

Old Orchard Beach Planning Board Site Walk and Workshop Minutes Thursday, April 1, 2010

SITE WALKS

Board members present at all site walks: Mark Koenigs, Don Cote, Win Winch, Eber Weinstein, Tianna Higgins (Absent: Karen Anderson).

Planning Staff present: Jessica Wagner and Gary Lamb.

Conditions: warm spring evening with plenty of light. Heavy rainfall left the ground very wet at all site walk locations.

Site Walk at 5:30pm across from the Royal Anchor Motel at 203 East Grand Avenue: Site Plan Review of the proposed Royal Anchor Motel off-site parking lot.

Present: Mark Bureau (Applicant), Planning Board & Planning Staff.

Called to order at 5:35pm

Mr. Bureau showed the Board the entrance and pointed out the dumpster area.

Mr. Weinstein asked how far away the parking lot needed to be from the wetland.

Ms. Higgins asked if Mr. Bureau was planning to fix the broken chain link fence.

Mr. Bureau stated that the fence is on his land and he would do something there to improve the fence. He does not want the replacement fence to be mangled by the snow plow the way the existing fence has been. Also, the DEP has reviewed this area and he is waiting on my Permit by Rule approval.

Ms. Higgins asked what the surface material would be.

Mr. Bureau stated the surface is currently sand. We will put shaley material down and top it with crushed stone.

Site Walk Adjourned at 5:38pm

Site Walk at 5:45pm at the site of the old skate park on E Emmerson Cummings: Site Plan Review of the proposed Police Station on E. Emerson Cummings Blvd.

Present: Mike Nugent (Code Enforcement), Kevin Riley (architect), Richard Egan (architect), Rick Licht (engineer), Keith Babin (Deputy Police Chief), Planning Board, Planning Staff.

Called to Order at 5:48pm

Mr. Licht directed the Board around the site. He showed the building location and the driveway entrance locations. He indicated that the building was 29ft away from E Emerson Cummings Blvd bike path.

Mr. Weinstein asked how the drainage system worked.

Mr. Licht explained that all water flows through a drainage basin or sheet flows into a swale that directs water into a detention area. This is not a pond of standing water, but it will be wet after rainfall. He also explained electrical plans in relation to the Ballpark electrical service.

Ms. Higgins asked which street lights on Ballpark Way would be staying.

Mr. Licht stated that two of the lights would be replaced with new light fixtures. He was unsure of the future of the third light post on Ballpark Way. This would be

determined before construction and may involve further communication with CMP.
Site Walk adjourned at 6:10pm.

Site Walk at 6:00pm on Vallee Lane: Site Plan Review for the proposed CMP Substation and Private Way, located off of Vallee Lane.

Present: Steve Harding (Engineer), Marie Green (CMP), Planning Board, Planning Staff.

Called to Order at 6:12pm.

Mr. Harding showed the access road area and led the Board out to the substation lot. The center line of the road and the corners of the substation lot were staked out. He showed where fill would be brought onto the site to construct the substation yard.

Ms. Higgins asked how drainage would be managed.

Mr. Harding explained the drainage filtration system and added there would be a zero increase in stormwater runoff.

Site Walk adjourned at 6:26pm

Site Walk at 6:20pm on at 2 Whispering Pines Drive: Conditional Use Amendment Review: for Smith's Garage Conditional Use amendment.

Present: Tim Smith (Applicant), Heather & Jake Ebenhoeh (abutters at 124 Ross Road), Planning Board, Planning Staff.

Called to Order at 6:35pm.

Mr. Lamb pointed out where the trees had been removed using the site and an aerial photograph of the lot.

The Board looked at the fence along the 124 Ross Road property line and walked back to where the cars were parked.

Mr. Smith showed the Board where the parking had been before he relocated the parking.

Mr. Lamb asked how many apartments were above the garage.

Mr. Smith stated there were two apartments in addition to the main residence. He showed where the parking for his units was located.

The Board walked back to the fence to see the abutting property at 124 Ross Road.

The Board then drove around to the property at 124 Ross Road to see the view of Smith's Garage from their property.

Site walk adjourned at 6:50pm.

WORKSHOP

7:00pm in Town Hall Council Chambers

Call to Order at 7:05pm

Mark Koenigs, Don Cote, Win Winch, Eber Weinstein, Tianna Higgins (Absent: Karen Anderson). **Planning Staff present:** Jessica Wagner and Gary Lamb.

Shoreland Zoning: Presentation by JT Lockman of Southern Maine Regional Planning Commission on Chapter 78 Shoreland Zoning changes.

Mr. Lockman: the state mandated deadline for Shoreland Zoning amendments has passed, but we are in process to get it done, so DEP is giving us some flexibility. I recommend

having your municipal language as much like the DEP as possible. This creates continuity between towns. The Town can be stricter than the DEP, but your regulations must be at least as strict as the DEP's regulations. For example of a DEP definition in relation to Town Ordinance: Pg 12 - *height of a structure*. In this case, we have referenced the Shoreland areas as separate from the rest of Town. You as a Town may choose to change this definition for the whole Town, but as of now I have not changed anything outside of the Shoreland Zone. I recommend waiting until a comprehensive planning process to make very significant changes, because if you make a decision to make a very large change without it matching with the Comprehensive Plan, that is not a good thing. Another important point to be aware of: the DEP will ask you to amend your appeal process because some municipalities tend to give away variances and negate the regulations.

Mr. Lamb: If you read the text, you will see two districts called out in the text that are not yet shown on the draft map. We will amend the map to reflect the text. Our GIS consultant will take the data and update the map. We will have details on our GIS system for people to see, but the map referenced in the Ordinance will be simple and match the text.

Mr. Lockman: To outline an example of what Mr. Lamb is referencing - we will have the Resource Protection Zone (RP). However, within that Shoreland Zone we have several designations. Some areas are in the RP because of the elevation, others are RP because of they are forested wetlands, etc.

Mr. Bird: I would like to have a 'fill ordinance' brought into this new Shoreland Zoning Ordinance.

Mr. Lockman: You can choose to do that now or perhaps you can wait until the comprehensive planning process to make that change. It is up to you and the Town Planner to determine when that type of amendment will happen.

Workshop items are out of order because they were heard based on applicant presence.

ITEM 4: <u>Site Plan Review</u> : Discussion: Proposed Police Station on E. Emerson Cummings Blvd, MBL 207-3-1.	ITEM 4
<p>Mr. Licht: explained the proposed crosswalk from the bike/ped path across Ballpark Way, the stop line and the removal of the parking space stripes. He also explained the conversations about electricity that were in progress with CMP.</p> <p>Mr. Weinstein: what are you allowing for the detention basin?</p> <p>Mr. Cote: how will the back parking lot drain?</p> <p>Mr. Licht: the water essentially crosses ballpark way and into a culvert and then continues behind the ballpark into natural drainage areas. There is a swale between the road and the bike path. We are going to re-grade this swale to direct the water towards the pipes that send the water to the detention pond.</p> <p>Mr. Lamb: The lot lines have been worked out. Mr. Koenigs' comments are addressed by staff and the Applicant's engineer at Stantec.</p> <p>Mr. Cote: If this road ever becomes busy, this would block access to the Police Station. I know we can't take that into consideration now, but this is something to consider.</p>	
ITEM 3: <u>Site Plan Review</u> : Discussion: Royal Anchor Motel off-site parking lot, MBL 202-3-13	ITEM 3
Mr. Bureau: we will clean up the fence, but it keeps getting destroyed by the plow.	

<p>Ms. Higgins: were you going to fence in the dumpster? Mr. Bureau: I can fence it if you would like. The location of the dumpster is good for this location because we can back up into it then pull out.</p>	
<p>ITEM 5: <u>Conditional Use Amendment Review:</u> Discussion: Smith's Garage Conditional Use amendment, located at 2 Whispering Pines Drive, MBL 105-1-16.</p>	ITEM 5
<p>Mr. Smith stated that when this work is complete, the DEP requires a final inspection. Mr. Koenigs: we want to know what restrictions there in terms of hours of operation, related to noise or other sections of the Ordinance. Mr. Lamb: we will have this information for you at or before the next meeting. Ms. Higgins: we can't just plant any trees there because it is so wet. We may need a professional opinion of what can be planted in this place. Mr. Lamb: we will have a landscape professional take a look at this property to determine what species are best. Mr. Smith: I have always worked until late at night. When I first opened the dealership, I would work 50hrs/week at the dealership and then come home and work additional hours. Hours of operation have never been a problem in the past.</p>	
<p>ITEM 1: <u>Conditional Use Review:</u> Discussion: re-establish 3 dwelling units at 44 Union Avenue, MBL 315-21-1 (per <i>Sec. 78-180 Appeals from restrictions on nonconforming uses</i>).</p>	ITEM 1
<p>Mr. Lamb: 44 Union Ave had three dwelling units until March 2008, when water damage destroyed the third unit and has left it vacant since. The house currently has two dwelling units in use. The Applicants purchased the property in foreclosure and would like to renovate and reinstate the third dwelling unit. The re-establishment of this third dwelling will re-establish a non-conforming use. It is non-conforming because R2 zoning restrictions requires 10,000sf/dwelling unit. This property only has 3,875sf. This re-establishment of a non-conforming use is allowed with Planning Board Approval as a Conditional Use (per Sec. 78-180). There will be no site improvements made with this renovation.</p>	
<p>ITEM 2: <u>Site Plan Review:</u> Discussion: Proposed CMP Substation and Private Way, located off of Vallee Lane, MBL 107-2-34 / 107-2-27.</p>	ITEM 2
<p>Mr. Lamb: they have corrected the stormwater calculations to be no increase in runoff.</p>	
<p>GOOD & WELFARE None</p>	
<p>ADJOURNMENT at 8:25pm Chair, Win Winch</p>	

I, Jessica Wagner, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Planning Board Site Walks and Workshop of April 1, 2010.