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2  
3 **OLD ORCHARD BEACH PLANNING BOARD**  
4 **Public Hearing & Regular Meeting**  
5 **September 12, 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 Robin Dube
- 16 Marianne Hubert
- 17 David Walker
- 18 Vice Chair Win Winch
- 19 Mark Koenigs, alt.
- 20 Chris Hitchcock, alt.

21  
22 **ABSENT:**

- 23 Chair Linda Mailhot

24  
25 **STAFF PRESENT:**

- 26 Planner Jeffrey Hinderliter
- 27 Assistant Planner Michael Foster

28  
29 **Approval of Minutes: 6/6/19, 7/11/19, 8/1/19, 8/8/19**

30  
31 **MOTION:**

32 David Walker made a motion to approve the meeting minutes for 6/6/19, 7/11/19, 8/1/19 and 8/8/19,  
33 seconded by Robin Dube.

34  
35 **VOTE:**

36 Unanimous

37  
38 **Public Hearings**

39 **PH 1**

40 **Proposal: Zoning Map Amendment: Amend zoning map to replace the R4 District with GB1**  
41 **District for the property located at 15 Ocean Park Rd**  
42 **Zoning Ordinance Amendment (GB1 District Location): Amend Ch. 78, Sec. 78-801**  
43 **(a)**

44 **Applicant: Eastwood Development Corp**

45 **Location: 15 Ocean Park Rd (210-10-3); Zoning: R4 and GB1**

46  
47 Public hearing opened at 6:37 PM

48  
49 Planner Jeffrey Hinderliter stated that staff received some comments from the public and a letter from an  
50 abutter that could not be here this evening. Planner Hinderliter suggested that before the Board makes a

1 decision that they read over the abutters comments.

2  
3 David Walker read a letter from Gene Jackson who lives at 18 & 20 Melvin Ave.

4  
5 Thursday, September 12, 2019 3:27 PM

6 Dear Mr Hinderliter,

7  
8 Thank you for taking the time to speak with me regarding the zoning change for the parcel of land at  
9 15 Ocean Park Rd. My husband and I are disappointed we will be out of town for the hearing on  
10 September 12th. We own abutting property at end of the street at 18 and 20 Melvin Ave. The  
11 proposed zoning change is deeply concerning to us for several reasons.

12 I'm not sure I have all of the details correct but I think you mentioned this area, including the homes  
13 on Melvin Ave, had already been recommended for a change to a business zone in a town wide  
14 rezoning, but these changes we never enacted. The only thing I can say to this is maybe there was a  
15 reason it was left as is. Historically, from my perspective, the planning board can recommend changes  
16 and depending on the members opinions, can reverse the direction of a previous board.

17 When we bought our property in 1986, it was zoned for business. Our plan was to put up high density  
18 residential units. Subsequently the zoning was changed to R-4 through a town wide rezoning plan. We  
19 had to shift gears, as we were now allowed to put up two duplexes instead. I realize this was quite  
20 some time ago but to even further my point, we, along with our neighbors built residential units  
21 according to the the rezoning to R-4. Now you want to change it back to business zoning? I think the  
22 town needs to consider their actions more carefully. This is a quiet residential street and I don't think it  
23 is reasonable or fair to change this to business zoning and expose the residents that live in this  
24 neighborhood to possible life changing circumstances.

25 I realize this will not affect my living situation directly but it will impact my tenants. I have long term  
26 residents who have called this home for more than a decade. As a landlord, I take my responsibility to  
27 provide my tenants with a peaceful place to live very seriously.

28 If this was being done for the benefit of the community I would give it more thought as to the pros and  
29 cons, but this proposed change is being done for the benefit of one land owner who is looking to sell  
30 the property. They will have no concern or connection to the area once they have sold this land.

31 I know this so that Eastwood Development Corp can improve their bottom line at the expense of all of  
32 the taxpaying residents who abut this land? I don't think so!

33 I won't even mentioned the potential issues with increased traffic on the Ocean Park Road. That  
34 subject, I'll leave for another day.

35 I appreciate you allowing me bringing my concerns to the board. Again, I thank you for your time.

36  
37 Regards,

38  
39 Jeanne Jackson

40  
41 Public hearing closed at 6:40 PM

42  
43 Regular Business

44 ITEM 1

45 **Proposal:** Zoning Map Amendment: Amend zoning map and ordinance language associated  
46 with a lot in the R4 and GB1 Districts

47 **Action:** Recommendation to Council

48 **Applicant:** Eastwood Development Corp

49 **Location:** 15 Ocean Park Rd (210-10-3); Zoning: R4 and GB1

1  
2 Contractor Jim Bernard introduced himself. He is here representing the owners.  
3 Mr. Bernard stated that the owners are looking into developing the property with the best use possible.  
4 This property was inherited through family and they did not realize that this was a divided use and not  
5 just a business use. The back of the lots about the campground.  
6

7 Board Member Hitchcock asked the Planner what the reason was that the future use plan did not get  
8 implemented. Planner Hinderliter stated that he has only received 3<sup>rd</sup> party comments. He believes that it  
9 was a decision by a few to not implement what the Comprehensive Plan actually recommended and it was  
10 then brought to the council and got approved.  
11

12 Win Winch is concerned with the potential use for the future and what do they have for protection for the  
13 residential homeowners in the neighborhood.  
14

15 Planner Hinderliter stated that if there is anything (beyond a duplex) that is located on this property, any  
16 non-residential use will be required to go to the Planning Board for further review. Then that proposal  
17 will kick in and most likely need a Site Plan Review, Conditional use which considers traffic, buffer  
18

19 **MOTION:**

20 David Walker made a motion to recommend to the council to approve Eastwood Development  
21 Corporation proposal to amend the Old Orchard Beach zoning map from R-4 to GB-1 for the property  
22 located at 15 Ocean Park Road, MLB: 210-10-3 and amend the Old Orchard Beach code of ordinances  
23 Chapter 78 Section 78-801A as written in September 2019 public hearing document, seconded by Robin  
24 Dube.  
25

26 **VOTE:**

27 Chris Hitchcock - No  
28 Robin Dube - Yes  
29 Marianne Hubert - No  
30 David Walker - Yes  
31 Vice Chair Win Winch – Yes  
32

33 **CARRIES**

34 (3-2)  
35

36 **ITEM 2**

37 **Proposal: Site Plan Review: Building rehab, add two units, one office, site improvements (e.g.,**  
38 **parking, landscaping)**

39 **Action: Compliance with conditional determination of completeness; Final Ruling**

40 **Owner: Trahan Apartments – OOB LLC**

41 **Location: 68 East Grand Ave (304-6-1); Zoning: DD2, Shoreland GD and RP**  
42

43 Chris Duplanis from Weger Architects introduced himself and is here representing Owner Michele  
44 Trahan. They believe (wavers aside) that they are in compliance with zoning and ordinances and are  
45 requesting a final ruling or conditional approval or any of the Board's recommendations. They have  
46 received approval from the Fire Chief regarding the driveway width and the building will be sprinkled.  
47 They have also had a water pressure test done.  
48

49 **Waivers**

50 Three waivers are formally requested:

- 51 (1) To reduce the minimum driveway width requirement from the minimum 24' down to 12'.

- 1 (2) To reduce the minimum parking space requirement from 10 spaces to 9 spaces.  
2 (3) To allow for removal of snow from site instead of providing an on-site disposal area.  
3

4 In regards to the driveway width, currently the site sits at 11'8" driveway width and they are increasing  
5 that to 12' and to be as much in compliance as possible.  
6

7 Robin Dube stated that there are many older buildings in that area and they do not have that extra space to  
8 expand their properties.

9 David Walker's concern is for safety.

10 Marianne Hubert has a concern that they are deviating from the standards and are requesting waivers. She  
11 suggested that if they could have an easement through the back of the other property at the motel that  
12 might work.

13 Mr. Duplanis stated that Michelle Trahan had already asked the motel owners and the motel already had a  
14 waiver in place to get their parking reduced so they would not be able to further reduce their parking.  
15

16 Assistant Planner Foster stated that some options for the Planning Board is if they approved the waivers,  
17 they could move forward to approve the plan, and if the Board cannot approve the waivers the plan  
18 should be denied unless the applicant requests an extension, and the 3<sup>rd</sup> option is if the applicant requests  
19 the 30 day extension the Planning Board should see if they can get more support for the waiver requests.  
20 Assistant Planner Foster suggested that the applicant may want to submit a written request for a 30 day  
21 extension.  
22

23 A few of the Board Members asked if the snow removal should be a waiver.

24 Planner Hinderliter read the specific standards on snow removal:

25 "All parking lots should provide a suitable on site disposal area to accommodate plowed snowfall. This is  
26 a standard that the Planning Board must adhere to and the applicant does have the ability to seek a waiver  
27 of that standard." This is something that the Planning Board needs to consider.

28 Their plan is to use the additional space that they have for snow storage. The owner will come back with a  
29 revised plan.

30 Chris Duplanis stated that as far as snow removal, they are not presenting an unsafe condition.

31 There is also a waiver for one parking space.

32 Chris Duplanis stated that the total number of parking spaces that is required is ten and they have  
33 provided for nine spaces. So they will have one unit that will be getting one less parking space than  
34 should be normally required.

35 They did a turn radius study for the vehicles. Four of the spaces are compact spaces.

36 Marianne Hubert and David Walker stated that they would like to see a copy of the turn radius study.  
37

38 Chris Duplanis has requested a 30 day extension in writing.  
39

40 **MOTION:**

41 Board Member Robin Dube made a motion to accept the request for an extension for Trahan Apartments  
42 – OOB LLV for 30 days without prejudice, seconded by Chris Hitchcock.  
43

44 **VOTE:**

45 Chris Hitchcock - Yes

46 Robin Dube - Yes

47 Marianne Hubert - Yes

48 David Walker - Yes

49 Vice Chair Win Winch – Yes  
50

51 **CARRIES**

1 (5-0)

2

3 **ITEM 3**

4 **Proposal:** Conditional Use: Installation of small cell antenna on utility pole  
5 **Action:** Determination of Completeness; Schedule Site Walk and Public Hearing  
6 **Owner:** Public Right-of Way; Applicant: New Cingular Wireless PCS, LLC  
7 **Location:** Utility pole in private parking lot adjacent to First Street/Depot Square (206-32-1);  
8 **Zoning:** DD1  
9

10 Assistant Planner Foster stated that Staff has received all of the submission requirements to rule the  
11 application as complete. Most of the items previously identified as either missing or needed more  
12 information were addressed in the letter from Michael Dolan dated August 5, 2019. Wright Pierce had  
13 one note that they had was the physical address of this property. Staff recommends that the Planning  
14 Board make a determination of completeness and schedule a public hearing.  
15

16 Marianne Hubert stated that she would like to go and see where they would have one already in place so  
17 that she can hear how loud it will be.

18 The applicant has submitted a noise study that demonstrated that the sound would be below the town  
19 ordinance sound levels.

20 David Walker has a concern with Standard #6 and that “noise” was omitted which is part of that  
21 standard.

22 The applicant stated that he is officially including that at tonight’s meeting and stated that this is a simple  
23 revision to make sure that it is clarified.

24 David Walker asked the applicant what the criteria was that they used to determine the pole location.

25 The applicant stated that it was a combination of AT&T determining where that need is and the utility  
26 company saying here is a pole that they can use.  
27

28 **MOTION:**

29 Robin Dube made a motion to determine the application as complete for the architectural sitting of a  
30 small cell antenna located on the utility pole in the parking lot at 15 Old Orchard Street MBL 206-32-1 in  
31 the DD1 District, seconded by Chris Hitchcock.  
32

33 **VOTE:**

34 Chris Hitchcock - Yes

35 Robin Dube - Yes

36 Marianne Hubert - Yes

37 David Walker - Yes

38 Vice Chair Win Winch – Yes  
39

40 **CARRIES**

41 (5-0)  
42

43 A Public Hearing was set for October 10, 2019 at 6:30 PM.  
44

45 **ITEM 4**

46 **Proposal:** Site Plan Review: Campground expansion- 17 new campsites  
47 **Action:** Pre-application  
48 **Owner:** Seacoast RV Resort LLC  
49 **Location:** 1 Seacoast Ln (102-3-5) & Portland Ave (102-3-7); Zoning: CO and RD  
50

1 Assistant Planner Michael Foster stated that for the September meeting this proposal is presented as a  
2 sketch plan. The PB does not need to make formal decisions although it is a good opportunity to provide  
3 input and offer recommendations.

4 In looking at our GIS Shoreland Zone map it appears sites 111-120 are located in the Resource Protection  
5 (RP) district. On the submitted plans the Shoreland Zone doesn't reach the sites.

6 It will need to be determined whether or not this is in the Shoreland Zone through a survey and BH2M  
7 may have already done this for the sketch plan. There is no ruling needed because this is only a sketch  
8 plan and a pre application stage.

9 Bill Thompson, Engineer from BH2M stated that they have met with DEP and this will be treated as an  
10 amended site location permit.

11 This was originally approved in 2001 and there are 110 sites out there now. There are two areas that they  
12 are focusing on.

13 One is in the Southwest corner of the property. There will be seven sites in there with an access drive  
14 across the stream with a stream crossing, there will be two small vegetative soil filters and they will try to  
15 keep them out of the 75' stream setback. They will have water and sewer extended in from the existing  
16 park.

17 The other sites, 111-120 they will extend the road and come in parallel with the existing pond. They are  
18 going to extend the road out to 100' and put a turn in it and a turn around behind the pond.

19 The Shoreland Zone is measured 250' horizontal distance from the upland edge of the salt marsh. 204'  
20 distance is the Shoreland Zone line and that has been certified by Inland Fisheries and Wildlife in 2003.

21  
22 They will have full Stormwater designs, Site plan designs and all of the requirements that the town has for  
23 the Campground Overlay District.

24  
25 A site walk is scheduled for October 3, 2019 at 5:00 PM  
26

27 **ITEM 5**

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

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

30 **Owner: Sue Ann Brown**

31 **Location: 13 Tioga Ave (321-23-2); Zoning: R3 and RA (Shoreland)**

32

33 **MOTION:**

34 Robin Dube made a motion for item #5 to be removed without prejudice, Conditional Use/Shoreland  
35 Zoning: Nonconforming structure 30% expansion for Sue Ann Brown at 13 Tioga Ave, MBL: 321-23-2  
36 in the R3 and RA Shoreland Zone, seconded by Marianne Hubert.

37

38 **VOTE:**

39 Unanimous

40

41 **Sign Findings of Fact**

42 **Other Business**

43 **Good and Welfare**

44

45 Mark Koenigs discussed the fact that the plans at Beachmont had a no cut zone in the back of their  
46 properties. Mr. Koenigs would like to have the Planning Staff / Code Enforcement look at the plans and  
47 give feedback next month as to the limits and making sure that the no cut zone is being looked at.

1 Mr. Koenigs also mentioned that there is a piece of property in the cul-de-sac area that comes right up to  
2 the property line where there is basically a no cut zone. They put a up a shed that is within 5' of the  
3 property line. The plans show the setbacks for the house but says nothing about setbacks for a shed. Mr.  
4 Koenigs stated that we need to be sensitive to homeowners properties. He suggested to put the trails in  
5 the towns property as close to the property line as possible and let the owners know that people will be  
6 walking on the trails but it is not on their property.  
7

8 Win Winch expressed his concern about Oceana Avenue not being in the GIS database. It always refers  
9 to Ocean Ave.

10 Planner Jeffrey Hinderliter stated that he may want to talk to the assessing office as they deal with the  
11 E911 addressing.  
12

13 **ADJOURNMENT 8:10 PM**

14  
15 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*  
16 *Beach, do hereby certify that the foregoing document consisting of Seven (7) is a true copy of the*  
17 *original minutes of the Planning Board Meeting of September 12, 2019.*  
18

19   
20