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3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **November 1, 2018 5:30 PM (Site Walk, On-Site)**
5 **November 1, 2018 6:00 PM (Workshop, Council Chambers)**
6 **Meeting Minutes**
7

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

10 **Site Walk**

11 **Proposal: Conditional Use: Accessory Dwelling Unit**
12 **Owner: Michael and Karin Lavigne**
13 **Location: 9 Pond View Road, MBL: 105-4-42**
14

15 **PRESENT for the sitewalk:** Associate Planner Megan McLaughlin and David Walker.
16

17 The homeowner gave a brief overview of the location of the proposed Accessory Dwelling Unit (ADU). Town Staff
18 pointed out that the one main outstanding item is that the septic system is going to have to be upgraded before a
19 Certificate of Occupancy is granted for the ADU. The Applicant indicated that they already upgraded the system during
20 the past summer and that they would make an appointment with Town Staff to discuss.
21

22 **CALL WORKSHOP TO ORDER**
23

24 **PRESENT:** Associate Planner Megan McLaughlin, Win Winch, David Walker, Marc Guimont and Robin Dube.
25 **ABSENT:** Mark Koenigs, Chair Linda Mailhot, and Marianne Hubert.
26

27 **Public Hearings Notice (To be held on 11/01/18, 7:00 PM)***

28 **ITEM 1**

29 **Proposal: Conditional Use: Accessory Dwelling Unit**
30 **Owner: Michael and Karin Lavigne**
31 **Location: 9 Pond View Road, MBL: 105-4-42**
32

33 **Regular Business***

34 **ITEM 2**

35 **Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed sewer lines;**
36 **Relocate proposed building G; Relocate and add stormwater pipes and catch basins; Proposed road**
37 **retaining wall replaced with rip rap.**
38 **Action: Ruling on Amendment**
39 **Owner: KRE Properties Inc.**
40 **Location: Settlers Ridge Condo's, Ross Road, MBL: 103-1-5, RD**
41

42 **Associate Planner Megan McLaughlin** received a road maintenance agreement between Pilgrim Place and the new
43 building at Settler's Ridge and there were condo association documents that discussed the following items:
44

- 45 • **Porous Pavement** – The Town Manager and the Public Works Director are recommending that they do not use
46 porous pavement because they do not think it is going to be maintained properly (there is a lot of maintenance that
47 goes into porous pavement.) Also Stephanie Hubbard from Wright Pierce was concerned that cars will be making
48 4 pt. turns and it will leave ruts in the pavement.
49 The applicant has a development in Mass. where he uses porous pavement and Megan stated that she will do
50 some research and see about the experience with porous pavement there and how it is being maintained.
51
- 52 • **Stormwater Discharge Location** – This discharge is going onto the adjacent property on Cardinal Lane and they
53 are saying that it is going to reduce the flow rate that is going on to the Cardinal Lane property, but it is still going

1 to be discharging on to that property as it is now. The applicant reached out to the owner of that property and is
2 waiting to hear back from him.
3

- 4 • **Dead End Parking Spaces** – Because they want to stay under the DEP permit threshold, they don't want to put in
5 additional impervious surface (aka parking spaces) space for trucks and vehicles to move around. The requirement
6 is going to be for vehicles to make 4 pt. turns to get out of their parking spaces as it's designed right now.
7

8 **David Walker** wanted to know what Public Works Director Joe Cooper's concerns were in regards to the support of H20
9 for the firetrucks.

10 **Associate Planner McLaughlin** stated that the pavement has to be made of a certain thickness to support the ladder truck
11 but stated that there is no more concern with this issue.

12 **Megan McLaughlin** stated that the applicant sent us the Homeowners Association documents on pavement (pervious and
13 impervious) that had information on the vacuum sweeping and the time frames for it.

14 Also there is the Road Maintenance Agreement that stated that with this new portion of the road, the current homeowners
15 in Pilgrim Place will have nothing to do with paying for it or maintaining it. The new owners will be responsible for this
16 new section with the porous pavement.
17

18 **David Walker** stated that as far as he is concerned, this is an incomplete plan. Robin Dube agrees.
19 This might delay the project, however it can give them extra time to get the final details sorted out.
20

21 **Associate Planner McLaughlin** stated that they are requiring from them, based on our Chapter 71 of the ordinance that
22 they give us a Maintenance Plan and a Post Construction Storm Water Management Plan because they fall under that
23 ordinance for being over an acre and they are revising their stormwater (amendment) so they will have to
24 complete annual certifications every year on that porous pavement and provide to the town that it's being
25 maintained.
26

27 The Board agreed that they should make their decisions, give the applicant feedback and let them bring back one more
28 final complete plan.
29

30 **ITEM 3**

31 **Proposal: Conditional Use: Accessory Dwelling Unit**

32 **Action: Final Ruling**

33 **Owner: Michael and Karin Lavigne**

34 **Location: 9 Pond View Road, MBL: 105-4-42**
35

36 **Associate Planner McLaughlin and David Walker** attended the site walk and pointed out that the one main outstanding
37 item is that the septic system is going to have to be upgraded before a Certificate of Occupancy is granted. The Applicant
38 indicated that they had already upgraded the system during this past summer and that they would make an appointment
39 with Town Staff to discuss.

40 The one thing about Accessory Dwelling Units (ADU's) that the Town Manager brought up was

41 that he does not want the ADU's to be used for short term rentals (3 days or less) or AIRB&B'S.

42 Staff will be going over all of the ADU's and maybe revising them due to how many we are getting and make sure that
43 the intent of an accessory dwelling unit is actually being followed. In the meantime, the Town Manager recommended
44 that there be a condition on all of the ADU's that they cannot be used for short term rentals.

45 The goal is to eventually amend the ordinance.

46 "The Accessory Dwelling Unit may only be rented for long term use if the primary dwelling unit is owner/occupied".

47 The Board has the option to say if they want these conditions or not. The goal is to limit the amount of AIRB&B's and
48 limit people renting their houses and renting the accessory dwellings.
49

50 **ITEM 4**

51 **Proposal: Conditional Use: Home Occupation**

52 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**

53 **Owner: Michael Goyet**

54 **Location: 114 Portland Avenue, MBL: 104-1-28**

1
2 **The Owner** is moving his design business that is located off of Portland Road in Saco and moving it into the
3 basement of his home. He will not be having any clients coming to his house. The reason he has to apply for this home
4 occupation is that he wants to put a sign out front on his mailbox.

5 He has 3 different measurements for the sign. In a home occupation the sign can only be 2 sf. We just need clarification of
6 what size the sign will be and what is going to be on the sign. He has not given any plans. He is saying that it will be
7 approximately 400 sf. in his basement. He cannot exceed 412 sf. Staff recommends that he submit a plan showing this.

8 **The Code office** stated that Mr. Goyet had placed a shed at Emerson Drive in the Right of Way and he also did a kitchen
9 remodel without securing any permits. Codes reached out to the owner about this and he has not resolved it yet.

10
11 **ITEM 5**

12 **Proposal: Conditional Use: Accessory Dwelling Unit**

13 **Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing**

14 **Owner: Michael Goyet**

15 **Location: 114 Portland Avenue, MBL: 104-1-28**

16
17 **Planner Jeffrey Hinderliter** is recommending that the Board will not be doing anything about this one until the applicant
18 comes in for his permits for his kitchen remodel.

19 **The applicant** states that there is going to be a paved parking spot in front of the entrance but he doesn't specify which
20 entrance. Staff needs to see where this parking lot is going to be. This Accessory Dwelling is for his mother in law who is
21 ill.

22
23 Regarding this proposals conformance with the 5 Accessory Dwelling Unit Standards (78-1272):

- 24 (1) States the ADU shall be accessed through the living area of the primary structure and all other entrances to the
25 ADU shall appear to be subordinate to the main entrance. Also, proposed additions shall be subordinate and
26 architecturally compatible with the primary structure. It appears that the shared entrance will be through the front
27 entrance of the home, through the kitchen, into the garage area and into the ADU. There is a second entrance
28 proposed looking from the front, on the right side of the structure to access the ADU directly. The Applicant
29 indicates that a small additional paved parking spot will be located in front of the entrance and added onto the
30 existing driveway. The plan does not show the location of that proposed parking spot. We recommend that be
31 provided to the Planning Board.
- 32 (2) States the ADU at least 500 sq. ft. but not exceed 50% of floor area of the primary structure. Assessing records
33 show the primary structure floor area at 2,061 sq. ft. The proposed ADU is 750 sq. ft.
- 34 (3) States the ADU and primary structure served by the same electrical service. In the responses to the 5 ADU
35 standards, the Applicant states "my Electrician told me he would connect the service to the existing home, but
36 could add a service panel to the new addition in case access is needed by the tenant (my mother) if that is
37 acceptable to code. Because this is proposed as an ADU, a second electrical service is not permitted. Only one is
38 permitted on the main home. The Applicant should revise the response to this standard to reflect that.
- 39 (4) States one ADU per lot and made part of the primary dwelling. The proposal meets this standard.
- 40 (5) States the ADU shall not be permitted for any nonconforming structure or use where nonconformance is due to
41 use of the premises. A single family dwelling is a permitted use; therefore, is a conforming use of the premises.

42
43 Looking at the plans, staff had a few additional comments. They are showing an 11 Foot (appears to be side) setback from
44 the property line to the addition. The setbacks in the Rural District for this type of use are as follows:

45 Side & Rear – 25 Ft.

46 Front – 25 Ft.

47 The plan should be updated to reflect these setbacks.

48 It is also not clear how many bedrooms are proposed for the Accessory Dwelling Unit or the general layout.

49
50 Planning Staff recommends the Planning Board hold off on making a determination of completeness until:

- 51 • Information on parking is submitted
- 52 • The ADU Standard #3 is updated regarding the single electrical service meter
- 53 • Setbacks are sorted out
- 54 • A plan showing number of bedrooms/a general layout is submitted

- Resolution of outstanding Code Enforcement matters in regards to the shed and kitchen rehab.

ITEM 6

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: David and Deborah Walker
Location: 5 Winona Avenue, MBL: 321-5-3

This Accessory Dwelling Unit is already constructed. The Code Officer at the time allowed the applicant to submit a building permit and did not inform the applicant of the requirements for an Accessory Dwelling Unit so they were not aware. The applicant is bringing this back to the Planning Board to secure a legal Accessory Dwelling Unit. There are no concerns with this one, there is only the condition that was mentioned by the Town Manager on short term rentals. We are not required to have site walks for Accessory Dwelling Units so the Planner is recommending no sitewalks for this one. Recommending determination of completeness and scheduling the public hearing.

ITEM 7

Proposal: Conditional Use: Accessory Dwelling Unit
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Raymond and Linda Parent
Location: 2 Arbutus Avenue, MBL: 206-16-4

Converting existing space into an Accessory Dwelling Unit. The only question on this is about the shared entrance and whether or not it looks to be accessed by the living area of the primary structure. Staff is recommending the Planning Board schedule a 5:00 pm sitewalk on December 6, 2018 to see what is there and what they are proposing for their entrance. And a Public Hearing on December 13, 2018.

ITEM 8

Proposal: Site Plan Review: 40 x 60 Maintenance Building
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Seacoast RV Resort LLC
Location: 1 Seacoast Lane, MBL: 102-3-7

The Planning Board saw this as a sketch plan in July and at the time they were asking for a maintenance building and some campsites. Now they are just bringing it back for the maintenance building and it will go in the area where an existing barn is located with an access road in between sites 22 and 23. This is a fairly straight forward proposal. Maintenance facilities are allowed as an accessory use in the CGO. However, since the building is proposed to be greater than 1,000 sq. ft., it triggers the requirement for review as a site plan. The setbacks in the Rural District are 25 feet (side/rear) and 50 feet from the property line. The Applicant claims that the building setback is 52 Feet from the property line. This should be shown on the plan for confirmation purposes in their next submission. Wright Pierce had a number of minor details they wanted adjusted. We recommend the applicant address these in their next submission. Recommending the sitewalk at 5:30 pm on December 6, 2018 and the public hearing on December 13, 2018.

A quorum for site walks are required for a Site Plan and Sub Divisions.

ITEM 9

Proposal: Conditional Use: Addition to existing OOB Skatepark (Phase II)
Action: Determination of Completeness, Schedule Site Walk, Schedule Public Hearing
Owner: Town of Old Orchard Beach
Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6

They have brought in their formal submission. Wright Pierce is working on this for Rec Director Jason Webber. This is an

1 addition to the existing skateboard park in the Ballpark.
2

3 Moving forward, staff recommends submission of the following before the PB determines the application complete:

- 4 1. Revised site plan showing handicap stall access aisle.
 - 5 2. If continuing with the proposed parking as shown on the 10.22.18 site layout plan, a waiver request of Sec. 78-
6 1542.
 - 7 3. Revised responses to Site Plan Review Criteria (d) (3), (5), (6), and (7).
 - 8 4. Test pit results.
- 9

10 **Associate Planner McLaughlin** did state that Wright Pierce did bring in their information later today.

11
12 **Other Business**

- 13 1. **Vote on Revised Planning Board Procedures: Revised Meeting Time for the Regular Meeting from 7:00PM**
14 **to 6:30PM, Add Sec. 7.4: Manner of Speaking, Change Submission Deadline from 14 Days to 17 Days.**

15
16 **ADJOURNMENT 6:42 PM.**

17
18 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes only. Formal**
19 **decisions on these items are not made until the Regular Meeting.**

20
21 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do*
22 *hereby certify that the foregoing document consisting of Five (5) pages is a true copy of the original minutes of*
23 *the Planning Board Workshop Meeting of November 1, 2018.*

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