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OLD ORCHARD BEACH PLANNING BOARD
Public Hearing and Regular Meeting Minutes
September 13, 2018 7:00 PM
Town Council Chambers

CALL MEETING TO ORDER

A meeting of the Planning Board was held in the Council Chambers on Thursday, September 13, 2018.
Chair Linda Mailhot opened the meeting at 7:01 pm.

PRESENT: Robin Dube

Marc Guimont
Marianne Hubert - Alternate
Vice Chair Win Winch
Chair Linda Mailhot

ABSENT: Mark Koenigs

David Walker

STAFF: Planner Jeffrey Hinderliter

Associate Planner Megan McLaughlin

PLEDGE TO THE FLAG

APPROVAL OF MINUTES:

The Chair called for the approval of the Minutes of July 12, 2018, August 2, 2018 and August 9, 2018.

Chair Mailhot requested that in the July 12, 2018 minutes on page 4 (lines 19-20-21) it should be noted that the Applicant did indeed ask to have the item tabled to the next meeting.

Chair Mailhot also stated that she voted to abstain from that vote.

MOTION: Win Winch moved to approve the July 12, 2018 minutes with corrections noted, August 2, 2018 minutes, and August 9, 2018 minutes, seconded by Robin Dube.

VOTE: Unanimous. Carries (5-0)

Regular Business

ITEM 1

Proposal: Site Plan: Construct 40' x 80' Garden Center.
Action: Determination of Completeness; Schedule Public Hearing
Owner: Robillards Garden Center, LLC
Location: 85 Cascade Rd., MBL: 103-3-3

Associate Planner Megan McLaughlin stated that at the August meeting, the PB discussed this proposal with the Applicant and decided to schedule a Site Walk for September. At the Site Walk they discussed the location of the dumpster and it was decided that they will be moving that closer to the storage bins so it will be out of the way of the adjacent property.

Also received the performance worksheet. There was email correspondence from a traffic consultant as well as an email from Maine Water that says that they would like some upgrades made to the water line.

1 At this point the application is complete with the exception of the responses to the 9 site plan review
2 criteria.

3
4 • Stormwater Comments from Wright Pierce:

- 5 ○ *Wright Pierce is continuing to recommend that an evaluation of the grading on the*
6 *northwest side of the property to ensure runoff does not impact the adjacent property.*
- 7 ○ *The Applicant indicated calculations were included that said the ditch line is adequate to*
8 *handle runoff from the development, but they were not included in the submission*
9 *materials.*
- 10 ○ *Wright Pierce recommended additional spot grades/topo. be completed in the area, the*
11 *Applicant indicated that those calculations were included in the packet but Wright Pierce*
12 *did not see them.*
- 13 ○ *Wright Pierce recommends additional spot grades above the proposed subsurface disposal*
14 *system to confirm runoff will not be directed to adjacent property.*
- 15 ○ *Wright Pierce recommends reviewing grading and the ditch line side slopes.*
- 16 ○ *Wright Pierce recommends documentation of the size of the swale on the southeast side of*
17 *the property. They indicated that the Applicant indicated a revised grading and additional*
18 *spot grades had been developed. These were not included in the revised drawing (Sheet 3).*

19 The plans showed an increase to the 21-inch culvert crossing Arnold Road. After doing some further
20 research on this, it appears that the Arnold Road culvert is a Town-owned culvert per a consent agreement
21 that was signed in the early 2000's. ***The Town and the Applicant are going to have to coordinate on the***
22 ***status of this culvert and any proposed increases to the culvert.***

- 23 ○ Wright Pierce recommended some updates to the Post-Construction Stormwater Management
24 Plan (PCSWMP). Some items had been addressed but there were others that were still
25 outstanding:
 - 26 ▪ ***Include phone numbers and emails under “Contact Information” so the Town can***
27 ***contact responsible parties.***
 - 28 ▪ ***Updates to the project description section of the PCSWMP. This includes: Permit***
29 ***Summary, Project Summary and Stormwater Management Summary.***
 - 30 ▪ ***List Site-Specific BMPs – number each BMP and specifically list them for future***
31 ***reference and annual reporting.***

32
33 **Items that still remain outstanding:**

- 34 • Performance Guarantee
- 35 • Responses to the Site Plan Review (SPR) Criteria
- 36 • Ability to Serve letter from Maine Water

37
38 Planning Staff recommends that the PB discuss the 3 items listed above and the stormwater concerns in
39 the Wright Pierce memo with the Applicant. There has been progress since the last submission in terms of
40 the to-do list. Pending concerns discussed at the Site Walk, the PB should determine if the outstanding
41 stormwater comments should be addressed prior to making a determination of completeness or if the
42 board is comfortable with making a determination of completeness and scheduling the public hearing
43 pending receiving the addressed stormwater items in the next submission.

44
45 Bill Thompson from BH2M introduced himself. There were no issues raised from the site walk. The
46 Maine Water letter was completed in August. They did move the dumpster. In his letter of August 16th
47 they highlighted everything that they had changed from the last review on the grading of the road and
48 they did an analysis on ditches that they are proposing which will carry and convey the 100 year storm.
49 Mr. Thompson will submit the details back to Wright Pierce and submit the calculations. Would like to

1 request that they come back in October for a Public Hearing and hopefully to receive a final vote. Mr.
2 Thompson will also follow up with Maine Water.

3
4 Bill Thompson will put in writing that the delivery trucks will be shut off while they deliver products as
5 requested by
6 Robin Dube. The owner/applicant stated that he will play it by ear if this business will be year round or
7 not depending on how the business was going to be in the off season.

8
9 **MOTION:** Win Winch made a motion to determine the application complete subject to responses to the
10 Wright Pierce August 31st 2018 memo and site plan review criteria responses as determined by the
11 Planning Staff, seconded by Robin Dube.

12
13 **VOTE:** Unanimous. Carries (5-0)

14
15 **MOTION:** Win Winch made a motion to schedule the Public Hearing for this item for October 11th
16 2018, seconded by Robin Dube.

17
18 **VOTE:** Unanimous. Carries (5-0)

19
20 **ITEM 2**

21 **Proposal:** Accessory Dwelling Unit
22 **Action:** Determination of Completeness; Schedule Site Walk; Schedule Public Hearing
23 **Owner:** Beachmont Land Development LLC
24 **Location:** 33 Dolphin Ave, MBL: 103-1-317

25
26 Associate Planner Megan McLaughlin stated that this is a new proposal before the Planning Board. It is
27 for an Accessory Dwelling Unit (ADU) in the Beachmont Subdivision. The home is proposed to include
28 the ADU and is currently under construction at 33 Dolphin. The Applicant has indicated that this ADU,
29 located in the basement, will allow for family members to stay 3-4 months out of the year in the summer
30 months.

31
32 Assessor dwellings are allowed in this district as long as they meet the conditional use and accessory
33 dwelling unit standards.

34 **Sec. 78-1272. - Accessory dwelling unit.**

35 The purpose of the sections concerning accessory dwelling units is to provide a diversity of housing for
36 residents while protecting the single-family character of residential neighborhoods. Accessory dwelling
37 units are allowed as conditional uses in all residential districts and shall comply with the following
38 conditions:

- 39 (1) The accessory dwelling unit shall be accessed via the living area of the primary structure, and
40 all other entrances to the accessory dwelling unit shall appear subordinate to the main
41 entrance. Any proposed additions to the main structure or accessory structures shall be
42 designed to be subordinate in scale and mass to that of the main structure and compatible with
43 the architectural style and quality of the main structure.

44 *Access to the ADU will be through the front porch on the front of the house, down a*
45 *hallway and through to the basement. It will share a common entrance.*

- 46 (2) The accessory dwelling unit shall have at least 500 square feet of floor area but shall not
47 exceed 50 percent of the floor area of the main dwelling unit. Floor area measurements shall
48 not include unfinished attic, basement or cellar spaces nor public hallways or other common
49 areas.

1 *The square footage of the main home is 1,651 sq. ft. and the ADU is 682 sq. ft. It meets this*
2 *standard.*

3 (3) The dwelling shall be served by a single electrical service.

4 *This is not shown on the plan, however, the home will only have 1 meter.*

5 (4) Only one accessory apartment shall be permitted per lot. It shall be made part of the main
6 residence.

7 *Only 1 ADU is proposed for this lot.*

8 (5) Accessory apartments shall not be permitted for any nonconforming structure or use, where
9 nonconformity is due to the use of the premises, as opposed to nonconforming dimensional
10 requirements.

11
12 Planning Staff recommends that the Planning Board determine the application complete and schedule a
13 Site Walk for October 4th at 5:30PM and a Public Hearing for October 11th.

14
15 Mark Guimond asked if this would be prohibited from being a rental or airbnb unit. Associate Planner
16 McLaughlin stated that this would not be prohibited however they would need a business license if they
17 wanted to rent.

18
19 **MOTION:** Win Winch made a motion to determine the application complete and schedule a Site Walk
20 for October 4th at 5:30PM and a Public Hearing for October 11th, seconded by Robin Dube.

21
22 **VOTE:** Unanimous. Carries (5-0)

23
24
25 **ITEM 3**

26 **Proposal: Conditional Use: Addition to existing OOB Skatepark (Phase II)**

27 **Action: Sketch Plan Review**

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

29 **Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6**

30
31 Planner Jeffrey Hinderliter stated that the OOB Skatepark Phase I was approved by the PB during April
32 2014. Jason Webber, OOB Rec Director, is now proposing an addition to the skatepark (Phase II). Phase
33 II includes a 1,300 sq. ft. addition to the halfpipe and a few more potential additions (“alternatives”).
34 Proposed as a sketch plan right now, the PB has an opportunity to provide feedback before formal
35 submission.

36
37 Some of the concerns during Phase I included hazards to pedestrians, parking, noise, glare from lights,
38 adequate buffer, trash, crime, misc. impacts to abutting properties. As I have heard and observed, overall,
39 the skatepark has been a great success. Those who use it appear to take personal responsibility for the
40 upkeep and oversight. He was made aware of some concerns during project construction and initial use,
41 similar to those the PB had. But he has heard only good comments about the skatepark during the past
42 few years.

43
44 Phase II primarily involves expansion of the skateable area. This triggers another level of review that is
45 associated with the DEP, stormwater and site location permitting.

46
47 Overall, this proposal seems straight forward. Quick review of the conditional use criteria and the sketch
48 plan shows no red flags. Stormwater design will be the most technical piece of this proposal. A few
49 comments:

- 1 • With DEP permitting having the most significant role with the proposal, does the PB think the
- 2 applicant should secure all DEP permitting approvals before the PB provides a final ruling?
- 3 • Will light pole remain within skatepark? Proposed lighting locations?
- 4 • Parking still adequate?
- 5 • Buffer still adequate?
- 6 • Does the applicant expect any changes to the use as a result of the expansion? More traffic,
- 7 noise, etc.
- 8 • We'll need the definitive design at the time of formal submission.
- 9

10 The Ballparks primary concern is parking and the safety aspect around the use of the facility. As part of
 11 the original approval, parking was to be at the regular Ball Park area. There are some concerns about cars
 12 parking on the side of the road that is by the skatepark. So there is some question about creating a new
 13 parking area that is adjacent to the skatepark (on the skatepark lot).

14
 15 Stephanie Hubbard from Wright Pierce and Jason Webber, OOB Rec Director introduced themselves.
 16 They have been working with the design company who designs the skateboard park. They want to
 17 incorporate a plaza that might have a couple of benches. Final design element that will be worked through
 18 with the designer of the skateboard park. Jason Webber talked with the Ballpark Commission about the
 19 parking issues, and talked about a few options for providing some parking spaces in close proximity to
 20 the skatepark as well as additional signage. Because they will be increasing the 10,000 s.f. exemption they
 21 will be designing a localized storm water system to support the development and will connect into the
 22 existing drainage system. They are setting up a pre-submission meeting with DEP.

23 Jason Webber stated that this is a very preliminary design and they want to get the users input. Some of
 24 the elements may change however it will not expand pass the footprint.

25
 26 Mark Guimond wanted to make sure that the garbage would be taken care of as well as the parking signs.
 27 Jason Webber stated that these concerns are being addressed.

28 Mr. Guimond asked about portable water. Jason stated that the bathrooms and portable water is located at
 29 the police station.

30
 31 Jason Webber also stated that there an existing light pole and they are proposing a place to sit (benches)
 32 so there won't be any skating around the light pole.

33
 34 **ITEM 4**

35 **Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed**
 36 **sewer lines; Relocate proposed building G; Relocate and add stormwater pipes and**
 37 **catch basins; Proposed road 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 In 2016, the Applicant brought a subdivision amendment forward to revise the location of stormwater
 43 infrastructure, relocate a building and change some walkways/lighting. There were a number of
 44 comments discussed in 2016 from the Abutters as well as Wright Pierce. The Planning Board
 45 recommended the Applicant address the concerns in the Wright Pierce memo and provide a new
 46 submission to the board.

47
 48 In this new submission, there are still a number of outstanding comments from Wright Pierce and the
 49 Abutters.

1 Planning Staff does not recommend moving forward on this amendment until the comments from Wright
2 Pierce have been addressed and bring back an amendment at the October meeting.

3
4 Brian Neilsen from Attar Engineering introduced himself. Mr. Neilsen sent out a memo to the Board
5 Members with responses to the review comments.

6
7 Mr. Neilsen explained to the Board Members that the original BH2M plan showed that the beginning of
8 the drive did not match up with the surveyed end of the existing road so that needed to be extended.

9
10 Robin Dube questioned that the detention basin is close to another property line and asked if this would
11 null and void those properties to be developed.

12 Mr. Neilson doesn't think this would make these properties null and void however, he will work to
13 address this concern with Stephanie Hubbard for the next submission.

14
15 Associate Planner McLaughlin believes the purpose was not so much making this property not
16 developable, it's making the lots in Homewood Park not developable because the lots are very tiny and
17 they are all on septic systems and a septic system cannot be located within so many feet of a detention
18 basin.

19
20 Chair Mailhot suggested that in the next submission the applicant can point out using the distances that
21 are required for minimums that would site possible septic's on those 3 close lots to demonstrate to some
22 of the Board Members that there is a concern.

23
24 Robin Dube made a recommendation that there be a fence around the detention pond.
25 Applicant King Weinstein stated that he has no problem with adding the fence and can work with
26 Stephanie Hubbard, the Town Planner and also the Condo Association.
27 The applicant also stated that he does not have DEP permits as of yet.

28
29 Win Winch questioned who will maintain the porous asphalt roadway.
30 Mr. Neilson stated that they have notes on the plan but will work on a specific maintenance plan with the
31 owner.

32
33 Robin Dube question the dead end road. Mr. Neilson mentioned that they have a program called "auto
34 turn" that will make sure the emergency vehicles can get in and out.

35
36 Any concerns that Department Heads have they will make known to the Board Members.

37
38 **Other Business**

39 **1. Findings of Fact & Mylar signatures: Red Oak Subdivision**

40
41 **Good and Welfare**

42
43 Town Planner Jeffrey Hinderliter mentioned that there will be a Public Hearing at the Town Council on
44 Tuesday night in regards to the Portland Avenue Ordinance.

45 Town Planner Hinderliter also asked the Board Members if they could think about what they have seen
46 throughout the past year that maybe we could change to make it better for the applicant, Planning Board
47 Members and everyone who is involved. Then they can discuss these at one of the future workshops and
48 write an ordinance amendment list for the winter.

49
50 **ADJOURNMENT 7:45 PM**

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I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Seven (7) is a true copy of the original minutes of the Planning Board Meeting of September 13, 2018.

Valdine L. Helstrom