

**TOWN OF OLD ORCHARD BEACH, MAINE  
ADMINISTRATIVE REVIEW BOARD HEARING  
Thursday, May 14, 2015  
3:00 p.m.**

**The Administrative Review Board met at 3:00 on May 5, 2015 was continued to this Administrative Review Board meeting of May 14, 2015 due to the lack of advertising of the May 5, 2015 meeting. The following Board members were in attendance:**

**Attending:**   **Town Manager Larry Mead  
Marc Bourassa  
Assistant Town Manager, Louise Reid  
Code Enforcement – Dan Feeney  
Tina Kelly  
Gary Curtis  
Fire Chief Ricky Plummer  
Chief Dana Kelly**

**Absent:**       **Planner Jeffrey Hinderliter.  
Kenneth Lafayette**

**MOTION:** Marc Bourassa motioned and Gary Curtis seconded to approve the Minutes of the May 5, 2015 Administrative Review Board Minutes.

**The Board will review the following businesses at this Administrative Review Board meeting:**

**Date:** Thursday, May 14<sup>th</sup>, 2015  
**Starting Time:** 3:00 p.m.  
**Place:** Town Hall Council Chambers

**3:00 – 3:30 pm:** **Harold Harrisburg  
Harrisburg H&P (306-2-6) 9 East Grand Avenue  
Harrisburg Group LLC (306-3-3) 11 East Grand Avenue  
Harrisburg Group LLC (306-3-2) 13 East Grand Avenue**

**3:30 pm:** 20 Washington Avenue, (308-3-11), Ricki Letowt, 3 Year Round Rentals

**4:00 pm:** 102 Saco Avenue, (206-4-4), Diane T. Dion, 4 Year Round Rentals

**4:30 pm:** 21 Washington Avenue, (309-2-14), Wendy D. Crouch, 2 Year Round Rentals

**5:00 pm:** 61 Smithwheel Road, (107-2-3), Perley W. Vance Jr., 2 Year Round Rentals

**5:30 pm: 4 Fourth Street, (310-6-4), Jeff Corbin, 6 Year Round SRO's**

**3:00 – 3:30 pm: Harold Harrisburg**

**Harrisburg H&P (306-2-6) 9 East Grand Avenue**

**Harrisburg Group LLC (306-3-3) 11 East Grand Avenue**

**Harrisburg Group LLC (306-3-2) 13 East Grand Avenue**

**In attendance for this review were:**

**Harold Harrisburg, Owner  
Neal Weinstein, Esquire**

**Also in attendance was an abutter:**

**Lisa Gribbons**

**The discussion again was a continuation of the meeting of May 5, 2015.**

**As in the past the issues to be considered were addressed in a recent letter to Mr. Harrisburg including:**

- **Upon review, it has been determined that the building areas, the yard areas, and the dumpster area are not currently in compliance with several ordinances. Violations noted include the re-occurring issue of the trash being allowed to accumulate and spill out of the containers. This has been discussed with you on previous occasions. Including the Administrative hearing that was held on June 11, 2013.**
- **The failure to keep the building conditions up to the standards set forth in ARTICLE V .Building and Property Maintenance Section 66-141. International Property Maintenance Code.**
- **Allowing a portion of the fence to lie in the right of way of the road of Kinney Avenue for days on end, even after I spoke directly with you and directed you to remove the fence portion in an attempt to resolve this matter. This created a hazardous issue for anyone walking or driving on Kinney Avenue and you simply ignored my request to remove it from the right of way.**
- **The dumpsters are not correctly enclosed with fencing. They are not properly maintained, thereby causing trash and debris to spill out from them. Further they do not have required tight fitting covers designed to conceal the contents from view.**

- **The gravel parking lot behind 11 E. Grand Avenue does not meet required specifications related to paving and landscaping. I have not located the Town records any waivers from specifications from this lot.**
- **It has been asked of you previous to today to cooperate with the town to get resolutions to these issues and I am notifying you now that you have 21 days to make all necessary improvements. Failure to do so will cause me to request that this be turned over for legal action against you.**

**There was the suggestion of the relocation of the dumpsters so that they basically would be hidden from the street entrance. It was, however, noted that they could still be seen from the rooms in the Gribbons business so the need to maintain more evidence of dumpster pick up by Cassella Waste. This has been an issue that has been brought up for many years and addressed in a 2013 Administrative Board and was to have been corrected and still remain an issue. It was noted that the 21 day period was not up but nevertheless the issue has still not been resolved.**

**The placement of the concrete barriers behind your building at 9 E. Grand Avenue in the DD1 area must go through the Design Review Process. You are to remove the barricades until you have filed an application with the Design Review and completion of the review.**

- **Sec. 78-426. - Design review.**

Prior to the issuance of a building permit or prior to the issuance of a site plan review or conditional use permit in the DD-1 and DD-2 districts, design review is required for the following activities:

- (1) Any structural modification, addition, demolition of all or any exterior part of existing nonresidential, mixed use, or multifamily residential structure.
- (2) Construction of a new principal or accessory nonresidential, mixed use, or multifamily residential building.
- (3) Construction or alteration of new or existing decks, porches, stairs, patios, fences, walls, and any other structure within view of a public street or sidewalk.
- (4) Installation, addition, or modification of signage.

**Again it was requested that more attention be given to the building areas, the yard areas, the dumpster location and also fencing. Neal Weinstein, representing Mr. Harrisburg stated that they are aware of the complaints and have already indicated they would address them. The Administrative Board in discussions felt that some of the same issues continually are raised and that the Board is asking for direct attention to the issues being raised and being in compliance with ordinances. Mr. Harrisburg and his attorney said that the condition of the parking area owned by Richards by the Sea is a problem because they park close and the fence is then destroyed. They indicated they owned the fence.**

**The Chairman read the issues of concern:**

**The recurring issue of trash being allowed to accumulate and spill out of the containers; the failure to keep the building conditions up to the standards set forth in Article V – Building and Property Maintenance – Section 66-151 – International Property Maintenance Code; Allowing a portion of the fence to lay in the right of way of Kinney Avenues for days on end even when he had been asked to remove it; dumpsters not correctly enclosed with fending and not properly maintained thereby causing trash and debris to spill out from them; the gravel parking lot behind 11 E. Grand Avenue does not meet required specifications related to paving and landscaping; and the placement of the concrete barriers behind your building at 9 East Grand Avenue in the DD1 area must go through Design Review. You are to remove the barriers until you have filed an application with the Design Review and completion of its review.**

**In discussion of the barriers, Lisa Gribbons, who was in the audience, asked if she could speak and the Chair agreed for her to address some issues. She presented a copy of letter dated May 1, 2013 from the Law Office of Neal Weinstein indicating that “It is my understanding that the Harrisburg’s have repeatedly requested that you repair your fence and stop it from trespassing over their property line and encroaching onto their property.” She then presented a copy of a letter to Attorney Weinstein dated May 4, 2013 in which she indicated that she has filed a small claims suit against Mr. Harrisburg. The ownership of the fence, although in dispute, would be civil matter. She also stated that it appears as if the violations that Mr. Harrisburg continues to face are never corrected according to Ordinance and she asked why.**

**In discussion of the dumpsters it was pointed out that putting them in a place where they can be least visible from the street is a priority and that lids need to fit. Mr. Harrisburg indicated he wanted to add a fourth dumpster.**

**Further discussion continued during which time the question of the gravel parking lot was raised. It was stated that there are issues with the pavement requirement for the gravel lot which needed to be addressed. The Town Manager read from the ordinance – “All commercial and valet parking lots and all parking lots serving nonresidential and multifamily residential uses shall be paved with bituminous concrete, poured-in-place concrete, manufactured pavers, or porous paving systems. Parking lots located within the DD-1, DD-2, BRD, NC-1, NC-2, NC-3, NC-4 and the R-e districts shall, wherever possible, install porous pavement surfaces on all non-handicapped parking spaces, in order to minimize surface runoff into the town’s drainage system.” Mr. Harrisburg said that he didn’t want to pave at this time because of his future plans for the property. Both he and his attorney pointed out that there are plenty of places around town that have not paved their parking lots.**

**It was also noted that requirements of the Design Review Committee state: “Prior to the issuance of a building permit or prior to the issuance of a site plan review or conditional use permit in the DD-1 and DD2 districts, design review is required for the following activities; construction or alteration of new or existing decks, porches, stairs, patios, fences, walls, and any other structure within view of a public street or sidewalk.”**

When asked when the issues would be addressed, Mr. Harrisburg indicated it will get done but there was no definitive time frame which did not satisfy the Administrative Board members. The Code Officer defined the time frame as two weeks and it is being recorded as part of the minutes. Dumpsters are to be enclosed as discussed; the issue of the parking lot gravel needs to be addressed.

One of the other issues that were brought forward was the request from the Code Officer for him and the Fire Chief to visit his establishments. There was hesitancy by Mr. Harrisburg for the Code Officer as he indicated that the Code Officer had been there before. He said he would be happy to have the Fire Chief inspect and a date was to be set up for that review.

At this point Mr. Harrisburg said there had been a medical emergency and he had to leave. The following motion was made:

**MOTION:** Gary Curtis motioned and Marc Bourassa seconded that the issues discussed were to be addressed within a two week period; and in addition a date and time was to be determined for the visit by the Fire Chief; results to be provided to the Administrative Review Board.

**3:30 pm: 20 Washington Avenue, (308-3-11), Ricki Letdown, 3 Year Round Rentals**

In attendance for this hearing was:

**Ricki Letowt**

One of the issues discussed was the condition of the outside of the building and the issues of threatening of tenants and an apparent assault on one of the tenants. Derrick McCarthy called the owner of the building to tell her the he did not want John Skillins in the building as John Skillins had assaulted Derrick McCarthy. Police contacted Mr. McCarthy who said he had been assaulted before but did not report it but did not want Mr. Skillin in this building. The police told Mr. McCarthy that if he wanted to report the prior assault he needed to come into the police department and do so. It appears that Mr. McCarthy is not on the lease and Ms. Letowt plans to evict him. Another assault case in October of 2014 is basically the same kind of disturbance when there was an incident between William Nadeau and Ms. Stone. It appears that the type of residents in the building needs to be evaluated and there needs to be more security on the business particularly since there is a public Laundromat on the bottom floor.

Ms. Letowt was very cooperative in recognizing the need to talk with her tenants and make them aware that when these situations take place that they endanger her ability to hold a business license and also their ability to rent from her. She indicated that she is away during the winter months and that this has caused some of the issues which she has addressed since her return. The Board also recommended that when she is not in Town

there needs to be an individual that is in charge of what is happening in her business locations.

**MOTION:** Chief Plummer motioned and Marc Bourassa seconded to not move this forward to Council as Ms. Letowt assured the Board of changes that she will see are made as it revolves around her tenants indicating that she would personally address the individual who says he lives there and does not.

**VOTE:** Unanimous.

**4:00 pm: 102 Saco Avenue, (206-4-4), Diane T. Dion, 4 Year Round Rentals**

In attendance for this hearing was:

Diane T. Dion

This is not the first time that Ms. Dion has appeared before the Administrative Board. It should be noted that she did not show up for the hearing but did leave a message (received after the meeting was over) to say that she did not have a ride. The Administrative Review Board discussed the issues that basically were the type of individuals to whom she rents.

**MOTION:** Marc Bourassa motioned and Tina Kelly seconded to request from Ms. Dion a copy of her lease and any other documents that she provides when renting to an individual.

**It should be noted that Ms. Dion came into the Assistant Town Manager's office the next day and did provide the information that the Board requested which was a copy of her lease and other documents relative to the renting to tenants. Ms. Reid spoke her about the issue of it being the same kind of issues that have gone on before to which she responded that the individual is gone and that the tenants she has presently are respectful and not causing issues. One gentleman living there is more apt to call the police on issues that are not important and Ms. Dion has spoken to him about that. Ms. Reid again remaindered her that her tenants need to be told that their behavior affects her license.**

**VOTE:** Unanimous.

**4:30 pm: 21 Washington Avenue, (309-2-14), Wendy D. Crouch, 2 Year Round Rentals**

In attendance for this hearing was:

Wendy D. Crouch

Continued issues related to this property have brought this to the attention of the Administrative Review Board. There was an issue of a conflicted report of William Nadeau assaulting Jessica Marsh. William was arrested for bail conditions violation for having contact with Wendy Crouch. It was noted there were calls to 911 and hang ups. Unable to provide to 911 an address regarding male outside of the building lingering.

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**There is concern for the safety of a small child. Ms. Crouch was very cooperative in every aspect and said that she is living there full time now and is more able to handle the issues that have been a problem. There is quite a bit of trash in the back yard that needs to be handled and she indicated that she had already removed much of it and was working to eliminate it all. She does not have a business licenses which means that she needs to have an inspection and the Code Officer was to set a date and time when he could review the building and then if meeting code she could apply for a business license. She also was told that you cannot operate a rental without a business license. The Board was sensitive to the time limit and encouraged her to be timely in the work that is needed.**

**MOTION: Marc Bourassa motion and Chief Plummer seconded that this would not go to the Town Council but rather that the issues noted above including cleaning of the back yard and the meeting of all code issues needs to be done in a timely manner and that Code will do an inspection in the next couple of week.**

**VOTE: Unanimous.**

**5:00 pm: 61 Smithwheel Road, (107-2-3), Perley W. Vance Jr., 2 Year Round Rentals**

**In attendance for this hearing was:  
Perley W. Vance, Jr.**

**This was a situation of renting to a difficult individual and the Police having to be called many times. That individual has been evicted and the situation should improve. He indicated that he was not going to rent again – at least for the time being. The numerous calls to the Police were a problem for the Board and they were assured that with the eviction of the individual the problem has been solved. In addition he was asked if he every turned off the heat which they claimed he did and he assured them that had not been done. Again the many calls were from the same individual and the same complaints one after the other. It was suggested that if renting is another option in the future that clearance on the person one is renting to is very important. It was made clear to Mr. Vance that in the future his business license would be in jeopardy if this type of behavior continued and he was pleased to say that the problem is gone and things are fine.**

**MOTION: Dan Feeney motioned and Marc Bourassa seconded to not move this forward to the Council as it appears that the issues have been resolved and there is confidence that if the property is not going to be rented the situation will not occur.**

**VOTE: Unanimous.**

**5:30 p.m. 4 Fourth Street (310-6-4), Jeff Corbin, 6 year round SRO's.**

**Mr. Corbin has been before the Administrative Review Board before. He did not show for this meeting but it was indicated that he has cleaned up the property compared to what it was before. Before he had indicated that part of the difficult was a legal issue and it appears that this has been settled or at least brought into some form of understanding so**  
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the property's condition is better. Concerns before were the number of pieces of equipment and construction debris behind the building but this seems to have been corrected or better than it had been. Because the Board believed that Mr. Corbin was attempting to better the situation and address the issues, the Board agreed not to proceed further. In the future, should that be necessary, Mr. Corbin would need to be present at the meeting.

**MOTION:** Tina Kelly motioned and Dan Feeney seconded to not move this to the Council level but to have Code continue to monitor the situation.

**VOTE: YEA:** Chief Plummer, Dan Feeney, Tina Kelly  
**ABSTAIN:** Marc Bourassa (an abutter)

The meetings ended at 5:50 p.m.

**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 eight (6) pages is a true copy of the original Minutes of the Administrative Hearings held on Tuesday, May 14, 2015.**