

**TOWN OF OLD ORCHARD BEACH, MAINE
ADMINISTRATIVE BOARD HEARING
Tuesday, June 11, 2013
4:00 p.m.**

An Administrative Review Board Hearing was called to order at 4:03 p.m. on Tuesday, June 11, 2013 in the Town Council Chamber to consider administrative review.

The following were in attendance:

**Marc Bourassa – serving as Chair
Assistant Town Manager, Louise Reid
Code Enforcement – Jim Butler
Planner – Jeffrey Hinderliter
Tina Morrison
Police Chief Dana Kelley
Fire Chief John Glass**

**Absent: Interim Town Manager Robert Peabody, Jr.
Kenneth Lafayette
Gary Curtis**

In the absence of the Interim Town Manager, Robert Peabody, Jr., Administrative Board Member, Marc Bourassa, served as Chair. He opened the meeting at 4:03 p.m.

The Administrative Review Board meeting this afternoon is to formulate information on complaints received regarding the Harrisburg Group, LLC, (306-2-6), Retail, 9 East Grand Avenue (306-3-3), Retail, 11 East Grand Avenue (306-3-2), Retail, 13 East Grand Avenue.

Representing the business were Harold Harrisburg, Sam Harrisburg and Attorney Neal Weinstein. Others attending included Bob and Barbara Lavoie of 2 Kinney Avenue; Lisa Gribbin of 5 Kinney Avenue; James Kerr of 207 East Grand Avenue; Keith Parker of 91 Atlantic Avenue.

The Chairman indicated the purpose of the meeting today was triggered by some complaints over several years and the need to establish fact versus fiction and to determine plans to resolve the issues. The issues that were raised multiple times included operation of the fort lift, parking issues, products on the sidewalk making it impossible for people to pass, safety concern with nails in wood left unprotected, obstruction of public places, and continued mentioning of the dumpster overflowing and the need for a second one. Mr. Harrisburg indicated that the problems were being addressed but there was some concern that action would actually take place.

The following items were presented to the Board and are included in the Minutes:

Cynthia Kerr:

Use of Property:

Nowhere in the DD! District is warehousing or industrial park permitted. It is no longer just a retail store. Property owner warehouses product sold off premise. Semi trucks come to deliver dropping off product on public streets and sidewalks blocking safe passage for pedestrians and vehicular traffic. Shipments leaving are left on public streets and sidewalks for long periods of time awaiting pickup again preventing safe public passage. Very frequently a forklift is used to move shipments from building to building. This has been getting worse every year. Correlations can be made between Kate's butter and resident neighborhoods in Old Orchard Beach. The easiest and only way to resolve this issue is to follow our current existing Ordinance in the DD1 district. If the business owner wants to continue to run a warehouse he should move to an industrial park because this is a public safety issue and does not conform to the current zoning ordinance. Regularly pedestrians and vehicles must move dangerously around these obstacles.

Upkeep of Property:

Aside from what is visible on East Grand Avenue, every other business must comply with the local Ordinances. The rear of the East Grand Avenue businesses is deplorable. Trash collected overflowing two unenclosed dumpsters. Trash blowing in the lot. Construction debris left for years. Discarded clothing racks piled up behind buildings. Packaging debris, broken rain gutters, tables thrown out and piled up in rear of businesses. Overgrown weeds and lack of owner personal responsibility to neighboring residents, businesses and visiting tourists. This goes on for weeks, months and years. Pallets discarded and left for tourists, residents and businesses to view year round. Block the stop sign on Kinney Avenue. Broken fences in disrepair, boards with nails sticking out that persons walking to beach might step on. The diversity and mixed use currently allowed provides for a nice, clean and wholesome neighborhood. Everyone welcomes tourists and year round residents warmly. It is very important to note here that not only are the residents and businesses located behind the businesses under discussion frustrated with the deplorable conditions of the property and businesses in question, but the thousands of tourists parking in the largest parking lot close to the beach. Those tourists must witness the dirtiest and seediest street in Town. I hope that this Administrative Review Board can resolve this blight on our community and restore integrity to our zoning laws and departments that enforce them.

E-mail read into the Minutes – Debbra Woods:

My name is Debbra Woods, and I have been an owner and full-time resident at Le Mer Condominiums (#6) for almost twenty years now. I would be at this meeting except I am out of State at this time. I do have quite a few complaints regarding the property behind the blue building between Harold Harrisburg's two other businesses on East Grand Avenue. They are: I am tired of looking at the two trash containers that are always left open, on this property. There also is a large tractor trailer size container on the property. And, loose trash, whether it is paper, cardboard, unused drain pipes, and or pieces of wood. I had heard that another condominium or other attractive building was going to be built on this property about two or three years ago. Previously we had to look at three

abandoned buildings on this property until they were finally taken down. Now I feel we are back to square one. There is no need for Harold's property to look so bad. All that needs to be done, is for him to pick up the trash, get rid of the tractor trailer and shut the tops of the trash bins. We are still waiting for an appropriate building to be built there so our property values would increase and the street would look nice. Now I would guess our property value is less than it was when this property was first vacant and clean. I have to say again I am embarrassed to see our tourists coming down the street to go to the beach having to go by a trashy property. Doesn't say much for our Town. The other complaint I have is the big trailer trucks that are parked on our street that take over more than half of the road. It happens often and they are unloaded or loaded with items from Harold's businesses. Again I think of the tourists and residents who want to drive up this street or walk up this street with their children, wanting access to the beach. I have had to wait many times for the trucks to move over so I could get through to the corner, or get into my residence. I also worry about the children who might not be seen by the truck when it is parking, and also wonder how fire and emergency vehicles will get through if there is an emergency. Everyone on Kinney Avenue cares and takes pride with the way their property looks, except Harold Harrisburg, who seems to not care at all about the way his property looks. Kinney Avenue is a residential street and I want it to stay that way. Thank you for listening. Debra Woods, MS. LSW.

Letter read into the Minutes – Bob and Barbara LaVoie:

From Bob and Barbara LaVoie, Unit One – 2 Kinney Avenue.

We are not in any way against Harold's business. Our concern like others is the condition of the property. It is an eye sore. There are typically over-flowing dumpsters, piles of pallets, a giant trailer, and broken gutters, blowing trash constantly to the viewed and dealt with. On occasions pallets and cartons are piled on the sidewalks and street during delivery of merchandise. Residents are constantly dealing with cars and trucks parking on this very narrow residential street. Kinney Avenue is a major access to the beach, directly across from what I believe is the largest beach parking lot in Old Orchard Beach. On any summer day, hundreds of people walk Kinney Avenue to our beautiful beach. We need to show our visitors that we care about Old orchard here on Kinney Avenue behind these stores. Kinney Avenue must be kept clear for emergency vehicles for the safety of residents as well as our summer visitors.

Lisa Gribbin's who lives at 5 Kinney Avenue showed a picture of her Bed and Breakfast and noted that she takes extreme pride in her property and how it looks. She stated that the issue to her is non compliance in the Ordinances of Old Orchard Bach. She, as other had spoken, was seriously concerned about the traffic interference on Kinney Avenue; the truck parking situation; and the unpleasant and unattractive view her tourists are getting of the neighborhood. Mr. Harrisburg indicated that she was the only individual that complained constantly but the other abutters agreed with Ms. Gribbin, relating the same concerns.

The question was raised as to whether the store was serving as a warehouse and Mr. Harrisburg mentioned a couple of times his warehousing at the location. There is a distinction between conventional retailing and warehousing. The direct seller focuses on selling a product moving floor to the consumer rather than making the consumer come to a

specific location to buy. Retail, on the other hand, takes place in a particular location. Attorney Weinstein argued that Mr. Harrisburg is doing nothing that has not been done by other business in trading off items between businesses.

The Chair indicated his understanding of what was to be done in the coming week or so and that the Code Enforcement Officer would meet with Mr. Harrisburg and document what has been agreed to have been done.

1. Mr. Harrisburg will assign his staff to daily clean up the area on Kinney Street, sweeping the street, picking up branches, leaves, etc., generally keeping that area tidy.
2. Mr. Harrisburg agreed to purchase a second dumpster to be used for the removal of cardboard. The abutters requested that a fence be placed around the dumpsters but Attorney Weinstein would not agree to this. Since this is an enforcement issue, the Code Officer will follow up on this adherence to the fencing.
3. Removal of the Pallets. Mr. Harrisburg indicated that “the pallets will be hidden from view until removed; you won’t know they are there.” The residents want the pallets removed entirely.
4. Adhere to the early morning hour delivery of materials prior to 7:00 a.m. if at all possible and avoid truck traffic on Kinney Avenue. Again, Mr. Harrisburg did not agree to not parking in his back parking lot in which access is down Kinney Avenue. He did agree that deliveries would be made, if possible, on East Grand Avenue or Harrisburg Street.
5. The Code Enforcement Officer and the Fire Chief will inspect within the next two weeks the Harrisburg properties for safety and code enforcement and also inspect to see that adherence to item number one is being done.

MOTION: Chief John Glass motioned and Chief Dana Kelley seconded to adjourn the meeting at 5:30 p.m.

VOTE: Unanimous.

Respectfully Submitted,

V. Louise Reid
Secretary to the Administrative Board

I, V. Louise Reid, Secretary to the Administrative Review Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original Minutes of the Administrative Hearings held on Tuesday, June 11, 2013.