

**Old Orchard Beach Design Review Committee Meeting Agenda  
Monday, November 29, 2010 at 6:00pm in Town Council Chambers**

<b>PLEDGE TO THE FLAG</b>	
<b>Meeting Called to Order at 6:00pm.</b>	
<b>ROLL CALL:</b> Don Comoletti, Ray Deleo, Kim Schwickrath, Shirley Holt <b>Absent:</b> Lee Koenigs. <b>Staff:</b> Mike Nugent, Code Enforcement Officer. Tori Geaumont, Assistant to the CEO	
<b>APPROVAL OF MINUTES: May 3, 2010 Meeting Minutes</b>	<b>MINUTES</b>
<b>Chairman Comoletti</b> moved the minutes to the end of the meeting.	
<b>ITEM 1:</b> Review application and determine Design Review Certificate recommendation for a façade improvement at <u>11 East Grand Avenue</u> (MBL 306-3-3). Owner and Applicant is Harrisburg Group, LLC.	<b>ITEM 1</b>
<p><b>Chairman Comoletti</b> asked Mr. Harrisburg to present his submission.</p> <p><b>Harold Harrisburg</b> explained the property is a public safety hazard and has been for many decades. They have recently purchased the property and are looking to demolish one of the condemned buildings which was previously used as a motel along with two cottages behind the motel. He applicant is not sure what the property will be used for in the future, but as the building is a condemned property that the town was legally forcing the prior owners to demolish, this is the immediate need. Phase two of the process will be either tear down or renovate the home that is on the property. They need to assess the extent of the deterioration before making that decision.</p> <p><b>Chairman Comoletti</b> asked the committee if they had a chance to look at the property. They had. He then asked if the property will be graded once the buildings are demolished.</p> <p><b>Mr. Harrisburg</b> answered it would be graded and leveled. All the demoed material will be removed. The intent is to improve the property.</p> <p><b>Chairman Comoletti</b> asked if there were any codes that they will need to adhere to with the demolition and clean up.</p> <p><b>Mr. Nugent</b> stated that the mission is to make sure that Mr. Harrisburg knows what needs to be done. He then showed the committee the files from the property which date back to 1976. The town has been begging the prior owners to do something with the property. The surrounding neighbors are anxious to have this taken care of. In June, the town decided to proceed to litigation concerning the property, and the family situation at that point had changed which resulted in the sale of the property to Mr. Harrisburg.</p> <p><b>Ms. Schwickrath</b> asked how long the property had been vacant.</p> <p><b>Mr. Nugent</b> stated the father passed away in one of the buildings in 1987.</p> <p><b>Mr. Harrisburg</b> stated that the last time there was a tenant in the motel was in 1976. The buildings have been boarded up for close to 20 years.</p> <p><b>Chairman Comoletti</b> stated he felt that the committee did not have a problem with tearing the building down.</p> <p><b>Mr. DeLeo</b> asked him to speak for himself.</p> <p><b>Mr. Nugent</b> explained that staff will do a walk through of the property there. Then the applicant needs to go to Planning Board, as well as get a Permit by Rule from the DEP.</p> <p><b>Chairman Comoletti</b> asked if it was safe to say all material will be removed.</p> <p><b>Mr. Harrisburg</b> stated he was unsure if there was a foundation and if so if it would stay. He believed there was not, but would not know until the demo took place.</p> <p><b>Mr. Nugent</b> stated that if there is and it can be graded in place that is okay. They would need to see once the demo is done.</p> <p><b>Mr. DeLeo</b> asked what the committee was voting on tonight.</p> <p><b>Mr. Nugent</b> explained that due to the structure being in the DD1/DD2 district and is over</p>	

500 sf, DRC approval is necessary to demo the building. This is per ordinance.

**Mr. DeLeo** asked if there was any correlation to ZBA and 2 years. If the building is destroyed, can a building be rebuilt on the footprint within 2 years?

**Mr. Nugent** stated that there is no setback in that district.

**Mr. DeLeo** expressed concerns with this becoming a parking lot. He did not ant that.

**Mr. Nugent** explained that a commercial parking lot is a prohibited use in the district so it is unable to be legally a parking lot.

**Chairman Comoletti** asked what differentiates a commercial parking lot with just a place to park cars.

**Mr. Nugent** replied money. For it to be used for parking it must be an accessory use to a permitted use in the district.

**Mr. Harrisburg** asked if this could be parking for customers.

**Mr. Nugent** felt this was a dicey area. There can never be more than 40% impervious surface there.

**Chairman Comoletti** stated that this could be a gravel parking lot.

**Ms. Holt** referred to Chapter 78-428b (4) and stated she felt this was an incomplete application.

**Mr. Nugent** replied that all the information that the applicant has at current has been given to the board. There is no way to see into the future as to what he is going to do. His plan is to demolish the building. It is also important for the board to note that the building is currently uninsurable.

**Chairman Comoletti** asked what materials will be used when grading the lot. He also asked if they will be removing walkways and foundations.

**Mr. Harrisburg** replied that everything is flat so there should not be the need to fill at all. Just grade and clean up. He also stated that if there is a foundation it will probably not be taken out unless necessary,

**Chairman Comoletti** stated that was the problem that the board was having; there is not enough information in the board's opinion to say this is a complete application.

**Mr. Nugent** interjected that if it makes the board more comfortable they are able to place whatever restrictions on Mr. Harrisburg and the demolition of the property.

**Ms. Schwickrath** felt that they were doing that too often as a board and the applicant should bring forward a complete plan.

**Ms. Holt** stated that she felt it was reasonable to put restrictions on the approval if the board agreed.

**Mr. Harrisburg** reiterated that he would do whatever the committee wanted him to do, but the time frame is quite tight, as it is close to when snow arrives.

**Mr. Nugent** stated that he felt it was not in Mr. Harrisburg's best interest to alienate the board, as he will need to come back in front of the board again at some point.

**Ms. Schwickrath** stated that the board has had issues in the past with applicants that did not do what was asked of them, and they are trying to be very clear now to avoid that. She stated she did not want to get caught up in semantics, but she felt the application was not detailed enough.

**Chairman Comoletti** stated again that it was not the committee's job to make a list of what should be done. It is not up to date in the eyes of the board.

**Mr. Nugent** then read from an engineers report from 2006 which stated that it appeared there was no foundation.

**Chairman Comoletti** felt it was not the committee's job to make a list of what should be done. He felt that the application was incomplete in the eyes of the board. Why is this being brought to the board?

**Mr. Nugent** stated that this is a large housekeeping issue, and staff is under a Town

<p>Council order to do something about the property.</p> <p><b>Mr. DeLeo</b> asked if the property had violations and if so why where they bypassed</p> <p><b>Mr. Nugent</b> replied that it was not; this is just a step by step process. He asked Mr. DeLeo if the buildings were next to his property you would agree to have them taken down.</p> <p><b>Mr. DeLeo</b> asked if he agreed to this how quickly would it come down.</p> <p><b>Mr. Nugent</b> reiterated that this is a long-standing problem in the town. There are lots of reasons why the Harrisburg's want to do this.</p> <p><b>Mr. DeLeo</b> stated he felt this was too quick and wanted to know if the abutters were notified.</p> <p><b>Mr. Nugent</b> stated that this is not part of the process.</p> <p><b>Ms. Holt</b> reiterated that the application is not complete in her eyes.</p> <p><b>Mr. Nugent</b> asked if it would be helpful to the board if staff would sit down and create a plan with the application and come back. He also asked the board that if there was anything that the board felt was important to include or any ideas they have to please contact staff and let us know so we can incorporate that in the plan.</p> <p><b>Chairman Comoletti</b> was not sure if someone was qualified to do that.</p> <p><b>Mr. Nugent</b> stated the applicant will return to the committee on the regularly scheduled meeting on December 6, 2010.</p> <p><b>Mr. Harrisburg</b> stated that he will be out of town at that time and unable to make the meeting.</p> <p><b>Chairman Comoletti</b> stated that was okay, but if the applicant could have a representative here it would be helpful. He then tabled the item to the next meeting. He then tabled the acceptance of minutes until the next meeting as well.</p> <p><b>Mr. Nugent</b> stated that the meeting will need to be at 6:00 p.m. as he has a Comprehensive Planning Committee meeting at 7:00 p.m.</p>	
<b>GOOD &amp; WELFARE</b>	
<b>Meeting Adjourned at 6:48pm</b>	<b>ADJOURN</b>

*I, Tori Geaumont, Secretary to the Design Review Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original minutes of the Design Review Committee meeting of November 29, 2010.*