

**Old Orchard Beach Planning Board
Workshop Minutes
Thursday, January 15, 2009**

Call to Order at 6:00pm	Call to Order
Roll Call: Win Winch, Ken Mac Auley, Karen Anderson, Don Cote, Tianna Higgins Absent: Mark Koenigs. Staff: Jessica Wagner, Gary Lamb.	
ITEM 1: Introduction & discussion of proposed zoning ordinance revisions.	
<p>Mr. Lamb stated that although the current staff has not been here very long, we have all worked with parts of our ordinances that need to be changed. With that in mind, tonight we will lay out a first round of specific suggested changes, with most of them in our Zoning Ordinance Chapter 78. Per ordinance, all Chapter 78 changes must start with a public hearing conducted by the Planning Board, followed by Planning Board recommendation to Town Council. Then the Town Council schedules the introduction of the ordinance change at meeting #1, then conducts a public hearing at least 7 days after the meeting #1, then waits at least 14 days after the public hearing before meeting #2 can be scheduled for a vote to approve or deny the changes. (All other non-Chapter 78 changes do not require Planning Board review and go straight to the Town Council process described above.) Changes you receive tonight will be sent to our town attorney so the Board can hopefully conduct the campground public hearing in February.</p> <p style="text-align: center;">CODE ENFORCEMENT REVISIONS</p> <p>Mr. Nugent read through the memo to the Planning Board in regards to his proposed Ordinance Changes. He stated that these ordinance revisions are intended to make the process for the ZBA more effective and improve deficiencies that currently exist in the Zoning Ordinance. The revision sections discussed were:</p> <p><i>Exemption of Select Nonconforming Structures</i></p> <p>Sec. 78-178 (a): allow the exemption of accessibility ramps from nonconforming status.</p> <p>Sec. 78-178 (c): Allow the reconstruction of a nonconforming structure within the previously existing building footprint.</p> <p>Sec. 78-178 (e): Allow amnesty for structures with nonconforming locations constructed with a building permit prior to February 3, 1998.</p> <p><i>Re-establish setback requirements for Small Sheds and Membrane-Covered Structures</i></p> <p>Sec. 78-1381(c): The establishment of a 5ft setback requirement for sheds 120sf or less.</p> <p>Sec. 78-1381(d), 78-1 Definitions: Definition and setback requirements for membrane-covered structures.</p> <p><i>Site Plan Review exemption for minor construction projects</i></p> <p>Sec. 78-212(b): Exemption from Site Plan Review for commercial/multi-family construction 240sf or less with no impact on parking requirements.</p> <p>Mr. Mac Auley suggested that perhaps a performance guarantee of a small deposit could be submitted at the time of the non-conforming access-ramp construction and kept by the Town until it is no longer needed. This will ensure that these structures are taken down when they are no longer needed.</p> <p>Mr. Nugent stated that is a possible solution to ensuring that non-conforming access-ramps are taken down with no longer needed. As it stands right now, Town staff will have to monitor these structures to ensure that they are still necessary and in use. The practice of paying a deposit is not done in other communities that allow this, and this issue usually takes care of itself when the ramps are no longer needed or when the property changes hands.</p> <p style="text-align: center;">CAMPGROUND ORDINANCE REVISIONS</p>	

Ms. Wagner stated that several sections of *Chapter 18 Article IX Campgrounds* have not been revised since their 1944 inclusion in the Town Ordinance. There are inconsistencies, unnecessary repetitions and out-of-date requirements that are long over due for revision. For example, Sec. 18-528(7) states that “... use of any chemical water closet or any toilet in a recreational vehicle is forbidden while such recreational vehicle is located within a campground or anywhere within the town limits”. This is an absurd requirement does not make any sense by current camping standards. Most recreational vehicles in today’s campgrounds have built-in toilets and are hooked up to the Town sewer system. This section of the Ordinance needs to be revised in order to bring our Ordinance up to current camping standards.

In revising *Ch. 18 Article IX Campgrounds*, it became clear that minor revisions were also needed in *Sec. 78-1: Definitions, Ch. 78 Article IV Division 18: Campground Overlay District, and Appendix A: Schedule of License, Permit and Application Fees* in order to make the revisions consistent with all sections of Ordinance relating to campgrounds. The State campground rules were also taken into consideration when revising this Ordinance to ensure that Town standards are in compliance with the State regulations.

The proposed revisions accomplish three things: (1) The revisions will eliminate the out-of-date provision that makes it illegal to use a toilet within a recreational vehicle. (2) All Sections and definitions pertaining to campgrounds will be up-to-date, consistent, and easy to navigate when reviewing the Ordinance for campground related issues. (3) The Town Ordinance will be in compliance with the State Department of Human Services Rules Relating to Campgrounds, which all Campgrounds in Town are required to comply with.

DIGITAL SUBMISSION REVISIONS

Ms. Wagner stated that this set of Ordinance revisions will require all Plenary Site Plan Review and Subdivision applicants to submit plans in digital format as part of the Planning Board review process. Over the past year and a half, Planning Staff has been trying to collect all proposed projects in digital format. This has been difficult to do because there is currently no provision in the Ordinance requiring digital format submissions. Including this as a submission requirement in Town Ordinance will make collecting these digital files much easier. This will enable approved plans to be added to our parcel maps at little cost and this survey quality information will greatly increase the accuracy of our maps.

There are two portions of the digital submission requirement: (1) **PDF Image:** All plans must be submitted as a PDF image. This digital format will be kept in the Planning Department digital files and may be used to send plans to Planning Board Members, abutters, peer review engineers, and all other interested parties. (2) **Datum Reference:** All plans must be submitted on Datum so that our GIS consultant will have the most accurate information when updating our GIS data layers. The information collected through this digital submission process will be put on our town-wide GIS mapping system and be made available to the public.

The following Sections will be revised or added to the Ordinance: 78-215(c)(4): Site Plan Review Applications; 74-153(15): Minor Subdivision Applications; 74-207(c): Major Subdivision Preliminary Applications; 74-233(b)(5): Major Subdivision Final Applications

TRAFFIC IMPACT FEE REVISION

Ms. Wagner explained the history and necessity of adding a traffic impact fee requirement to the Ordinance: In June 2007, Gorrill-Palmer Consulting Engineers, Inc. developed a comprehensive Transportation Improvement Plan for the Town of Old Orchard Beach to assist the Town in determining a transportation impact fee structure. For the past year, the Planning Board has required traffic impact fees be determined and paid by all Subdivision applicants using the formula established by the Transportation Improvement Plan document. The Planning Board has been able to require this using Sec. 78-215(7)(b) of the Town Ordinance, which states that the Planning Board may require a

traffic impact assessment be determined and paid as part of the Planning Board review process. This proposed Ordinance revision will now require all Planning Board Site Plan Review and Subdivision Applications undergo an impact fee assessment based on the Old Orchard Beach Transportation Improvement Plan. All Applicants will be required to pay the determined impact fees prior to final Planning Board approval. The Planning Board will maintain the authority to request an additional traffic study if it is determined to be necessary for the review process.

The following Sections will be added to the Ordinance: 78-215(7): Site Plan Review Applications; 74-153(16): Minor Subdivision Applications; 74-233(b)(6): Major Subdivision Final Applications. This revision will need to be reviewed by our Town Attorney, and may take a bit longer to establish than the rest of the Ordinance revisions discussed at this workshop.

Mr. Lamb stated that all Ordinance revisions presented to the Planning Board today will be sent to the Town attorney for review. In February, we will hold public hearings for each revision and the Board will have the opportunity to recommend these revisions to the Town Council. He asked the Board to spend as much time as needed to review each proposed revisions to ensure they have a clear understanding of what is being proposed. If you have questions, you are welcome to come speak with staff at anytime.

ITEM 2: Discussion about request to establish a motorcycle parking lot at 22 Imperial Street in the R2 Zoning District. This is not an allowable use in the zone – the permitted uses in the R2 Zone would need to be amended in order to establish this use.

Mr. Lamb explained the following issue to the Board: 22 Imperial Street is on the north or R2 zoning district side of Imperial Street. The southern side of Imperial Street is in the DD1 zoning district. The owner, Sonia Gardner has asked if she could have a commercial parking lot on her property to park motorcycles during the tourist season. A commercial parking lot is not allowed in the R2 zone. To do this, the commercial parking lot use would need to be added to the R2 zoning district list of permitted or conditional uses (Commercial open air parking lots are also not allowed in the DD1 zone although multi-story parking garages are. The existing open air parking lots in DD1 and DD2 zones are legally non-conforming uses that would not be allowed as new uses today). Our zoning ordinance describes the R2 zone as “a zoning district in which the principal use of the land is for 1 and 2 family residences and customary accessory, municipal, educational and religious uses that contribute to a wholesome neighborhood environment.” Our Comprehensive Plan also does not contain language that would encourage commercial parking lots in the R2 zone. The planning board may make a recommendation of approval or denial to the Town Council, or they may choose to make no recommendation at all. To be enacted, an ordinance change must receive a minimum of three votes in the affirmative from the Town Council.

GOOD & WELFARE

Mr. Lamb updated the Planning Board on the Saco Bay Management Report that was submitted to the Legislature earlier in the week.

Workshop Adjourned at 7:33pm

I, Jessica Wagner, Secretary to the Planning Board 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 Planning Board Meeting/Workshop of January 15, 2009.