre lot (lot of record) that is owned by Dominator Golf.  
41 It’s a swap, moving a 10,000 sf. lot and that lot will revert back in connection with the golf course clubhouse.  
42 Extended the pressure sewer, the calculations have been done and everything is back at the DEP. Have designed  
43 stormwater. Will manage run off. They already had a meeting with DEP. They did the cost estimate.  
44 Have submitted all of the applications and designs. They have a letter from the water company with no concerns. Would  
45 like to get a conditional approval.

46  
47 Robin Dube asked if everything has been completed on the 8 lot subdivision.

48 Planner Hinderliter informed the Board Members that everything is completed except for the sidewalk.

49 Dominic Pugliares stated that the sidewalks will not go in until all of the houses are built and there is money held in  
50 escrow for the sidewalks.

51 Also the comments from Wright Pierce are all tied to the DEP approvals.

52 Looking for additional approval based on DEP.

1 Megan McLaughlin stated that there was one comment from Wright Pierce in regards to when it comes to putting the rain  
2 guard in and the drip edge system in, could this be put in as a condition on the plan to say that they need to be put in  
3 before they get their occupancy approval.  
4

5 Domenic Pugliares stated that the DEP gives you a minimum of 150 days from the completion of the project to put in the  
6 rain guard.  
7

8 Chair Mailhot stated that once she gets a plan with all of the changes, she would have no problem giving a conditional  
9 approval for the DEP permitting.  
10

#### 11 **ITEM 4**

12 **Proposal: Ordinance Amendments: Consideration of zoning ordinance amendments associated with**  
13 **contractor businesses in the Rural District**

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

15 **Applicant: Town of Old Orchard Beach**

16 **Location: RD Zoning District**  
17

18 Tonight is seeking the Planning Boards guidance:

- 19 • **Sewage Disposal/Storage Unit**

20 Regarding the sewage disposal/storage unit (identified as a frack tank), our intern found something interesting.  
21 “Public and private utility facilities” are allowed as a Conditional Use in the RD. Public/private utility facilities are  
22 defined as:

23 “Facilities for the transmission or distribution of water, gas, sewer, electricity or wire communications,  
24 Excluding wireless telecommunications facilities.”

- 25 • **Excavation Business**

26 While preparing to work on ordinance amendments, we found the need for further direction from the PB and as  
27 well as more time to create the standards. Creating standards has proven to be a bit more difficult due to the  
28 predominate use in the RD is residential and the fact we want to avoid spot zoning. Although one person may  
29 operate a contractor business in a manner that respects neighbors, another may not so we should plan for  
30 standards that find a balance between appropriate regulations that protect residential properties from detrimental  
31 impacts while allowing the business to exist without excessive controls.  
32

33 Can the business use be described as a facility for the transmission or distribution of sewer? Is a frack tank and use  
34 associated with it a public/private sewer facility? Is the frack tank and use associated with it a facility used for the  
35 transmission or distribution of sewer? We broke down the ordinance definition of Public/private utility facilities into key  
36 words (transmission, facility, private sewer, distribution) and searched definitions for each in our ordinances, legal and  
37 English dictionaries. Based on our findings it appears the frack tank and its use could be defined as a Public/private utility  
38 facility. If this does not work we’re still working on a way to see if we can make a zoning amendment work for this. It’s a  
39 bit more complicated trying to fit this use in the RD without a more comprehensive zoning language change.  
40

41 Staff stated that to proceed, we need the PB’s opinion on whether the use associated with the frack tank can or can’t move  
42 forward as a Public/private utility facility.

43 Another option is it can move forward as a public/private utility facility but we need to create additional ordinance  
44 standards that provide more specific regulation. This may be a bit tricky because we would change the standards  
45 associated with an already allowed use potentially during the permitting process. The perception: “The use is permitted  
46 but we don’t like how it’s allowed so we’re going to change the rules.” This does happen, though, typically through use  
47 of a moratorium.  
48

49 Planning Board received a letter from Mr. Murphy, an abutter who has concerns about this project. Staff responded to our  
50 towns attorney but he has not responded yet.

51 The applicant could apply for a public and private utility facility and make their argument that they feel that this is a  
52 conditional use and could apply for it.  
53

54 Staff would like feedback from the Planning Board on these issues.

1  
2 Chair Mailhot suggested that it might be appropriate doing it on a case by case basis. She believes that sewage clearly  
3 does constitute a utility based on the definition. And they are transmitting i.e. transferring sewage which is a private utility  
4 from one place to another on an interim basis. A valid possibility would be utilizing that parcel as a conditional use.  
5

6 Win Winch stated that it is basically a holding tank. He cannot make the connection with utility.

7 David Walker stated that if you go to performance standards for the Rural District it talks about odors and specifically  
8 says," it will not create nuisances to neighboring properties because of odors".

9 Robin Dube stated that the frack tank is self-contained and there will be no odors.

10  
11 David Walker stated that the definition of the Rural District was established for a variety of purposes and the essential  
12 pre-requisite for the establishment was for the conduction of most rural uses, the preservation of the rural character was  
13 the most important aspect of the rural district and he feels that we have gotten away from that in his opinion.  
14

15 Chair Mailhot mentioned that if the applicant chose to move forward with this as a conditional use, one of the things that  
16 the Planning Board has the opportunity to do is to set conditions for approval. So this is one way that we can control the  
17 character and the way that something appears.  
18

19 David Walker believes that Code Enforcement needs to take a look at what is going on in the Rural District.  
20

21 Gary Gannon mentioned that there are complaints about smell and noise from heavy equipment. Would there be a better  
22 solution to maintain that area.  
23

24 The consensus of the Planning Board is not to make changes to the entire RD Zoning District.  
25

26 Planner Hinderliter wanted to make it clear that the public/private utility is already permissible in the entire RD Zone.  
27

28 Planner Hinderliter updated the Board on the Contractor Storage Yard 1.

29 Regarding the excavation business and possibly the wood/materials processing, Contractor Storage Yard 1 will be a new  
30 use allowed in the Rural District (RD). Establishment of this use will require PB approval as a conditional use or site plan  
31 review proposal. Use defined as:

- 32 • Contractor storage yard 1 means the principal place of business for a building or landscape contractor operating a  
33 fleet of three or more construction/commercial vehicles and customarily consisting of offices, display areas,  
34 storage yards for building supplies, earth material, construction vehicle storage, and fueling storage facilities not  
35 exceeding 10,000 gallons in capacity and used exclusively for the fueling of the vehicles stored on site.  
36  
37

38 The above definition is already included in the town's zoning ordinance. It may need to be changed so that it includes a  
39 retail sales component, need more clarification, etc.  
40

41 Performance standards. In addition to current performance standards applicable to nonresidential uses (e.g., buffers,  
42 parking), there may be specific standards that only apply to Contractor Storage Yard 1 such as hours of operation,  
43 minimum lot size, etc.  
44

45 Regarding the sewage disposal/storage unit, we're still working on a way to see if we can make a zoning amendment work  
46 for this. It's a bit more complicated trying to find a way to fit this use in the RD without a more comprehensive zoning  
47 district change. Reasons include the potential impacts and that uses such as these may be more appropriate in an  
48 industrial district. Although, if you think about it, will a use such as this present any more impact when compared to an  
49 agriculture use (which is permissible in the RD).  
50

51 Staff would like the thoughts of Planning Board.

52 If this moves forward what type of area would we look at:

- 53 • Rural District

- An area along Portland Avenue where we are actually showing clusters of this type of non-residential development.
- There is a possibility that we could create a use that could be used as a conditional use in a certain area in town.
- Should we create new standards specific to these businesses?
- Spot Zoning?

Chair Mailhot mentioned that Storage Yard 1 and Storage Yard 2 have a few differences but not terribly significant in her opinion. Contractor Storage Yard 2 is already allowed by conditional use. She wouldn't have a problem with both Storage Yard 1 and Storage Yard 2 being allowed in the Rural District.

Planner Hinderliter mentioned that we could create some standards that we can all take a look at, think about and provide some sort of comments back to the Planning Board on what their thoughts are.

### **ITEM 5**

**Proposal: Ordinance Amendments: Medical Marijuana Storefronts**

**Action: Discussion**

**Applicant: Town of Old Orchard Beach**

Planner Hinderliter stated that there is no new information on this.

On 6 February 2018, the Council enacted a moratorium on Medical Marijuana Storefronts (MMS). This was a temporary halt to Marijuana store fronts.

The moratorium defines MMS as "as an establishment which resembles a retail storefront in terms of signage, hours of operation and accessibility to patrons, and which is operated by one or more Primary Caregivers as defined by 22 M.R.S.A. § 2422(8-A), Medical Marijuana Caregivers as defined in the Zoning Ordinance, or any other individuals or entities for the sale, distribution or administration of medical marijuana and medical marijuana products to Qualifying Patients as defined by 22 M.R.S.A. § 2422(9) or any other individuals." The moratorium was enacted in response to concerns associated with initiatives to establish MMS's in Old Orchard Beach.

Important note- this moratorium and the regulations we create are only associated with medical marijuana activities, specifically, retail medical marijuana activities such as MMS. We are not working on recreational medical marijuana activities- the Council already enacted an ordinance that prohibits such activities.

As long as a primary caregiver is licensed through the State you can basically operate out of your house. We cannot apply zoning standards.

However there is a loophole with the primary caregivers.

The primary caregivers are specifically allowed to serve 5 cardholders. 4 of the cardholders are continuous card holders.

The 5<sup>th</sup> card holder can continue to rotate around multiple people.

So what some people have done is essentially qualified as the primary caregiver but operated as a retail type of operation, which is basically unregulated.

This amendment would provide regulation to medical marijuana storefronts.

Staff would like direction from the Planning Board what they would like to see so that it can be presented to the Board at the next meeting.

Chair Mailhot recommends:

- Defining Medical Marijuana storefronts for the definition
- Re-writing the proposal that that the Planning Board put forth to the council that they adopted on the ban and just include the language that the Medical Marijuana Storefront is included in that.

This is also the consensus of the Planning Board.

1 **ITEM 6**

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

4 **Action:** Discussion; Determination of Completeness; Schedule Site Walk; Schedule Public Hearing

5 **Applicant:** Zaremba Group

6 **Location:** 19 Heath St., MBL: 309-9-33, DD2

7  
8 Megan McLaughlin gave an update.

9  
10 The Planning Board saw this proposal back in January as a Sketch Plan. It is to demolish the existing building and  
11 associated features and construct a 7,225 square-foot Dollar General with 30 parking spaces. The proposed project is  
12 located in the DD2 Zone and also triggers review by the Design Review Committee (DRC).

13 The DRC looked at this proposal and approved it with 4 conditions which have already been taken care of on the revised  
14 plan.

15  
16 Back in March there were some items missing but have received and updated since.

17  
18 Wright Pierce has submitted a number of comments and changes were made in the new materials and updated on the plan.  
19 They added:

- 20 • Snow storage
- 21 • Property lines to the Photometric plan
- 22 • Guardrail along Fort Hill Ave.
- 23 • Site Distance
- 24 • Sidewalk width widened to accommodate the utility pole.
- 25 • Catch basin was modified.
- 26 • Sidewalk channel was reviewed and modified
- 27 • Run off now managed in the southeast corner.
- 28 • Made some design modifications to address the ground water.
- 29 • Other stormwater changes.
- 30 • Also received a letter from Maine Water and provided a truck turning template for the delivery trucks and the  
31 trash trucks.
- 32 • Changed some of the landscaping along the western and eastern side of the property.

33  
34 Wright Pierce reviewed these changes and provided a memo back to us.

35  
36 **Town Manager:** Address the crossing area at the corner of Saco, Heath and Fort Hill. A landing is needed for pedestrians  
37 and will this will require cooperation of the Owner to use a portion of their land. It would make sense to have a  
38 Maintenance Easement Agreement with the Town to protect both parties.

39  
40 **DPW:** Replacement of the Sewer Line in the area of the newly proposed Sidewalk. Coordination is going to be required  
41 by the Developer and the Town for this replacement.

42  
43 Hoping that the applicant would come up with a design plan for that intersection.

44 It appears that the proposal meets the site circulation standards for the parking lot.

45 We also had a comprehensive drainage study completed on the town. Wright Pierce looked at all of the drainage  
46 structures and this area contributes to significant flooding on First Street. In the ordinance it does talk about installing  
47 porous pavement on surfaces that aren't handicapped spots wherever possible. And it says that the applicant "Shall". So  
48 this is something that the Planning Board can consider in lieu of the comprehensive drainage study.

49 The application is complete.

50 Staff recommends making the determination of completeness and schedule the site walk for April 5, 2018 at 5:00 pm. and  
51 public hearing on April 12, 2018.

1 **MOTION:**

2 Win Winch made motion to determine the application complete, seconded by Robin Dube.

3  
4 **Planner Jeffrey Hinderliter called for the vote:**

5  
6 **VOTE:**

7 David Walker – Yes

8 Robin Dube – Yes

9 Gary Gannon – Yes

10 Win Winch – Yes

11 Chair Mailhot – Yes

12  
13 **CARRIES:**

14 (5-0)

15  
16 **ITEM 7**

17 **Proposal: Major Subdivision: 9 lot residential subdivision (Red Oak Phase III)**

18 **Action: Preliminary Plan Review/Determination of Completeness; Schedule Site Walk and Public Hearing**

19 **Owner: Mark & Claire Bureau**

20 **Location: 141 Portland Ave, MBL: 104-2-2**

21  
22 This project was brought before the Planning Board in January of 2017 as a Sketch Plan and was brought back before the  
23 Planning Board in July of 2017 as a Preliminary Plan and we last saw the plan in November of 2017 as a Preliminary  
24 Plan. It is now back before the Planning Board as an updated Preliminary Plan. It is for a 9-lot subdivision at the end of  
25 the existing Red Oak Drive off of Portland Ave with a proposed cul-de-sac at the end. Currently, there are four lots with  
26 homes on Red Oak Drive that were approved back in 2004-2005. The last lot was completed in summer of 2016.

27  
28 Because this project has gone through a number of iterations, some of the materials such as the responses to the 14  
29 subdivision criteria need to be updated. Planning Staff also recommends that an updated application be updated and the  
30 subdivision response criteria updated to reflect the change from 8 to 9 lots.

31  
32 Received Wright Pierce comments and most of these comments pertain to stormwater. The applicant is working on those.

33  
34 Staff recommend that these be submitted the following:

- 35  
36
  - Test pit locations on the plans
  - An updated deed reflecting the additional area of the lot that was split to allow for the full lot size.
  - Updated performance guarantee and any permits that were received.

37  
38  
39  
40 The assessing staff stated that a portion of this subdivision is still in a designated tree growth area and it looks like a  
41 portion on lot 7 might be on town property according to our GIS.

42  
43 Chair Mailhot mentioned that she is an abutter to this lot as a corporate entity, so she has no problem recusing herself  
44 from discussion.

45  
46 Jason Vafiadis, Engineer and the applicant had no problem with Chair Mailhot contributing to this proposal.

47  
48 Mr. Vafiadis had a couple of updates:

- 49
  - Boundary line issues associated with a piece of land in the back.
  - There is a flood plain issue. Submitted a Loma application to FEMA to get them to say that this area is not in a  
50 flood plain area. This is a pending application.
  - DEP permit is in and under review.
  - They have a sealed boundary survey for the whole lot.



1 They have revised the plans based on the last comments they received.

2  
3 **ITEM 8**

4 **Proposal:** Major Subdivision and Site Plan: 40 unit condominium project  
5 **Action:** Re-approval Vote  
6 **Owner:** Church Street LLC  
7 **Location:** 164 Saco Ave., MBL: 208-1-9, GB1 & R4  
8

9 Planner Hinderliter stated that this is a re-approval vote.

10  
11 Both our ordinance and our sub division statute requires a signed sub division to be recorded in the registry of deeds  
12 within 90 days of the date that it was signed and dated.  
13 Staff reached out to BH2M and the applicants and found they didn't have documentation of the recorded plan so we  
14 concluded it was not recorded. Because the subdivision plan was not recorded staff determined that the proposal could  
15 not move forward until the plan was recorded.  
16

17 BH2M had to do a couple of changes to the plan that constituted more of an amendment.  
18 Regarding the "minor changes" between the new and former plans. Staff believes they are minor because they do not  
19 change unit count, building placement, road location, buffers, parking, and other critical parts of the development. The  
20 changes resulted from compliance with DEP, which the PB required as part of a condition attached to the 2016 approval:  
21 "All applicable Maine DEP permits shall be approved before construction begins." Changes include:  
22 • Amended wetland impacts. Wetland impacts reduced by 124 sq. ft. See note 18.  
23 • 25' setback added to northwest side of stream.  
24 • Snow storage area between units 5 & 6 has a minor location change.  
25

26 It's staffs opinion that these changes were already authorized by the PB because they are related to the Findings of Fact  
27 which required compliance after the PB signed the plan.  
28

29 Staff recommends bringing the minor plan adjustments that show the water shut off valve and the relocation of unit #1 for  
30 the members to sign at the next meeting, but allow the applicants to begin construction.  
31

32 **MOTION:**

33 Win Winch made a motion to re approve the final plan titled Church Street LLC to develop 40 single family style free  
34 standing condominium units, roads and associated infrastructure located at 164 Saco Avenue, MBL: 208-1-9.  
35 Re approval includes the adoption of the October 13, 2016 findings of fact. Project was originally approved on October  
36 13, 2016, seconded by Robin Dube.  
37

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

39  
40 **VOTE:**

41 David Walker – Yes  
42 Robin Dube – Yes  
43 Gary Gannon – Yes  
44 Win Winch – Yes  
45 Chair Mailhot – Yes  
46

47 **CARRIES:**

48 (5-0)  
49

50 **Certificate of Appropriateness**

51 **ITEM 9**

52 **Proposal:** Demo existing building and construct new 7,225 sq. ft. retail building including associated parking,  
53 sidewalks and other site improvements  
54 **Action:** Certificate of Appropriateness Ruling

1 **Applicant: Zaremba Group**  
2 **Location: 19 Heath St., MBL: 309-9-33, DD2**  
3

4 Approve the DRC recommendation to conditionally approve this proposal.  
5

6 **MOTION:**

7 Robin Dube made a motion to approve the certificate of appropriateness ruling, the Design Review Certificate and accept  
8 the following conditions:

- 9 • All improvements will be implemented in accordance with applications, plans and proposals received. Any  
10 additional changes must be approved by staff prior to completion.
- 11 • A building permit is required to complete all improvements.
- 12 • White pillars shall be added on either side of the front door.
- 13 • Fypon in a light color shall be added over the windows instead of metal awnings.
- 14 • The siding and nichia shall be carried over to the back of the building
- 15 • The applicant shall re look at the landscaping area adjacent to the condos on Heath Street if necessary.

16 Seconded by Win Winch.

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

19 **VOTE:**

20 David Walker – Yes  
21 Robin Dube – Yes  
22 Gary Gannon – Yes  
23 Win Winch – Yes  
24 Chair Mailhot – Yes  
25

26 **CARRIES:**

27 (5-0)  
28

29 **Other Business**

- 30 1. Findings of Fact signatures: Cherry Hills Subdivision Amendment; 18 Tioga 30% Shoreland Expansion  
31

32 **Good and Welfare**  
33

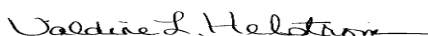
34 Megan McLaughlin stated that Pat Brown, Helene Whittaker and Louise Reid are putting together this “Imagine, Dream,  
35 Believe” event and were hoping to get a few Planning Board members to be at a table that will be set up.  
36

37 The following is an update on the event:  
38

39 It’s an all-inclusive celebration that will involve the town council, town administration, businesses and community  
40 groups. The goal is to give residents the opportunity to visit various tables set up by many groups including town  
41 departments, committees and boards, local agencies and groups to receive valuable information and share ideas. There  
42 will be live music as well as displays for people of all ages including police and fire equipment, food tastings, medical  
43 testing, a shredding truck, Medicare information and school participation and this is all to benefit residents and visitors.  
44 There will be transportation from the high school and the Milliken Street parking lots provided by shuttlebus.  
45 This will be held on Saturday, June 16, 2018 from 11:00 AM – 4:00 PM. and will be held on Old Orchard Street.  
46

47 **ADJOURNMENT at 8:55 PM.**  
48

49 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do*  
50 *hereby certify that the foregoing document consisting of Ten (10) is a true copy of the original minutes of the*  
51 *Planning Board Meeting of March 21, 2018.*  
52

53 

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2  
3