

**Old Orchard Beach Planning Board Public Hearing & Meeting Minutes
Thursday, June 10, 2010 at 6:30pm in Town Hall Council Chambers**

Pledge to the Flag	
Meeting Called to Order at 6:30pm	CALL TO ORDER
Roll Call: Win Winch, Tianna Higgins, Eber Weinstein. Absent: Don Cote, Mark Koenigs and Karen Anderson. Staff: Jessica Wagner and Gary Lamb.	
APPROVAL OF MINUTES: May 6, 2010 Workshop and May 13, 2010 Meeting	MINUTES
Ms. Higgins motioned to approve both sets of minutes. Mr. Weinstein seconded. <i>Motion carries 3-0</i>	MOTION VOTE
ITEM 1: Determination of a complete application: Site Plan Review: Proposal to extend the off-road Eastern Trail from Milliken Mills Road to the Saco Town Boundary. MBLs 103-1-43; 103-2-1; 103-1-52; 105-4-2. Applicant is Eastern Trail Management District, Agent is Deluca Hoffman.	ITEM 1
<p>Mr. Winch: In looking through the plans, it appears you need to keep the trail a particular distance away from the gas line?</p> <p>Mr. Steve Bushey (applicant's engineer): There will be a 5ft difference between the stone dust trail surface and the active gas line. The corridor is about 66ft wide on average. The ATVs over time have created a gravel surface in most cases that varies 10-12ft in width. We will be improving the existing path. The most significant areas in the trail for you to review are: Mill Brook crossing (which is a washed-out culvert crossing), the Old Cascade Road street crossing, and the Cascade Road street crossing. At Old Cascade Road, we are going around the old bridge abutments because it is a lower cost to go around this than to build another bridge. At the Mill Brook crossing, the Railroad records show there was an old box culvert, but it was washed out. This proposed culvert sizing is intended to cover the 100-year FEMA flood plain. The DEP requires this culvert be the same width as the stream. <i>He showed photos of the Mill Brook crossing and the old bridge abutments at Old Cascade Road.</i></p> <p>Mr. Winch: Will you be getting a DEP permit for this?</p> <p>Mr. Bushey: this culvert crossing will be a Permit by Rule from the DEP. Unutil is also very involved with the design as it relates to the active gas pipeline. We are adding fill in some spots, and that is improving the safety of the pipeline. We will not be required to put an additional sleeve on the line. At Cascade Road, the speed limit will need to be reduced from 45mph to 35mph in the vicinity of the trail crossing. This will be much like the treatment at the crossing of the Pine Point Road. I will be speaking with the MDOT about how the speed limit change will occur.</p> <p>Ms. Higgins: I am concerned about the Cascade Road crossing. I don't know how safe the sight-distance is and drivers go closer to 55mph than 45mph.</p> <p>Mr. Bushey: We will have curves in the trail that will naturally slow down cyclists when approaching Cascade Road.</p> <p>Ms. Higgins: Will there be any additional clearing to make the road and trail more visible for the trail users and cars?</p> <p>Mr. Bushey: I will look in that... it is a very good idea to clear the area for visibility.</p> <p>Mr. Weinstein: do you have any other sections of trail that cross busy intersections?</p> <p>Mr. Bushey: The trail currently crosses Pine Point Road in Scarborough, which is similar to the conditions of Cascade Road. We are also crossing the off and on ramps at I195 in Saco.</p>	

<p>MDOT sees this crossing at Cascade Road as an acceptable at-grade crossing. Mr. Lamb: Staff feels this application is complete. Mr. Weinstein: I have noticed on the existing trail there are some standing wet areas. Will this be addressed in the new trail section? Mr. Bushey: One of the design measures we are using will help with this - we have watched the flow of water as it goes across the trail. In the constructed trail, we will have a surface area that allows water to pass through. Most of these will be in Saco. This is called the 'rock sandwich' approach. We will also need to address the wetland impact areas. We are permitting the wetland impacts under the DEP Permit by Rule standards, as it relates to transportation projects. Ms. Higgins motioned to determine the application complete. Mr. Weinstein seconded. <i>Motion carries 3-0</i></p> <p>Mr. Winch scheduled the site walk at 6pm and the workshop will begin at 6:30pm on July 1st.</p>	<p>MOTION</p> <p>VOTE</p>
<p>ITEM 2: Public Hearing: Conditional Use Home Occupation Review: Proposal to sell lobsters out of existing garage at 2 Oak Street, MBL 210-2-59. Applicant is Daniel Clough.</p>	<p>ITEM 2</p>
<p>Ms. Irene Stevens (5 Oregon Avenue): Everyone in the neighboring condominium association at 5 Oregon Avenue is pretty excited about this and we fully approve.</p>	<p>Public Hearing</p>
<p>ITEM 3: Final Review: Conditional Use Home Occupation Review: Proposal to sell lobsters out of existing garage at 2 Oak Street, MBL 210-2-59.</p>	<p>ITEM 3</p>
<p>Ms. Higgins motioned to approve the Conditional Use proposal to sell lobsters out of existing garage as a Home Occupation at 2 Oak Street, MBL 210-2-59, Applicant Daniel Clough. Mr. Weinstein seconded. <i>Motion carries 3-0</i></p>	<p>MOTION</p> <p>VOTE</p>
<p>ITEM 4: Discussion with Action: Performance Assurance Request: Limit the number of building permits that will be issued at Cherry Hills Road (Dunegrass Section B) until a performance assurance is established for the installation of the new Pump Station 600. Applicant is Cary Seamans.</p>	<p>ITEM 4</p>
<p>Mr. Cary Seamans: I am here tonight to look for relief from the performance bond for the pump station at Dunegrass Section B until we get to the 14th home constructed. I have heard the recommendations that the Planning Board has made. One of the Staff's points is that once I get to the 14th building permit, I may walk from the project. I understand that the Town is at risk. However, I ask that you put yourself in my shoes. I am not going to invest \$300,000 road and then walk away from the project. The Maryland group put in the temporary pump station after the installation of Wild Dunes Way. The engineers are in disagreement about whether the existing pump station will hold 14 homes or 40 homes. Mr. Winch: Performance Assurance is standard, and we require it for all subdivision and development projects. Mr. Weinstein: why is there discrepancy between the engineers? Mr. Lamb: first of all staff doesn't have any issue with Cary Seamans. This performance assurance is required for all developers. There is a discrepancy between the engineers because Wright-Pierce took into account the 1300ft 1.5 inch sewer line that carries the flow from PS600 to PS100. BH2M only looked at the pump station's capacity. The 1.5 inch pipe has less capacity than the pump station itself. This is what accounts for the discrepancy in numbers between 40 houses and 14 houses. Mr. Winch: How much does the road and pump station cost? Mr. Seamans: the road costs about \$300,000. The pump station is in addition to this.</p>	

<p>Mr. Lamb: if down the road, something should happen, we need to have the funding. Ms. Wagner: there are 14 other houses on Wild Dunes Way that are depending on the installation of the pump station. If Mr. Seamans never installs the pump station, there is no one else accountable to make the upgrade. Mr. Winch: it is the responsibility of the Board to uphold the Ordinances and protect the Town. Regardless of the capacity of the current pump station, the Board cannot grant you your request because it would put the town and other lot owners on Wild Dunes Way at risk. Mr. Seamans thanked the Board for their consideration and left the meeting. Mr. Weinstein motioned to remove the item without prejudice. Ms. Higgins seconded. Motion carries 3-0</p>	<p>MOTION</p> <p>VOTE</p>
<p>ITEM 5: Discussion: Proposal to amend the Shoreland Zoning Ordinance in Chapter 78.</p>	<p>ITEM 5</p>
<p>Mr. Lamb explained how his meeting went with Mike Morse at DEP: Mike Morse stated that it is okay to have the developed portions of Ocean Park removed from the RP Zone. There was supposed to be a meeting with Tom Burns, our GIS consultant and JT Lockman from SMRPC this week, this didn't happen because of a medical issue. Without this meeting, there is nothing new to report. There will be a meeting in the upcoming week to update the draft map.</p>	
<p>GOOD & WELFARE</p>	
<p>Mr. John Bird: why would you want to take the developed lots out of resource protection? Mr. Lamb: you and I have talked about this. If we include the fully developed lots in RP, you may have a fully developed house lot that cannot add on a deck or an addition to their home if they are in the RP. Mr. Bird: there is no practical time limit or deadline in amending our ordinance to meet DEP standards, especially if the municipality decides to go with the State minimum. There is no practical penalty for working on this more intensely now. Mr. Lamb: you left out a very important statement that I know you heard at the meeting last week – if we were to allow the DEP impose the state minimum, we would not be able to be amend the Shoreland Zoning at all as a community. We are able to edit certain issues in Ocean Park with this process. However, if we allow the minimum to be enforced it will put people into Resource Protection that we don't need to. Mr. Winch: What is your (Mr. Bird's) personal opinion on the lots that may be taken out of Resource Protection in Ocean Park. Mr. Bird: I think these parcels should be in Resource Protection. Mr. Lamb: these lots are fully built out and not in Resource Protection at this time. If we attempt to put fully built lots in RP that are not currently in the RP zone, we will have a very difficult time passing these amendments politically, and cause potential problems for several homeowners.</p>	
<p>Meeting Adjourned at 8:08pm</p>	<p>ADJOURN</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 three (3) pages is a true copy of the original minutes of the Planning Board Meeting of June 10, 2010.