

**Old Orchard Beach Planning Board Meeting Minutes
Thursday, November 18, 2010 at 7:00pm in Town Hall Council
Chambers**

Meeting Called to Order at 7:02 pm	
Pledge to the Flag	
<i>Members Present:</i> Chairman Winch, Tianna Higgins, Don Cote, David Darling and Eber Weinstein <i>Members Absent:</i> Mark Koenigs <i>Staff Present:</i> Gary Lamb and Staci Grazioso	
ITEM 1: Acceptance of Minutes	MINUTES
9/23, 10/14, 11/4 and 11/18/10 to be accepted at 12/2/10 meeting	ITEM 1
ITEM 2: Special Exception permit for Jeff and Pam Chute – 62 Winona Avenue, MBL 320-8-2, R-3 Zone and SA Shoreland Overlay District. Adam & Carl Goodwin Agents	ITEM 2
<p>Chairman Winch introduced Adam & Carl Goodwin, Agents for the Chute’s. All members of the Board received a footprint of the proposed changes for this property</p> <p>Mr. Goodwin gave an overview of the property located at 62 Winona Avenue, stating that the owners would like to take down the existing cottage and build a new year round residence. Owners do not live at the property full time right now. Looking for approval for a 10x12 porch that would be an expansion of the existing footprint</p> <p>Mr. Lamb the Town has no standards for this special exception permit. Michael Nugent made a good suggestion, in the future these will be reviewed under our Conditional Use Standards.</p> <p>Mr. Lamb This could go either way, the PB can approve this tonight because they do have they variance from the ZBA or you can take a site walk on December 2nd.</p> <p>Discussion between PB and Mr. Lamb regarding the footprint</p> <p>Chairman Winch speaking with the PB and a decision was made that the PB will drive by the property individually</p> <p>Mr. Darling Motion to take a ride individually by 62 Winona Avenue regarding the Special Exception Permit for Jeff & Pam Chute, discussion to be held at December 9, 2010 meeting</p> <p>Ms. Higgins second the motion</p> <p><i>Motion Carries 5/0</i></p>	MOTION VOTE
ITEM 3: Continued discussion and possible vote on Shoreland Zoning Amendments and Planning Board recommendation to Town Council	ITEM 3
<p>Chairman Winch reviewed with the PB members the Amendment to the Shoreland Zoning Ordinance. Changes to the documents from the joint meeting are in yellow.</p> <p>Mr. Lamb pointed to the new map showing that the arbitrary RR boundary has been removed. Mr. Lamb explained that on the next map he requested for it to say RP from low water out to the municipal boundary three miles out.</p>	MOTION VOTE

Mr. Lamb discusses letters from Mr. Guarino, one being a request for the reduction in the buffer zone down to 75'; the other is minutes from a PB meeting in the 90's.

Mr. Guarino explained why he submitted the request and spoke about setbacks on his property

Chairman Winch & Mr. Darling stated that they would like to go take a look at Mr. Guarino's property

Mr. Lamb explained that the only other stream protection that we have is Mill Pond which is currently at 250' around that pond. What has been proposed is to make it 100' around the pond and 100' around Cascade Brook. If your going to make a change, make a decision whether or not you will be making changes town wide

Ms. Higgins doesn't feel that the PB should be personalizing individual properties

Mr. Lamb stated that the measuring of the upland/wetland edge of Mr. Guarino's property is in our ordinance today. DEP does require it and we can not get rid of that

Chairman Winch suggested making a recommendation to the Town Council

Mr. Guarino made a clarification that he was not requesting that you just change his property but the entire stretch upstream from the RR tracks which is currently zoned SA

Discussion continues with PB and Mr. Guarino

Ms. Higgins points out that as a Board a decision had been made not to become less restrictive than what we already are and feels this should go on to the Town Council. In her opinion, no change should be made

Mr. Cote agrees with Ms. Higgins, that it stays as is and if the Council would like to change it, let them change it

Chairman Winch stated whereas it is not an agenda item, we don't need to make a decision

Document discussion

Mr. Lamb document changes – yellow text is what has been changed since the last document with all the red. We are getting closer to a final version from all the changes that have been given to the Town Attorney.

Ms. Higgins pointing out that in the first section of yellow, she thought that the map governed

Mr. Nugent, C.E.O. other than Shoreland issues the text controls all of the other districts, in the Shoreland Zoning the map rules

The PB would like the Town Attorney to make that statement more clear

Chairman Winch continues through the revisions in the document

Mr. Nugent, C.E.O. pg. 24 was just added – talks about State minimum lot size law typically applies to lots that have septic or private subsurface waste disposal

Mr. Bird wants the PB to take a look at number 21, 23 in the table. He stated a lot of them just say "yes," and stated the Town Council could put residences there and it would be allowed

Mr. Weinstein stated that the Sand Dune rules would never allow this to happen

<p>Mr. Lamb explained that it is Town property under the Councils control and that is why Chris Vaniotis put the “yes” in those areas. It has to come through the PB, if you want it changed, that can be done</p> <p>Chairman Winch thought that the table on 21, 23 should possibly say “no”</p> <p>Mr. Bird suggested put another section in the table “Special Events” – being a temporary event that is regulated by the Town Council</p> <p>Mr. Lamb those concerns are addressed in the application, i.e. trash, parking and that application goes to the necessary department head before it ever makes it to Council</p> <p>Mr. Weinstein feels it is a good idea to add it in to the table</p> <p>Mr. Lamb gave an example to everyone on why they need to be careful on where you want to put a “yes” or “no”</p> <p>Mr. Cote stated that he would go along with legal counsel regarding the table and leaving things as is</p> <p>Mr. Lamb stated leaving the yellow in the document will help the Council see what has been changed</p> <p>All agreed</p> <p>Mr. Weinstein makes a suggestion to send this along to Council as the PB discussed this evening</p> <p>All agreed</p> <p>Ms. Higgins formally moved that we send this amended copy of the Old Orchard Beach Shoreland Zoning Ordinance with the minor clarification of the first highlighted paragraph to Town Council</p> <p>Mr. Darling second the motion</p> <p><i>Motion carries 5/0 to send the version that is in front of you tonight with that one clarification on pg. 1 to the Council with the yellow outlines and also with the map whereas we have effectively eliminated the arbitrary RR boundary</i></p>	
<p>Good and Welfare</p>	
<p>Mr. Nugent thanking everyone for the hard work that they have put into this document</p> <p>Ms. Higgins Mr. Nugent, do they have a special exception permit</p> <p>Mr. Nugent didn’t really have a special exception standard in our ordinance</p> <p>Councilor Dayton stated that if anyone has any questions regarding this document that they should call the Planning Board Office. Thanked everyone for their hard work</p>	
<p>Meeting Adjourned at 8:11 pm</p>	<p>ADJOURN</p>
<p>Chair, Win Winch</p>	

I, Staci Grazioso, 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 of November 18, 2010.