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3 OLD ORCHARD BEACH PLANNING BOARD
4 Public Hearing & Regular Meeting MINUTES
5 May 13, 2021 6:30 PM
6 Town Hall Council Chambers
7

8 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A*
9 *COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT 207-934-4042 OR*
10 kmclaughlin@oobmaine.com
11

12
13 CALL MEETING TO ORDER

14
15 PLEDGE TO THE FLAG

16
17 ROLL CALL

18 Marianne Hubert

19 Chris Hitchcock

20 Robin Dube

21 Win Winch

22 Vice Chair Walker

23 Chair Mailhot
24

25 Public Hearing

26 Proposal: Ordinance Amendments (Adult Use Marijuana): Ch. 78, Art. VI, Secs. 78-717, 747, 803, 903
27 (Zoning Districts); Ch. 78, Art. VII, Sec. 1279 (Conditional Use Ordinance)

28 Applicant: Town of Old Orchard Beach
29

30 Comments:

- 31
- 32 • Peter Moumouros 30 Saco Avenue – had 2 questions for the Board: First question was
33 where exactly are the 4 spots that are available for the license? Town Planner Jeffrey
34 Hinderliter replied that he will email Peter the map showing the allowable locations, and
35 that he suspects that there are more than 4 spots. Vice Chair Walker then clarified that
36 they are areas, not exact locations. Peter’s other question was re the Town allowing
37 medical marijuana in the GB-1 zone; given that scenario, he asked in the perfect scenario,
38 where would the Town want the store to be located? Chair Mailhot replied that at this
39 stage of the game, the Planning Board is not talking about where ideally they would be
40 located, that it has been said they will be located in certain districts and there are multiple
41 locations within those districts
 - 42 • Patrick Moumouros 30 Saco Avenue – wanted to commend the Staff, especially Jeffrey,
43 re their work on the ordinance but does have concerns for the Board about some of the
44 proposed rules as well as the underlying decision-making process for these rules. He
45 feels that throughout this Planning Board process, there has been a lack of education and
46 knowledge about the cannabis industry. He has concerns about the operating hours of the
47 store, the store size limit, and a missing sensitive use (Milestone Foundation)
 - 48 • Tom Moumouros 30 Saco Avenue – also wanted to commend the Staff and Jeffrey
49 Hinderliter in their work in drafting the ordinance. He believes that the proposal to
50 increase the sensitive use buffer on everything other than schools from 500 ft to the 1,000
51 ft is overly restrictive and will leave Old Orchard Beach open to lawsuits and future
52 referendums. The current ordinance sets the buffer on parks, churches, etc., at 500 ft. His
53 questions to the Board: 1. Why will there be 2 different buffers for the sale of the exact
54 same product? 2. Why is Walgreens allowed to sell beer, liquor, tobacco, and pain killers
right next door to a park, library, church, and playground?

- Sheila Flathers 8 Brooke Drive (emailed comments read at Public Hearing-See Pg 10)
- Eileen Payette 28 E. Grand Ave. (emailed comments read at Public Hearing-See Pg 10)

Closed Public Hearing at 6:41 PM

Regular Business

ITEM 1

Proposal: Ordinance Amendments (Adult Use Marijuana): Ch. 78, Art. VI, Secs. 78-717, 747, 803, 903 (Zoning Districts); Ch. 78, Art. VII, Sec. 1279 (Conditional Use Ordinance)
Action: Review; Council Recommendation
Applicant: Town of Old Orchard Beach

Town Planner Jeffrey Hinderliter provided some background information: In November of 2020, the voters of Old Orchard Beach voted in favor of adopting ordinances that would allow the retail sale of adult use marijuana and issuing a limited number of licenses allowing adult use marijuana to be sold in Old Orchard Beach. The vote did not authorize the use, but it was a binding vote requiring the Planning Board and the Council to develop ordinances that would allow adult use marijuana land use to exist. While there are 4 ordinances that are associated with the adult use marijuana proposal, there are only 2 that fall under the Planning Board's jurisdiction. One of those ordinances is associated with where the use is allowed (in which zoning districts) and the other is the conditional use ordinance (how it will be regulated by the Town). The Planning Board's primary responsibility is to review, revise, and provide a recommendation to the Council on both of these ordinances. The Board recommended revisions to the draft of the conditional use ordinance, including increasing the separation from sensitive uses to 1,000 feet, include additional uses in the sensitive use category, add "regardless of size" and add a 7-acre requirement for public outdoor recreation areas, clarify the meaning of "amusement parks", added days of the week and hours of operation (Monday – Sunday, 9-6), adding marijuana store square footage be set at 1,000 square feet, increasing the proximity to area businesses to 1,000 ft, requiring these businesses be stand-alone structures, addition of parking and solid waste standards, adding a loitering standard, adding a new definition of community center, and removal of the standard that states that filtration systems aren't required for marijuana stores.

Chair Mailhot then asked for comments from the Board. Vice Chair Walker then asked if it would be appropriate to recommend zero licenses to the Council as he is not in favor of issuing any licenses. Chair Mailhot stated that they will remain silent on the number of licenses as that is not under their jurisdiction. Chair Mailhot did ask Town Planner Jeffrey Hinderliter to add addiction treatment facility to the list of sensitive uses. Ms. Dube then proposed that the Board does visit existing marijuana facilities to gain a better understanding of the operations. Vice Chair Walker then added that he had reached out to the Planning Boards in Portland and South Portland for some educational tips in this area. Mr. Winch then added that he was having trouble hearing the Board's comments (and therefore would abstain from voting) and had issue with the 1,000 ft requirement as this would limit the number of potential locations. Ms. Hubert then asked if the gentleman in the audience who spoke at the Public Hearing (Tom Moumouros) would provide the Board with recommendations. Tom Moumouros stated that he would be happy to provide recommendations and would email those to Town Planner Jeffrey Hinderliter, and Jeffrey would then forward those comments to Interim Town Manager, Diana Asanza, for the Council. Vice Chair Walker made a motion to make a recommendation to Council; seconded by Ms. Dube. Chair Mailhot then asked if the Board requested any further discussion. As there was none, Chair Mailhot then asked Town Planner Jeffrey Hinderliter to call for the vote.

Ms. Hubert - No

Mr. Hitchcock - No

Ms. Dube - Yes

Vice Chair Walker - Yes

Chair Mailhot - Yes

Chair Mailhot then stated that the vote carries 3-2.

1
2 **ITEM 2**

3 Proposal: Minor Subdivision and Site Plan: 4-lot subdivision for single-family use
4 Action: Preliminary Plan Determination of Completeness; Schedule Site Walk; Schedule Public Hearing
5 Applicant: Estates at Bay View, LLC
6 Location: 211 East Grand Ave., MBL: 202-2-2; Zoning: Proposed Contract Zone and Shoreland RA
7

8 Town Planner Jeffrey Hinderliter stated that this subdivision is associated with the recently proposed and now
9 recently approved Contract zone. He added that the next step would be that the Board makes a determination of
10 completeness as to the applicant's Preliminary Plan.

11 Chris McDonald, a civil engineer at BH2M, presented on behalf of the applicant, Estates at Bay View, LLC.
12 Chris stated that the Contract zone was approved by the town, and is currently in the 45-day review window by
13 the DEP. Chris asked Town Planner Jeffrey Hinderliter about the setback requirements, specifically where is the
14 frontage located on Lot 3 and Lot 4; Jeffrey responded that for setback purposes, the front lot line for those 2 lots
15 is the lot line that fronts the road, and it doesn't matter if that road is public or private. Chris then reviewed public
16 comments. Timothy Swenson then updated the Board on the DEP permitting status. He stated that the Contract
17 zone is currently under review w the DEP, takes roughly 45 days, and they've had it for about a week. Timothy
18 also mentioned that the language in the easement is currently being reviewed by the attorney for the Town of Old
19 Orchard. Chair Mailhot asked about trash removal for the property; Timothy mentioned that currently the plan is
20 for pickup on E. Grand Avenue. Chair Mailhot also inquired as to the final size of the building footprints and the
21 driveways, noting that the plans are marked "conceptual"; Timothy responded that the sizes shown on the plans
22 are maximum sizes and the actual footprints will be less than those shown. Mr. Hitchcock then asked Chris
23 McDonald if Sec 74-2 responses, items 6 & 7, about solid and sewage waste removal, only address sewage and
24 need to be updated to include solid waste (trash removal). Mr. Hitchcock also inquired about the response to
25 question 13 re ground water, noting that the answer refers to public water and that the answer should refer to
26 ground water. Chair Mailhot asked Chris McDonald to update the response to question 13 criteria.

27 Ms. Dube then made a motion as to the Determination of Completeness with the following conditions: that on or
28 before May 24, 2021, all outstanding questions by the Planning Board staff, department heads, and Wright Pierce
29 comments be addressed by the applicant and included with the next submission; motion seconded by Mr.
30 Hitchcock. Seeing that there was no request for additional discussion by the Board, Chair Mailhot asked Town
31 Planner Jeffrey Hinderliter to call for the vote.
32

33 Ms. Hubert - Yes
34 Mr. Hitchcock - Yes
35 Ms. Dube - Yes
36 Vice Chair Walker - Yes
37 Chair Mailhot - Yes
38

39 Chair Mailhot then stated that carries 5-0, and there will be a site walk June 3 at 5:30 PM and a Public Hearing on
40 June 10 at 6:30 PM.
41
42

43 **ITEM 3**

44 Proposal: Major Subdivision: 20-lot cluster subdivision for single-family dwellings
45 Action: Preliminary Plan Determination of Completeness; Schedule Site Walk; Schedule Public Hearing
46 Owner: Timothy Swenson & Cary Seamans
47 Location: Wild Dunes Way, Section C of Dunegrass (MBL: 105A-1-C); Zoning: PMUD
48

49 Assistant Town Planner Michael Foster updated the Board as follows:
50 The Planning Board first saw this proposal back in December 2020 and continued review last month. This is
51 proposed as a 20-lot cluster subdivision within Dunegrass with access off Wild Dunes Way. This abuts The Turn
52 subdivision and residences outside of Dunegrass on Willow Ave. For May we received updated materials that
53 were included in your packets. We've also received a memo from Stephanie Hubbard with Wright Pierce with
54 review of the applicant updates.

1 At the April meeting there was a question from the Board about the second street connection with existing public
2 streets requirement, which was if as these Dunegrass sections come up, is it according to the Dunegrass Master
3 Plan or would these be substantive changes? Typically for us to consider something a substantive change to the
4 Dunegrass Master Plan it would be for the creation of a section not originally approved or for an increase in the
5 unit count for what was originally approved. Section C was part of the Dunegrass Master Plan without a second
6 street connection and the proposed unit count is less than originally approved. For these reasons Planning staff
7 believes the one street connection as proposed meets that Master Plan.

8 For stormwater and sewer there are multiple comments and questions, and further coordination with Town staff
9 and the Wright Pierce engineer will be needed.

10 Overall there is still a list of comments to address and I will highlight some of these bigger items:

11
12 ○ Mickelson Way connection –

13 It was recommended the applicant provide comment on the connection to Mickelson Way for review with
14 the Planning Board

15 At the April meeting the applicant said that there is no interest by either the developer of Section C or by
16 the existing subdivision The Turn. The Planning Board should provide some comments on this
17 connection.

18
19 ○ Pedestrian connection to Cascade Rd-

20 Grading should be reviewed

21 Will this need to be ADA accessible?

22 Fencing or other protections should be provided between the pedestrian connection and the wet pond
23 given the side slopes proposed along the wet pond.

24
25 ○ Golf cart path –

26 The revised application materials have indicated they have coordinated on relocation of these paths.

27 Additional details are shown on Sheet 1. There are still multiple questions in regards to this including:

28 Easements – The golf cart path on Lot 1 and Lot 20 are offset by approximately 100 feet. Details
29 needed.

30 Location of relocated path not shown

31 Town and applicant should discuss the golf cart/pedestrian crossing along the entrance to the Site
32 along Wild Dunes Way.

33 ○ Screening and buffering-

34 We recommend the project review the need for screening or landscaping of the adjacent Willow
35 Avenue development. In many cases the proposed homes for the subdivision will be built up 5-6
36 feet above the adjacent residential development.

37 The Planning Board should make recommendations for what screening or landscaping should be
38 used. Is there a buffer to remain there? Would you want to see additional landscaping or fencing
39 installed?
40

41 ○ Addressing re the E-911 ordinance amendment

42 There are new requirements for preliminary plans that require subdivision applicants to work with
43 the E911 addressing officer to add that information to the plan.
44

45 Several items still need to be coordinated and discussed between the Town and the applicant including some
46 bigger items like sewer, stormwater, and easements. Also, the newer requirement for addressing that I just
47 mentioned. We haven't received feedback from Town departments that the applicant has reached out to
48 coordinate these items yet. Overall this is a fairly complete application but some of these items we would
49 consider substantive and could also potentially change the proposed layout. If you do agree on the current design
50 as is, you could determine the application as complete if you're comfortable doing that.

51 Bill Thompson, from BH2M, project manager for Timothy Swenson and Carey Seamans, then spoke. He
52 indicated that he has reviewed the comments from Wright Pierce, and has responded to each comment. He also

1 mentioned that the application still needs site location permission from DEP, and it has been submitted to them
2 for review.

3
4 Comments made by Bill Thompson:

5 Golf cart paths have been located on Sheet 1 of the plan, and easements are in place to relocate the golf cart paths
6 off Wild Dunes Way. This is an agreement between Dominator Golf and Timothy Swenson and Carey Seamans;
7 it is not a Town issue.

8 There is a proposed low pressure force main, and the rights have been established for this to be done.

9 Screening along Willow Avenue will be addressed during the Site Walk, and the applicant will accomplish the
10 proper screening. Easements have been obtained for grading issues.

11 A pedestrian path going to Cascade Road has been designed with an 8 percent grade, which is ADA compliant.

12 A guardrail is proposed around the pond, along with fencing around the entire pond. Details are on the plan.

13 Stormwater issues have been addressed and will be addressed with DEP.

14 Utilities are detailed on the current plan, water details per Maine Water, and sewer per Old Orchard Beach
15 Wastewater Department.

16 Chair Mailhot then asked for any Board comments. Ms. Hubert had questions re a second access road and the
17 Master Plan. Chair Mailhot responded that the issue has been addressed by the Planning Board and that the
18 Master Plan will prevail.

19 Chair Mailhot then asked for any additional questions or comments from the Board. As there were none, Chair
20 Mailhot then asked for a motion to determine this application complete. Vice Chair Walker made a motion
21 determining the application complete, pending a Site Walk and final completion; motion seconded by Ms. Dube.
22 Chair Mailhot then asked Town Planner Jeffrey Hinderliter to call for the vote.

23
24 Ms. Hubert - No

25 Mr. Hitchcock - Yes

26 Ms. Dube - Yes

27 Vice Chair Walker - Yes

28 Chair Mailhot - Yes

29
30 Chair Mailhot stated that carries 4-1, and that there will be a Site Walk on June 3 at 5:15 PM, and there will be a
31 Public Hearing on June 10 at 6:30 PM.

32
33
34 **ITEM 4**

35 Proposal: Ordinance Amendments (NC3): Amend Ch. 78, Art. VI. Sec. 78-870 (b) (setbacks)

36 Action: Review Draft Ordinances; Schedule Public Hearing

37 Applicant: Benjamin Dechristoforo

38
39 Town Planner Jeffrey Hinderliter updated the Board: This revision proposes to reduce the principal and accessory
40 building setbacks for properties in this district. The reduction provides for a proposed front and side setback to be
41 5 feet and a rear setback of 10 feet. This district is comprised of 9 parcels and these parcels are located at the
42 Washington/Atlantic Ave. and Central Park Ave. intersections, and the current use of these parcels includes
43 apartment buildings, a multi-family, a restaurant, a convenience store, and a veterans' clubhouse. Review of the
44 building locations in this district shows that the buildings on these properties are already quite close to the front
45 and side property lines. The applicant (The Local LLC) approached the Planning Office to discuss their options
46 re expanding the restaurant. After reviewing the surrounding property uses and existing building locations in this
47 particular area we determined that a district setback reduction was a reasonable option. Staff is requesting that the
48 Planning Board schedule a Public Hearing for June 10, and no site walks are necessary.

49 Chair Mailhot asked for questions or comments from the Board; Vice Chair Walker asked why this proposal is
50 not going to the Zoning Board for a variance. Town Planner Jeffrey Hinderliter replied that it did go to the
51 Zoning Board, but that the variance would not be approved as it would never meet the variance criteria. Vice
52 Chair Walker then asked if this would constitute "spot zoning", to which Town Planner Jeffrey Hinderliter replied
53 that it would not constitute "spot zoning" because we're not changing the zoning uses, we're just adjusting the
54 setbacks within the existing area. Vice Chair then questioned if reducing the setbacks would pose a hazard if

1 there were a fire as the buildings would be very close. Town Planner Jeffrey Hinderliter replied that such would
2 be a good question for the applicant. Ms. Hubert then questioned if the existing 9 parcels are currently within the
3 existing setbacks; Town Planner Jeffrey Hinderliter replied that all of these properties are pretty much within the
4 existing setbacks, but re the rear setback, the parcels are not within, or they are partially within, the rear setback.
5 Chair Mailhot then proposed a middle ground to consider: since it is only 9 properties that we are talking about,
6 could we determine the presently existing setbacks and what is proposed and take it from there? Town Planner
7 Jeffrey Hinderliter then replied that such would be brought to the applicant for the applicant to obtain that
8 information. Chair Mailhot replied that such would be something she would want to see for this to potentially
9 move forward, and that a Public Hearing would be potentially scheduled pending the data obtained.

10
11
12 ITEM 5

13 Proposal: Major Subdivision and Site Plan Review Sketch Plan: 26-lot residential subdivision and 10
14 single-resident houses to be built as part of a condo association
15 Action: Preliminary Plan Determination of Completeness; Schedule Site Walk; Public Hearing
16 Owner: Mark and Claire Bureau, Mark Bureau
17 Location: Red Oak Drive (Phase II); 139 Portland Ave; Zoning: RD
18

19 Chair Mailhot introduced this item and then turned this agenda item over to Vice Chair Walker; Chair Mailhot did
20 not participate in any discussions on this item. Vice Chair Walker then asked for Staff comments and Assistant
21 Town Planner Michael Foster updated the Board as follows:

22 This was last before the Planning Board in June 2020. The applicant is proposing this subdivision and if approved
23 the plan is to sell it to a developer. One issue with this proposal was in regards to sewer capacity and sewer line
24 issues in the Portland Ave service area. In December 2020 the applicant was given options to move forward to
25 address wastewater. This is proposed to connect to public sewer and we have some recent updates. On May 10th
26 of this week we received a memo from OOB Wastewater Superintendent Chris White for an update on sewer.

27 "The engineering firm of Woodard and Curran has indicated that they will be prioritizing the gravity
28 sewer line upstream from Milliken pump station and begin construction this fall. It is the recommendation
29 of the town that no certificates of occupancy be issued until the sewer line in question has been replaced."

30 With the bond vote and approval, that work will be beginning and it sounds like it is going out to bid and the hope
31 is that the Town will begin construction in the fall. Last month the applicant reached out to Planning staff to find
32 out how to get this back on the Planning Board agenda. Staff advised them to resubmit the preliminary
33 application. Stephanie Hubbard with Wright Pierce noticed that the submittal was mostly the same as previously
34 reviewed for June 2020 so we used their same memo for review.
35

36 We did receive updated application materials on Monday 10th May, but it was after our May submission deadline.
37

38 In regards to the Subdivision Criteria we have received the responses. There were some questions about
39 referenced documents:

40 The memo from Wastewater we received should suffice as a Capacity to Serve letter that wasn't included in
41 application, but we would want to confirm with Wastewater.
42

43 #11 had referenced the Financial Capacity letter included as Attachment 3.

44 - Staff couldn't locate the Financial Capacity letter. Attachment 3 is a Soil Erosion and Sedimentation Control
45 document.
46

47 There were some questions about the lot and unit counts for what exactly is being proposed. There are
48 discrepancies in the application and other materials for what is being proposed in regards to lot number and unit
49 count: Application shows number of lots at 24 and number of units at 33; this should just be clarified.
50

51 There are remaining items needing to be addressed from the previous June 2020 Planning Board memo:
52

- 53 • A second access is required and the proposal does not include a second access. They are going to request
54 a waiver but an official waiver request has not been submitted. It should be noted that the applicant

1 should make all efforts to create this second access. The Planning Board did discuss this at the June 2020
2 Planning Board virtual meeting. It sounded like the Planning Board wanted to see comments from the
3 Fire Department and Dept of Public Works on the second street connection before discussing this further.
4 • Downstream infrastructure sewer improvements are needed for this proposal. We did receive the memo
5 that straightens out that but there are still questions re the proposed private pump station and how that will
6 connect to the town sewer.
7 • The proposal appears to be a cluster subdivision, yet we still need more information as to how the
8 proposal meets the cluster standards.
9 • There are questions about side and rear setbacks and what is being proposed, and the requirement for a
10 20' wide (minimum) green perimeter strip along each side or rear lot line and the entire front lot line
11 except for the driveway. Staff recommends that a note be added to the plan stating: "A 20-foot-wide green
12 perimeter strip along each side and rear lot line and the entire front lot line except for the driveway."
13 • Lot 1 does not include a building envelope.
14 • We need more information regarding the 10 single-family home condo portion of the development
15 • HOA docs have not been submitted
16 • How will the condo development work with the non-condo development in regards to maintenance and
17 shared responsibilities?
18 • There were some questions re stormwater in Stephanie Hubbard's memo in regard to the
19 modeling/calculations. I believe we did receive the updated stormwater management plan on Monday but
20 it has not been reviewed.
21 • Does the applicant intend to propose town acceptance of the road and any other infrastructure?
22 • The proposal will add traffic from 36 new units on Portland Ave so we should have some kind of traffic
23 analysis
24 • Portions of the property were noted in the shoreland zone- I believe that was added to the most recent
25 plans submitted
26 • There were some questions about the requirements of the Rural District for lot width and frontage
27 • ME Water letter mentions ability to serve 22 new lots and 10 new apartments. The proposal is for 26 lots
28 and 10 single-family condos. Will this change the ability to serve? Also note the conditions of service-
29 some require compliance before final vote on the project
30 • Ensure proposal meets applicable performance standards for Landscaping, Buffering, and Parking, and
31 Rural District lighting standards
32 • We need updates on the DEP permitting status
33 • A note should be added to the plan including the amount of open space and it should state: "shall not be
34 used for future building lots."
35

36 Responses to previous comments were submitted after the deadline and have not been reviewed by staff or Wright
37 Pierce. Currently the sewer upgrades haven't been completed and any approval would require conditions in
38 regards to the completion of the sewer line replacement. The question in regard to the private pump station and
39 connection will need to be addressed. Another big item is the second existing street connection requirement. What
40 was the response from the Fire Department and Dept of Public Works in regards to this connection? We
41 recommend you provide feedback to guide the applicant for complete application submittal for June.
42

43 Jason Fabianas of Atlantic Resource Consultants then presented information to the Board:

44 Re the secondary access: their staff met with the Fire Chief and Joe Cooper (Public Works) and the secondary
45 access would come in in an existing right of way.

46 Re the DEP permit, that was put on hold until they had Chris White's email. It is Jason's understanding that there
47 is plenty of capacity once that line is replaced.

48 Homeowner's documentation will be provided with the next submittal.

49 He stated that there would be 26 single family lots and a 10-unit condo development.

50 He also stated that there would be a traffic memo re traffic impact with the next submission.
51

52 There was further discussion about the secondary access and if the Fire Chief's and Public Works' comments
53 were in writing, and also whether or not there was assurance about the capacity of the pump station once the

1 sewer line is replaced. Assistant Town Planner Michael Foster then read Chris White's email, which stated that it
2 is the Town's position that no C.O.'s should be issued until the sewer line in question has been replaced.
3 Based on that, Vice Chair Walker stated that nothing should be permitted until that is done, so there is no reason
4 that the Planning Board should move ahead while those issues still exist.
5 Jason explained that he would like the process to continue moving forward with certain conditions of approval;
6 Vice Chair Walker then stated that he would like to see answers to Wright Pierce's comments and Staff
7 comments, and that the Board can move further next month. Assistant Town Planner Michael Foster then stated
8 that upon meeting with Chris White and Diana Asanza, Interim Town Manager, it was determined that Chris'
9 memo was to determine how this development could move forward; the idea was that this would get them
10 approval to build up to the point of getting occupancy approvals. Jason then asked for clarification of time lines.
11
12

13 **ITEM 6**

14 Proposal: Conditional Use: Child Care Facility
15 Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing
16 Applicant: Phoebe Cram
17 Location: 188 Portland Ave; MBL: 103-1-1; Zoning: RD
18
19

20 Assistant Town Planner Michael Foster updated the Board as follows:

21 This is a proposal for a child care facility located within a single family residence at 188 Portland Ave in the
22 Rural district (and a GIS location aerial photo was included on page 24 of the May Planning Board memo). Child
23 care facilities are a Conditional Use and can be approved by the Planning Board. This proposal needs to meet the
24 Conditional Use standards, Child Care Facilities conditions and Rural standards. Responses to Conditional Use
25 and Child care facility standards were included in the application. Staff didn't send the applicant the Rural
26 standards and the applicant submitted responses to those as soon as they were notified they were needed.
27

28 Staff comments are highlighted below:

- 29 • How many children will be cared for? This will determine the type of day care home and required
30 parking.
31 Family day care home – one to six children
32 Group day care home – seven to twelve children
- 33 • Childcare parking requirement - One space per three children plus one space per employee
- 34 • Access to daycare – it appears the side where you would enter the daycare is close to abutter property
35 line. (GIS aerial photo on page 25 in Planning Board memo) Is there a walkway or defined area for
36 access? What is there for buffering? A fence is referenced in the application.
- 37 • Parking - It is indicated that parking is provided. In review of GIS mapping it appears there is only a
38 driveway. Where are vehicles proposed to park and where will vehicles turn around so they are not
39 backing into Portland Ave?
- 40 • Sight lines – The driveway to this residence is at a turn and hill on Portland Ave. The driveway to be used
41 is an existing driveway from Portland Ave and connects directly to the residential structure.
42 After reaching out to Public Safety, Police Chief Dana Kelley on 5/4/21 emailed:
43 Mike, I would agree that site distance is a bit of an issue there, but I don't know what you could do, other
44 than realigning the driveway, removing the tree and cutting back some of the vegetation on the left which
45 could provide a clearer view. We could also have some signage placed in the area warning of the blind
46 driveway. There isn't a lot of traffic there so I don't really think it would be a huge issue but it should
47 certainly be discussed.
48 -Dana
49

50 Other Staff comments:

- 51 • Previous Conditional Use Accessory Dwelling Unit was approved 9/10/2009- Is this being removed?
52 How does this impact this proposal?
- 53 • Septic design

1 An updated septic design was included in the application. It is noted the existing system serves 4
2 bedrooms. The proposed system is designed to serve 2 bedrooms, and daycare with up to 10 children, and
3 up to 3 employees. I didn't see an updated permit in the Code file and I couldn't confirm installation of
4 that septic prior to this meeting.
5

6 • Sec 78-1268 Child care facilities conditions:

7 Distance to closest daycare

8 a.5. Distancing requirement is five times the minimum frontage requirement for the zoning district within
9 which the proposed facility is located. The minimal lot frontage requirement for the Rural district is 200
10 ft. The closest daycare is located at 4 Cardinal Lane and based on map directions it is located 1,056 feet
11 away (.2 miles) which is greater than the required distancing. Parcel line to parcel line is only 93 feet
12 away. How to measure this required distancing isn't specified in the ordinance. It seems this would apply
13 more to larger child care facilities.
14

15 This is a fairly solid application but there are a couple items the applicant should address that we mentioned in the
16 memo. They may be able to address these at tonight's meeting. We recommend a site walk be scheduled to look
17 at some of these items.

18 This can be scheduled at any time during application review. Planning staff suggests looking at items in regards to
19 access and abutter impacts. How will cars enter, park, and exit? Where is the access to enter the daycare? Is there
20 appropriate buffering for neighboring properties? If scheduling a site walk you should schedule for 3 June 2021.
21

22 Applicant Phoebe Cram updated the Board as to her credentials and her goals. She then answered some of the
23 questions - Re the number of children to be cared for, it will be 7-12 children. For the parking requirement, their
24 driveway parks 8 cars, they are adding a turnaround, and they are re-doing their retaining wall. For the access to
25 the daycare, there are 2 entries to the daycare, and there is a privacy fence buffering the property from
26 neighboring properties on both sides. Re the septic design, permits are being submitted and will be done by the
27 beginning of June.

28 Chair Mailhot then addressed the issue of trash removal, and noted that because this would be a commercial
29 venture, such would require private trash pickup. Vice Chair Walker then asked the applicant about the number of
30 employees, to which applicant responded that there would be 2 employees. Chair Mailhot then asked for
31 clarification of distancing requirements to other daycare facilities. It was determined that the proposal
32 would be revisited next month at which time clarification would be obtained, and a Site Walk could be scheduled.
33
34
35

36 ITEM 7

37 Proposal: Major Subdivision: 26 Townhouse Condo Units

38 Action: Sketch Plan

39 Applicant: Gorrill Palmer

40 Location: 2 – 4 Little River Rd., MBL: 201-3-2 & 6; Zoning: RBD & Shoreland RA
41

42 Town Planner Jeffrey Hinderliter updated the Board as follows:

43 This is a sketch plan review, and the Planning Board makes no decisions on sketch plan reviews. This is the very
44 beginning of the Planning Board review. This is a major subdivision which is proposing a 26-unit townhouse
45 condo development. The location is 2-4 Little River Road, which with both of these lots is 1.90 acres. Zoning is
46 RBD and shoreland Residential Activities. Both lots are also located in a regulated flood zone. The current use
47 is a single family at 2 Little River Road, and there is a vacant lot at 4 Little River Road.

48 Within our Staff memo and the Wright Pierce memo we provide some initial feedback through a number of
49 comments for the applicant to consider. A couple of things to specifically point out:

50 This will likely be a significant change to the neighborhood. Although there are high density condo buildings in
51 the area, this particular location is wooded and appears to be quiet. We should carefully review aesthetics, noise,
52 natural resource protection, traffic impacts, etc. There is a right of way accessing the beach attached to this
53 property and we will have to get more details on the right of way such as its location, description, etc. This
54 property is adjacent to Scarborough so when we receive the preliminary plan we will forward this to the

1 Scarborough Planning office. Additional items to consider are: improvements along East Grand Ave. such as
2 sidewalk repair or new construction, condition and plans for Little River Rd. to accommodate the additional
3 traffic, sewer infrastructure, it's condition, and its ability to serve this development, compliance with applicable
4 ordinances and ordinance standards such as the floodplain ordinance, Shoreland zoning, screening and buffering
5 performance standards, and parking performance standards. No action is required at this time but we recommend
6 that the Planning Board provide their thoughts.

7 Caleb Barrassa, project engineer for Gorrill Palmer, then presented the plans. They are proposing 22 townhouse
8 style condominium units, and Caleb provided a detailed overview of the plans, including access points, setbacks,
9 the building envelope, buffering, utility improvements, and parking.

10
11 Chair Mailhot then inquired about trash removal; Caleb said the site of the dumpsters will be determined and
12 space has been earmarked for such. Chair Mailhot asked for clarification on the calculation of density and Caleb
13 clarified how that was calculated. Chair Mailhot then advised the applicants that they could not borrow density
14 from 2 other adjacent properties that they own considering that those 2 other parcels are not going to be part of
15 this development. Mr. Winch then raised concerns about the narrowness of Little River Rd., and that the road
16 would have to be rebuilt; Caleb replied that the road would be brought to Town standards. Ms. Hubert questioned
17 about beach access; Caleb stated that the applicants are currently searching to determine if those rights of way still
18 exist.

19 Chair Mailhot asked if there were any additional questions or comments from the Board; there were none.
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23

24 Other Business

25 26 Good and Welfare

27 As a follow-up from the last Planning Board meeting, Vice Chair Walker asked Assistant Town Planner Michael
28 Foster about an ordinance regarding removing windows and glass before demolition. Assistant Town Planner
29 Michael Foster replied that he has not yet seen that issue specifically addressed in an ordinance, but that Codes
30 has inspected the property in question and such glass has been removed from the property.
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34 ADJOURNMENT

35 Chair Mailhot adjourned the meeting at 8:53PM.
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38

39 **ADULT USE MARIJUANA PUBLIC HEARING SUBMITTED PUBLIC COMMENTS**

40 41 **5/11/21 email from Sheila Flathers:**

42 "I would like it noted that I support the 10,000 foot distance restriction for marijuana stores to be away from
43 daycare's, schools, the parks, the beach and downtown area. I would have rather they not be allowed at all
44 but since that has not happened, I do feel that restrictions need to be put in place and fully supported by the
45 police department."
46
47

48 **5/11/21 email from Eileen Payette:**

49 "Hi. As a 30 year resident & business person in OOB I would like to tell you I am in favor of the 1000ft
50 distance restriction for Marijuana stores to be away from daycares, schools, parks & the beach.
51 I think they should be located in spaces that are a destination away from the downtown tourist environment
52 or where groups & children congregate. Thank you for your time."

1 I, Laurie Aberizk, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby
2 certify that the foregoing document consisting of Eleven (11) pages is a true copy of the original minutes of the
3 Planning Board Meeting of May 13, 2021.
4
5

6 X  _____
7 Laurie Aberizk
8