

TOWN OF OLD ORCHARD BEACH  
**PLANNING BOARD MEETING & PUBLIC HEARING MINUTES**  
**Thursday, July 8, 2010**

<b>Call to Order at 7:00pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Win Winch, Don Cote, Mark Koenigs, Eber Weinstein. <b>Absent:</b> Tianna Higgins. <b>Staff:</b> Jessica Wagner & Gary Lamb. <b>Others:</b> Mr. Bird, Mr. Bureau, Ms. Fontaine, Mr. Bushy.	
<b><u>APPROVAL OF MINUTES:</u></b> Approval of Minutes was tabled because the Board members we not present at last meeting.	<b>MINUTES</b>
<b>ITEM 1: Determination of Complete Application: <u>Conditional Use:</u></b> Proposal to establish a home occupation quilting and gift shop in the garage at 19 Old Salt Road. MBL 211-1-3 in the R2 District. Applicant is Regina Fontaine.	<b>ITEM 1</b>
<b>Mr. Winch</b> scheduled a site walk at 5:45pm on August 5 <sup>th</sup> . <b>Ms. Fontaine</b> stated that she would not be present. <b>Mr. Lamb</b> indicated that this was okay. <b>Mr. Cote</b> made a motion to determine the application complete. <b>Mr. Koenigs</b> seconded. <i>Motion carries 4-0</i>	<b>Motion Vote</b>
<b>ITEM 2: Public Hearing: <u>Site Plan Review:</u></b> Proposal to extend the off-road Eastern Trail from Milliken Mills Road to the Saco Town Boundary.	<b>ITEM 2</b>
<i>Public Hearing closed at 7:03pm</i> <b>Mr. Mark Bureau:</b> the Eastern trail is a real plus for this community and all neighboring communities. I have used the existing trail. It is really nice and very well maintained. I am happy to express support. <b>Mr. Winch</b> read the letter from supporting letter from Mr. Dougherty. <i>Public Hearing closed at 7:07pm</i>	
<b>ITEM 3: Final Review: <u>Site Plan Review:</u></b> 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.	<b>ITEM 3</b>
<b>Mr. Bushey:</b> Gave a brief over view of the trail. He showed photos of the Millbrook Stream crossing existing conditions and proposed plans for the new culvert. He stated that we may be restricted from installing this culvert between May and July because of DEP regulations related to wildlife. <b>Mr. Winch</b> read a portion of the Amec 7/6/10 peer review letter, indicating the need for further review of the culvert. <b>Mr. Bushey:</b> The other issue at hand is the speed limit on Cascade Road at the trail crossing. I have spoken with Saco PD and MDOT traffic engineer. If the speed limit were to stay at 45mph, there would not be a crosswalk. If we can shift the speed limit to 35mph, we can have a crosswalk. <b>Mr. Weinstein:</b> I've noticed that there is a painted crosswalk on Old Blue Point Road in Scarborough and the speed limit there is 40mph. <b>Mr. Bushey:</b> Perhaps someone painted a crosswalk without checking with the DOT? <b>Mr. Lamb:</b> From the record, we have easements in process and we are waiting for these to be appraised and come through. The DEP permitting isn't a tear 2 permit. The culvert is a permit by rule, and the rest of the project may also be a permit by rule.	

<p><b>Mr. Bushey</b> explained this application as it relates to the DEP permitting process.  <b>Mr. Koenigs</b> motioned to table the application until the Applicant could make additional progress and satisfy the engineering peer review comments.          Mr. Cote seconded.  <i>Motion carried 4-0</i></p>	<p><b>Motion</b></p> <p><b>Vote</b></p>
<p><b>ITEM 4: Discussion:</b> Update on amendments to the Shoreland Zoning Ordinance in Chapter 78.</p>	<p><b>ITEM 4</b></p>
<p><b>Mr. Lamb:</b> I had hoped to have additional information for you this evening, because I am waiting to hear back from our legal counsel. Our attorney is looking into making a separate district for the beach that is not Resource Protection.</p>	
<p><b>GOOD &amp; WELFARE</b></p>	
<p><b>Mr. John Bird:</b> Would the board like to take the time to review any of the Conservation Commission suggestions?  <b>Mr. Winch:</b> If we are going to look at re-buffering the streams, we will need to take site walks and look at each stream as it stands.  <b>Mr. Lamb:</b> If the Board would like to look at each stream individually, that is something we can do.  <b>Mr. Winch:</b> what stream would be best for us to start with?  <b>Mr. Bird</b> stated where he would like to start with Hemlock Brook.  <b>Mr. Cote:</b> it is not the intention of the Planning Board to make changes prior to the passing of the DEP mandated standards.  <b>Mr. Weinstein:</b> I feel we should continue to go in the direction we originally discussed. I have no problem with looking at the streams over time. This should be a separate endeavor.  <b>Mr. Bird</b> suggested the fill ordinance be reexamined.  <b>Mr. Lamb</b> asked if the Conservation Commission voted on the fill ordinance or if it was just Mr. Bird’s suggestion?  <b>Mr. Bird:</b> it is both mine and the Conservation Commission.  <b>Mr. Mark Bureau:</b> the stream setback required by DEP is currently 75ft. As a land owner in the downtown area, we should not do anything to increase the shoreland zoning to the point where we can’t do anything with the land. Please take into consider the loss of property value if we extend the buffers too far. Please don’t over regulate.  <b>Mr. Bird:</b> the problem now of flooding will be remedied by not building.  <b>Mr. Bureau:</b> every site plan is reviewed by the board and we have engineering done to ensure there is no increase on runoff.</p>	
<p><b>Meeting adjourned at 7:46pm</b></p>	<p><b>Adjournment</b></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 two pages (2) is a true copy of the original minutes of the Planning Board Meeting of July 8, 2010.*