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OLD ORCHARD BEACH PLANNING BOARD
Council Chambers
September 5, 2019 6:00 PM (Workshop)
MEETING MINUTES

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

CALL WORKSHOP TO ORDER 6:00 PM.

PRESENT:

Robin Dube
David Walker
Marianne Hubert
Chris Hitchcock, Alt.
Vice Chair Win Winch
Chair Linda Mailhot

STAFF PRESENT:

Planner Jeffrey Hinderliter
Assistant Planner: Michael Foster

ABSENT:

Mark Koenigs, Alt.

Regular Business*

ITEM 1

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

Action: Recommendation to Council

Applicant: Eastwood Development Corp

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

Planner Hinderliter stated that there is nothing new to submit for this month. This is a change to the zoning district as well as a change to the text of the zoning ordinance. The Planning Board will be making a recommendation to the council then the council takes it from there. There were 50 notifications sent out. Staff is recommending approval.

ITEM 2

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

Action: Compliance with conditional determination of completeness; Final Ruling

Owner: Trahan Apartments – OOB LLC

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

Assistant Planner Michael Foster stated that they had a public hearing back in August and it was determined as conditionally complete. The documentation that had been requested has been submitted. Board Members should determine if they have given sufficient documentation to demonstrate the need to have the waivers. They have support from the fire department as long as their sprinkling. There are some questions from Public Works that they need to address as far as snow removal and some other on site

1 questions and also the parking spaces. They are asking for a waiver to allow for the removal of snow from
2 the site.

3
4 David Walker asked if they could make a condition of approval that the snow must be removed within 24
5 hours at the end of the storm or else there will be a \$100 fine for each day afterwards.

6
7 Staff thinks that is fine except for the \$100 fine. Typically fines are specifically identified in the ordinance
8 and also tied to State Statutes related to land use matters. In addition, the Planning Board does not have
9 the authority to do this.

10
11 They identified the units at the July meeting. 1 unit is to remain unoccupied, 3 existing units are to
12 remain in short term rentals, 2 new units to be long term rentals or sold and 1 office to be used by Trahan
13 Apartments.

14
15 Assistant Planner Foster stated that there needs to be a ruling this month within the 30 days of a public
16 hearing or within 60 days of determining the application complete. The Applicant does have the option of
17 requesting the 30 days extension but they have to do so in writing.

18
19 Chair Mailhot asked staff if they decide to convert this building to condominiums, is this something that
20 would have to come back before the Planning Board.

21 Planner Hinderliter stated that the Planning Board approved this for a specific use so it locks it in to what
22 the Planning Board approved. Even if the use is not changing and just the form of ownership is changing,
23 he believes they would have to come back to the Planning Board for this use. The Planner will come back
24 to the Board with more information on this.

25
26 **ITEM 3**

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

32
33 Assistant Planner Foster stated that they have submitted everything that staff had asked them for. Wright
34 Pierce has also reviewed this and the only thing that they noted was some questions about documentation
35 of the address of the deeds and submitted documents referencing 15 Old Orchard Street while other plans
36 and structural assessment reference 7 First Street. The Board needs clarification on this.

37 Staff recommends to determine this a complete application and scheduling a public hearing. A site walk is
38 optional.

39
40 **ITEM 4**

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

45
46 This proposal is being presented as a sketch plan. This is a good opportunity to discuss this proposal with
47 any recommendations. In looking at the GIS Shoreland Zoning Map it appears that sites 111 – 120 fall in
48 the resource protection district and on the submitted plans it looks like that zone does not reach the site.
49 There is a couple of sections in the ordinance that would apply if that is determined to be in the Shoreland
50 Zone and other ordinances that are associated with campgrounds. No rulings are needed because it is just
51 in a sketch plan pre-application phase.

1
2 **ITEM 5**

3 **Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure 30% expansion**
4 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
5 **Owner: Sue Ann Brown**
6 **Location: 13 Tioga Ave (321-23-2); Zoning: R3 and RA (Shoreland)**
7

8 Planner Hinderliter stated that they have an existing structure and they are looking to tear down and re
9 build. Staff recommends that the applicant get their Coastal Sand Dune permit before the Planning Board
10 makes their final decision. In addition, the Planning Board will condition approval so they cannot secure a
11 building permit before having their DEP approval.
12

13 Reconstruction and expansions of nonconforming structures in the shoreland zone must meet 5 primary
14 ordinances:

- 15 1. Reconstructed structures must be relocated so they are set back from the water (in this case the
16 HAT) to the greatest practical extent.
- 17 2. Structure expansion does not exceed 30% of the existing square footage or volume.
- 18 3. Structure expansion does not increase the nonconformity (e.g., building the structure closer to the
19 water setback).
- 20 4. Proposal conforms to the 12 Conditional Use criteria.
- 21 5. Proposal conforms to the 8 standard conditions in the shoreland zone.
22

23 The three primary questions the PB must ask themselves when reviewing this proposal are: 1. Is the
24 structure relocated from the HAT to the greatest practical extent? 2. Does the proposed structure not
25 exceed 30% of the existing structures' square footage and volume? 3. Is the proposed structure footprint
26 further away from the HAT when compared to the existing structure footprint?
27

- 28 1. The existing structure is in a tight spot due to HAT and R3 District setbacks, so, it will be
29 difficult to move anywhere else on the lot without it being nonconforming or even more
30 nonconforming to other setbacks; therefore staff feels the structures proposed location is set back
31 at the greatest extent possible. One note- a portion of the proposed structure will encroach on the
32 R3 District setback. This is a non-shoreland setback but does require ZBA approval. See
33 comments below.
- 34 2. See comments below concerning 30%.
- 35 3. The proposed structure is not closer to the water setback than the existing structure. In fact, the
36 proposed structure is slightly further away from the water at the southwest corner.
37

38 There are also a couple of miscellaneous comments:

- 39 • The proposal shows two garages with frontage on Tioga but does not show proposed driveways.
40 Only one driveway shall be allowed for each street or private way fronting the parcel. The
41 applicant should show how this proposal meets the Access standards in Sec. 78-1466 – 1468.
- 42 • An proposed outdoor shower is not shown on the plan that shows the proposed building outline
- 43 • The plan showing the proposed building outline should be titled something more than “Existing
44 Conditions Plan” (e.g., proposed site plan)
- 45 • The Graphic Scale on the plan appears to be inaccurate- my 1” does not equal 10’
- 46 • The proposal is in the Coastal Sand Dune System Back Dune. The applicant will need to secure
47 applicable permitting through DEP
48

1 Staff believes that this is a solid application however there are too many important items that must be
2 resolved before the PB moves forward with this proposal. Therefore staff recommends that the PB take no
3 action on this proposal until the three primary problems and misc. comments are acceptably addressed.
4

5 In regards to the new flood plain. All new and substantially new buildings that will be in the special flood
6 hazard area will be required to meet the flood plain regulations at the time of proposal.

7 Typically there are 2 ways that would meet it:

- 8 1.) Go up on pylons so that they are at least 1' above the base flood elevation.
- 9 2.) A building hydraulic vent into the building so you essentially have breakaway walls but useable
10 space.

11
12 In addition, the height of the coastal dune system is also controlled by DEP. That will also affect the 30%
13 expansion.

14
15 If this does go into effect, it would be late Spring/Summer 2020.

16 Planner Hinderliter will know more about the Town's appeal at a later date.
17

18 **Other Business**

19
20 **ADJOURNMENT 6:42 PM**

21
22 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
23 *Beach, do hereby certify that the foregoing document consisting of Four (4) is a true copy of the*
24 *original minutes of the Planning Board Workshop Meeting of September 5, 2019.*
25

26 

27
28 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes**
29 **only. Formal decisions on these items are not made until the Regular Meeting.**
30