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3 **OLD ORCHARD BEACH PLANNING BOARD**
4 **February 6, 2020 5:30 PM (Site Walk)**
5 **February 6, 2020 6:00 PM (Workshop, Council Chambers)**
6 **MEETING MINUTES**
7
8

9 **Site Walk, February 6, 5:30 PM, On-Site**

10 **Proposal: Conditional Use: Private Utility Facility (ground mounted solar array)**

11 **Owner: Paradise Acquisition LLC**

12 **Location: 60 Portland Ave (205-1-32), parcel area abutting Paradise Park Campground**

13
14 *Because of the darkness, the site walk could not be held at tonight's meeting. The site walk has been*
15 *rescheduled for next month.*

16
17 **PRESENT:** Vice Chair, Win Winch, Marianne Hubert, David Walker, Robin Dube.

18 **ABSENT:** Chair Linda Mailhot, Mark Koenigs, Chris Hitchcock.

19 **STAFF PRESENT:** Planner Jeffrey Hinderliter, Assistant Planner Michael Foster.
20

21 **CALL WORKSHOP TO ORDER 6:00 PM**
22

23 **Regular Business***

24 **ITEM 1**

25 **Proposal: Conditional Use: Private Utility Facility (ground mounted solar array)**

26 **Action: Determination of Completeness; Schedule Public Hearing**

27 **Owner: Paradise Acquisition LLC**

28 **Location: 60 Portland Ave (205-1-32); Zoning: R1 and GB1**
29

30 Planner Jeffrey Hinderliter stated that Staff met with the Revision Energy Company. Asked them how
31 they would feel about designing this facility in accordance with solar ordinances and ordinance standards
32 that other municipalities have. York and South Portland seem to create kind of an extreme on both ends
33 for Southern Maine communities. They did agree to work with us. Staff presented both York and South
34 Portland ordinances and responses to the standards that are most applicable to solar facilities. Staff feels
35 that this is a good solid submission. They will be putting this in an existing field and using existing trees,
36 a wooden fence, and putting up a new wooden fence as part of the buffering. They have gone to the DEP
37 and this will be a permit by rule. Staff is recommending a Determination of Completeness, scheduling a
38 Public Hearing and Re-Scheduling a site walk.

39 Assistant Planner Michael Foster stated that in regards to their sound measuring device, it doesn't seem
40 that the noise would be an issue.
41

42 Planner Hinderliter asked the owner to stake out the length and the location and the corners of the chain
43 link fence.

44 The owners agreed to develop this application so it is actually in conformance with other municipalities
45 solar facility ordinances (York and South Portland).
46

47 **ITEM 2**

48 **Proposal: Conditional Use: Construct new mixed-use building (1 nonresidential unit, 1**
49 **residential unit)**

50 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**

1 **Owner: Coastal Parking LLC**
2 **Location: 7 Temple Ave (324-15-10); Zoning: NC1 and LC Shoreland**
3

4 Planner Jeffrey Hinderliter stated that back in the fall of last year a proposal was brought to the Planning
5 Board for what is currently a parking lot on Temple Avenue. The proposal at that time was looking to
6 resurrect the prior use of that property which was a 5-unit multi family dwelling.

7 There were a number of things that the Planning Board was concerned about with that proposal. The
8 owner came back with a nice looking proposal. A ground floor non-residential space and the 2 floors
9 above that will be one dwelling for both floors. Parking is no longer an issue.

10 Staff still doesn't feel that this is ready for Determination of Completeness. There is Site Plan A and Site
11 Plan B.

12 Now that the owner has lost his grandfathering, both of these site plans show portions of the structure in
13 the setbacks. Therefore, the Planning Board cannot grant a Variance, only the Zoning Board of Appeals
14 can.

15 Both options need to go through the Variance process. The owner is scheduled to go to the Zoning Board
16 of Appeals on February 24, 2020.

17 The primary difference between the 2 site plan proposals is that one proposal is closer to the road with the
18 façade lining up to the existing building lines. One pushes the building closer to the road and the other
19 site plan option pushes the building further away from the road.
20

21 **ITEM 3**

22 **Proposal: Conditional Use: Accessory Dwelling Unit**
23 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
24 **Owner: Cheryl and Wayne McKee**
25 **Location: 2 Banks Brook Rd (103-4-24); Zoning: RD**
26

27 Planner Jeffrey Hinderliter stated that this meets the Accessory Dwelling Standards. They are rehabbing
28 the garage and through their primary entrance, it goes into the mudroom, which opens up into a common
29 dining room area. This meets the square footage requirements and has plenty of parking. Staff is
30 recommending Determination of Completeness.
31

32 **ITEM 4**

33 **Proposal: Conditional Use: Home Daycare**
34 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
35 **Owner: Timothy and Dorothy Rogers**
36 **Location: 4 Cardinal Ln (103-1-15); Zoning: RD**
37

38 Assistant Planner Michael Foster. This is in the Rural District. Conditional uses allows the Planning
39 Board to authorize childcare facilities in the Rural District as long as the Conditional Use Standards are
40 met. Approximately 6 children, ages 6 weeks through school age. State Fire Marshall inspections
41 pending. Hours of operation are 7:00 am – 5:30 pm. Monday through Friday. There will be 2 employees
42 and the site plan is showing the total of 4 parking spaces. Need to determine if the proposed use is in
43 compliance with the performance standards for the Rural District, Conditional Use Standards and the
44 Child Care Facilities conditions. This does require a site inspection from the Fire Department.

45 Some of the questions in regards to the Rural Performance Standards, they are showing the parking are
46 with 4 parking spaces but the Planning Board will need to determine if it meets the parking lot and site
47 circulation standards.

48 Mr. Foster requested a site walk to better understand the layout. There is also buffering requirements. The
49 owners noted that they have 13 acres with a natural buffer.

1 Also the specific Childcare Facility Standards. Another standard is that no other daycare can be within
2 1,000 ft. In addition, based on research there are no daycare facilities within 1,000 ft. of this facility. Her
3 license is currently pending from the State.

4
5 **ITEM 5**

6 **Proposal: Multi-Unit Affordable Housing Development**

7 **Action: Discussion and Recommendations**

8 **Applicant: Terradyn Consultants, LLC**

9 **Location: 36 Portland Ave (205-1-29)**

10
11 Assistant Planner Michael Foster stated that this is a proposal for a 4 story building housing
12 approximately 55 rental units. This parcel extends from Portland Ave. and it encompasses the historical
13 overlay zone in the front and goes into GB-1 and the back part of the lot is R-1. The proposed building is
14 to be located GB-1 District. This is proposed as 15 units per floor on the first 3 floors and 10 units on the
15 top floor. The proposed apartments will be restricted for occupants whose head of households of 55 or
16 older and will be a mix of affordable and market rate units with most as proposed to be affordable.
17 This is just a sketch proposal and looking for recommendations and discussion to see what may be
18 possible.

19 The parcel is currently owned by Roger and Mary Tousignant and they have a purchase and sale
20 agreement with the Tousignants for a majority of the site and the lot will be retained with approximately
21 15,200 sf for the existing funeral home. And those are to be divided.

22
23 For the discussion and recommendations, several items should be reviewed to provide feedback to the
24 applicant:

25 Planned Unit Development (PUD) criteria

26 Parking

27 Fire safety

28 **Meeting PUD Criteria:**

29 This is being proposed as a PUD/cluster zoning development and because funding is through Maine State
30 Housing Authority, dimensional standards need to be modified to accommodate the number of units
31 needed to make the project financially feasible. According to our ordinance, the purpose of the
32 PUD/Cluster is to allow for new concepts of housing development where maximum variations of design
33 may be allowed, provided that the net residential density shall be no greater than is permitted in the
34 district in which the development is proposed.

35 To this end, layout, dimensional and area requirements may be altered without restriction, except height
36 limitations.

37 The applicant is requesting the minimum lot area per unit be altered, with the minimum lot area per
38 dwelling unit being reduced from the GB-1 standards minimum lot area per unit of 5,000 SF, down to a
39 PUD altered minimum lot area per unit of 1,500 SF. This would allow the applicant to have a PUD
40 maximum number of 56 units, as opposed the 17 units currently allowed under GB-1 standards.

41 #9 of the PUD criteria requires that for the purpose of solar access and fire safety, no building shall
42 contain more than four dwelling units or exceed 35 feet in height.

43 For PUD, the ordinance states that height shall be measured from the eaves to the average ground grade
44 of an area, which is accessible to fire engines. With that measurement their heights under the 35 ft.

45 The other issue is no more than 4 dwelling units per building (and can it be waived). It seems that this is
46 directly related to solar access and fire safety, so he recommended that the applicant reach out to the fire
47 department for feedback and they will also need to see that the solar access in not being blocked.

1 Planner Hinderliter and Assistant Planner Foster stated that they have met with the applicants and they
2 told them the best way to move forward is to identify the primary red flags, bring to the Planning Board
3 for their thoughts.

4
5 **Parking:**

6 The parking requirement is two spaces per unit for single-family, two-family and multifamily. For 55
7 units, 110 parking spaces would be required. Approximately 45 parking spaces are being proposed. Our
8 ordinance defines elderly housing as being restricted to occupants 62 years or older. Based on the
9 standards it would be considered a multi-family, 2 spaces per unit. For 55 units it would be 110 spaces
10 that would be required. Approximately 45 spaces are being proposed. If the proposal fell under elderly
11 housing, the parking requirement would be 1 space per unit plus 1 visitor space per 5 units. And would
12 only require 66 parking spaces. Therefore, the applicant will need to request a waiver for the reduction in
13 parking. They have produced a parking study.

14
15 **Fire Department Comments:**

16 This plan will require a complete review from the State Fire Marshal. That will include a review of the
17 construction, sprinkler system, smoke detection, and alarm system. If they plan on having a commercial
18 kitchen that too will need review. From a local perspective sprinkler (NFPA1), Fire alarm (NFPA101.30),
19 and a Knox box. This building will need an ADA review for compliance as well.

20
21 Staff recommends the PB discuss the application and provide feedback to the applicant on this proposal.
22 The main items at this time identified as red flags to be discussed are the density modification, #9 of PUD
23 criteria, and parking requirements.

24
25 **ITEM 6**

26 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
27 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
28 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
29 **Location: Adjacent to 78 East Grand Ave, Walnut St. side (304-7-1); Zoning: BRD and LC**
30 **Shoreland**

31
32 This is a conditional use proposal for an AT&T wireless communication facility, architectural siting on a
33 utility pole on Walnut Street, located adjacent to 78 E Grand Ave, Biarritz Motel (MBL 304-7-1). The
34 utility pole owner is Central Maine Power Company.

35 This proposal needs to meet Sec. 78-1307 Location and use requirements, Sec. 78-1309 wireless
36 telecommunications facility submission requirements, Sec. 78-1311 standards for architectural siting (AS)
37 on existing structures, and Sec. 78-1240 conditional use standards.

38 The application packet is very complete. Everything has been submitted.

39 The applicant response to this item was "Please refer to the bond submitted as herewith." #13 of Sec. 78-
40 1309 states that the PB may waive any of the submission requirements in this section if it finds that such
41 submissions would not provide relevant information necessary for the board to render a reasonable
42 decision. It seems that this bond is more designed for a wireless power. It seems like this might not be
43 necessary.

44 One question is that looking at our GIS, the pole is right on the property line. They just need to clarify
45 this.

1 Staff recommends Determination of Completeness and clarification of pole location being in public ROW
2 or on private property, also site plans being corrected to reflect the correct county location of York
3 County and schedule a Public Hearing.

4
5 **ITEM 7**

6 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**
7 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
8 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
9 **Location: Right-of-Way adjacent to 116 West Grand Ave (313-1-1); Zoning: BRD**

10
11 This is a conditional use proposal for an AT&T wireless communication facility, architectural siting on a
12 utility pole located in front of a private residence at 116 West Grand Avenue (MBL 313-1-1). This utility
13 pole is described as being located within the public right of way, and with staff review of Town GIS the
14 pole does appear to be within the ROW. The utility pole owner is Central Maine Power Company. If the
15 performance bond is needed, they have the site plan location as Cumberland County so that needs to be
16 updated to York County.

17 Staff feels that a Determination of Completeness can be made unless there are remaining questions and a
18 Public Hearing can be scheduled.

19
20 **ITEM 8**

21 **Proposal: Site Plan Review: Existing multi-unit building 5,300 sq. ft. addition for J1 housing**
22 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
23 **Owner: Jeff Corbin**
24 **Location: 90 Union Ave (313-1-1); Zoning: BRD**

25
26 This site plan review proposal is for the addition of 5,300 sq. ft. of living space for seasonal occupancy of
27 J1 workers. The addition includes the construction of a 2nd and 3rd floor on top of an existing garage
28 space. According to the applicant the footprint will not be expanded- it's just a vertical addition. There
29 are no other site improvements associated with this proposal. The applicant intends to use the space for J1
30 seasonal housing. Currently the building is a multi-family dwelling with 3 residential occupancies.

31
32 We need to pay particular attention about what happens on the interior and that use because there may be
33 a potential risk that this could change into something that the Planning Board may question.

34
35 When it comes to its own land use classification, Temporary Seasonal Housing appears to fall under the
36 multiple classifications of dwelling and are allowed to be located within dwellings. Multifamily uses are
37 considered dwellings. The interior set up of space can vary but usually has multiple people occupying the
38 same space. The applicant has not identified how many J1's will occupy the space or how the site will be
39 set-up.

40
41 Staff is recommending that Planning Board needs to concentrate on the safe occupancy of this proposal.
42 The Planning Board needs more detailed plans in order to properly evaluate this proposal.
43 It appears that what is being requested is a waiver of the Site Plan Review Requirements.

44
45 Simply put, there is no on-site parking available that meets any ordinance standard for this district. The
46 question is should parking be required if the occupancy is for J1's whose primary means of transportation
47 is bicycle and foot. Also, what parking standard should be applied since Temporary Seasonal Housing is
48 not a specific use and not identified in the parking standards table.

49 Another item that Staff identified is the trash issue.

1 The building will need a sprinkler system, supervisory alarm system and rapid entry system, and smoke
2 detectors (AC plus DC type). This will comply with Article III 30-63 (c), (d), (e). The sprinkler system
3 will require a review from the Fire Marshal. The Fire Marshal will also need to review due to the change
4 in occupancy.

5 Planner Hinderliter stated that he could draft up a letter stating that this proposal has not been formally
6 submitted to the Planning Board at this time. If and when it is submitted to the Planning Board, we can
7 keep them up to date on what happens.

8
9 **Other Business**

10
11 Planner Hinderliter stated that Joseph's by the Sea received a Design Review Certificate at Monday
12 nights meeting and it is not on the Agenda. Want to ask the Planning Board if we can put this under other
13 business for the next Planning Board meeting.

14 They are primarily adding 2 small dormer additions on top of the building to add kitchen space for their
15 rooftop deck.

16 Planning Board has no problem with this.

17
18 **ADJOURNMENT 7:12 PM**

19
20 ***Note: Workshop Agenda Public Hearings and Regular Business items are for discussion purposes
21 only. Formal decisions on these items are not made until the Regular Meeting.**

22
23
24 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard
25 Beach, do hereby certify that the foregoing document consisting of Six (6) is a true copy of the
26 original minutes of the Planning Board Meeting of February 6, 2020.*

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