

**Old Orchard Beach Planning Board Meeting Minutes
January 14, 2010 at 7:00pm in Town Hall Council Chambers**

Call meeting to order at 7:00pm
Pledge to the flag
Roll Call: Eber Weinstein, Karen Anderson, Win Winch, Don Cote, Mark Koenigs. Absent: Tianna Higgins. Staff: Jessica Wagner & Gary Lamb.
Approval of December 3, 2009 Workshop & Site Walk Minutes and December 10, 2009 Meeting Minutes
Ms. Anderson made a motion to accept all December 2009 meeting minutes Mr. Cote seconded <i>Motion carries 5-0</i>
ITEM 1: Conditional Use Home Occupation: Public Hearing: Proposal to establish a home occupation pie baking business (GB's Pies) at 1 Sandpiper Road, MBL 324-6-1 in the R3 District. Applicant is Brenda Dowling.
Hearing opened and closed with no one to speak at 7:04pm
ITEM 2: Conditional Use Home Occupation: Final Review: Proposal to establish a home occupation pie baking business (GB's Pies) at 1 Sandpiper Road, MBL 324-6-1 in the R3 District. Applicant is Brenda Dowling.
Mr. Winch noted the lack of parking and asked if staff is okay with everything else on the application. Ms. Anderson made a motion to grant final approval for the establishment of a home occupation pie baking business (GB's Pies) at 1 Sandpiper Road (MBL 324-6-1) with the condition that all transactions are made through delivery so that no customers may park on Sandpiper Road. Mr. Koenigs seconded. <i>Motion carried 5-0</i>
ITEM 3: Site Plan Review: Final Review: Proposal to place modular classroom building on existing parking lot at OOB High School. Located at 40 E Emerson Cummings Blvd, MBL 207-3-1 in the PMUD District. Applicant is Regional School Union #23.
Mr. Lamb: there have been several items submitted since the December meeting. The board has had to time to review the newly submitted material. Mr. Winch read through the planning staff comments under 'Staff Recommendations' in the Staff Notes memo:
<ol style="list-style-type: none"> 1. OOB High School, Cider Hill and Birch Hill condos are all located in our PMUD zoning district. When residents formed this PMUD or Planned Mixed Use Development district, this was a conscious decision to purposely mix a variety of commercial, residential, retail, school and other governmental uses in this part of town. 2. If you purchase a home next to school property, It is reasonable to assume that changes to school property will occur and perhaps be visible to neighbors . Programs come and go as do athletic fields, fences, parking lots, etc. The proposed modular classroom is a logical addition to the High School use and a much needed improvement over the present Alternative Education classroom site. 3. The applicant has submitted a landscape plan showing 16 Arbovitae trees planted alternately in two rows parallel to Dirigo Drive. This would increasingly buffer Birch Hill's view of school property as these trees mature. The applicant is willing to have this landscape plan be a formal condition of approval. 4. RSU staff met with Birch Hill Condo Association President Gordon Weeks in early November 2009 and offered to attend the Dec 3 2009 Birch Hill Association annual meeting to discuss how both

sides could design landscaping along Dirigo Drive. The Association did not ask the RSU to attend this annual meeting. However, high school horticulture students, teachers and administrators would like to work with the Birch Hill Association to design landscaping in addition to (and separate from) the submitted landscape plan. This cooperative effort need not be under an official condition of approval because the town does not regulate flower beds, etc.

5. Abutters have asked why does the modular classroom need to be so far from the High School? Two professional educators testified to the Board that the Alternative Ed program needs to be physically separate from the main student population, but close enough to still provide library, dining and some academic course availability. Please refer to Supt. Mike Lafortune's letter dated Jan 4 2010 and Principal Rick Difusco's letter in your packets.
6. The RSU has justified the building placement academically as well as in a fiscal sense. Obviously the RSU will spend much less money for utilities if they can minimize water, sewer and electrical connection costs. They have done so by placing the building near Dirigo Drive where all three utilities are available at the lowest connection costs.
7. The Planning Board asked for construction cost information if the building were to be located elsewhere on High School property. Supt. Lafortune's letter dated January 4 2010 tells the Board that such a move could result in a loss of spectator areas or bus storage or field hockey practice areas depending on location. His attached cost sheet lists up to \$58,000 that might be needed to locate the classroom elsewhere.

Mr. Winch noted all of the letters submitted to the Board:

- Letter from Kathy and Don Smith, 1 Gables Way, dated 12/30/2009
- Letter from Peter Flaherty, 5 Cedar Ave, dated 12/14/2009
- Letter from Richard Pinette, Birch Hill resident, 12/15/2009
- Letter from Gordon Weeks, 35 Gables Way, 12/16/2009
- Letter from Victoria Geaumont, 19 Ross Road, 12/14/2009.
- Letter from Paul Mondor, Guidance Counselor, 12/17/2009
- Letter from Denis Robillard, former School Board member & Junior Achievement volunteer, 01/04/10

Mr. Winch read the table in the Staff Notes memo, reviewing each section individually. After reading through each ordinance section and staff comments, he asked for board comments (*where 'board comments' are blank, the Board had no verbal comments and nodded in agreement with the staff comments*)

Sec. 78-216. Review procedure. (d) Criteria for approval

ORDINANCE	STAFF COMMENTS	BOARD COMMENTS
(1) The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in this article and article VIII of this chapter.	This modular classroom is a permitted use in the PMUD District with Planning Board approval and possible conditions.	
(2) The proposed project has received all required zoning board of appeals and/or design review permits as	No Design Review or ZBA permits are required for this proposal.	

<p>specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all applicable federal and state permits.</p>		
<p>(3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater resources.</p>	<p>The proposed building will be on public sewer and will not create any additional impervious surface area.</p> <p>The proposed building will not have an adverse impact upon the quality of surficial or groundwater resources.</p>	
<p>(4) The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event or any other event so required by the planning board, and will not have an undue impact on municipal stormwater facilities or downstream properties.</p>	<p>The proposed structure will be located on an existing paved area. There will be no increase in impervious area and no increased stormwater runoff with this project.</p>	
<p>(5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.</p>	<p>The addition of this building will not adversely impact traffic patterns. The building location is adjacent to an existing parking lot, no additional parking is needed.</p>	
<p>(6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.</p>	<p>This is an additional educational building added to the school property. It will be located on a previously paved site. This building will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.</p>	<p>Mr. Weinstein: this is the reason we had a problem in December and it seems like the school has taken measures to alleviate this issue.</p>
<p>(7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely</p>	<p>This is an additional educational building added to the school property. This building will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life,</p>	

<p>impact the quality of life, character, or the stability of property values of surrounding parcels.</p>	<p>character, or the stability of property values of surrounding parcels.</p>	
<p>(8) The proposed project will not have a negative fiscal impact on municipal government.</p>	<p>The addition of this building will not have a negative fiscal impact on municipal government.</p> <p>The Town’s Public Works Department and GIS consultant are responsible for producing the site plan. Since a Datum submission will not take any burden off of the municipal government, and since the property lines may soon be changing with the establishment of Regional School District 23, Planning Staff recommends the Datum submission requirement be waived.</p> <p>Fire Chief and the State Fire Marshall require a wireless alarm system connect the new building with the main school building.</p>	
<p>(9) The proposed project will not have an adverse impact upon surrounding property values.</p>	<p>This additional building conforms to the existing use of this school property. It will not have an adverse impact on surrounding property values.</p>	

Ms. Anderson asked what the hours of the building would be.

Mr. Difusco: We will use the room from 7:15am-1:45pm during the week. This will be limited within the school year.

Mr. Weinstein motioned to grant final approval for the proposal to place modular classroom building on existing parking lot at OOB High School, located at 40 E Emerson Cummings Blvd (MBL 207-3-1) with the condition that the submitted landscaping plan be accepted into the approval.

Ms. Anderson seconded the motion.

Mr. Weinstein: It is unfortunate that the neighbors are unhappy, but given the extra cost, I don’t see a big advantage in loosing the spring session of school.

Mr. Lamb noted that there was no fence, but a proposed row of arborvitae trees that are shown as the vegetative buffer.

Mr. Koenigs asked when the screen would be installed?

Mr. Curtis noted that the vegetative buffer would be installed as soon as it is warm enough for trees to survive.

Ms. Anderson: when will you begin to use the facility?

Mr. Curtis: we are aiming for a start date following the February vacation.

Mr. Koenigs asked if the trees would be installed by the April vacation?

Mr. Curtis: we will have them installed as soon as it is viable according to the school’s horticultural expert.

Mr. Koenigs suggested that the motion be amended to note the planting date for the trees.

Mr. Weinstein agreed the motion should be amended to include the condition that the trees be planted as soon as possible in this season's growing session.

Ms. Anderson seconded the amended motion.

Motion carries 5-0.

Mr. Koenigs made a motion to waive the digital submission waiver

Ms. Anderson seconded.

Mr. Weinstein asked if there were any lot line changes?

Mr. Lamb confirmed that no, there are no changes in the lot lines.

Motion carries 5-0.

GOOD & WELFARE

ADJOURNMENT at 7:31pm

I, Jessica Wagner, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of five (5) pages is a true copy of the original minutes of the Planning Board meeting on Thursday, January 14, 2010.