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2  
3 **OLD ORCHARD BEACH PLANNING BOARD**  
4 **Public Hearings and Regular Meeting**  
5 **October 12, 2017 7:00 PM**  
6 **Town Council Chambers**  
7

8 **CALL MEETING TO ORDER AT 7:00 PM**  
9

10 **Roll Call:** Robin Dube, Mark Koenigs, Mike Fortunato and Chair Linda Mailhot. **Excused absence:**  
11 Win Winch, Ryan Kelley and Vice Chair Eber Weinstein. **Staff present:** Planner Jeffrey Hinderliter and  
12 Assistant Planner Megan McLaughlin.

13  
14 Mark Koenigs and Robin Dube will be full voting members at tonight's meeting.  
15

16 **Public Hearings**  
17

18 **ITEM 1**

19 **Proposal:** Zoning Map Amendment: Change Zoning District from Residential 1 to Downtown  
20 District 2 for two lots located at 6-8 St. John St. and 10 St. John St.

21 **Owner:** Neal Weinstein

22 **Location:** 6-8 St. John St. (MBL: 206-24-32) and 10 St. John St. (MBL: 206-24-31)  
23

24 Public hearing opened at 7:01 pm  
25

26 Ronald Goode from 28 Saco Avenue and abutter to the proposal location introduced himself to the Board.  
27 Mr. Good and his wife are concerned with this proposal. There is nothing that shows what the owner's  
28 intent is and how many condominiums that he could have there.  
29

30 Public hearing closed at 7:03 pm  
31

32 **ITEM 2**

33 **Proposal:** Conditional Use (Shoreland Zoning): Reconstruction of a nonconforming structure

34 **Owner:** Kevin H & Marie Hedberg

35 **Location:** 10 Tioga Ave, MBL: 321-25-3  
36

37 The Public Hearing opened at 7:03 pm

38 There being no one speaking for or against this item, the Public Hearing closed at 7:03 PM.  
39

40 **Approval of Minutes: 9/7/17; 9/14/17**  
41

42 **MOTION:**

43 Mike Fortunato made a motion to approve both the 9/7/2017 and the 9/14/2017 meeting minutes, Robin  
44 Dube seconded the motion.  
45

46 **Planner Hinderliter called for the vote:**  
47

48 **VOTE:**

49 Robin Dube – Yes

50 Mark Koenigs – Yes

1 Mike Fortunato – Yes  
2 Chair Linda Mailhot – Yes

3  
4 **MOTION CARRIES (4-0)**

5  
6 **Regular Business**

7  
8 **ITEM 3**

9 **Proposal: Site Plan Review: Expansion of existing nonresidential (retail) building**  
10 **Action: Discussion; Final Ruling**  
11 **Owner: Harold H. Harrisburg, Phylis I Harrisburg and Harrisburg Group Gen Partnership**  
12 **Location: 9 East Grand Ave., MBL: 306-2-6**

13  
14 Planner Hinderliter stated that this proposal has been withdrawn and the Planning Board can take no  
15 action on the proposal.

16  
17 **ITEM 4**

18 **Proposal: Major Subdivision: 20 lot cluster subdivision for single-family residential use**  
19 **(Eastern Trail Estates)**  
20 **Action: Discussion; Final Ruling**  
21 **Owner: Ross Road LLC**  
22 **Location: Ross Rd, MBL: 107-1-4, 14 & 16**

23  
24 The Planning Board has to rule on the final plan that has been submitted. At the September meeting the  
25 Planning Board approved the preliminary plan with 5 conditions. 2 of the conditions were tied to the  
26 waiver request and the Planning Board decided not to grant because the Planning Board capped the  
27 number of lots to be developed to 14 until the second means of egress is approved and constructed. One  
28 of the conditions that was added is that the utilities abutting those excluded 4 lots must still be built and  
29 the 14 lots that they are going to build have to be identified as a note on the plan.

30  
31 Other conditions:

- 32  
33
  - *The sight distance for lot #20 shall be changed to meet the 360' requirement;*
  - *Note #24 on the plan: "driveway opening for lots 19 and 20 are a suggestion only" should be updated to say the driveway locations are fixed;*
  - *The 50x50 temporary turnaround shall become permanent once the Saco piece of the development is constructed for fire turnaround and snowplowing purposes.*

38  
39 Wright Pierce has reviewed the final plan. Everything has been addressed and staff recommends that this  
40 be approved.

41  
42 Bill Thompson from BH2M introduced himself to the board.

43  
44 Note #21 on the plan, a 20 ft. green strip will be maintained along each lot line except for driveway  
45 openings.

46 The site distances both ways is more than adequate.

47 They put a note on the plans stating that the 4 lots would stay out of the development until the second  
48 access to Mary's Way is accomplished. The utilities will be built and the road will be built in front of  
49 them.

50 They have DEP approval.

51

1 Mark Koenigs stated that he will abstain from voting on this item as he has not participated in all of the  
2 meetings on this proposal.

3  
4 Chair Mailhot went over the Subdivision Criteria and Responses:

5 *(1) The proposed subdivision will not result in undue water or air pollution. In making this*  
6 *determination it shall at least consider the following:*

7 *a. The elevation of the land above sea level and its relation to the floodplains;*

8 **Development area is generally at elevation 70 TO 80. There is no 100 year flood zone**  
9 **within this development.**

10  
11 *b. The nature of soils and subsoils and their ability to adequately support waste disposal;*

12 **These lots will be served by on-site subsurface disposal systems designed to State**  
13 **Standards.**

14  
15 *c. The slope of the land and its effect on effluents; and*

16 **This site is served with on-site septic systems discharging effluents are not**  
17 **anticipated.**

18  
19 *d. The applicable state and local health and water resources regulations;*

20 **These lots will be served by public water and subsurface disposal systems per State**  
21 **Plumbing Code.**

22  
23 *(2) The proposed subdivision has sufficient water available for the reasonably foreseeable needs*  
24 *of the subdivision;*

25 **Public water will be extended for these lots from the existing 20” water main in Eastern**  
26 **Trail. We will secure a letter stating “ability to serve” from Maine Water Co, for this**  
27 **project.**

28  
29 *(3) The proposed subdivision will not cause an unreasonable burden on an existing water*  
30 *supply, if one is to be utilized;*

31 **There will be no unreasonable burden on the existing public water supply as stated in**  
32 **the existing Water Co. letter. The water main we will connect to is a 20-inch ductile iron**  
33 **main.**

34  
35 *(4) The proposed subdivision will not cause unreasonable soil erosion or reduction in the*  
36 *capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

37 **All construction will be per Maine DEP Best Management Practices. This includes all**  
38 **measures to stabilize this site and minimize erosion and its capacity to manage surface**  
39 **water. All lots are on relatively level sites.**

40  
41 *(5) The proposed subdivision will not cause unreasonable highway or public road congestion or*  
42 *unsafe conditions with respect to use of the highways or public roads existing or proposed;*

43 **The proposed units will access from Ross Road (a public road) utilizing a proposed curb**  
44 **opening. Site distances will meet the zoning standards and will be reviewed by our**  
45 **traffic engineer.**

46  
47 *(6) The proposed subdivision will provide for adequate solid and sewage waste disposal;*

1 **Solid waste will be handled under a private hauler contract and disposed of at a licensed**  
2 **facility. Sewage waste will be treated by the individual subsurface disposal systems.**

3  
4 *(7) The proposed subdivision will not cause an unreasonable burden on the ability of a*  
5 *municipality to dispose of solid waste and sewage if municipal services are to be utilized;*

6 **There are no known issues with the ability of the municipality to handle the solid waste**  
7 **from these 20 lots. The municipality will not be handling any sewage waste as the lots**  
8 **have an individual onsite subsurface disposal system.**

9  
10 *(8) The proposed subdivision will not place an unreasonable burden upon local, municipal or*  
11 *governmental services;*

12 **There will be no unreasonable burden on local municipal or governmental services**  
13 **from 20 new residential lots.**

14  
15 *(9) The proposed subdivision will not have an undue adverse effect on the scenic or natural*  
16 *beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;*

17 **The proposed lots occupy an 18 acre parcel with 4 acres as open space/undeveloped**  
18 **area. Here are no known historic sites in or around this site.**

19  
20 *(10) The proposed subdivision is in conformance with a duly adopted subdivision regulation or*  
21 *ordinance, comprehensive plan, development plan, or land use plan, if any;*

22 **This project will conform to all subdivision regulations for a cluster subdivision. All**  
23 **lots will meet the requirements of setbacks and density. A waiver for number of lots**  
24 **with only one entrance will be required.**

25 *(11) The sub-divider has adequate financial and technical capacity to meet the standards stated*  
26 *in subsections (1) through (10) of this section;*

27 **The applicant has the financial and technical capacity to complete this project. The**  
28 **applicant will submit a Performance Guarantee prior to construction.**

29  
30 *(12) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal*  
31 *waters, the proposed subdivision will not adversely affect the quality of such body of water or*  
32 *unreasonably affect the shoreline of such body of water;*

33 **No ponds, lakes, river or tidal waters with 250 feet of this project.**

34  
35 *(13) The proposed subdivision will not, alone or in conjunction with existing activities, adversely*  
36 *effect the quality or quantity of groundwater;*

37 **The approval of this residential project will in no way adversely affect the quantity or**  
38 **quality of groundwater. All units are served by public water and on-site septic**  
39 **systems.**

40  
41 *(14) The proposed subdivision will not unreasonably interfere with access to direct sunlight for*  
42 *solar energy systems.*

43 **The proposed construction of homes under the current zoning of height limits will not**  
44 **unreasonably interfere will access to direct sunlight for solar energy systems.**

45  
46 **MOTION:**

1 Robin Dube made a motion to approve the Eastern Trail Estates Subdivision Final Plan owned by Ross  
2 Road LLC and located on Ross Road, MBL: 107-1-4, 14 & 16 and that they address the site distance in  
3 the Southwesterly direction on the final Mylar, seconded by Mike Fortunato.

4  
5 *Planner Hinderliter called for the vote:*

6  
7 **VOTE:**

8 Robin Dube – Yes  
9 Mark Koenigs – Abstained  
10 Mike Fortunato – Yes  
11 Chair Linda Mailhot – Yes

12  
13 **MOTION CARRIES: (3-0-1)**

14  
15 **ITEM 5**

16 **Proposal: Zoning Map Amendment: Change Zoning District from Residential 1 to Downtown**  
17 **District 2 for two lots located at 6-8 St. John St. and 10 St. John St.**

18 **Action: Discussion; Council Recommendation**

19 **Owner: Neal Weinstein**

20 **Location: 6-8 St. John St. (MBL: 206-24-32) and 10 St. John St. (MBL: 206-24-31)**

21  
22 DD-2 is the district adjacent to both of these lots and this proposal will extend the district to include  
23 these 2 lots. The purpose for this was to look for higher residential density and what the applicant had  
24 indicated to Planner Hinderliter is that they were looking to build 2 duplex's (1 duplex on each lot). If  
25 they propose something beyond this it would require Planning Board review. The Planning Board would  
26 need to make a recommendation to the Town Council.

27  
28 **MOTION:**

29 Mike Fortunato made a motion to recommend to the Town Council a support of zoning map amendment  
30 to change the zoning district from Residential 1 to Downtown District 2 for the lots located at 6-8 St. John  
31 St. MBL: 206-24-32 and 10 St. John St. MBL: 206-24-31, second by Mark Koenigs.

32  
33 *Planner Hinderliter called for the vote:*

34  
35 **VOTE:**

36 Robin Dube – Yes  
37 Mark Koenigs – Yes  
38 Mike Fortunato – Yes  
39 Chair Linda Mailhot – Yes

40  
41 **MOTION CARRIES: (4-0)**

42  
43 **Proposal: Conditional Use (Shoreland Zoning): Reconstruction of a nonconforming structure**

44 **Action: Discussion; Final Ruling**

45 **Owner: Kevin H & Marie Hedberg**

46 **Location: 10 Tioga Ave, MBL: 321-25-3**

47  
48 This proposal was brought before the Planning Board because it is located within 100' of the highest  
49 annual tide in the Shoreland Zone. This requires review by the Planning Board. Staff feels that all of the  
50 items were addressed and recommends approval. They did received one public comment that was in favor  
51 of the project.

1  
2 Chair Mailhot read the following with Applicants responses:  
3  
4

5 **CONDITIONAL USE REVIEW STANDARDS:**  
6

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

9 **Applicants Response: The applicant use will not result in significant hazards to**  
10 **pedestrian or vehicular traffic, on-site or off-site. The proposed dwelling**  
11 **reconstruction will not generate any traffic no create any hazards to pedestrians**  
12

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

14 **Applicants Response: The proposed use will not create or increase any fire**  
15 **hazards for nearby homes nor the existing dwelling.**  
16

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

18 **Applicants Response: The proposed use features adequate off-street parking and**  
19 **loading areas. The existing residential driveway has adequate parking for the**  
20 **proposed dwelling, meanwhile additional area under the dwelling will feature a**  
21 **garage for additional parking.**  
22

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

25 **Applicants Response: The proposed use will not cause water pollution,**  
26 **sedimentation, erosion, or contamination of any water supply. The proposed**  
27 **reconstruction will use the existing water service provided by Maine Water.**  
28

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

31 **Applicants Response: The proposed use will not create unhealthful conditions**  
32 **because of smoke, dust or other airborne contaminants.**  
33

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

37 **Applicants Response: The proposed use will not create nuisances to neighboring**  
38 **properties because of odors, fumes, glare, hours of operation, noise, vibration or**  
39 **fire hazard or unreasonably restrict access of light and air to neighboring**  
40 **properties.**  
41

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

44 **Applicants Response: The proposed use will provide adequate waste disposal**  
45 **systems for all solid and liquid wastes generated by the use. The proposed**  
46 **reconstruction will take advantage of the existing solid and liquid waste services.**  
47

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

2 **Applicants Response: The proposed use will not adversely affect the value of**  
3 **adjacent properties but actually increase the character of the area.**

4  
5 (9) The proposed use will be compatible with existing uses in the neighborhood, with  
6 respect to the generation of noise and hours of operation.

7 **Applicants Response: The proposed use will be compatible with existing uses in**  
8 **the neighborhood, with respect to the generation of noise and hours of operation.**  
9 **The proposed use will not generate any unwanted noises and construction will**  
10 **take place during daytime hours.**

11  
12 (10) The applicant's proposal must include any special screening or buffering necessary  
13 to visually obstruct the subject property from abutting uses or to ensure the continued  
14 enjoyment of abutting uses.

15 **Applicants Response: The proposed use will be screened by an existing tree line**  
16 **buffering the subject property from abutting property toward the rear boundary**  
17 **line ensuring the continued enjoyment of abutting uses. All abutting properties**  
18 **are residential land uses.**

19  
20 (11) The applicant's proposal must adequately provide for drainage through and for  
21 preservation of existing topography within its location, particularly in minimizing any cut,  
22 fill, or paving intended.

23 **Applicants Response: The existing proposed use adequately provides drainage**  
24 **through and preserves existing topography within its location. The proposed**  
25 **reconstruction will take advantage of the existing foundation minimizing the**  
26 **disturbed area on site.**

27  
28 (12) The applicant must be found to have adequate financial and technical capacity to  
29 satisfy the criteria in this section and to develop and thereafter maintain the proposed  
30 project or use in accordance with all applicable requirements.

31 **Applicants Response: The applicant has adequate financial and technical**  
32 **capacity to satisfy the criteria in this section and to develop and therefore**  
33 **maintain the proposed project or use in accordance with all applicable**  
34 **requirements.**

### 35 36 SHORELAND ZONE REVIEW STANDARDS

37  
38 (1) This project will maintain safe and healthful conditions;

39 **Applicants Response: The proposed reconstruction will not result in any unsafe**  
40 **or unhealthy conditions. The reconstruction will maintain safe and healthful**  
41 **conditions throughout the lifetime of the structure.**

42  
43 (2) This project will not result in water pollution, erosion, or sedimentation to surface  
44 waters;

45 **Applicants Response: No adverse effects on water pollution, erosion, or**  
46 **sedimentation to surface waters will result from the proposed reconstruction. The**

1 necessary erosion control measures meeting Maine DEP standards will be taken  
2 throughout the reconstruction process.

3  
4 (3) This project will adequately provide for the disposal of all wastewater;

5 **Applicants Response: The proposed reconstruction, as the existing dwelling as**  
6 **now will be served by public sewer. The public wastewater disposal system is**  
7 **adequate capacity to provide for the disposal of all wastewater generated by this**  
8 **project.**

9  
10 (4) This project will not have an adverse impact on spawning grounds, fish, aquatic life,  
11 bird or other wildlife habitat;

12  
13 **Applicants Response: The existing dwelling nor the proposed reconstruction will**  
14 **have any adverse impact on spawning grounds, fish, aquatic life, bird or other**  
15 **wildlife habitat; There are no habitats of special significant in the area.**

16  
17 5) This project will conserve shore cover and visual, as well as actual, points of access  
18 to inland and coastal waters;

19 **Applicants Response: The proposed development will not have shore cover and**  
20 **visual, as well as actual, points of access to inland and coastal waters;**

21  
22 (6) This project will protect archaeological and historic resources as designated in the  
23 comprehensive plan;

24 **Applicants Response: There are no archaeological or historic resources located**  
25 **in the area of development.**

26  
27 (7) This project will avoid problems associated with floodplain development and use;

28 **Applicants Response: The proposed re-construction will be elevated 1 foot above**  
29 **the preliminary floodplain to be adopted by FEMA in the coming years. The**  
30 **dwelling is designed to feature hydrostatic relief vents along the ground level for**  
31 **free flowing water when necessary.**

32  
33 (8) The project is in conformance with the provisions of all applicable Shoreland zoning  
34 standards in [division 17](#) of this chapter.

35 **Applicants Response: The proposed development conforms with all of the**  
36 **provisions of all applicable Shoreland zoning standards to the greatest practical**  
37 **extent.**

38  
39 **MOTION:**

40 Mike Fortunato made a motion to approve the Conditional Use-Shoreland Zoning Application to  
41 reconstruct a non-conforming structure in the Shoreland Zone owned by Kevin H & Marie Hedberg  
42 located at 10 Tioga Ave, MBL: 321-25-3, seconded by Robin Dube.

43  
44 **Planner Hinderliter called for the vote:**

45  
46 **VOTE:**

47 Robin Dube – Yes



1 Mark Koenigs – Yes  
2 Mike Fortunato – Yes  
3 Chair Linda Mailhot – Yes

4  
5 **MOTION CARRIES: (4-0)**

6  
7 **ITEM 7**

8 **Proposal: Subdivision Amendment: Amend Cherry Hills Estates drainage easement adjacent to lot B24**

9  
10 **Action: Discussion, Ruling**

11 **Applicant: Cary Seamans**

12 **Location: Cherry Hills Estates, Cherry Hills Rd., MBL: 105A-1-B24**

13  
14 The Cherry Hills subdivision amendment proposed to amend the setbacks for lot B24 and drainage and utility easement. The reason for the proposed amendment is the home was built within the setback and easement. The proposed amendments include:

- 17 • Amend lot B24 setback fronting Wild Dunes Way and Cherry Hills Dr. Wild Dunes Way: approved plans show 40', amended plans request 30'. Cherry Hills Dr.: approved plan shows 30', amended plan 28'.
- 20 • Amend drainage and utility easement along Wild Dunes Way and Cherry Hills Dr. Wild Dunes Way: approved plans show 40', amended plans request 30'. Cherry Hills Dr.: approved plan shows 30', amended plan 28'.

23  
24 Planner Hinderliter stated that this is a shared responsibility. The developer has some responsibility as well as the town.

25  
26  
27 Chair Mailhot asked Mr. Thompson if he could provide a copy of the Mortgage Survey. He agreed.

28  
29 This item was tabled until BH2M works with Stephanie Hubbard from Wright Pierce to address her concerns with the potential future pump station upgrades.

30  
31  
32 **ITEM 8**

33 **Proposal: Mobile Food Vendor Ordinance Amendments**

34  
35 **Action: Discussion; Schedule Public Hearing**

36 **Applicant: Town of Old Orchard Beach**

37  
38 On August 2, 2017 the Council enacted a moratorium on mobile food businesses. The moratorium defines mobile food businesses as “any business not qualifying as a restaurant or convenience store and offering for sale foodstuffs to be consumed by the public off premises, as the term Food Stand is defined in Chapter 78 of the Code of Ordinances of the Town of Old Orchard Beach, and including, in addition to food stands, food trucks and food carts.” The moratorium was enacted in response to concerns associated with food trucks and how mobile food businesses are regulated. Below are comments concerning moratorium key points, current language, current language interpretation, discussion points, and next steps.

46  
47 The Council had some concerns with food trucks. The Council asked the Planning Board to study and develop ordinance amendments that limit the licensing of mobile food businesses.  
48 Staff developed a proposed draft and several ordinance amendments. The following are highlights of the draft:  
49  
50  
51

- The food stands are now defined as a mobile food business.
- Mobile food businesses are no longer permissible in the DD-1 zone.
- Mobile food businesses are now permitted in the campground overlay district, the amusement overlay district and by special event permit.

Typically with non-conforming uses you are allowed to continue to operate, but once you cease to exist for a certain amount of time then you cannot bring those uses back.

Mike Fortunato expressed his concern that the public should have had an opportunity to express their opinion on this.

The Planning Board requested new ordinance language be prepared for the next meeting that has specific definitions for food stands, food trucks, etc.

**ITEM 9**

**Proposal: Subdivision Amendment: Amend Sawgrass Plan: Change building footprints to building envelopes; revise lot lines; remove 2 lots**

**Action: Discussion; Ruling**

**Owner: Daily Double, LLC**

**Location: Ponte Vedra Dr. and Island Dr., Sawgrass, MBL: 105A-1-L**

Staff supports this proposal and recommends approval.

Jason Vafiadis from Atlantic Resource Consultants brought the Planning Board members up to date on this project. When this was previously approved, every house was going to be the same. The owner had a lot of clients that wanted something a little different. They went back to the drawing board and changed things so that they would fit on the plan making it a more breathable development. The infrastructure is in, however there are no foundations in.

**MOTION:**

Mike Fortunato made a motion to conditionally approve the Sawgrass Subdivision amendments to eliminate 2 approved lots (3 & 18) revise lot lines as shown on the 9/27/2017 Sawgrass Subdivision Plan, remove building footprints and replace with building envelopes for each lot and add the following conditions to the general notes:

- 1.) Proposed driveways for each lot shall meet the Town of Old Orchard Beach zoning ordinance, driveway location, dimensions and design specification standards.
- 2.) Project, impervious surface including that which is allocated for lot development shall not exceed the amount permitted by Maine DEP site location of development permit.

Motion seconded by Mark Koenigs.

**Planner Hinderliter called for the vote:**

**VOTE:**

Robin Dube – Yes

Mark Koenigs – Yes

Mike Fortunato – Yes

Chair Linda Mailhot – Yes

**MOTION CARRIES: (4-0)**

1 **ITEM 10**

2 **Proposal:** Subdivision Amendment: Amend Sandy Meadows Plan: revise lot lines to lots 5-8,  
3 18, 21, 22; revised building locations; revised parking

4 **Action:** Discussion; Ruling

5 **Owner:** Lacosta Development, LLC

6 **Location:** Lacosta Dr., Sandy Meadows, MBL: 105A-1-A

7  
8 The Applicant/Owner requested that this item be tabled. They are trying to secure property owner  
9 permission. Staff supports that request.

10  
11 **MOTION:**

12 Mark Koenigs made a motion to table this item, seconded by Robin Dube.

13  
14 **Planner Hinderliter called for the vote:**

15  
16 **VOTE:**

17 Robin Dube – Yes

18 Mark Koenigs – Yes

19 Mike Fortunato – Yes

20 Chair Linda Mailhot – Yes

21  
22 **MOTION CARRIES: (4-0)**

23  
24 **ITEM 11**

25 **Proposal:** Conditional Use: Single-family residential use and Estate Lot in the Industrial  
26 Zoning District

27 **Action:** Discussion; Schedule Site Walk and Public Hearing

28 **Owner:** Kristen Barth

29 **Location:** 101 Ross Rd., MBL: 107-2-21

30  
31 This project is for a lot division on the Ross Road. The current parcel is 9.298 acres and is located in  
32 both the Rural and Industrial districts. The current home will remain on one lot in the rural district as a  
33 7.215 acre estate lot and a new lot will be conveyed to Kristen Barth and be 2.073 acres in the  
34 industrial district.

35  
36 The rural district allows for “*estate lots*” which are defined in the ordinance as “...building lot[s] with  
37 legal access to a public street or approved private way via a minimum 50-foot-wide access strip which  
38 is in fee part of the lot.”

39  
40 An access strip is defined as “...the contiguous and fee simple portion of an estate lot, measuring no  
41 less than 50 feet in width and no more than 700 feet in length, that provides an estate lot with legal  
42 street and lot frontage on a public street.”

43  
44 The existing house is proposed to meet the standards for an estate lot in the Rural Zone. There is an  
45 existing gravel driveway and the new lot will be served by a drilled well and subsurface disposal  
46 system.

47  
48 In the Industrial District, residential uses can be authorized as conditional uses through the PB (78-903)  
49 provided the following:

- 1 a. *The Planning Board determines that site constraints, vehicle access, or character of the*
- 2 *surrounding neighborhood precludes the use of the site for industrial uses as permitted in this*
- 3 *zone;*
- 4 b. *Residential density shall be no less than one unit per 75,000 square feet of net residential area;*
- 5 c. *Principal dwelling units shall be set back a minimum of 50 feet from all property lines.*

6 Planning Staff recommends that the Planning Board schedule a Site Walk for November 2<sup>nd</sup> and a  
7 Public Hearing for November 9<sup>th</sup>. Staff also recommends that the Planning Board review the three  
8 items listed in the ordinance to be able to authorize residential uses as a conditional use in the Industrial  
9 District and the 12 CU responses.

10 Bill Thompson, BH2M. The 9 acres piece were in 2 zones.  
11 The Town of Old Orchard ordinance requires a Conditional Use Permit.  
12 Mr. Thompson stated that they have gone through all of the standards and addressed the Conditional Use  
13 Permit in the initial submission.  
14 The standards in the Industrial District have also been submitted.

15  
16  
17 The Planning Board scheduled a Site Walk at 5:30 pm on November 2<sup>nd</sup> and a Public Hearing for  
18 November 9<sup>th</sup>.

19  
20 **ITEM 12**

21 **Proposal: Conditional Use (Shoreland Zoning): Construct bandstand**  
22 **Action: Discussion; Schedule Site Walk and Public Hearing**  
23 **Owner: Ocean Park Association**  
24 **Location: 11 Temple Ave., MBL: 324-14-1**  
25

26 This proposal is to construct a bandstand on the library lot in Ocean Park. This is located in the Shoreland  
27 Zone and Highest Annual Tide area.

28 Because this is new construction it would be non-conforming. This requires a Variance from the Zoning  
29 Board of Appeals. The applicants went to the ZBA and received a Variance approval, however DEP  
30 wasn't notified 20 days before the application was approved which is required by state law. The Variance  
31 is not legally valid. The applicant has to go back before the Zoning Board of Appeals.

32 If this Variance is granted by the ZBA, the Planning Board could just review this bandstand as  
33 administrative site plan so this may not have to come back before the Planning Board but staff will keep  
34 the board updated.

35  
36 The Planning Board is taking no action. This item will be removed from the agenda.  
37

38 **CERTIFICATES OF APPROPRIATENESS**

39 **ITEM 1**

40 **Proposal: Construct new elevator/lobby building and enclosed staircase; changes to portions**  
41 **of building exterior including siding, windows, doors, light fixtures.**  
42 **Owner: Lafayette Hotels**  
43 **Location: 87 West Grand Ave., MBL: 313-5-1, 4, 5, DD2**  
44

45 The Design Review Committee recommends that the Planning Board approve the Certificate of  
46 Appropriateness.

47  
48 **MOTION:**

49 Mark Koenigs made a motion to approve the Certificate of Appropriateness to construct a new  
50 elevator/lobby building and enclosed staircase; changes to portions of building exterior including siding,

1 windows, doors, light fixtures. Owner: Lafayette Hotel, 87 West Grand Ave., MBL: 313-5-1, 4, 5, DD2.  
2 Second by Mike Fortunato.

3  
4 **Planner Hinderliter called for the vote:**

5  
6 **VOTE:**

7 Robin Dube – Yes  
8 Mark Koenigs – Yes  
9 Mike Fortunato – Yes  
10 Chair Linda Mailhot – Yes

11  
12 **MOTION CARRIES: (4-0)**

13  
14 **ITEM 2**

15 **Proposal: New siding, trim, deck railing, decking**  
16 **Owner: Lamplighter Condominium**  
17 **Location: 15 Francis St., MBL: 205-7-1, DD2**

18  
19 There is no expansion, they are just replacing what exists. Design Review Committee recommends that  
20 the Planning Board issue the Certificate of Appropriateness.

21  
22 **MOTION:**

23 Robin Dube made a motion to approve the new siding, trim, deck railing and decking for the Lamplighter  
24 Condominium located at 15 Francis Street, MBL: 205-7-1 in the DD2 District, seconded by Mark  
25 Koenigs.

26  
27 **Planner Hinderliter called for the vote:**

28  
29 **VOTE:**

30 Robin Dube – Yes  
31 Mark Koenigs – Yes  
32 Mike Fortunato – Yes  
33 Chair Linda Mailhot – Yes

34  
35 **MOTION CARRIES: (4-0)**

36  
37 **Other Business**

- 38 **1. Sign The Turn Findings of Fact and Mylar**
- 39 **2. Sign Palace Playland Findings of Fact**
- 40 **3. Salvation Army Findings of Fact**

41  
42 **Good and Welfare**

43 John Garon from 33 Ocean Park introduced himself to the Planning Board and suggested that in the  
44 ordinance they might want to consider that the mobile food trucks have to move once in a while so that  
45 they do not become a stable restaurant.

46  
47 Mark Koenigs mentioned that the site work at the new Dunkin Donuts is looking good.  
48 Planner Hinderliter mentioned that the delay on the project was because the Dunkin Donut Corporation  
49 changed their color palette.

1 **ADJOURNMENT**

2

3 There being no further business to conduct, the meeting adjourned at 8:54 pm.

4

5 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*  
6 *Beach, do hereby certify that the foregoing document consisting of fourteen (14) pages is a true*  
7 *copy of the original minutes of the Planning Board Meeting of October 12, 2017.*

8 