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3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **March 7, 2019 6:00 PM (Workshop, Council Chambers)**
5 **March 7, 2019 5:30 PM (Site Walk)**
6 **March 14, 2019 6:30 PM (Public Hearing Notice)**
7 **MEETING MINUTES**
8

9 *Note: The purpose of the Workshop is for the Planning Board to receive packets and an agenda item*
10 *update from staff.*
11

12 **PRESENT:** Chair Linda Mailhot, Vice Chair Win Winch, Marianne Hebert, David Walker, Robin Dube.
13

14 **ABSENT:** Mark Koenigs
15

16 **STAFF PRESENT:** Associate Planner Megan McLaughlin
17

18 **Site Walk (5:30PM)**

19 **Proposal: Conditional Use: Accessory Dwelling Unit**
20 **Owner: The Village at Pond View Woods, LLC**
21 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning RD**
22

23 Associate Planner Megan McLaughlin stated that the Developers did not show up for the site walk and
24 nothing was staked out to be able to look at the building.
25

26 **CALL WORKSHOP TO ORDER**
27

28 **Public Hearings Notice (To be held on 3/14/19, 6:30 PM)***

29 **ITEM 1**

30 **Proposal: Conditional Use: Accessory Dwelling Unit**
31 **Owner: The Village at Pond View Woods, LLC**
32 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning RD**
33

34 There were a few concerns regarding the aesthetics of the proposed building. It appeared there were too
35 many doors leading into the building and the PB felt as if it resembled a 2 or even a 3 family and that it
36 did not meet the characteristics of an ADU.

37 Planning Staff reached out to the Applicant and recommended some entrances into the ADU be removed
38 to help strengthen the proposal. In your packets are a new set of drawings. One door on the left side of the
39 building has been removed.

40 There are three logical ways of entering the ADU. One is through the sliding glass door in the back of the
41 building, which Planning Staff believes would qualify as “subordinate.” The second is through the garage
42 in the front of the building and the third is through the remaining door on the garage side of the structure
43 which would bring them into what appears to be a breezeway in the “primary structure,” they would then
44 have to cross through the garage to enter the ADU.

45 At this point, the primary item the PB needs to decide upon is whether or not the ADU is accessed via the
46 living area of the primary structure. The two primary questions to answer: Is a garage considered
47 “access?” Is a breezeway considered “living area?”
48

49 This lot is on septic. Chair Mailhot stated that the whole building was torn down so if anything was
50 grandfathered in terms of setbacks including the septic plan then that should be looked at.

1
2 **Regular Business***

3 **ITEM 2**

4 **Proposal: Conditional Use: Accessory Dwelling Unit**
5 **Action: Final Ruling**
6 **Owner: The Village at Pond View Woods, LLC**
7 **Location: 206 Portland Ave, MBL: 103-1-432; Zoning RD**

8 **ITEM 3**

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

13
14 The 3 items that the Planning Board was looking for at the February meeting have been submitted. The
15 one problem is the updated plan is not signed or sealed by a land surveyor. All of the paperwork has
16 been submitted and Staff is recommending that the Board issue a Determination of Completeness.
17 On the revised plan the Chief of Police stated that he is ok with the proposal as long as they don't block
18 access to Kinney Ave. and that there is a condition that deliveries occur before 7:00 am and do not take
19 more than an hour.
20 Staff recommends scheduling a site walk and make a Determination of Completeness.

21
22 **ITEM 4**

23 **Proposal: Minor Subdivision: 2 Duplex Dwelling with a total of 4 residential units**
24 **Action: Ruling on Preliminary Plan, Ruling on Final Plan**
25 **Owner: Donald Bouchard**
26 **Location: 189 Saco Avenue, MBL: 208-3-12; Zoning: GB1**

27
28
29 The PB held a Site Walk and Public Hearing last month and received a request to table the Application
30 while the Applicant re-worked the entrances in order to avoid a variance from the ZBA. In January, the
31 ZBA tabled the proposal and was reluctant to grant the variance because of stormwater concerns. A new
32 plan has been submitted for the March meeting showing the new entrance configuration.

33
34 Update from the previous submissions:

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

43 One concern that was discussed last month is the driveway over the easement for the 36" culvert.
44 Staff reviewed the ordinance and found 3 different sections that talk about easements but it doesn't talk
45 about paving over the easements. Stephanie Hubbard from Wright Pierce said that the culvert is going to
46 be replaced maybe this year and the cost of construction will be significantly more if there is a paved
47 driveway involved and in addition replacing that culvert will prohibit access to the parking lot on all 4 of
48 those units during the construction.

49
50 At the Development Review Meeting Department Heads didn't like this new configuration and
51 recommended the Applicant go back to the ZBA and staff support (Public Works) with the original

1 design saying that stormwater is not going to be an issue.

2
3 Chair recommends they take the building that has the frontage on MacArthur and slide it closer to
4 Saco Avenue and come in to MacArthur to that common middle driveway. Not having to interfere with
5 where the culvert easement is.

6
7 **ITEM 5**

8 **Proposal: Major Subdivision: 5 Unit Condominium Building**
9 **Action: Determination of Completeness, Preliminary Plan Ruling, Schedule Site Walk &**
10 **Public Hearing**
11 **Owner: SJ Peacock Builders**
12 **Location: 21 Union Ave, MBL: 315-15-3; Zoning NC-2**

13
14 The PB began reviewing this proposal last month as a sketch plan. The primary discussion was associated
15 with the parking area in the vacant abandoned road next door and the location of the dumpster.
16 The area was a Town-owned road at one point that through time and law has been abandoned, however, it
17 appears the Town still has an easement for public access. Staff has received the opinion from our Town
18 Attorney that there is probably a public access easement there and there shouldn't be any permanent
19 structures in that parking area.

20 There are 3 waiver requests:

- 21 • Waiver from the total parking isle width.
- 22 • Waiver for parking lot dimensions and layout.
- 23 • Waiver to reduce the number of parking spaces from 10 to 8.

24
25 They don't have space for snow removal so they are recommending that the snow be hauled away.
26 They are proposing no additional buffering or landscaping between the parking lot and the adjacent
27 easement.

28 They are proposing on the front a split rail fence and a tree. A question if that will affect site distance
29 pulling out of the parking lot.

30 Staff from the Development Review meeting asked if they could acquire parking from the parking lot
31 next door or somewhere else so that they can meet the parking requirements.

32 The Public Works Director had a comment on the snow removal stating that it is illegal to push snow into
33 the public ROW.

- 34 • WP comments mentioned above with Applicant:
 - 35 ○ Purpose/ownership of the concrete slab;
 - 36 ○ Ability to Serve letters from ME Water, DPW, Wastewater as well as a letter of financial
37 capacity for the project.
 - 38 ○ Building elevations and layout details.
 - 39 ○ Define limits of proposed pavement along western side of property.
 - 40 ○ Sidewalk reconstruction along Union Avenue if excavation is needed.
 - 41 ○ Sidewalk extension to new proposed edge of pavement.
 - 42 ○ Spot grades for proposed parking lot.
 - 43 ○ Stormwater narrative.

44
45 **ITEM 6**

46 **Proposal: Subdivision Amendment (Eastern Trail Estates): Adjust shared property line for**
47 **lots 17 & 18**
48 **Action: Ruling on Amendment**
49 **Owner: Ross Road LLC**
50 **Location: Mary's Way, MBL: 107-1-417 & 418; Zoning RD**

1
2 This subdivision amendment application is proposing to change the property boundary shared by lot 17
3 and lot 18. The reason for this change is to correct a side setback building encroachment on lot 17.
4 During construction of the building on lot 17, it was discovered that the building was encroaching on the
5 side setback common with lot 18.

6
7 The applicant can request a subdivision amendment for this because the request does not involve a
8 variance of the setback, the setback and lot size was allowed by the PB as part of the cluster subdivision
9 standards, and it's not creating a nonconformity. The lot area and frontage of both lots will still meet the
10 required minimum.

11
12 It's staff's opinion that this proposal may be approved. Although, before the PB approves, it's important
13 to note there are a number of outstanding issues associated with the subdivision.

14
15 Board Members discussed how close these buildings are and why they are not made to stake out the
16 setbacks before they start construction.

17 Chair Mailhot strongly urges as part of the codes inspection process that a licensed engineer should have
18 to stake out the lot, have to show the setbacks and stakeout the building.

19
20 Planner Hinderliter is recommending that this be tabled until spring.

21
22 **ITEM 7**

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

25 **Action: Schedule Public Hearing**

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

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

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

39
40 Support in Comprehensive Plan:

- 41
42
- 43 • Section III (Inventories and Analyses), B, 1. Summary, Pg. III-5
44 "Given this abundance of vacant housing, both now and in the foreseeable future, an affordable
45 homeowner strategy in Old Orchard should probably concentrate on helping low and moderate
46 income households buy into this stock, rather than on building new low cost housing
elsewhere."
 - 47 • Section IV (Community Goals and Policies), B, Residential Development, Pg. IV-12
48 Goal: Strengthen the Integrity of Old Orchard Beach neighborhoods
49 Goal: Re-examine existing zoning regulations to consider the allowable mix of uses in residential
50 Neighborhoods and zoning boundaries. Goal: Promote a wide variety of housing opportunities to
51 meet the needs of various types of households and various income levels.

1 B.4. Property owners should be encouraged to upgrade structures and landscaping on their
2 property...B.6. The Town should adopt mechanisms to foster construction of well planned,
3 affordable housing developments, including...multifamily dwellings...

- 4 • The NC-3 is a designated “Growth Area”
- 5 • According to the NC District Implementation Policy Strategies, the NC district primary objective
6 is to meet day-to-day convenience needs of nearby residents reducing the need for automobile.
7 One could argue that allowing sidewalk level dwellings decrease the options of fulfilling this
8 objective. Although, one could counter that land use in this particular NC District already
9 changed and the day-to-day convenience needs are available within walking distance to nearby
10 residents.

11 Planning Staff recommends the PB schedule a Public Hearing for the April meeting.

12
13 Associate Planner McLaughlin stated that they are still required to come before the Board for a
14 Conditional Use, so when they come with their actual proposal, that could be a Condition of Approval to
15 upgrade the façade.

16
17 **ITEM 8**

18 **Proposal: Ordinance Amendment: Chapter 78, Sec. 78-1272 in its entirety. Amend Accessory**
19 **Dwelling Unit standards**

20 **Action: Schedule Public Hearing**

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

22
23 The PB will begin formal consideration of the Accessory Dwelling Unit ordinance amendment this
24 month, which includes scheduling a Public Hearing. Last month, the PB offered comments on a draft
25 prepared by staff. Included in your packets this month is another draft addressing those comments. Below
26 are the changes to address the PB comments:

- 27 • The PB wanted to reduce the floor are requirement from 500 square feet. Staff recommended this
28 be confirmed with Code Enforcement to ensure the new minimum would meet applicable
29 building codes. Our Code Enforcement officer said: *“IRC states habitable rooms need to be a*
30 *minimum of 70 sqft (bedroom and living room) with do dimension less than 7'. Rooms with a*
31 *sloped ceiling areas with a ceiling height of 5' and less do not count to the 70 sqft. Ceiling height*
32 *needs to be 7' in habitable room and 6' 8" in bathrooms. The town has an ordinance that says the*
33 *kitchen has to be 60 sqft. Add a bathroom and you are easily at 250 sqft. In my opinion I would*
34 *reduce the minimum below 300sqft to eliminate any confusion.”* Planning Staff reduced the
35 minimum size to 300 square feet per his recommendation (**Performance Standard F**).
- 36 • The PB wanted to clarify **Performance Standard G** regarding off-street parking. Planning Staff
37 removed the part about any “new” driveway and left it as any expanded driveway entrance.
- 38 • Planning Staff changed “Season” to “Seasonal Use” to be consistent with the rest of the ordinance
39 language (**Definitions, D**).

40 Planning Staff has created a draft covenant. This will be reviewed by the Town Attorney and will be
41 required for all ADU proposals as per Performance Standard C.

42 Planning Staff recommends the PB review the ordinance language and schedule a Public Hearing for the
43 April 11th Planning Board meeting.

44
45 Marianne Hebert asked what the standards are for a 2 family unit.

46 Associate Planner McLaughlin stated that 2 family units are not allowed in all districts so they are using
47 ADU’s and that is why we are tightening up the standards for the ADU’s.

48
49 **ITEM 9**

1 **Proposal: Ordinance Amendment: Amend ordinance language associated with**
2 **loading/unloading in GB1 District**
3 **Action: Discussion**
4 **Applicant: Norman and Barbara Delage, Dianne Fredette**
5

6 The primary purpose of this meeting is to allow the applicant to introduce their proposed zoning
7 ordinance amendment and

8 The applicants are proposing the town adopt ordinance amendments that would restrict the hours
9 associated with delivery of goods and private trash pick-up for businesses located in the GB1 District. As
10 proposed, delivery of goods and private trash pick-up for business in the GB1 would be allowed between
11 the hours of 7:00 AM and 5:00 PM. This proposal is not a formal ordinance amendment at this time; it's
12 just a discussion item. Although, the applicants do intend to move forward with an ordinance
13 amendment.
14

15 The applicants live on Portland Ave., across the street from Landry's shopping center. Their homes face
16 the back side of Landry's which is where the dumpsters are located and a majority of deliveries take
17 place. According to the applicants the increase of larger vehicle traffic for deliveries and trash pick-up
18 has created noise and traffic problems for nearby residents which interfere with their quality of life.
19 A motion is not necessary unless the PB chooses to take formal action
20

21 **ITEM 10**

22 **Proposal: Ordinance Amendment and Zoning District: Creation of Saco Avenue Overlay**
23 **District**

24 **Action: Provide document and summary**

25 **Applicant: Town of Old Orchard Beach Design Review Committee**
26

27 The Design Review Committee (DRC) has been brainstorming and coming up with design standards to
28 preserve and in some cases beautify out gateways into Town. One of the gateways identified was the
29 "Saco Avenue Gateway Overlay" (SAGO) from the entrance off I-95 through to where the current
30 downtown districts pick up.

31 Some of you may recall the Dunkin Donuts that was proposed on the corner of Smithwheel Road. At the
32 time, neither the DRC nor the PB had the authority to regulate the aesthetics of the building. This would
33 give the DRC and the PB a chance to review and make changes to a building's exterior, including
34 landscaping and parking areas in one of the main gateways into Town.
35

36 The DRCs primary thoughts are to create standards that would require redevelopment, new development
37 and substantial changes to be reviewed by the committee and follow a certain pattern.
38

39 The process is still in the early stages and a draft ordinance has been created based on the current
40 Downtown District 1 & 2 ordinances. The DRC would like feedback from the PB on what the board
41 would like to see in these districts. It is important to point out that this is just a discussion and before any
42 of these changes move forward they would need to be reviewed and approved by both the Planning Board
43 and the Town Council, which includes public hearings.
44

45 DRC's overall goal is to make the buildings as you come into town look better. The DRC is looking for
46 feedback from the Planning Board on their thoughts.
47

48 They also had a meeting with the Ocean Park Association and the Ocean Park Association wants to
49 regulate Temple Avenue from the railroad tracks down to the beach and they want to keep the historic
50 look because of the new Flood Plain regulations may take away from the character of that area.
51

1 **Sign Certificate of Appropriateness**

- 2 • **20 x 50 Expansion of Existing Hotel (Flagship Motel); 50 West Grand Ave; Peter Guidi**
3 • **Modify Exterior Attached Lighting Fixtures (Dollar General); 19 Heath St; Zaremba**
4 **Group, LLC**
5 • **Install Solar Panels on Chamber of Commerce Building; 11 1st Street; Revision Energy**

6 Planning Board needs to sign the Certificate of Appropriateness at the regular meeting.
7

8 **Sign Findings of Fact**

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

10
11 Planning Board needs to sign the Findings of Facts at the regular meeting.
12

13 **Other Business**

14
15 **ADJOURNMENT**

16
17 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes**
18 **only. Formal decisions on these items are not made until the Regular Meeting.**
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 Seven (7) is a true copy of the*
22 *original minutes of the Planning Board Workshop Meeting of March 7, 2019.*
23

24 *Valdine Camire*
25
26