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3 OLD ORCHARD BEACH PLANNING BOARD  
4 Public Hearing & Regular Meeting MINUTES  
5 May 12, 2022 6:30 PM  
6 Town Hall Council Chambers  
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8 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A*  
9 *COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT 207-934-4042 OR*  
10 [kmclaughlin@oobmaine.com](mailto:kmclaughlin@oobmaine.com)  
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14 CALL MEETING TO ORDER

15  
16 PLEDGE TO THE FLAG  
17

18  
19 ROLL CALL

20 Chair Walker stated that there were 3 excused absences tonight – Marianne Hubert, Sam Dupuis, and Chris Hitchcock,  
21 and asked Assistant Town Planner Michael Foster to take the roll call. Michael then took the roll call as follows:  
22

23 Win Winch  
24 Robin Dube  
25 Jay Kelley  
26 Chair Walker  
27

28  
29 Minutes: 3/10/22; 4/14/22

30 Chair Walker asked if any Board member had any comments or questions. Seeing none, Mr. Winch made a motion to  
31 accept the Minutes, and Ms. Dube seconded the motion. The vote was unanimous.  
32

33 Regular Business

34 ITEM 1

35 Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure replacement & 30% expansion  
36 Action: Determination of Completeness; Schedule Public Hearing and Site Walk  
37 Applicant: Diane Doyle  
38 Location: 22 Temple Ave., MBL: 323-15-4; Zoning: R3 & RA  
39  
40

41 Assistant Town Planner Michael Foster updated the Board as follows:

42 This is a proposal for a demo/reconstruction and expansion for a house located adjacent to the tennis courts on Temple  
43 Avenue in Ocean Park. This structure is located in the R3 district, Shoreland Zone (SZ) RA, and Floodplain. Since this  
44 is in the Floodplain this will also require a Flood Hazard Development Permit from the Code Enforcement Officer.  
45 This is also within the required SZ 100' Highest Annual Tide (HAT) setback, which along with other requirements  
46 limits expansions on reconstructions to no greater than 30% of the existing structure in floor area or volume. This lot  
47 contains the house and a barn.

48 Typically, two separated nonconforming structures cannot be combined in the SZ for 30% expansions. There was a  
49 question from staff as to if the house and barn was connected or not, and if they could be combined. Planning staff  
50 received documentation from the applicant and contacted the State Shoreland Coordinator who stated that due to the  
51 "proximity of the structures to one another and the direct connection they can be combined for expansion purposes."  
52

53 **30% expansions of nonconforming structures in the SZ must meet 5 primary ordinance requirements:**

- 54 1. Removed and replaced structures must be relocated so they are set back 100' from the water (in this case the HAT) to the greatest practical extent.

- 1 2. Structure expansion does not exceed 30% of the existing square footage or volume.
- 2 3. Structure expansion does not increase the nonconformity (e.g., building the structure closer to the water
- 3 setback).
- 4 4. Proposal conforms to the 12 Conditional Use criteria.
- 5 5. Proposal conforms to the 8 standard conditions in the SZ.
- 6

7 Regarding this proposals' conformance with the above requirements:

- 8 1. For removed and replaced structures being relocated from the HAT to the greatest practical extent, the
- 9 Planning Board needs to consider specific criteria. With the HAT located on both sides of the existing
- 10 structure there is no other location on the property to relocate the structure without moving it closer to the
- 11 HAT. Since the existing structure is within the HAT setback the applicant is proposing to stay within the
- 12 existing structure's footprint.
- 13 2. The applicant has provided calculations for floor area and volume. There were some questions about a porch
- 14 being counted and whether or not it was volume or floor area, and it didn't appear that calculations were
- 15 included for the ground floor. There are allowances in the ordinance the applicant may be using regarding the
- 16 ground floor and foundation, but it isn't clear in the submitted plans, so we are requesting further explanation.
- 17 3. The applicant worked with staff to review the proposed structure nonconformity to ensure the setback from the
- 18 water or HAT isn't increased. The first proposed footprint shared with staff had a couple areas that extended
- 19 towards the HAT and the applicant adjusted them to stay within the existing structure footprint. The proposed
- 20 structure footprint area is actually shown as being less than the existing structure footprint area. The applicant
- 21 will need to add the proposed structure setbacks to the proposed footprint site plan.
- 22 4. The applicant included responses to the 12 Conditional Use Criteria in the application packet.
- 23 5. The applicant has submitted responses to the 8 Standard conditions in the Shoreland Zone, which wasn't
- 24 included in your packets because they were received after the deadline.
- 25

26 **RECOMMENDATIONS:**

27 Overall this is a fairly complete Conditional Use SZ nonconforming structure replacement & 30% expansion

28 application. There are a couple questions and additional items the applicant will need to submit as highlighted above.

29 Staff does not believe this is a reason to hold this up in the review process and this proposal can receive a

30 determination of complete application subject to receiving some items. A public hearing should be scheduled, and also

31 a site walk if the Planning Board wants to conduct one.

32

33 Diane Doyle, the applicant, then spoke. She stated that they did need to discuss the 30% expansion, but that her

34 architect has been away but they will work that out w Planning. The footprint is slightly smaller and they are

35 struggling to keep the cottage feel even though making the home a year round home. Mr. Kelley then asked if it was

36 owner-occupied or rented out as there were 2 different addresses provided. Diane replied that currently the property

37 owner is living elsewhere as the property at 22 Temple is currently seasonal only, but the property has not been nor

38 will be rented. Chair Walker then asked what tools were used to calculate the cubic footage; Diane replied that her

39 architect did the calculations and she will touch base with the architect re the calculation, but they will ensure that it

40 does not exceed the 30%. Chair Walker then asked the Board if they felt a site visit were necessary, to which the Board

41 replied no, not necessary, because they are familiar with the property, and Chair Walker then stated that they should

42 schedule a Public Hearing for June 9 at 6:30pm. Ms. Dube then made the following motion:

43

44 *I will make a motion to determine the application complete for a Conditional Use Shoreland Zoning nonconforming*

45 *structure replacement & 30% expansion, located at 22 Temple Avenue, MBL 323-15-4, subject to the following:*

- 46 1. *The applicant shall submit updated calculation descriptions showing the expansion is not more than 30% in*
- 47 *floor area or volume of existing structure.*
- 48 2. *The applicant shall submit an updated proposed footprint site plan showing the setbacks.*
- 49 3. *The structure height meeting shoreland zoning criteria needs to be added to the plans.*
- 50

51 Mr. Winch seconded the motion, and Chair Walker then asked Assistant Town Planner Michael Foster to call for the

52 vote. Michael called for the vote as follows:

53

54 Win Winch YES

1 Robin Dube YES  
2 Jay Kelley YES  
3 Chair Walker YES

4  
5 Chair Walker stated that motion carries 4-0.

6 ITEM 2

7 Proposal: Site Plan: 4 dwelling unit residential building  
8 Action: General discussion and recommendations  
9 Applicant: Coastal Real Estate Holdings LLC  
10 Location: 58 Portland Ave., MBL: 205-1-30; Zoning: GB1

11  
12 Assistant Town Planner Michael Foster updated the Board as follows:

- 13
- 14 • Proposal is for the development of a 4 unit residential building and associated parking at 58 Portland Ave
  - 15 • Currently a 2 unit building is located on the property
  - 16 • The 2 unit will remain and a 4 unit building will be added
  - 17 • Parking for all 6 units will be at the proposed parking lot
  - 18 • Right now, this is a sketch plan review so it's a good opportunity to provide feedback
  - 19 • In our May staff memo, we offer a number of comments which include three that we believe need careful
  - 20 consideration
  - 21 • The three include the proposed driveway location, impacts to abutter, and overall project aesthetics
  - 22 • Regarding the driveway location, the applicant intends to discontinue one driveway and use another existing
  - 23 curbcut off Portland Ave. for access to the parking lot. This curbcut exists but its use will change- it will now
  - 24 be used to access a multifamily. We discuss several option in the memo but no matter what a waiver will
  - 25 likely be necessary
  - 26 • Regarding impacts to abutter, our concerns include noise, light spillover and reduced privacy. We recommend
  - 27 the applicant's design mitigates these impacts
  - 28 • Regarding project aesthetics, because the lot is part of the gateway to downtown and adjacent to the historic
  - 29 district we recommend building and site appearance is thoughtfully planned
  - 30 • No action required from the Planning Board but we recommend members offer feedback

31  
32 Bill Thompson, project manager for BH2M engineers, then addressed the Board. He stated that the 4 buildings will be  
33 2 stories, as apartments, and the site supports the 6 units. Existing utilities are on the street for water, sewer, and  
34 electric to serve the new buildings, and screening will be utilized to soften the site design. The parking and access  
35 needs to be looked at but Bill feels it is a safe intersection, with plenty of site distance and no restrictions up and down  
36 the road. Chair Walker stated that he drove down there this past week, and asked about the driveway on Greystone  
37 Drive. Nazrin Dixon, one of the members of Coastal Real Estate Holdings, LLC, then spoke. She stated that after  
38 speaking with neighbors, they learned that they have no rights to Greystone Drive, that they were not to drive on it.  
39 Chair Walker stated that it was a scary intersection because people coming down Portland Avenue often don't use their  
40 signals and they don't observe the 25MPH speed limit, and said that if the applicant were to seek a waiver stating that  
41 were a safe intersection, he would want a professional traffic study done. Mr. Winch then added that the driveway  
42 should allow cars coming in and exiting, to which Nazrin stated that the driveway is narrow and allows only 1 car  
43 currently. Mr. Winch then stated that he also agrees that a traffic study would be needed. Chair Walker then asked  
44 what kind of units would these be, to which Nazrin replied that they would be year round rentals, but would not be a  
45 condo association. Chair Walker then added that they may make the requirement that they do not rent for a period of  
46 less than 30 days. Ms. Dube then asked if they did a traffic study for Milliken Heights, and thought such would be  
47 similar. Chair Walker stated that yes, a traffic study was done. Mr. Kelley then asked about the traffic, that traffic  
48 would be changing every week and was a concern. Chair Walker then mentioned about the abutters, that buffering  
49 would be necessary, and suggested to Bill that future drawings should show the surrounding properties. Mr. Kelley  
50 then asked about parking spaces, and asked Bill to confirm that there would be 2 extra spaces for guests. It was then  
51 clarified that the parking area would be just for the new building, the existing building has parking in front of the  
52 garages, and that there would actually be 4 extra spaces. Chair Walker then asked the Board members if they had any  
53 further questions or comments, and seeing none, and no new business, asked for a motion to adjourn. Said motion was  
54 unanimous and meeting was adjourned. Board members remained to sign documents.

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Other Business

None


Good and Welfare

None

ADJOURNMENT

Motion to adjourn was unanimous. Meeting adjourned at 6:57pm.

*I, Laurie Aberizk, Administrative Assistant 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 Meeting of May 12, 2022.*

X   
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Laurie Aberizk