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3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **November 7, 2019 6:00 PM (Workshop, Council Chambers)**
5 **November 7, 2019 (Site Walks, As Noted Below)**
6 **MEETING MINUTES**
7

8 **Site walk members present: Chair Linda Mailhot, Robin Dube, Marianne Huber, David Walker,**
9 **Chris Hitchcock. Workshop members present: Vice Chair Win Winch joined the others.**

10
11 **Site Walk, November 7, 5:15 PM**

12 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement and 30%**
13 **expansion**

14 **Owner: George and Mary Moszynski**

15 **Location: 13 Hampton Ave (319-2-4)**
16

17 Note: Rain ruined notes. Site walk opens approximately 5:15 and closes at 5:30. Discussed:

- 18 • Applicant summarized proposal
 - 19 • Where the relocated building is proposed to be located
 - 20 • Property boundary locations
 - 21 • Parking
 - 22 • How the 30% was applied
 - 23 • Floodplain
- 24

25 **Site Walk, November 7, 5:30 PM**

26 **Proposal: Site Plan Review: Wastewater Treatment Facility new administration building**
27 **construction**

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

29 **Location: 24 Manor Street (108-1-3)**
30

31 Note: Rain ruined notes. Site walk opens approximately 5:35 and closes at 5:45. Discussed:

- 32 • Applicant provides an overview of the proposal
 - 33 • Building location, parking, exterior lighting, buffering
 - 34 • Future use of the existing admin building
- 35

36 **CALL WORKSHOP TO ORDER 6:00 PM**
37

38 **Regular Business***

39 **ITEM 1**

40 **Proposal: Site Plan Review: Wastewater Treatment Facility new administration building**
41 **construction**

42 **Action: Discussion; Final Ruling**

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

44 **Location: 24 Manor Street (108-1-3); Zoning: R3**
45

46 Planner Jeffery Hinderliter stated that at the last Planning Board meeting the only outstanding item was
47 responses to the review criteria. Staff has received the
48 responses. Staff is recommending approval without any conditions.
49
50

1 **ITEM 2**

2 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure 30% expansion**
3 **Action: Discussion; Final Ruling**
4 **Owner: Beth Gilman**
5 **Location: 2 Captain’s Rd (102-3-2); Zoning: Shoreland RP**
6

7 Assistant Planner Michael Foster stated that this was determined complete at last month’s meeting subject
8 to receiving the existing structure and proposed addition volumes for verification and the responses to
9 Conditional Use Standards and Shoreland Zoning Standards. Staff review of the calculations seems to
10 check out. There was one question where the second floor did not have the floor area because it was not
11 going to be finished off but that would still count as floor area. Michael Foster had added in the 504 sf.
12 matching the bottom and they still have room to expand.
13 They are still under the 30%. Staff recommends approval.
14

15 **ITEM 3**

16 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement and 30%**
17 **expansion**
18 **Action: Determination of Completeness; Schedule Public Hearing**
19 **Owner: George and Mary Moszynski**
20 **Location: 13 Hampton Ave (319-2-4); Zoning: R3 and Shoreland RA**
21

22 Volume and floor area calculations were submitted. The ground floor calculations were not included in
23 that. He reached out to DEP to verify about some questions about having slats on the bottom of the floor
24 and whether air movement in that ground floor garage storage area counted as volume. DEP’s response
25 was “in terms of volume it would count even if air moves through it. The only way it would not count is
26 if it was built like a carport with no walls.”
27 We have not had any submitted documents as of yet to show the plans on the relocation where they will
28 be moving it back from the HAP. The intention is to still meet that rear setback and not encroach anymore
29 to the neighboring property but move it back from the front property line. This is also required to get
30 Flood Development Plan from codes because it is in the flood zone. We still need new plans showing the
31 relocation.
32

33 **ITEM 4**

34 **Proposal: Conditional Use/Site Plan Review: Campground expansion- 17 new campsites**
35 **Action: Determination of Completeness; Schedule Public Hearing**
36 **Owner: Seacoast RV Resort LLC**
37 **Location: 1 Seacoast Ln (102-3-5) & Portland Ave (102-3-7); Zoning: CO and RD**
38

39 Last month we did a site walk. We are reviewing the Conditional Use Standards, Site Plan, Review
40 Criteria and the Campground Overlay District. There are a couple questions about parking. The
41 application states that the zoning only requires one spot per site and our review states that there are 2
42 spots required per site. Parking and circulation specific for the campground overlay. One parking space
43 provided at each no hook-up campsite and RV campsite. It requires 2 off-road parking spaces provided at
44 each seasonal campsite. There are different definitions for seasonal campsite and RV campsite. The
45 biggest difference is the utilities being provided and the site of the gravel pad. Looking at the towns GIS it
46 appears that there are single parking spots at a recent expansion. It should be discussed and determine if
47 it is one or two spots required. There was a question and comments from the Fire Chief Lamontagne
48 about internal roadways. In reviewing the plans, he still has some concerns regarding the length of the
49 dead end. Also a quick review of town ordinances it is his interpretation that for a private way serving up
50 to 2 units that a hammerhead cud-de-sac is required. Staff reviewed this. The internal roadway for
51 campgrounds are different. They are defined as driveways so that meets the requirements. Staff

1 recommends adding in some sort of turnaround and added where those proposed dead ends are.
2 Number 8 of the Campground Overlay District requires a provision of emergency access but the standard
3 requires this within 2 years of a campground becoming registered as the overlay district for campgrounds.
4 Staff reviewed the files for Seacoast RV and doesn't see where this was ever discussed or where it was
5 ever required in the past, so Staff will review the standard and see if it applies to this. Staff recommends
6 that if the Planning Board decided that the provision of emergency access is required then a determination
7 of Completeness should not be made. Staff also recommends that the turnaround should be installed at the
8 proposed dead ends. Staff recommends Determination of Completeness and schedule a Public Hearing.
9

10 **ITEM 5**

11 **Proposal: Subdivision: 37-Lot Cluster Subdivision**
12 **Action: Sketch Plan Review**
13 **Owner: Mezoian Development, LLC**
14 **Location: Ross Rd (105-2-7); Zoning: RD and ID**
15

16 Planner Jeffrey Hinderliter stated that this proposal involves the creation of a 37 lot cluster subdivision on
17 a portion of approximately 90 acres on the Ross Road (on part of the blueberry fields). Board.
18

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

23 The only way that they can get an access that makes sense is through town owned land or someone's
24 private property land. They approaching the Town to create a 50 ft. wide 200 ft. length construction and
25 utility access easement. This is something that has to go through the Council.
26

27 In regards to zoning, currently the lot is split up between the Rural District and Industrial District. In
28 order for the net density numbers to work for this proposal, the entire district needs to be Rural. They will
29 propose an amendment to the zoning map.
30

31 Easement from the Town for access and the zoning change that need resolution before anything moves
32 forward. This is currently just a sketch plan.
33

34 This will have public water and septic. Our ordinance requires either public sewer or a common septic
35 system.

36 They are looking to purchase approximately 60 acres. 29 of these acres would be devoted to the lots, the
37 roads, 4 acres would be devoted to open space, and remaining acres are proposed to be gifted to the
38 Town. As part of that gift, the Town would be granting the developer the easement access.
39

40 **ITEM 6**

41 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement,**
42 **relocation and 30% expansion**
43 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
44 **Owner: Don and Lynn Hoenig**
45 **Location: 17 Sandpiper Rd (324-6-6); Zoning: R3 and Shoreland RA**
46

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

1
2 Staff is recommending a Conditional Determination of Completeness.

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

6
7
8
9 The Floodplain determination is under the responsibility of the Code Enforcement Office. It is always a
10 good idea to get this sorted out because that could change a plan significantly.

11
12 **ITEM 7**

13 **Proposal: Conditional Use: Private Utility Facility (ground mounted solar array)**

14 **Action: Discussion and recommendations**

15 **Owner: Paradise Acquisition LLC**

16 **Location: Paradise Park (205-1-32); Zoning: R1 and GB1**

17
18 Paradise Park is proposing a ground mounted solar collection units. The purpose of this is to provide
19 Paradise Park with clean energy.

20 Whenever we get a proposal, we have to find a use that is attached to that proposal to determine whether
21 it is allowable in the District.

22
23 The use that seems to work with this proposal the public and private utility facility.

24
25 The applicant is requesting the PB's thoughts on whether the proposal can move forward as a
26 public/private utility facility. A few questions to consider when thinking this through:

- 27 • Is it fair to the applicant to add a word into the definition that makes it so the use does not fit the
28 definition?
- 29 • Is generation/creation such a critical piece that because it's left out the use cannot be defined as a
30 public/private utility facility?
- 31 • Is generation/creation such a critical piece that the ordinance drafters purposefully decided to
32 exclude it because introducing generation/creation to the use could significantly change how the
33 use operates and potential impacts?
- 34 • Did the ordinance drafters not consider generation/creation?

35
36 Side note- OOB zoning ordinance Sec. 78-1270 includes standards specific to public/private utility
37 facilities:

38
39 Sec. 78-1270. - Installations of public/private utility facilities.

40 Public utility installations shall comply with the following conditions:

- 41 (1) There shall be no overnight parking of vehicles or machinery, except in an enclosed building.
- 42 (2) There shall be no emission of noise or electronic vibration or radiation detectable beyond the
43 premises.
- 44 (3) No building or structure in excess of 80 square feet shall be located within 50 feet of a
45 residential lot line.
- 46 (4) Off-street parking areas shall be screened by an effective fence or vegetative screen from
47 abutting residential properties.
- 48
49

1 Staff recommends feedback from the Planning Board to see if they believe that this could meet the Public
2 and Private Utility Facility.

3 There would be tree removal, there would be utility lines going back out to Cascade/Portland Ave.
4

5 This will be well buffered and he does not see how much more of an impact than what could potentially
6 be there.
7

8
9 **Other Business**

10
11 **ADJOURNMENT 6:42 PM**

12
13 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
14 *Beach, do hereby certify that the foregoing document consisting of Five (5) pages is a true copy*
15 *of the original minutes of the Planning Board Meeting of November 7, 2019.*

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