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2
3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **Public Hearing & Regular Meeting**
5 **November 14, 2019 6:30 PM**
6 **Town Council Chambers**
7 **MEETING MINUTES**
8

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

10
11 **PLEDGE TO THE FLAG**

12
13 **ROLL CALL**

14 **Present:**

- 15 David Walker
- 16 Robin Dube
- 17 Marianne Hubert
- 18 Vice Chair Win Winch
- 19 Chair Linda Mailhot

20
21 **Absent:**

- 22 Mark Koenigs

23
24 **Staff Present:**

- 25 Planner Jeffrey Hinderliter
- 26 Assistant Planner Michael Foster

27
28 **Approval of Minutes: 10/3/19, 10/10/19**

29
30 **MOTION:**

31 Marianne Hubert made a motion to approve the 10/3/2019 and 10/10/2019 meeting minutes, seconded by
32 Robin Dube.

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

35
36 **VOTE:**

- 37 David Walker - Yes
- 38 Robin Dube - Yes
- 39 Marianne Hubert - Yes
- 40 Vice Chair Win Winch - Yes
- 41 Chair Linda Mailhot – Yes

42
43 **CARRIES:**

44 (5-0)

45
46 **Public Hearings**

47 **Proposal:** **Site Plan Review: Wastewater Treatment Facility new administration building**
48 **construction**

49 **Owner:** **Town of Old Orchard Beach**

50 **Location:** **24 Manor Street (108-1-3)**

1
2 Public Hearing opened at 6:31 PM.
3 There being no one speaking for or against this item, the Public Hearing closed at 6:31 PM

4
5 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure 30% expansion**
6 **Owner: Beth Gilman**
7 **Location: 2 Captain's Rd (102-3-2)**

8
9 Public Hearing opened at 6:32 PM
10 There being no one speaking for or against this item, the Public Hearing closed at 6:32 PM

11
12 **Regular Business**

13 **ITEM 1**

14 **Proposal: Site Plan Review: Wastewater Treatment Facility new administration building**
15 **construction**
16 **Action: Discussion; Final Ruling**
17 **Owner: Town of Old Orchard Beach**
18 **Location: 24 Manor Street (108-1-3); Zoning: R3**

19
20 Planner Hinderliter stated that there were two outstanding items from last month.

- 21
22
 - Signature on the application.
 - Responses to the Site Plan Review Criteria.
 -

23
24
25 Staff received both of these items and saw no problem and everything has been addressed. Staff
26 recommends that the Planning Board approve this proposal.

27
28 Criteria for approval and responses:

29 (1)The proposed project conforms to all standards of the zoning district and meets or exceeds
30 performance standards specified in this article and article VIII of this chapter.

31 **Response: The project does conform to all standards of the zoning district and meets or exceeds all**
32 **specified performance standards.**

33 (2)The proposed project has received all required zoning board of appeals and/or design review permits as
34 specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all
35 applicable federal and state permits.

36 **Response: No zoning board of appeals and/or design review permits is required.**

37 (3)The proposed project will not have an adverse impact upon the quality of surficial or groundwater
38 resources.

39 **Response: No groundwater impacts are anticipated as a result of this project. Increased**
40 **stormwater will be collected and treated by the collection system which has been designed to**
41 **manage flows and discharge into the stormwater system.**

42 (4)The project provides adequate stormwater management facilities to produce no additional peak runoff
43 from the site during a 25-year storm event or any other event so required by the planning board, and will
44 not have an undue impact on municipal stormwater facilities or downstream properties.

45 **Response: The stormwater runoff on site will be managed via the proposed crushed stone reservoir.**
46 **There is negligible increase in stormwater runoff in the 24-hour, 25-year storm and it is not**
47 **anticipated to have an undue impact on the downstream municipal stormwater facilities or**
48 **properties.**

49 (5)The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and
50 pedestrian circulation systems within the community or neighborhood.

1 **Response: No traffic impacts are anticipated. Traffic to and from the completed building will be**
2 **unchanged from the current condition. This is because staffing is not changing as a result of the**
3 **new building. Traffic during the construction period will take care not to block public roads, rights**
4 **of ways or offsite intersections, and follow all local and MDOT protocols.**

5 (6)The proposed project will not have an adverse impact upon environmental quality, critical wildlife
6 habitats, marine resources, important cultural resources, or visual quality of the neighborhood,
7 surrounding environs, or the community.

8 **Response: The architectural features of the proposed building have been selected in conjunction**
9 **with the Town’s Wastewater Department and are designed to be visually appealing. Impacts to**
10 **public viewshed of surrounding natural resources are not anticipated, as the site is surrounded by**
11 **trees and other maintained landscaping.**

12 (7)The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other
13 nuisances that will adversely impact the quality of life, character, or the stability of property values of
14 surrounding parcels.

15 **Response: The project will not produce long term noise, odors, dust, debris, glare, solar obstruction**
16 **or other nuisances that will adversely impact the quality of life or stability of property values of the**
17 **surrounding parcels.**

18 (8)The proposed project will not have a negative fiscal impact on municipal government.

19 **Response: The project is being funded from the Town’s budget. No additional impacts to**
20 **municipal service delivery system are anticipated.**

21 (9)The proposed project will not have an adverse impact upon surrounding property values.

22 **Response: The project is replacing the current administrative building at the WWTF and will not**
23 **have an adverse impact upon surrounding property values.**

24
25 **MOTION:**

26 Vice Chair Win Winch made a motion to approve this proposal, seconded by Marianne Hubert.

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

29
30 **VOTE:**

31 David Walker - Yes

32 Robin Dube - Yes

33 Marianne Hubert - Yes

34 Vice Chair Win Winch - Yes

35 Chair Linda Mailhot – Yes

36
37 **CARRIES:**

38 (5-0)

39
40 **ITEM 2**

41 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure 30% expansion**

42 **Action: Discussion; Final Ruling**

43 **Owner: Beth Gilman**

44 **Location: 2 Captain’s Rd (102-3-2); Zoning: Shoreland RP**

45
46 Last month for the October meeting a determination of completeness was made subject to receiving the
47 existing structure and proposed addition volumes for verification, and the responses to the Conditional
48 Use Standards and Shoreland Zoning Performance Standards. The applicant has provided volume and
49 floor area calculations and the responses to the standards. With the public hearing this month and
50 requested materials submitted, the PB should be able to approve this conditional use application. One note

1 on this. Assistant Planner Mike Foster worked on this a found that the square footage was off by 504 sq.
2 ft. but in the end it did not make a difference and did not exceed the 30% expansion threshold. Staff
3 recommends that the Planning Board approve the proposal.

4 **Chair Linda Mailhot read the Conditional Use Standards:**
5

6 **Sec. 78-1240. – Conditional Use Standards.**

7 (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-
8 site.

9 ***Response: The proposed use will not result in a change to pedestrian or vehicular traffic. The existing***
10 ***home is at the end of a private road with sufficient parking and the addition will not affect this.***
11

12 (2) The proposed use will not create or increase any fire hazard.

13 ***Response: The proposed use will not create or increase any fire hazard. The addition will not increase***
14 ***the fire hazard to the main structure and will be constructed to the latest standards required by code.***
15 ***The existing smoke detectors will all be updated and improved during construction.***
16

17 (3) The proposed use will provide adequate off-street parking and loading areas.

18 ***Response: The proposed use will provide adequate off-street parking. The existing home is at the end***
19 ***of a private road with sufficient parking and the addition will not affect this.***
20

21 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any
22 water supply.

23 ***Response: The proposed use will not cause water pollution, sedimentation, erosion, or contamination***
24 ***to any water supply. The addition to the home will not affect any of this after construction, as it is***
25 ***simply additional living space being added. During construction, we have a sediment and erosion plan***
26 ***in place including silt fencing and hydroseeding.***
27

28 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne
29 contaminants.

30 ***Response: The proposed use will not create unhealthful conditions because of smoke, dust, or other***
31 ***airborne contaminants. The addition will be additional living space and will be constructed to all***
32 ***current requirements ensuring that this is not an issue.***
33

34 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare,
35 hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to
36 neighboring properties.

37 ***Response: The proposed use will not create nuisances of any kind to neighboring properties. The***
38 ***existing home is located at the end of a private road without any visible neighbors. The addition will***
39 ***not affect the neighboring homes in any way.***
40

41 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes
42 generated by the use.

43 ***Response: The proposed use will provide adequate waste disposal. There will not be any additional***
44 ***waste generated by the proposed addition and the existing home currently has a sufficient septic***
45 ***system.***
46

47 (8) The proposed use will not adversely affect the value of adjacent properties.

48 ***Response: The proposed use will not adversely affect the value of adjacent properties. The proposed***
49 ***addition will increase the value of the existing home while not affecting adjacent properties in any way.***
50

1 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the
2 generation of noise and hours of operation.

3 ***Response: The proposed use will be compatible with existing uses. The proposed addition will simply be***
4 ***an increase of living space and the existing uses will not change and is very much in line with the area.***

5
6 (10) The applicant's proposal must include any special screening or buffering necessary to visually
7 obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.

8 ***Response: The proposed use will not visually obstruct or negatively affect abutting uses. It is in a very***
9 ***private area and unable to be seen from neighboring homes.***

10
11 (11) The applicant's proposal must adequately provide for drainage through and for preservation of
12 existing topography within its location, particularly in minimizing any cut, fill, or paving intended.

13 ***Response: The proposed addition will not negatively affect existing drainage. The proposed addition***
14 ***will have its own below grade drainage as well as sloped grade around to provide necessary drainage.***

15
16 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria
17 in this section and to develop and thereafter maintain the proposed project or use in accordance with all
18 applicable requirements.

19 ***Response: The applicant has owned the existing property since 1985. The proposed addition will add***
20 ***very little additional expense after construction and the applicant is in a very stable financial situation.***

21
22 **78-34 (e) Standard conditions in any shoreland zone.**

23 (1) Will maintain safe and healthful conditions;

24 ***Response: The proposed expansion will maintain safe and healthful conditions. Very little will change***
25 ***in regards to the safety and healthfulness of the property, but the changes that do occur will be positive***
26 ***in nature with up to date construction materials, practices, and codes.***

27
28 (2) Will not result in water pollution, erosion, or sedimentation to surface waters;

29 ***Response: The proposed expansion will not result in water pollution, erosion, or sedimentation to***
30 ***surface waters in the long term or during construction. During construction, a soil and sediment plan***
31 ***has been put in place to ensure the success of this. After the project is complete, there will be no known***
32 ***affects to surface waters.***

33
34 (3) Will adequately provide for the disposal of all wastewater;

35 ***Response: The proposed expansion is part of an existing home with an adequate septic system and***
36 ***proper drainage.***

37
38 (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

39 ***Response: The proposed expansion will not have an adverse impact on spawning grounds, fish, aquatic***
40 ***life, bird or other wildlife habitat. Efforts have been made to ensure that the expansion is very similar***
41 ***to the existing home and will be constructed at an angle to actually increase the distance from where***
42 ***you would expect to find such wildlife.***

43
44 (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

45 ***Response: The proposed expansion will conserve shore cover and visual, as well as actual, points of***
46 ***access to coastal waters. The proposed addition actually increases the distance between the structure***
47 ***and the waters and will not impede any of the above.***

48
49 (6) Will protect archaeological and historic resources as designated in the comprehensive plan;

50 ***Response: The proposed expansion will protect archaeological and historical resources and have little***
51 ***impact on any of the surrounding area.***

1
2 (7) Will avoid problems associated with floodplain development and use; and
3 (8) Is in conformance with the provisions of all applicable shoreland zoning standards in division 17 of
4 this chapter.

5 ***Response: The proposed expansion will avoid problems associated with floodplain development and is***
6 ***in conformance with the provisions of all applicable shoreland zoning standards. The proposed***
7 ***expansion will be constructed with the first level of living space higher than existing, will be***
8 ***constructed further from the body of water***
9

10 **MOTION:**

11 David Walker made a motion to approve the Conditional Use Shoreland Zoning non-Conforming
12 Structure no more than 30% expansion/addition application for 2 Captains Way, MBL: (102-3-2);
13 Zoning: Shoreland RP, seconded by Vice Chair Win Winch.
14

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

17 **VOTE:**

18 David Walker - Yes
19 Robin Dube - Yes
20 Marianne Hubert - Yes
21 Vice Chair Win Winch - Yes
22 Chair Linda Mailhot – Yes
23

24 **CARRIES:**

25 (5-0)
26

27 **ITEM 3**

28 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement and 30%**
29 **expansion**

30 **Action: Determination of Completeness; Schedule Public Hearing**

31 **Owner: George and Mary Moszynski**

32 **Location: 13 Hampton Ave (319-2-4); Zoning: R3 and Shoreland RA**
33

34 The following items were identified last month as needing to be submitted before a determination of
35 completeness can be made:

- 36 1. To determine the volume of the new proposed structure is not 30% or more of the existing
37 structure we need to see the plans and volume calculations for the existing structure.
38 2. It appears that there is room on the lot for the building to be relocated to increase its distance
39 from the water setback to the greatest practical extent.
40 3. The applicant states that this will meet Sec. 70-32. – Flood Development standards. We need
41 engineer approved plans showing that the structure will meet these standards.
42

43 The existing floor plans were submitted however, they do not meet the 30% calculations. They are over in
44 both square footage and volume. The Planning Board cannot approve a proposal such as this. The
45 applicant will have to go back and look at these items to see if they can make some adjustments.
46

47 Regarding building location, the applicant does intend to relocate the building. The Planning Board has
48 not receive those plans yet.
49

1 Flood Plain Performance:

2 The proposed structure is required to meet the new construction standards. The Planning Board has no
3 jurisdiction over single families in the floodplain. This does fall under the Code Enforcement Officers
4 jurisdiction however, this does impact the Planning Board's ability to review. In order for this proposal to
5 move forward, it has to comply with flood plain standards. This has not been done yet.

6
7 Staff recommends tabling this proposal until the applicant gets the needed information back to the
8 Planning Board.

9
10 Vice Chair Win Winch made a motion to table this item without prejudice, seconded by Robin Dube.

11
12 **Planner Jeffrey Hinderliter called for the vote:**

13
14 **VOTE:**

15 David Walker - Yes

16 Robin Dube - Yes

17 Marianne Hubert - Yes

18 Vice Chair Win Winch - Yes

19 Chair Linda Mailhot – Yes

20
21 **CARRIES:**

22 (5-0)

23
24 **ITEM 4**

25 **Proposal: Conditional Use/Site Plan Review: Campground expansion- 17 new campsites**

26 **Action: Determination of Completeness; Schedule Public Hearing**

27 **Owner: Seacoast RV Resort LLC**

28 **Location: 1 Seacoast Ln (102-3-5) & Portland Ave (102-3-7); Zoning: CO and RD**

29
30 Chair Mailhot turned this item over to Vice Chair Win Winch, as she is involved with this item.

31
32 Bill Thompson, Engineer from BH2M Engineering and Project Manager for Seacoast RV introduced
33 himself.

34 They did a sitewalk on October 3, 2010. They have a 17-campsite expansion proposed. They have peer
35 review comments from Wright Pierce. They reconfigured the turnaround coming in from the existing
36 roadway and with the 10 sites.

37 In the Wright Pierce comments, the Stormwater model needs some revisions. Wright Pierce made some
38 reference to some 6" sewer for their septic design. Also talked about a shallow sewer. There is no issue
39 with freezing but they can insulate for extra protection.

40 There will be 2 parking spaces per site.

41 There was also an issue with emergency access however there is no room to do a second emergency
42 access out. They feel that this qualifies as a complete application

43
44 David Walker stated that as he was going through the stormwater plan, under proposed project changes
45 on the developed sites on page 4, he noticed a typo. Bill Thompson will fix that.

46
47 Fire Chief LaMontagne introduced himself and stated that they have addressed the concerns as best that
48 they can. He feels that we are at the best solution that they can possibly have.

49
50 Planner Jeffrey Hinderliter stated that the new Fire Chief and Deputy Fire Chief do an excellent job with
51 their reviews and are a huge help to the Planning Board.

1 It looks like the items in the motion have been addressed. Staff feels that he believes this is ready for
2 Determination of Completeness but we don't need the turnaround and the parking because that appears to
3 have been addressed. Would recommend add that the Planning Board include one condition, that the
4 applicant work with the town engineer to address the comments in the November 12th Wright Pierce
5 memo to our engineer's satisfaction.
6

7 **MOTION:**

8 David Walker made a motion to determine the application complete for Seacoast RV Resort LLC, located
9 at 1 Seacoast Lane, MBL: 102-3-5 for a 17 site expansion subject to our engineer working with our
10 Planning Staff on the Wright Pierce memo comments from November 12th , seconded by Robin Dube.
11

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

13
14 **VOTE:**

15 David Walker - Yes
16 Robin Dube - Yes
17 Marianne Hubert - Yes
18 Chair Win Winch – Yes
19

20 **CARRIES:**

21 (4-0-1)
22

23 **ITEM 5**

24 **Proposal: Subdivision: 37-Lot Cluster Subdivision**

25 **Action: Sketch Plan Review**

26 **Owner: Mezoian Development, LLC**

27 **Location: Ross Rd (105-2-7); Zoning: RD and ID**
28

29 This proposal is an introduction to a significant proposal for the town. This proposal is for a 37-lot
30 cluster subdivision for single-family homes. This proposal will have access to public water and each
31 individual lot is proposed to have private sewer individual septic systems. This will be in the area that is
32 known as the blueberry fields and a majority of this is private land. The total acres is 60 acres and of that
33 60 acres, 29 would be included with the development; 4 acres would be reserved for open space and 27
34 acres would be proposed as a gift to the town. The applicant intends to propose this road for public
35 acceptance. This is presented tonight to the Planning Board for initial feedback. No decisions can be made
36 this evening, however the Board can offer recommendations to the applicant.

37 Before a formal subdivision is submitted to the PB, it appears two primary items need resolution: 1.
38 Creation of a second access and 2. Zoning map amendment to change the Industrial District to the Rural
39 District (both discussed below). The proposal as currently presented cannot move forward until these two
40 items are resolved.
41

42 **1. Creation of Second Access**

43 Regarding creation of a second access, the subdivision ordinance requires developments containing 15
44 lots or more to have at least two connections with public streets. The applicant has no issue with one
45 access; it is a second access that is a problem. The reason is the ability to access the public street (Ross
46 Rd) is limited due to lack of Ross Rd frontage. To resolve, the applicant has three options. First, request
47 a waiver but staff informed the applicant they would most likely not receive support for the request. The
48 second option is creation of a lengthy road that would be quite costly. The third option is an access
49 easement through Town-owned land. The applicant is pursuing the third option.
50

1 Regarding the easement through Town-owned land, the applicant will need to secure Council approval.
2 The applicant is currently working with the Town Manager on this matter. As part of granting the
3 easement, the applicant is proposing to gift 27 acres to the Town. The gifted land would become part of
4 the area known as the blueberry fields, which is used for public recreation.
5

6 2. Zoning Map Amendment

7 In regards to the zoning map amendment, in order to meet the proposed density calculations for a cluster
8 subdivision the lot must be within the Rural District. Current zoning shows the lot is in the Rural and
9 Industrial Districts. Right now, the plan as proposed does not meet applicable subdivision and zoning
10 ordinance standards because the net lot density does not meet the Industrial District requirements. To get
11 a favorable net density for 37 lots the applicant is using the Rural District net lot area 30,000 square
12 foot/lot calculation. To use this calculation the applicant is required to connect to public water or public
13 sewer (note it's "or" not "and"). The proposal will connect to public water which allows them to take
14 advantage of this calculation. The problem is only a portion of the development is in the Rural District
15 (majority is in the Industrial District) so this net density calculation cannot be used for the entire project
16

17 The Industrial District calculations do not work for the applicant because the net residential density is
18 75,000 sq. ft. of net lot area/lot. This would reduce the density by more than half of what is proposed
19 and, according to the applicant, not make a feasible project. Another reason for the change is the
20 Industrial District requires a conditional use permit for residential uses. This means each time a home is
21 proposed it would first need to secure conditional use approval through the PB. This would be quite an
22 unnecessary burden upon the applicant to construct a single-family home and a questionable use of the
23 PB's time which can be applied to more detailed and complex matters.
24

25 To move forward, the applicant will need to present a zoning map amendment proposing to change the
26 Industrial District to the Rural District. This will be a typical map amendment- PB review and
27 recommendation to the Council and Council tasked with final decision. Staff is quite sure this will be just
28 a map amendment and would not require changes to the zoning ordinance text. Side note- 3 years ago the
29 PB and Council approved a similar amendment associated with a nearby property off Ross Rd.
30

31
32 The applicant intends to move forward with a zoning map amendment.
33

34 Steve Blake from BH2M introduced himself. He produced a map for the Planning Board members to see
35 how this proposal will be presented.
36

37 Chair Mailhot asked if there were some walking paths that would be within the project.

38 Mr. Blake stated that there are some existing walking paths and they are still working through the existing
39 conditions and surveys.

40 David Walker mentioned that secondary access the easement through the town comes out right adjacent
41 to a property owner and there will be a lot of vehicle access. Furthermore, this would be directly opposite
42 to another land on the opposite side of the street and at night the lights would be shining in unless they did
43 some grading.
44

45 Steve Blake stated that they would have to take a look at where the driveway comes out on Ross Road
46 where that house is situated on the other side and they can propose some screening.

47 The plans are including sidewalks and underground electric. They would also handle stormwater and they
48 are working through the design. Their goal is to have one pond that captures and treats the entire
49 subdivision.
50

51 Marianne Hubert asked if they are going to design this for town standards.

1 Steve Blake stated that they are planning on design this for town standards and then offer it to the town.

2
3 **ITEM 6**

4 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement,**
5 **relocation and 30% expansion**

6 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**

7 **Owner: Don and Lynn Hoenig**

8 **Location: 17 Sandpiper Rd (324-6-6); Zoning: R3 and Shoreland RA**
9

10 This proposal is for the removal, relocation and 30% expansion of a nonconforming structure in the
11 shoreland zoning RA District. The structure is currently used and will continue to be used as a single-
12 family dwelling. The proposal is a bit tricky because nowhere on the lot is conforming for shoreland
13 purposes and the lot is currently with the regulated floodplain; Although, after several meetings with the
14 applicants staff feels issues have been successfully resolved and solid proposal has been submitted.
15

16 Relocation, replacement and 30% expansions of nonconforming structures in the shoreland zone must
17 meet 5 primary ordinances:

- 18 1. Relocated structures must be relocated so they are set back from the water (in this case the HAT)
19 to the greatest practical extent.
- 20 2. Structure expansion does not exceed 30% of the existing square footage or volume.
- 21 3. Structure expansion does not increase the nonconformity (e.g., building the structure closer to the
22 water setback).
- 23 4. Proposal conforms to the 12 Conditional Use criteria.
- 24 5. Proposal conforms to the eight standard conditions in the shoreland zone.
25

26 In addition to the Shoreland Zone, the structure is currently in the regulated flood plain. The applicant has
27 an engineer on board and they have submitted their flood plain proposal. The proposal has already
28 secured DEP approval.
29

30 Staff is recommending that the Planning Board conditionally determine that this proposal is complete.

- 31 • They still need to identify the flood zones on the site plan.
- 32 • The driveway at the curbline needs to be shortened.
33
34

35 David Walker stated that the street floods and would like for Staff to ask DPW to look at these plans to
36 see if this will impact the flooding in that area any further or if there is anything that they can do to
37 mitigate the water that collects in that area.
38

39 Jeffrey Hinderliter stated that DPW has reviewed the plans and they had no comment however Mr.
40 Hinderliter will ask them.
41

42 **MOTION:**

43 Chair Win Winch made a motion to determine the application as complete conditionally the Conditional
44 Use Shoreland Zoning nonconforming structure 30% expansion, replacement and relocation application
45 for a single-family dwelling located at 17 Sandpiper Road with the following conditions:
46

- 47 • Adjust driveway on the site plan so it meets applicable single-family driveway standards
48 including width at the curb
- 49 • Information from an engineer, land surveyor or architect showing how this proposal will meet
50 applicable floodplain regulations identified in OOB's floodplain ordinance

1
2 Seconded by Marianne Hubert.
3 Marianne Hubert removed her second motion.

4
5 Chair Win Winch amended his motion to delete the third bullet and add the 1st bullet.

- 6
7
 - Identify floodplain zones on the site plan
 - Adjust driveway on the site plan so it meets applicable single-family driveway standards including width at the curb

8
9

10
11 **Planner Jeffrey Hinderliter called for the vote:**

12
13 **VOTE:**

14 David Walker - Yes
15 Robin Dube - Yes
16 Marianne Hubert - Yes
17 Vice Chair Win Winch - Yes
18 Chair Linda Mailhot – Yes

19
20 **CARRIES:**

21 (5-0)

22
23 Also scheduled a Public Hearing on 12 December at 6:30 PM

24
25 **ITEM 7**

26 **Proposal: Conditional Use: Private Utility Facility (ground mounted solar array)**
27 **Action: Discussion and recommendations**
28 **Owner: Paradise Acquisition LLC**
29 **Location: Paradise Park (205-1-32); Zoning: R1 and GB1**

30
31 Planner Hinderliter stated that this is a discussion item only. The purpose of this agenda item is to receive
32 feedback from the PB concerning whether the proposed ground mounted solar array facility meets the
33 OOB zoning ordinance definition of “public/private utility facility.” The primary question: Can this
34 proposal be defined as a public/private utility facility if the definition does not include a term that
35 recognizes generation or creation of electricity?

36
37 The reason this is important is because a proposal must fit within one of the permitted or conditional use
38 categories to be allowed in a zoning district. If it cannot be identified as a permitted or conditional use it
39 is considered an omitted use; therefore, is prohibited (see Sec. 78-148). The proposal is in the R1 District.
40 The use identified in the R1 permitted and conditional use categories most similar to the use proposed is
41 public/private utility facility.

42
43 As stated above, the applicant is requesting the PB’s thoughts on whether the proposal can move forward
44 as a public/private utility facility. A few questions to consider when thinking this through:

- 45
 - Is it fair to the applicant to add a word into the definition that makes it so the use does not fit the definition?
 - Is generation/creation such a critical piece that because it is left out the use cannot be defined as a public/private utility facility?

46
47
48

- 1 • Is generation/creation such a critical piece that the ordinance drafters purposefully decided to
- 2 exclude it because introducing generation/creation to the use could significantly change how the
- 3 use operates and potential impacts?
- 4 • Did the ordinance drafters not consider generation/creation?
- 5 •

6 The recommendation of the Planning Board Staff is:

7 Can this proposal be defined as a public/private utility facility if the definition does not include a term that

8 recognizes generation or creation of electricity? Staff believes the PB has several options:

9

- 10 1. Advise the proposal does meet the definition of public/private utility facility
 - 11 2. Advise the proposal does not meet the definition of public/private utility facility
 - 12 3. Ask staff to consult with the town attorney and report back to the PB before the PB advises
 - 13 4. Ask the applicant for additional info before the PB advises
- 14
- 15

16 Chair Mailhot asked the applicant that when this solar array is up and installed is there any noise

17 generation involved.

18 The Applicant stated that there is not and noise generated.

19

20 Chair Mailhot stated that in her personal opinion this does meet the definition of a public and private

21 utility.

22

23 David Walker asked if this is for business to create energy and they are going to sell it back to the grid.

24 The applicant stated that at Paradise Park that their operations out back they had done another solar

25 installation last year.

26 Moving forward for Paradise Park to build a greener, cleaner atmosphere.

27 Josh Bassin with Revision Energy they are not directly using the power, they are selling it back to the grid

28 in addition, they are doing that so they can offset their power usage.

29

30 Win Winch stated that he would much prefer this as opposed of an expansion of the campground.

31

32 Look at all the conditions and standards and make sure that they will be in compliance and he would also

33 mentioned that staff get the town attorney involved to get their advice.

34

35 Chair Mailhot asked if the operation of the solar array and the distribution back to the power grid are

36 going to be in the same ownership name as the campground.

37 They stated that this will remain as Paradise Acquisition LLC.

38 There will also need to be a powerline for distribution.

39

40 **Other Business**

41 **Good and Welfare**

42

43 **ADJOURNMENT 7:45 PM**

44

45 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*

46 *Beach, do hereby certify that the foregoing document consisting of Twelve (12) is a true copy of*

47 *the original minutes of the Planning Board Meeting of November 14, 2019.*

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