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

8 Note: The purpose of the Workshop is for the Planning Board to receive packets and an agenda item
9 update from staff.

10
11 **Site Walk, March 5, 5:30 PM, On-Site**

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

13 **Owner: Paradise Acquisition LLC**

14 **Location: 60 Portland Ave (205-1-32), parcel area abutting Paradise Park Campground**
15

16 5 March 2020 Site Walk, Solar Energy Facility at 60 Portland Ave (205-1-32)
17

18 Present: Dave Walker, Chris Hitchcock, Robin Dube, Marianne Hubert, Chair Linda Mailhot

19 Staff: Jeffrey Hinderliter

20 Applicant/Owner: Dan Robinson/Mike Halle

21 Abutters: Mr. and Mrs. Hess
22

23 Site walk opens at 5:30 PM. Jeffrey mentions the site walk is intended for the PB to gain a better
24 understanding of the project. Dan Robinson then provides a summary of the proposal. The
25 following was discussed:

- 26 • Screening and buffering- the location was identified and the type of buffer was discussed
- 27 • Wetlands and environmental impacts- this project will have none
- 28 • Mike Halle discusses the 5-site campground project including the proposed BMP's
- 29 • Height of the panels at full tilt compared to the height of tree
- 30 • Identify location of solar panel arrays- stakes show the ends of each array
- 31 • Chain link fence location is shown and described
- 32 • Much discussion about the power line corridor leading to Portland Ave. Dan and Mike
33 discuss the width and the type of vegetation. Only CMP can use any access to this area.
34 Concern that removal of trees could open the area and impact abutting property privacy
35 by increasing visibility. Also concern about use of the corridor as a shortcut.
36

37 Site walk concludes at 5:50 PM
38

39 **CALL WORKSHOP TO ORDER 6:04 PM**
40

41 **PRESENT:** Chair Linda Mailhot, Vice Chair Win Winch, Marianne Hubert, David Walker, Robin Dube,
42 Chris Hitchcock.

43 **ABSENT:** Mark Koenigs.

44 **STAFF PRESENT:** Planner Jeffrey Hinderliter.
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1 **Regular Business***

2 **ITEM 1**

3 **Proposal: Zoning Ordinance Amendment: Solar Energy Systems**

4 **Action: Review Draft Ordinance and Comment**

5 **Applicant: Town of Old Orchard Beach**

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7 Proposal, which is much larger (18 acres) off of the Ross Road. (formerly Blueberry Plains).
8 Planner Hinderliter stated that he has been concentrating on the S. Portland and York’s Solar Energy
9 Ordinances.
10 York’s seems to be a good ordinance. There are 10 staff comments. Looking for some insight from the
11 Planning Board regarding these comments. Then Planner Hinderliter will draft the ordinance and have it
12 ready for the April meeting.

13
14 Chair Linda Mailhot stated that what we are talking about with this draft ordinance and what could be
15 coming has no bearing on what the Planning Board is doing.

16
17 Planner Hinderliter stated that the level of restrictions also has a bearing on whether we want to
18 encourage solar or not.
19 Small scale would cover the small scale, whether it be on a roof or ground mounted solar facilities. And
20 the permitting process would be more of an administrative building permit and not the Planning Board.
21 The medium and larger scales are more of a commercial use and has potential for more impacts (roads,
22 utility lines, etc) and would require more of a Planning Board review.

23
24 **ITEM 2**

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

26 **Action: Discussion; Final Ruling**

27 **Owner: Paradise Acquisition LLC**

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

29
30 Staff requested some information from Revision Energy and they supplied staff with all of the
31 information that they were requesting. Staff is recommending Conditional Approval.
32 Staff considered the Utility Corridor during the review. Staff was encouraged to see that some vegetation
33 on both sides of the corridor is going to remain intact according to the plan.
34 Chair Mailhot stated that it would be up to the Planning Board to state whether they need additional
35 buffering and it would also be up to the Planning Board to decide what they propose is adequate or not.

36
37 **ITEM 3**

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

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

41 **Owner: Coastal Parking LLC**

42 **Location: 7 Temple Ave (324-15-10); Zoning: NC1 and LC Shoreland**

43
44 Planner Hinderliter stated that this item is off of the agenda for this month.
45 The applicant had two site plans and were going to the ZBA, however the ZBA tabled it.

46
47 There was some discussion about the Water Tower being repainted.
48 Planner Hinderliter stated that they found that there was nothing in the approval that required them to
49 maintain the tower.

50
51 Chair Mailhot stated that we have a blight ordinance and there is an ordinance provision for this “Property

1 Maintenance Code”. Chair Mailhot stated that she believes that this should be brought to the top of the list
2 and that this would be a Code Enforcement Issue.

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5 **ITEM 4**

6 **Proposal: Conditional Use: Accessory Dwelling Unit**
7 **Action: Discussion; Final Ruling**
8 **Owner: Cheryl and Wayne McKee**
9 **Location: 2 Banks Brook Rd (103-4-24); Zoning: RD**

10
11 Planner Hinderliter stated that one outstanding issue is the septic system. This was the only one that
12 didn't have a septic plan, however most of the lots in that subdivision had a septic system that was
13 designed for 3 bedrooms.
14 Septic systems in that area were re-done at a later date and were designed for 4 bedrooms, but he is quite
15 sure that this one was designed for 3 bedrooms.
16 They are proposing to take the Master Bedroom and consolidate 1 adjacent bedroom into that.
17 Staff is recommending approval.

18
19 **ITEM 5**

20 **Proposal: Conditional Use: Home Daycare**
21 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
22 **Owner: Timothy and Dorothy Rogers**
23 **Location: 4 Cardinal Ln (103-1-15); Zoning: RD**

24
25 Assistant Planner Michael Foster was working on this proposal.
26 There was some confusion about the number of children at the daycare.
27 When it comes to the Ordinance Standards, it does not make that much of a difference between having 6
28 or 10 children. The only difference is when you go up to 10 children, you need more road frontage and
29 this lot does have the lot frontage.

30
31 The Applicant has been in touch with DHHS and they expect to issue the Daycare license.

32
33 Mary Ann had a question about the playground that is across the driveway. Chair Mailhot mentioned that
34 they will be having a site walk as well.
35 Staff is recommending a Determination of Completeness, site walk and a public hearing.

36
37 Chair Mailhot stated that it needs to be clear on what the Planning Board is approving and it needs to be
38 in writing.

39
40 **ITEM 6**

41 **Proposal: Subdivision: 37-Lot Cluster Subdivision**
42 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
43 **Owner: Mezoian Development, LLC**
44 **Location: Ross Rd (105-2-7); Zoning: RD and ID**

45
46 Planner Hinderliter stated that this proposal is back before the Planning Board as a formal application.
47 Back in January, the Planning Board decided to go with one of the options that our Town Attorney
48 suggested. This was basically running the subdivision and the Zoning Amendment on a parallel track.
49 The Applicant was moving forward with that therefore we have the Preliminary Plan Submission.
50 The lot number is reduced from 37 to 34 and more open space is specifically identified. A total of 7 acres
51 for open space.

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2 There are 4 Primary issues:

3 1.) Zoning Map Amendment.

4 Planner Hinderliter recommends waiting until after the Determination of Completeness.

5 2.) Access

6 The Council has control of this. Because there are over 15 lots it needs a second access. And the
7 only way to get this is from an Access Easement from the Town. This requires the Town's
8 approval.

9 3.) Waiver Request:

10 They are proposing individual septic systems. Staff supports this and Wright Pierce is also
11 comfortable with the septic proposal.

12 4.) Need more information.

13
14 David Walker suggested looking to protect the trails that are there.

15
16 **ITEM 7**

17 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

18 **Action: Discussion; Final Ruling**

19 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**

20 **Location: Adjacent to 78 East Grand Ave, Walnut St. side (304-7-1); Zoning: BRD and LC**
21 **Shoreland**

22
23 Planner Hinderliter stated that the primary issue is the noise. Although it does not seem like a major issue,
24 our ordinance already covers this.

25 The Small Cell Antenna on Ryefield Road is the only one that is not in a Public R.O.W. This is on
26 someone's land however CMP owns the utility pole and all of the equipment is associated with the utility
27 pole.

28
29 **ITEM 8**

30 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

31 **Action: Discussion; Final Ruling**

32 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**

33 **Location: Right-of-Way adjacent to 116 West Grand Ave (313-1-1); Zoning: BRD**

34
35
36 **ITEM 9**

37 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

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

39 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**

40 **Location: ROW adjacent to 2 Bradbury St (205-19-14); Zoning: DD2**

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42
43 **ITEM 10**

44 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

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

46 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**

47 **Location: Adjacent to 23 Ryefield Dr, within Old Orchard Village (107-3-2); Zoning: R4**

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49
50 **ITEM 11**

51 **Proposal: Conditional Use: Installation of small cell antenna on utility pole**

1 **Action: Determination of Completeness; Schedule Site Walk and Public Hearing**
2 **Owner: Central Maine Power; Agent: New Singular Wireless PCS, LLC**
3 **Location: ROW adjacent to 72 Randall Ave (322-10-7), Zoning: R3**
4

5 **Other Business**
6

7 In other business, the Board discussed the conveyer belt at Harrisburg's new project.
8 The Planning Board approved this plan last year and one of the conditions was no construction during the
9 summer season.
10 The Applicant tried to fit it under the deadline and submitted a plan to the Code Office that was the same
11 plan that they had submitted to the Planning Board.
12 Codes reviewed the plan and said that they needed to bring it to the Fire Marshall's office.
13 By the time they went to the Fire Marshall's office, it went beyond the deadline so they did not secure the
14 building permit.
15 The applicant went to the Fire Marshalls after that and re-submitted the plan to codes, which was
16 approved thru the Fire Marshall's office.
17 Codes then took the plan and wrote on the plan and building permits that the Plan was approved. That
18 plan showed the Conveyer belt.
19 Planner Hinderliter that he has hired a land use Attorney to see if we could pursue this any further.
20 In the Site Plan and Conditional Use, the Planning Board does not have the ability to review a change to a
21 plan. So we could not bring this back to the Planning Board because we have no amendment provision.
22 This is only in a subdivision.
23 The conveyer belt is in the building, however it does not change the use.
24
25 Our Attorney is recommending that every approval that moves forward we will have that condition.
26 Our Attorney recommends that we add this into our ordinance language to be more solid.
27
28 Planner Hinderliter suggested after every Planning Board meeting, send this to every Department Head
29 the Planning Boards decision and any conditional that were attached to it.
30 Planner Hinderliter stated that he will meet with codes after every regular Planning Board meeting to
31 specifically go over information with them.
32

33 **ADJOURNMENT 6:56 PM**
34

35 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard*
36 *Beach, do hereby certify that the foregoing document consisting of Five (5) is a true copy of the*
37 *original minutes of the Planning Board Workshop Meeting of March 5, 2020.*

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