

1 **OLD ORCHARD BEACH PLANNING BOARD**
2 **Regular Meeting**
3 **May 11, 2017, 7:00 PM**
4 **Town Council Chambers**

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

7 **Roll Call:** Ryan Kelly, Win Winch, Mike Fortunato, Vice Chair Eber Weinstein and Chair Linda Mailhot.
8 **Absent:** Robin Dube and Mark Koenigs. **Staff:** Planner Jeffrey Hinderliter and Assistant Town Planner
9 Megan McLaughlin.

10
11 **PLEDGE OF ALLEGIANCE**
12

13 **APPROVAL OF MINUTES: 4/6/17; 4/13/17**

14 There were no meeting minutes to approve at this meeting tonight.
15

16 **Regular Business**

17 **ITEM 1**

18 **Proposal:** **Conditional Use Amendment of Approved Plan/Appeals from restrictions on**
19 **Nonconforming Uses (Overnight Cabins): Change use of 7 units from seasonal to year-**
20 **round Hotel (currently 5 year-round use for a total of 12**

21 **Action:** **Final Ruling**

22 **Owner:** **SRA Varieties Inc., D.B.A. Paul's II**

23 **Location:** **141 Saco Ave., MLB: 311-1-10**
24

25 Introduction: At the last meeting in April, the planning board took a straw poll that favored the proposal.
26 We were thinking of moving forward with a formal vote, staff asked the planning board for a little more
27 time because we wanted to prepare conditions and work through the conditional use review criteria
28 with the applicant so we can receive a vote. We met with the owners and in your packets are the
29 improved conditional use criteria among other documents. In the memo there are ten proposed
30 conditions associated with this proposal. Number two is for pavement, left blank for feedback. The
31 planning board needs to vote on the conditional use criteria and the nonconforming use standard. One
32 thing that we worked on was the management plan, and the owner is willing to work with us. We have
33 the jurisdiction over land use and zoning matters, and it doesn't seem appropriate to get into their
34 management plan.
35

36 Public works made a recommendation about their drainage problem. The fire department has twelve
37 recommendations for them, the type of system they have, there is no numbering system, they do not
38 have a master key, and fire inspection has to be done, CO2 detectors in every unit, rear access to the
39 buildings, monitored fire alarm system, wooden buildings that may be dry. The one remaining item that
40 is not up-to-date is the Knocks box, and the owner has met with the new fire chief.

41
42 Some concerns with the property is the snow removal over the winter and the parking in the back, they
43 are angled and two feet shallow.
44

1 If any drainage issues are noticed, the owner shall work as quickly as possible to address these with the
2 town of Old Orchard Beach.

3
4 The fire department will inspect and sign off that they have no outstanding concerns.
5

6 **MOTION:**

7 Win Winch made a motion for approval for conditional use of the appeals from restriction in
8 nonconforming use specifically the change from seven units from seasonal use to year-round hotel. With
9 the following conditions:

- 10 1. Curb stops shall be installed at the end of each parking space, and numbered.
- 11 2. The Omni Inn shall be paved on or before the 1st of June 2018.
- 12 3. Building 3 as identified on our February 5th, 2017 parking layout plan, shall not exceed two units.
- 13 4. Accumulated snow shall be taken off site with a time frame that avoids stock piling.
- 14 5. Individual parking space shall be marked/identified on site in accordance with the February 5th
15 parking layout plan. Temporary spaces shall be marked/identified on or before 1st June 2017.
16 Permanent spaces shall be painted immediately on completion of paving.
- 17 6. Individual parking spaces shall be marked with unit numbers
- 18 7. "DO NOT ENTER" sign shall be placed at the access in front of building five, on or before 1st of
19 June 2017
- 20 8. A "DO NOT ENTER" sign shall be placed at the intersection of the Omni Inn at the access of
21 Union Ave on or before 1st of June 2017
- 22 9. Tennent or Omni Inn Parking only sign shall be placed at the access to the Omni in from Paul's II
23 parking area on or before 1st June 2017
- 24 10. A knocks box shall be installed on or before 1st of June 2017
- 25 11. If any drainage issues are noticed, the owner shall work as quickly as possible to address these
26 with the town of Old Orchard Beach.
- 27 12. The fire department will inspect and sign off that they have no outstanding concerns.

28
29 Eber Weinstein seconded the motion.
30

31 **VOTE:**

32
33 Planner Hinderliter called for the vote:
34

- 35 Ryan Kelly – Yes
36 Win Winch – Yes
37 Mike Fortunato – Yes
38 Eber Weinstein – Yes
39 Linda Mailhot – Yes
40

41 **PASSES (5-0)**

42
43
44

1 **ITEM 2**

2 **Proposal: Conditional Use: Establish a Café (bakery) within an existing building**
3 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
4 **Owner: 4 Kidds LLC**
5 **Location: 64 Saco Ave., MBL: 206-10-7**
6

7 Introduction: The building was last used by a retail space, there was a hair salon, Curl Up and Dye, and it
8 has been used as a breakfast place in the past. When it was originally approved by the planning board in
9 the 90's, it was for a breakfast place. Mrs. Kidd intends to provide walk in and seating service, be open
10 seven days a weeks, hours 6am-2pm year-round. In 2015 we went through a zoning amendment
11 through our zoning ordinance, which approved the café use for the GB2 district, which received a
12 favorable recommendation from the planning board at the time of the proposal as well as seeking
13 approval from the council. Parking is a concern with a lot of proposals that was discussed at our
14 workshop. The proposal has a lot more parking available than is required. There are 9 spaces on site,
15 plus Saco Ave allows for parking. We have a few recommended changes and she wants to open up by
16 June. We recommend to amend the plan by removing the deck that faces Saco Ave (In order to
17 construct that deck, the Kidd's would need a variance). We also recommend that they amend the
18 respond to review criteria 10 regarding screening. We need more clarification about on site deliveries
19 and possibly adding a section of fence by the dumpster so that it is closed in all sides. We recommend
20 that the application is determined complete with these recommendations and schedule a site walk and
21 public hearing.

22
23 The applicant is happy to take the deck off of the plan, leave the existing deck on and go through Dan
24 Feeney's office to get a variance at a later date.

25 The applicant would have two PFG trucks a week, maybe one in the winter coming mid-morning. The
26 best way is for them to pull over on Saco Ave, and we would also have an Oakhurst and Pepsi truck
27 totaling in four deliveries a week.

28
29 **MOTION:**

30
31 Win Winch made a motion to determine the application complete, and to schedule a site walk on June
32 1st at 5:45 pm, seconded by Ryan Kelly. The public hearing is scheduled for June 8. 2017.

33
34 **VOTE:**

35
36 *Planner Hinderliter called for the vote:*

37
38 Ryan Kelly –Yes
39 Win Winch – Yes
40 Mike Fortunato – Yes
41 Eber Weinstein – Yes
42 Linda Mailhot - Yes

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

1 **ITEM 3**
2 **Proposal: Major Subdivision: 21 lot subdivision for single-family residential use (Eastern Trail**
3 **Estates)**
4 **Action: Preliminary Plan Review; Schedule Site Walk and Public Hearing**
5 **Owner: Kevin Beaulieu & Steven Beaulieu**
6 **Location: Ross Rd, MBL: 107-1-4, 14 &16**
7

8 Introduction by Bill Thompson, from BH2M. Edit, 20 lots. The portion being reviewed is the Old Orchard
9 Beach portion, the other portion is in Saco, which has not been brought to the planning board in Saco,
10 but they are aware of the activity in Old Orchard Beach. The lot sizes range from 20 and 40 thousand sq.
11 ft. It is in the rural are of Old Orchard Beach. There is public water and individual septic systems and one
12 means of egress to Ross Rd. In the May submission the applicant seeks approval. Staff believes it is not
13 ready for a planning-board vote. It is not ready because it is a cluster subdivision but we still have the
14 cluster standard within the ordinance in section 78-278 and we would like the applicant to address
15 these standards. The most important standard is when you don't have a public sewer system, you have
16 to have a central septic system. In the past, the planning board has allowed for individual septic for each
17 lot; the applicant must demonstrate why this is better. We received the drainage report late, and we
18 need that to go through the proper channels for the planning board. The access issue would have to be
19 a waiver request, which was not clearly requested in the application materials. We have concerns about
20 winter maintenance and dead end streets. We recommend that the planning board not take a
21 preliminary plan vote at this time. You can schedule a site walk, but we recommend not scheduling a
22 public hearing.

23
24 Why does someone want to go with a cluster subdivision rather than a major subdivision?
25 Probably more financial feasible/profitable. A smaller amount of land can have higher density
26 and have fewer infrastructure costs with roads and water.
27

28 The reasoning for doing a cluster subdivision rather than a major subdivision is to cut back on roadway
29 lengths, the applicant would have a conventional system. You minimize the amount of pavement, stone
30 water issue you don't have to deal with and it is a less economic burden and it would become a town
31 road which will need to be paved.
32

33 Some advantages for the town, there will be open space and also clusters fight sprawl, as opposed to
34 having multiple lots with multiple frontage along a public way, you have one clustered subdivision that
35 doesn't max out an entire parcel. The open space on this project is four acres.
36

37 Earth pond will be shaped into the ground.
38 According to the engineering report, the outlet across the street, because it is at a slope, there will not
39 be enough thickness of coverage over the 18 inch drain.
40

41 The cul de sac is designed to town standards and the fire chief has said that both of the subdivisions
42 shall meet fire hydrant, access road, dead ends and turning radiuses.
43

1 Assuming that this proposal is approved as it is presented, how will Mary’s Way go from Ross Rd. into
2 Saco? And is Easy St. all in Saco? How will school buses and such go through?

3 The two towns would have to concur on mutual services.
4

5 The applicant would like a consideration on a waiver for the septic systems, a waiver on the one
6 entrance and connection to the eastern trail. A site walk would be helpful.
7

8 Site walk scheduled for June 1st at 5:15 p.m.
9

10 **ITEM 4**

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

13 **Action: Discuss Map Amendment; Schedule Public Hearing**

14 **Owner: David Deshaies**

15 **Location: 91 Ross Rd., MBL: 105-2-16**
16

17 Introduction: Currently, the lot is almost equally split between industrial and rural districts. The
18 applicant wants to develop the lot for single family use, but the industrial district has standards that are
19 not designed for single family homes, as they are for industrial use and those are not compatible.
20 Working with the engineer, two rural lots would be the max amount of residential homes allowed. It is
21 not an amendment to an ordinance, but to a zoning map. A lot of these amendments in the past have
22 been associated with the campground overlay districts. It requires both planning board and council
23 review, the planning board needs to consider this, make comment, hold a public hearing and make
24 recommendations to the council, who will decide the final decision on the amendment. The big
25 principle, associated with any zoning map or ordinance amendment is does it conform to the
26 comprehensive plan. It looks like this should have already been deemed a rural area, in the FLUP from
27 1982, this area is shown as a rural district. This is proposed to be an R-1, which is similar to a rural
28 district, except that it will not have the agricultural uses. It conforms to the adoptive comprehensive
29 plan and to the draft comprehensive plan that we are currently working on. We recommend that the
30 planning board hold a public hearing next month.

31 This was one property at one time, and after the subdivision process, it was divided into three lots. It
32 was approved as an estate lot, and to get another lot in there, because you can only have one estate lot
33 and the driveways have to be separated, to create that estate lot private way into a private way in order
34 to get the frontage on both lots.
35

36 **MOTION:**

37 Win Winch made a motion to schedule a public hearing on June 8, 2017, seconded by Ryan Kelly.
38

39 **VOTE:**
40

41 *Planner Hinderliter called for the vote:*
42

43 Ryan Kelly –Yes

44 Win Winch – Yes

1 Mike Fortunato – Yes
2 Eber Weinstein – Yes
3 Linda Mailhot - Yes

4

5 **PASSES (5-0)**

6

7 **ITEM 5**

8 **Proposal: Major Subdivision Amendment: Changes to lighting and landscaping and phasing of**
9 **the project (Dirigo Woods Subdivision)**

10 **Action: Discussion; Ruling on Amendment**

11 **Owner: Andrew and James Parece**

12 **Location: Dirigo Drive, MBL: 105-2-9**

13

14 Introduction: Applicants want to amend the subdivision plan that was approved in August of 2007, for a
15 42 unit single-family subdivision off of Dirigo Drive. The main reason they are bringing this amendment
16 back is because they would like to phase the project and do lots 1-18 and 39-42 as phase one and lots
17 19-38 as phase two. As a couple of minor changes, they want to reduce the number of plats from 116 to
18 66 and reduce the number of street lights from 39 to 21. One of the issues with this phasing plan is that
19 our subdivision ordinance only allows for 15 or more lots with one form of egress, and there are 22 lots
20 that would be served by Basen Way; the second form of egress would come at a second phase. There
21 might be a possibility to phase this a different way if this way doesn't work. We came up with a couple
22 of conditions, the first being about timing, we could say that construction of the second phase, lots 19-
23 38 on Pepsi St. and Trudy Circle must commence within one year of completion of infrastructure
24 associated with phase one, lots 1-18 and 39-42 and no more than three years from the commencement
25 of construction. The second condition is that the construction of the second phase, Pepsi St. and Trudy
26 Circle shall commence once building construction begins on the fifteenth lot in the first phase. This
27 would address them not going over the 15 lots with the one means of egress.

28 In the landscaping discussion, that section applies to construction of non-residential and multi-family
29 residential uses requiring site plan review or conditional use. The landscaping standards in that section
30 are not applicable to the project.

31 In the ordinance it says that street lights along private ways should provide on average a one foot candle
32 of illumination.

33 We didn't receive any comments from department heads so the only concerns we have are the second
34 means of egress and the foot candle calculation.

35

36 The reason they do not want as many lights and trees is because of the cost of installing, maintaining
37 and pollution and landscaping respectively.

38

39 In addition to having a condition on the construction of phase two starting as soon as the construction
40 on the fifteenth lot begins is that certificates of occupancy aren't issued.

41

42 A couple conditions from the board:

- 43 1. The construction of the second phase, Pepsi St. and Trudy Circle shall commence once building
44 construction begins on the fifteenth lot in the first phase.

2. The certificate of occupancy for lots over and above 15 in that first phase are not granted until the second means of egress is completed.
3. That the applicant submit updated foot candle calculations for review by planning staff that reflect the changes in number of street lights.
4. Landscaping letter from a professional stating that there is too many trees

MOTION:

Eber Weinstein made a motion with the conditions as read, seconded by Win Winch.

VOTE:

Planner Hinderliter called for the vote:

- Ryan Kelly –Yes
- Win Winch – Yes
- Mike Fortunato – Yes
- Eber Weinstein – Yes
- Linda Mailhot - Yes

PASSES (5-0)

Certificate of Appropriateness

ITEM 1

- Proposal:** Placement of A/C Unit and associated mechanicals (Alteration of deck within view of a public street)
- Action:** Certificate of Appropriateness Ruling
- Owner:** Sameer Hasan
- Location:** 39 West Grand Ave., MBL: 310-6-1 (Unit 36), DD1

Introduction: This is for the installation of an A/C unit on the exterior of the Brunswick to service a single condo unit. The design review committee recommend the planning board approve this.

The DRC wanted it moved and it was brought back on May 1st as revised currently.

They received an electrical permit, and now that they are moving it, they'll need a new one. The drainage from the unit needs to be addressed, as it will either go to the deck below or into the kitchen.

MOTION:

Eber Weinstein made a motion to approve the Certificate of Appropriateness, seconded by Ryan Kelly.

VOTE:

Planner Hinderliter called for the vote:

- Ryan Kelly –Yes
- Win Winch – Yes

1 Mike Fortunato – Yes
2 Eber Weinstein – Yes
3 Linda Mailhot - Yes

4

5 **PASSES (5-0)**

6

7 **ITEM 2**

8 **Proposal: Replacement of siding on the Brunswick**

9 **Action: Certificate of Appropriateness**

10 **Owner: Tom Lacasse**

11 **Location: 39 West Grand Ave., MBL: 310-6-1, DD1**

12

13 Introduction: Siding for the auxiliary building, the front portion of The Brunswick, facing West Grand
14 Avenue.

15

16 They have already begun the renovation, but they were stopped.

17

18 **MOTION:**

19 Win Winch mad a motion to issue a certificate of appropriate motion to Tom Lacasse at 39 West Grand
20 Avenue, MBL: 310-6-1, seconded by Ryan Kelly.

21

22 **VOTE:**

23 *Planner Hinderliter called for the vote:*

24

25 Ryan Kelly –Yes

26 Win Winch – Yes

27 Mike Fortunato – Yes

28 Eber Weinstein – Yes

29 Linda Mailhot - Yes

30

31 **PASSES (5-0)**

32

33 **Other Business**

34

35 **Good & Welfare**

36

37 The brick building; they were supposed to get a plan for the workshop, so we have decided to reach out
38 to them and tell them it will be a formal item on the next planning board agenda.

39

40 The Cherry Hill pump by Dunegrass is too small, and we have not heard follow up on their promise to
41 install a bigger one.

42

43 The retail building across from Beach Bagel was supposed to come with cement block siding exposed to
44 the parking lot and would be sided; it has been a year and nothing has happened.

1 Street cleaning should be done more than once a year, as it improves the overall look of the city.

2

3 There is a large dumpster in front of the entrance to the beach near the pier and is on town property.

4 This happens each year and it is not good looking. Jeffery will check in to that and give a solid answer to
5 that.

6

7 The traffic study, wear cascade and Ross Rd meet, may not be up to date.

8

9 The Dunkin' Donuts trash and debris hasn't been cleaned, and they are starting on May 15th.

10

11

12 LINDA MAILHOT, CHAIR

13

14 MEETING ADJOURNED AT 9:54 pm

15

16 *I, Rebekka Joensen, Secretary to the Planning Board of the Town of Old Orchard Beach, do*
17 *hereby certify that the foregoing document consisting of Nine (9) pages is a true copy of the*
18 *original minutes of the Planning Board Meeting of May 11, 2017*

19

20

21

22

23