

**CORRECTED COPIES ACCEPTED ON JULY 19, 2011**  
**TOWN OF OLD ORCHARD BEACH**  
**TOWN COUNCIL MEETING**  
**Tuesday, May 17, 2011**  
**TOWN HALL CHAMBERS**  
**7:00 p.m.**

**A Town Council Meeting of the Old Orchard Beach Town Council was held on Thursday, May 19, 2011. Chair Quinn opened the meeting at 7:03 p.m.**

**The following were in attendance:**

**Chair Bob Quinn**  
**Vice Chair Michael Tousignant**  
**Councilor Shawn O'Neill**  
**Councilor Robin Dayton**  
**Councilor Sharri MacDonald**  
**Town Manager Jack Turcotte**  
**Assistant Town Manager V. Louise Reid**

**Absent:**

**VICE CHAIR TOUSIGNANT:**

**MOTION: I would like to make a motion to correct information in Agenda Item 5410 – William & Lesa Watson dba/Pierre's Restaurant (305-4-4), s-m-v in a Restaurant and adding the address of 47 East Grand Avenue; and also correcting the address of Good Tunes Dance Club Inc., dba/Strike Zone Restaurant & Pub (205-4-1) from 1 Reserve Street to 20 Old Orchard Street under both Public Hearing Special Amusement Permit and Approval and Agenda Item 5410 as well; and to correct the wording in Agenda Item 5411 which indicates voters of Saco, Biddeford and Old Orchard Beach but should have said, voters of the RSU 23, Saco, Dayton and Old Orchard Beach and to move Agenda Item 5411 to the first item after Acknowledgements to permit the RSU Representative to leave for an RSU meeting.**

**Councilor Dayton seconded the motion.**

**VOTE: Unanimous.**

**ACKNOWLEDGEMENTS**

**COUNCILOR DAYTON:**

**I would like to take this opportunity to thank Tom Carter for the beautiful artist work depicting service and dedication to our country. He has personally drawn all these beautiful reminders of the heroes of our land.**

**As such I would like to remind everyone about the memorial Luminary fundraiser at Veteran's Memorial Park on Sunday, May 29<sup>th</sup> from 7:00 to 8:00 p.m. Honor a loved one with your own Memorial Luminary. All proceeds will be used to honor our Veterans of the following wars:**

**Vietnam, Desert Storm, Operation Enduring Freedom and Operation Iraqi Freedom**  
**Purchase you own Luminary Bag at the Town Clerk's Office or at the Libby Memorial**  
**Library at \$3 each of 2 for \$5.**

In addition I would like to invite those interested to attend on Thursday, June 2<sup>nd</sup>, a solar workshop presentation at The Edgewater Motel on West Grand Avenue. The seminar starts at 6:00 p.m. and reservations are requested. There is no fee to attend. The Workshop will include photos and schematics of the solar system along with information on present State and Federal incentives for reducing the overall cost of a system installation. Come and learn how this system works and consider what it could mean to your business in the years ahead. RSV to [steve@sacosolarstore.com](mailto:steve@sacosolarstore.com) or call 283-1413 or call the Assistant Town Manager to make a reservation.

**COUNCILOR MACDONALD:** Although the weather has not cooperated, we are thrilled to have had and continue to have members of the United States Collegiate Athletic Association's national baseball championship tournament for bringing more than just baseball to Old Orchard Beach for the second year. Games are scheduled at 11:00 a.m., 1:30 p.m., 6:30 p.m. and 9:00 p.m. Come one, come all. It is a great opportunity. We also thank the number of businesses who help us advertise and promote our wonderful community. She also thanks Nancy Kelley for the material provided supporting the Chris Cash Race.

**NANCY KELLEY:** She expressed her thanks to all who are supporting the Chris Cash Race and also acknowledged that Jason Webber was serving as co-chair this year of the Race. She indicated that she and Bob are getting older and she wants the race to continue and felt that Jason who has supported her during the past six years would be a good person to be co-chair.

# 5411 **Discussion with Action:** Poll the Town Council to determine consensus, pending approval by the voters of the RSU 23 - Saco, Dayton and Old Orchard Beach, to include monies in the fiscal 2011/2012 budget, in the amount of \$200,000, as a grant to RSU23 to be used exclusively for the repair and renovation of the Old Orchard Beach High School Stadium and Tennis Courts; such repairs shall include the replacement of Bleachers. RSU23 will agree to undertake and oversee these projects and make appropriate progress reports to the Town Council.

The Council discussed the proposal to give Regional School Unit 23, covering Saco, Dayton and Old Orchard Beach, \$200,000 for new bleachers at the Old Orchard Beach High School stadium and the repair of near-by tennis courts pending the approval of the RSU budget. Members of the three communities will vote on the nearly \$43.8 million budget at a district-wide meeting next week and for final approval at a referendum in June. Gary Curtis indicated that the bleachers are "out of code" and the insurance company is requiring the RSU to take them down. The tennis courts, which are frequently used by members of the public, are also in need of repair. Chair Quinn indicated that he felt that the approval should include the passage of the referendum permitting repair of the Loranger School windows. Chair Quinn indicated that in his opinion the windows are more important than the bleachers. Mr. Curtis indicated that the repair for the bleachers and the tennis courts would be beneficial to the Town should at any time the RSU revert back to the local communities. Mr. Curtis also indicated that by State law any building improvements in the RSU had to go to referendum and the two items were like apples and oranges. Mr. Curtis reported that the new fiscal year budget is up by nearly \$1.3 million for a total of approximately \$44.8 million. This represents a three percent increase over the current

**budget. On Tuesday, May 24<sup>th</sup> the residents of the district will have the opportunity to make changes to the budget if they wish before it goes out for final voter approval on June 7<sup>th</sup>. Mr. Curtis also indicated that the replacement of the windows would far exceed the cost of the repair of the tennis courts and the bleachers. Mr. Curtis indicated that the RSU budget, if approved, the Town of Old Orchard Beach will pay about \$900,000 less than it did last year for its share of the RSU 23 budget. As well, the Town Manager, not knowing what this year's budget would be, budgeted an increase of \$400,000 for this year's school budget for Old Orchard Beach. This means that the school budget cost to the Town will be about \$1.3 million less than originally expected.**

**MOTION: Councilor O'Neill motioned and Councilor MacDonald seconded to Poll the Town Council to determine consensus, pending approval by the voters of the RSU 23 - Saco, Dayton and Old Orchard Beach, to include monies in the fiscal 2011/2012 budget, in the amount of \$200,000, as a grant to RSU23 to be used exclusively for the repair and renovation of the Old Orchard Beach High School Stadium and Tennis Courts; such repairs shall include the replacement of Bleachers. RSU23 will agree to undertake and oversee these projects and make appropriate progress reports to the Town Council.**

**VOTE: Yea: Councilors Dayton, O'Neill, MacDonald and Vice Chair Tousignant  
Nea: Chair Quinn**

**ACCEPTANCE OF MINUTES:**

**Town Council Workshop Minutes of April 27, 2011; Special Town Council Meeting Minutes of April 28, 2011; Town Council Workshop Minutes of April 28, 2011; and Town Council Meeting Minutes of May 3, 2011.**

**MOTION: Councilor O'Neill motioned and Vice Chair Tousignant seconded to Accept the Town Council Workshop Minutes of April 27, 2011; Special Town Council Meeting Minutes of April 28, 2011; Town Council Workshop Minutes of April 28, 2011; and Town Council Meeting Minutes of May 3, 2011**

**VOTE: Unanimous.**

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**CHAIR: I open this Public Hearing at 7:17 p.m.**

**PUBLIC HEARING BUSINESS LICENSES AND APPROVAL:**

**Louise & Stephen Wicarius (103-1-5-28), 56 Ross Road, Unit 28, one year round rental; Pat Carter (205-7-1-6), 15 Francis Street, Unit 6, one year round rental; Carol Doucette dba/The Prop Shop (205-15-1-G), 2 Cascade Road, Retail and Outside Display; David Traynor dba/Diesel Dogs & Burgers, LLC (206-31-1-D), 17 D Old Orchard Street, Victualers with Preparation, No Alcohol Sales; Regina Fontaine dba/Sew What? (211-1-3), 19 Old Salt Road, Retail – Quilt & Gift Shop; Naphtali & Richard Maynard dba/Mainely Wraps (305-6-3), 40 East Grand Avenue, Victualers with Preparation, No Alcohol Sales – Sandwich Take-Out Shop; Gangway Properties Corp. dba/The Fried Clam Shack (306-1-2-1, 2 & 3), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales – located in Kiosk Building # 1, 2 & 3 (combined); Lian En Shi dba/Hou An Tokyo (306-1-2-4 & 5), 1 East Grand Avenue, Victualers with Preparation, No Alcohol Sales –**

located in Kiosk Building # 4 and 5 (combined); Oceanside Investment Group LLC dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Victualers with Preparation with Beer, Wine and/or Liquor; Chuck & Marci Solesky dba/Salty Seal Gifts II (306-6-1-B), 2 Old Orchard Street, Unit E (doors 36 & 37 on the Pier), Retail; Scott White dba/Raven-Photo LLC (306-6-1-D), 116 Ross Road, Retail; Michael Angelosante dba/Pier Juice (306-6-1-E), 2 Old Orchard Street, Victualers with Preparation, No Alcohol Sales; Michael Angelosante dba/Potato Factory (306-6-1-K), 2 Old Orchard Street, Victualers with Preparation, No Alcohol Sales; Samuel Golzbein dba/Pier Ice Cream (306-6-1-L), 2 Old Orchard Street, Victualers with Preparation, No Alcohol Sales; (Janice Black (312-11-14), 9 Third Street, one year round rental; and Thomas & Elizabeth Tate (318-8-6-57), 146 West Grand Avenue, Unit 57, one seasonal rental.

**CHAIR:** I close this Public Hearing at 7:21 p.m.

**MOTION:** Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Business Licenses as read.

**VOTE:** Unanimous.

#### **PUBLIC HEARING SPECIAL AMUSEMENT PERMITS**

**CHAIR:** I open this Public Hearing at 7:22 p.m.

The Whaler Inc. dba/The Whaler (206-31-17), 20 Staples Street, Single Acoustic – Inside – 9:00 p.m. to 12:00 a.m.; Oceanside Investment Group dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, Acoustical & Amplified Music – Inside & Outside – 1:00 p.m. to 1:00 a.m.; Good Tunes Dance Club Inc. dba/Referee's (206-31-19-B), 4 First Street, Live Music Inside – 11:00 a.m. to 1:00 a.m.; and Good Tunes Dance Club Inc. dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, Live Music Outside; duos & solos – 11:00 a.m. to 9:00 p.m.

Councilor O'Neill questioned the closing time for the Myst Restaurant but the owner indicated that these were the same hours as last year. Deputy Chief Babin indicated there were no complaints in the past and the Assistant Town Manager also indicated that they had been extremely supportive of programming in the Square and there had not been any issues over the past few summers. Councilor Dayton expressed her appreciation for the Myst's staff in working with many who perform or use the Square.

**CHAIR:** I close this Public Hearing at 7:30 p.m.

**MOTION:** Councilor Dayton motioned and Vice Chair Tousignant seconded to Approve the Special Amusement Permits as read.

**VOTE:** Unanimous.

#### **TABLED ITEMS:**

#### **PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:30 p.m.

Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8 B West Grand Avenue, DJ/Band (amplified) – Inside – 12:00 p.m. to 1:00 a.m.

The Code Enforcement Officer indicated that the questions raised have been sufficiently answered to permit the approval of the Amusement Permit.

**MOTION:** Councilor MacDonald motioned and Councilor O'Neill seconded to Approve the Special Amusement Permit as read.

**VOTE:** Unanimous.

**CHAIR:** I close this Public Hearing at 7:33 p.m.

**#5380 - Discussion with Action:** Approve Liquor License Renewal of Bernard L. Orne dba/Weekend at Bernie's Beach Club (307-3-1-B), 8 B West Grand Avenue, s-m-v in a Class A Lounge.

**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Liquor License Renewal as read.

**VOTE:** Unanimous.

**PUBLIC HEARING SPECIAL AMUSEMENT PERMIT AND APPROVAL:**

**CHAIR:** I open this Public Hearing at 7:34 p.m.

Mimi Vattes & Dani Sisson dba/Club Galaxy (306-5-4), 10 East Grand Avenue, Dance/Music with DJ – Amplified, Inside – 9:00 p.m. to 1:00 a.m.

There was a lengthy discussion on the many issues relative to the Police Logs presented to the Council although there were few that was considered Business Notification issues. Many of the events that occurred were acknowledged to be outside the business itself but the majority of the Council indicated that these are still concerns to them. Although the Town Code Enforcement officer has visited the establishment and addressed several of the issues that were raised by an anonymous person, he indicated that in the review he felt the business was being conducted accordingly to procedures and policy. The Fire Marshall's office also visited the business and gave clearance for permits or licenses. Electrical issues were addressed and anything that was required to be repaired or replaced has been done. Councilor Dayton spent some time indicating that she was not comfortable with the fact that the excuses for incidents being done outside the building because those involved came from the Galaxy. Mr. Sisson answered the concerns and was willing to do anything that was requested by the Council and went beyond what was asked and said he would hire, at this own expense, a Police Officer to be in attendance each evening from 9:00 p.m. to 1:00 a.m. Deputy Chief Babin indicated that that might not be possible during high activity times during the summer. Never-the-less it should be noted that Mr. Sisson agreed to hire when possible. He also said he felt that because he called the Police on several issues, that worked against him and he was really "punished" for having called the Police for assistance. Councilor MacDonald also indicated that she had concerns about the young people entering the establishment and the small cost of beer being served which is an attraction to many entering the business. Again, it was recognized that the cost being put on the sale of liquor is outside the purview of the Town Council. There was a continued reiteration of the concerns by all members of the Council and Mr. Sisson acknowledged he was listening and would address their concerns

immediately. The question of the need for future Administrative Review Board actions was also discussed and the Administration is to address the need for these types of Board actions in the coming months.

**CHAIR:** I close this Public Hearing at 8:14 p.m.

**MOTION:** Vice Chair Tousignant motioned and Councilor MacDonald seconded to Approve the Special Amusement Permit as read.

**VOTE:** Yea: Councilors MacDonald, Vice Chair Tousignant and Chair Quinn  
Nea: Councilor Dayton and Councilor O'Neill

# 5396      **Discussion with Action:** Approve the Liquor License Renewal of Mime Vattes & Dani Sisson dba/Club Galaxy (306-5-4), 10 East Grand Avenue, s-m-v in a Class A Lounge.

**MOTION:** Councilor MacDonald motioned and Vice Chair Tousignant seconded to Approve the Liquor License Renewal as read.

**VOTE:** Yea: Councilor MacDonald, Chair Quinn and Vice Chair Tousignant  
Nea: Councilor Dayton and Councilor O'Neill

**TOWN MANAGER'S REPORT:** Many meetings with the Ballpark Commission and the Tournament Committee in preparation of the College Tournament including attending the Banquet at which Councilor MacDonald pinch hit and provided a slide show on the history of the Ballpark. My wife, Chris and I, spent some time together over the weekend. My wife put her short order cooking skills to good use. I usually worked around and got in the way. Speaking of the Banquet, I was very honored to attend The Salvation Army Annual Breakfast. I have been meeting with Extreme Clean working on the proposal which I have half written. I spent many hours with the Police Department Chiefs and Fire Department Chief John Glass and Holly working on negotiations with the two Union contracts. Also have been revisiting the Waste Water proposal and Public Works. I did give a welcome to the new Old Orchard Beach Police Reserves. Continue to work with the engineers who are working on the Dispatch Connection. Some successful tests already have been accomplished, the Biddeford to Sanford link specifically.

# 5398      **Discussion with Action:** Set a Public Hearing Date of June 7, 2011 to Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148, 50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

**MIKE NUGENT:** We will need to have another Public Hearing as Excavator License Performance Standards were added. Also we improved the license revocation process. Attached is a copy of the final draft.

Here is a summary of the changes:

## Chapter 50 Streets, Sidewalks and other Public Places

Throughout the Ordinance, where the words Public Works Foreman were found, it was replaced with Public Works Director.

**Sec. 50-52. Construction by town or abutting landowners.** These changes require the owner to obtain three bids. The Town is only responsible for the low bid, but the owner can hire the high bid and pay the difference. This required Town Council Approval.

**Sec. 50-58. Lien procedure.** A typo (CUBING) was corrected with “Curbing”.

**Sec. 50-148. Permanent resurfacing of pavement.** Changes to this section better define how a road must be repaired after a street opening as suggested by the Public Works Director.

**Sec. 50-150. Excavator license.** At the request of the Public Works Director, this section requires a license for excavators that work within the Town Right of Ways.

**Sec. 50-172** the words “for review and approval.” were added.

**Sec.50-249. Sidewalk Cafés.** This section would allow for restaurants to have sidewalk cafés. We will be asking that the Town Council set the fee at \$100.00 bas plus \$2.00 per sq.ft. of Town sidewalk. (This is the same square footage price as The City of Portland)

**MOTION:** Councilor O’Neill motioned and Councilor Dayton seconded to Set a Public Hearing Date of June 7, 2011 to Revise Chapter 50, Article II, Sidewalks, Amending Sections 50-52, 50-53, 50-58, 50-148, 50-172, 50-241 and 50-243 adding Sections 50-150 and 50-249 of the Town of Old Orchard Beach Code of Ordinances.

**VOTE:** Unanimous.

**# 5399 Discussion with Action:** Amend Chapter 42, Parks and Recreation; Section 141 through and including Section 145; and Section 201 of the Town of Old Orchard Beach Code of Ordinance.

**CHAIR QUINN:** At a recent Public Hearing the consensus was that action would not be taken to amend this ordinance change. For the record a vote will be called this evening as votes are not taken at a Public Hearing.

**MOTION:** Councilor O’Neill motioned and Councilor Dayton seconded to DENY the Amendment to Chapter 42, Parks and Recreation; Section 141 through and including Section 145; and Section 201 of the Town of Old Orchard Beach Code of Ordinance.

**VOTE:** Yea: Councilor O’Neill, Councilor Dayton, Vice Chair Tousignant, Chair Quinn  
Nea: Councilor MacDonald

**# 5400 Discussion with Action:** Amend Chapter 78 – Zoning Section 78-1, 78-2 through and including 78-5, 78-34, 78-93 through and including 78-95, 78-456 through and including 78-457, Division 17, Section 78-1176 through and including 78-1185, 78-1201 through and including 78-1218. These amendments deal with mandated Shoreland Zoning.

**BACKGROUND:** Although Council has received this several times, we are enclosing it again so that you have the document in front of you. Attached is the final revision of the Shoreland Amendments to the Zoning Ordinance. There have been no changes since the Public Hearing on 3/15/11. The Item was set aside during the “Motorized Water toy” discussions as there would have been modifications had the program gone forward. A reminder that this is a Mandate from the DEP that should have been done by 7/1/09. If we fail to adopt Shoreland Zoning that the can DEP accept, they can impose the State’s model which is not tailored for this Town.

The Council can either approve or deny the amendments. If they reject the amendments it is important that staff gets specific direction for redraft and resubmission to the Planning Board.

**Sec. 78-1183. Land uses.**

Generally. The use of land, buildings and structures in the shoreland zone Is governed as follows:

(a) In the Resource Protection, Stream Protection and Public Beach sub districts, uses are governed exclusively by the table “Land Uses in the Shoreland Zone,” below (the “Shoreland Use Table”).

(b) In the Shoreland Residential Activity, Limited Commercial and General Development sub districts, uses are governed by the Shoreland Use Table and by the use regulations for the underlying zoning district as set forth in the other divisions of this article. In cases where comparison between the Shoreland Use Table and the underlying zoning district regulations creates uncertainty as to whether a use is permitted, the regulation imposing the greater restrictions and/or allowing a less intensive use shall control. In any case where a use is specifically listed as prohibited in the underlying zoning district, the use is also prohibited in the Shoreland zone overlay sub district, despite anything to the contrary in the Shoreland Use Table. In any case where a use is specifically listed as prohibited in the Shoreland Use Table, the use is prohibited, despite anything to the contrary in the underlying zoning district regulations.

**Key to Use Table:**

- Yes - Allowed (no permit required under this division, but the use must comply with all applicable land use standards of this division, and permits or approvals required by other provisions of this chapter must be obtained.)
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board.
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

LAND USES IN THE SHORELAND ZONE						
USE	Permission/Review Authority by Sub district					
	SP	RP	RA	LC	GD	PB



<b>LAND USES IN THE SHORELAND ZONE</b>						
<b>USE</b>	<b>Permission/Review Authority by Sub district</b>					
	<b>SP</b>	<b>RP</b>	<b>RA</b>	<b>LC</b>	<b>GD</b>	<b>PB</b>
<b>(1) No intensive recreational uses not requiring structures such as hunting, fishing and hiking;</b>	yes	yes	yes	yes	yes	yes
<b>(2) Motorized and non motorized vehicular traffic on existing road trails and rails;</b>	yes	yes	yes	yes	yes	yes
<b>(3) Forest management activities except for timber harvesting &amp; land management;</b>	yes	yes	yes	yes	yes	no
<b>(4) Timber harvesting</b>	yes	CEC	yes	yes	yes	no
<b>(5) Clearing or removal of vegetation for activities other than timber harvesting</b>	CEC	CEO	yes	yes	yes	CEO
<b>(6) Fire prevention activities</b>	yes	yes	yes	yes	yes	yes
<b>(7) Wildlife management activities;</b>	yes	yes	yes	yes	yes	yes
<b>(8) Soil and water conservation practices</b>	yes	yes	yes	yes	yes	yes
<b>(9) Agriculture;</b>	yes	PB	yes	no	no	no
<b>(10) Mineral exploration</b>	No	no	no	no	no	no
<b>(11) Mineral extraction including sand and gravel extraction;</b>	No	no	no	no	no	no
<b>(12) Surveying and resource analysis</b>	yes	yes	yes	yes	yes	yes
<b>(13) Emergency operations</b>	yes	yes	yes	yes	yes	yes
<b>(14) One family residential structures, including driveways</b>	PB <sup>4</sup>	PB <sup>9</sup>	CEO	CEO	CEO	no
<b>(15) Multi-unit residential</b>	No	No	PB	PB	PB	no
<b>(16) Commercial, not otherwise listed</b>	No	No <sup>10</sup>	PB	PB	PB	no
<b>(17) Industrial, not otherwise listed</b>	No	No	No	No	PB	no

<b>LAND USES IN THE SHORELAND ZONE</b>						
<b>USE</b>	<b>Permission/Review Authority by Sub district</b>					
	<b>SP</b>	<b>RP</b>	<b>RA</b>	<b>LC</b>	<b>GD</b>	<b>PB</b>
<b>(18) Prohibited commercial or industrial which includes: Automobile repair and service stations; Fuel storage, excepting fuel storage for heating, cooking, or other support activities incidental to operation of the permitted use; Truck terminals/motor freight business.</b>	No	No	No	No	No	no
<b>(19) Governmental and institutional</b>	No	No	PB	PB	PB	yes
<b>(20) Small Nonresidential facilities for educational, scientific or nature interpretation purposes</b>	PB <sup>4</sup>	PB	CEO	CEO	CEO	yes
<b>(21) Aquaculture;</b>	PB	PB	PB	yes	yes	yes
<b>(22) structures accessible to allowed uses permitted in this section;</b>	PB <sup>4</sup>	PB	CEO	CEO	yes	yes
<b>(23) piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland a. permanent b. temporary</b>	PB CEO	PB CEO	PB CEO <sup>11</sup>	PB CEO <sup>11</sup>	PB CEO <sup>11</sup>	PB CEO <sup>1</sup>
<b>(24) Conversions of seasonal residences to year-round residences</b>	LPI	LPI	LPI	LPI	LPI	no
<b>(25) Home occupation</b>	PB	PB	PB	PB	PB	no
<b>(26) Private sewage disposal systems for allowed uses</b>	LPI	LPI	LPI	LPI	LPI	no
<b>(27) Essential services</b>	PB <sup>6</sup>	PB <sup>6</sup>	PB	PB	PB	yes
<b>A. Roadside distribution lines (34.5kV and lower)</b>	CEO	CEO	yes <sup>12</sup>	yes <sup>12</sup>	yes <sup>12</sup>	no

<b>LAND USES IN THE SHORELAND ZONE</b>						
<b>USE</b>	<b>Permission/Review Authority by Sub district</b>					
	<b>SP</b>	<b>RP</b>	<b>RA</b>	<b>LC</b>	<b>GD</b>	<b>PB</b>
<b>B. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone</b>	<b>PB<sup>6</sup></b>	<b>PB<sup>6</sup></b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>no</b>
<b>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone</b>	<b>PB<sup>6</sup></b>	<b>PB<sup>6</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>no</b>
<b>D. Other essential services</b>	<b>PB<sup>6</sup></b>	<b>PB<sup>6</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>yes</b>
<b>(28) Service drops, as defined, to allowed uses</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>
<b>(29) Public and private recreational areas involving minimal structural development</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>CEO</b>	<b>CEO</b>	<b>yes<sup>13</sup></b>
<b>(30) Parking facilities;</b>	<b>No</b>	<b>no<sup>7</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>no</b>
<b>(31) Road construction</b>	<b>PB</b>	<b>no<sup>8</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>no</b>
<b>(32) Campgrounds</b>	<b>No</b>	<b>no<sup>7</sup></b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>no</b>
<b>(33) Land management roads</b>	<b>yes</b>	<b>PB</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>no</b>
<b>(34) Marinas</b>	<b>No</b>	<b>no</b>	<b>no</b>	<b>no</b>	<b>no</b>	<b>no</b>
<b>(35) Filling and earth-moving activities associated with permitted uses; and &lt; 10 cubic yards</b>	<b>CEC</b>	<b>CEC</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>CEO</b>
<b>(36) Filling and earth-moving activities associated with permitted uses; and &gt; 10 cubic yards</b>	<b>PB</b>	<b>PB</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>	<b>CEO</b>
<b>(37) Signs</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>
<b>(38) Wireless telecommunication facilities</b>	<b>NO</b>	<b>NO</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>no</b>
<b>(39) Public parks</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>	<b>yes</b>

**TABLE INSET:**

Zoning Standards	Minimum or Maximum	Space and bulk requirement					
		SP	RP	RA	LC	GD	PB
Lot area	Minimum square footage	30,000 –tidal 40,000-non-tidal per dwelling	30,000 –tidal 40,000-non-tidal per dwelling	Same as underlying district	Same as underlying district	Same as underlying district	None
Street frontage	n/a	Same as underlying district	Same as underlying district	Same as underlying district	Same as underlying district	Same as underlying district	None
Shore frontage	Minimum	150 ft. -tidal 200 ft. non-tidal per dwelling	150 ft. -tidal 200 ft. non-tidal per dwelling	150 ft. -tidal 200 ft. non-tidal per dwelling	Tidal areas-2 per principal structure, government institution commercial industrial use 300 ft. for non-tidal	Tidal areas-2 per principal structure, government institution commercial industrial use 300 ft. for non-tidal	None
Front yard setback	Minimum	50 ft.	50 ft.	Same as underlying district	Same as underlying district	Same as underlying district	None
Side yard setback	Minimum	25 ft.	25 ft.	Same as underlying district	Same as underlying district	Same as underlying district	None
Rear yard setback	Minimum	25 ft.	25 ft.	Same as underlying district	Same as underlying district	Same as underlying district	None
Setback from water bodies, wetlands and tributary stream	Minimum	See Sec. 78-1	See Sec. 78-1	See Sec. 78-1	See Sec. 78-1	See Sec. 78-1	See Sec. 78-12
Lot coverage	Maximum	20%	20%	Same as underlying district	Same as underlying district	Same as underlying district	20%
Building height	Maximum	35 ft.	35 ft.	Same as underlying district	Same as underlying district	Same as underlying district	35 ft.

<sup>1</sup> This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

**Shoreland Zoning Statement presented to Council on May 17, 2011 by Pat Brown**

First, I want to apologize for coming here at the last minute to request making these three changes. I’ve poured over this document many, many times and never realized the significance of these 3 things, until the Jet Ski proposal was being considered. My research made me realize that temporary structures are allowed on the beach under certain conditions. These 3 changes address those conditions. They are simple, but significant.

The first is section 19 Government and institutional.

**The Definition of Institutional is as follows:**

**Institutional means a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.**

**We have many non-profits here in Town. This section gives them the right to erect a temporary structure on the beach. I honestly don't believe any of the non-profits in Town intend to put up a temporary structure on the beach. But unless Council intentionally meant to grant any group that opportunity, I suggest deleting "institutional" from this section, inserting the missing definition of "Government" and changing the "Yes" under Public Beach to PB (Planning Board). This would still give the Town the flexibility it needs to make changes to lifeguard stations, and such, if necessary.**

**The last change is to section #22 "structures accessory to allowed uses permitted in this section." "Yes" is under Public Beach.**

**If the footnote to #16, "Commercial, not otherwise listed" was added to Shoreland Zoning, which would have allowed Jet Ski business on the beach, then #22 would have allowed that business to construct a temporary structure, such as a hut.**

**I suggest changing that "yes" to "Planning Board" which would be consistent with the more restrictive areas under #22, such as SP and RP.**

**This change will not affect people with special event permits, such as weddings, that have been historically held on the beach. Their right to erect tents, etc., are protected under another section in this document.**

**As resistive as people may be to sending this document back out for modification, making these 3 changes will not hold this document up any longer than adding the footnote to section 16 would have, and it will secure Council approval before any structures are erected on the beach.**

**Once again, I apologize for these last minute requests, and I never would have brought them forward if I didn't feel they were important for Council to consider. I have to leave this meeting in now to attend another meeting and leave this in the hands of Council to decide.**

**Other discussion followed including comments by John Bird who spoke at length about what he considers to be incorrect issues in the Ordinance; contradictory comments and information; conflicts that have not been resolved; and his opinion that the Code Enforcement Officer did not have the authority to do over the map. He said it needs many more hours of work. He stated it is technically inaccurate. Ginger McMullin of the Conservation Commission indicated that they have a consensus about concerns particularly in the reduction of the 150 feet to 100 feet and that they strongly recommend it remain at the 150 feet. She indicated this is a resource worth protecting. Dusty Guarino encouraged moving forward with the document, stating that we all recognize it is a living document that can be changed in the days ahead. Although Councilor Dayton had concerns about it she indicated that the Department of Environmental Protection will have the final say.**

***This motion was corrected as indicated in the minutes of the July 13, 2011 Special Town Council Meeting and those Minutes were accepted at the July 19, 2011 Town Council Meeting.***

**MOTION:** Vice Chair Tousignant motioned and Councilor O'Neill seconded to Amend Chapter 78 – Zoning Section 78-1, 78-2 through and including 78-5, 78-34, 78-93 through and including 78-95, 78-456 through and including 78-457, Division 17, Section 78-1176 through and including 78-1185, 78-1201 through and including 78-1218. These amendments deal with mandated Shoreland Zoning.

**VOTE:** Yea: Councilor O'Neill, Councilor MacDonald, Vice Chair Tousignant, Chair Quinn  
Nea: Councilor Dayton

# 5401 Discussion with Action: Approve the donation of \$10,000 towards the Annual July 4, 2011 Fireworks Display from Account Number – 10013-30100 – Undesignated Fund, with a balance of \$4,628,066.

Traditionally the Town has given \$10,000 toward the pyrotechnics display on the Fourth of July. The other Thursday night events are paid for by Palace Playland and the Pier. The cost is approximately \$20,000 for the Fourth of July celebration which is considered the best in the State of Maine. When the Budget was approved last year, the Council decided not to fund this year's Fourth of July event. Paul Golzbein, on behalf of Palace Playland and the Pier as well as the business owners who contribute to this event, wrote a letter to the Council several weeks ago asking for reconsideration which was being done this evening. Vice Chair Tousignant indicated that although last year he voted against the \$10,000 budget proposal, he has changed his mind after hearing from many residents who said that the July fourth fireworks are a big part of their annual family get-togethers and this is a real loss to the residents, never mind the tourist attraction. Councilor Robin Dayton said she has always supported the fireworks and did last year in the budget discussions and will always support this town event. It is for the citizens as much as for anyone and we owe it to them. It is their town. Councilor MacDonald said that she did not vote for it in the last budget and would not vote for it tonight as it's about people who can't afford anything right now. Chair Quinn indicated that there were a lot better ways for the Town to spend \$10,000 than blowing it up in smoke in a half hour and that he would not vote for it. He said the fireworks pale in comparison to the charities such as the Old Orchard Beach United Methodist Church food pantry to which the Town gives \$2,500 and the Salvation Army who receives \$3,500. He indicated that the \$10,000 could be used toward infrastructure needs or as a down payment for a more modern parking lot system. He said that when he sees all of the needs he can't support the \$10,000 for the fireworks. Councilor Shawn O'Neill supported the fireworks and has supported it in the past. He said the Council has worked hard to save the \$4.6 million in the undesignated fund and spending \$10,000 of it for the enjoyment of the citizens, which worked out to be about \$1 per resident, was justified.

**JEROME BEGERT:** Fireworks – Agenda Item 5401 – Every Fourth of July traffic jams roll like lava flows into Old Orchard Beach. Motorists fill up parking lots, meter spots, side-streets, and our tourist-accommodations. They swarm all over downtown to buy products and services. That returns to businesses their fireworks investment. If we had a local-option sales tax, town-government (aka – taxpayers) could also get a return on a fireworks investment. There is no local-option sales tax, and thus no return. So, you cannot call this expense an “investment.” \$10,000 is better spent on government-employees, government-equipment and the Comprehensive Plan process. These directly service our needs. Year-round residents already generously subsidize the downtown business district with a massive inventory of expensive services: from garbage collection to an enlarged Army of law-enforcement troops who prevent all of the over-served drunken sociopaths from committing crimes against each other. Spend \$10,000 on our Police Department and other government employees that will serve our Town's best interests. If any of

you vote to send ten thousand dollars up in the air, to go – poof (as Fireworks), that serves only one purpose: That shows taxpayers who, among you, is a dilettante, without a clue about fiduciary responsibility. The first Independence Day was a war-cry against frivolous taxation. Honor that, now with your vote. Just say “No.”

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve the donation of \$10,000 towards the Annual July 4, 2011 Fireworks Display from Account Number – 10013-30100 – Undesignated Fund, with a balance of \$4,628,066.

**VOTE:** Yea: Vice Chair Tousignant, Councilor O’Neill, Councilor Dayton  
Nea: Councilor MacDonald and Chair Quinn

# 5402 Discussion with Action: Approve the request from Oceanwood, 17 Royal Street (MBL 108-1-2), to waive the connection fee for five cabins adding fifteen plumbing fixtures while eliminating thirty-two plumbing fixtures in a service building pursuant to Section 58- 121(d) and 58-124 of the Municipal Code.

**MIKE NUGENT:** The Cabins do not currently have bathrooms and the residents use a “Service Building” with twelve (12) hand sinks, ten (10) toilets, nine (9) showers and laundry facilities. The Sewer connection fee for the 5 cabins would be \$16,500.00. They propose to eliminate 32 fixtures from the sewer system by closing down the service building and add 15 fixtures so there is a net decrease of 17 plumbing fixtures.



## OCEANWOOD

Camp & Conference Center  
17 Royal Street  
Ocean Park, Maine 04063  
(207) 934-9655

April 29, 2011

Old Orchard Beach  
Town Council  
1 Portland Avenue  
Old Orchard Beach, Maine 04064

Dear Councilors,

Oceanwood Camp and Conference Center requests a sewer appeal of the fees associated with hook-up to town sewer pursuant to section 58-124 of the municipal code.

Campers who stay in our Atalao Cabins currently use a public bathroom and shower facility located in the close vicinity of their housing. As outlined in the documents provided, Oceanwood currently has in operation a “Service Building”, which provides our campers and guests with twelve (12) hand sinks, ten (10) toilets, nine (9) showers and laundry facilities.

**The Service Building has been in use for many years and is now at point where major construction upgrades would be necessary to continue to use the facility as intended. As a result, we have proposed to take the bathroom and showers in the building off-line and turn build new bathroom and showers in each of five (5) buildings that used by the group facility.**

**After a tour of the property and discussion with Mike Nugent, we are under the impression that the plan to build bathrooms in the existing small cabins falls within the guidelines for issuance of the appropriate building permits. The result of the building of bathrooms in each building would create a net decrease in the number of sinks, showers and toilets that are currently attached to the system. It is our hope that the town will waive the fees associated with the hookup of the buildings to the sewer lines.**

**It is our hope to have the new bathroom facilities completed and connected by June 15, 2011 so as to be up and running for our summer camp season.**

**Thank you for you time and consideration.**

**Sincerely,**

**Scott A Merrow  
Resident Director – Oceanwood**

**The Council discussed the agenda item questioning Mr. Merrow on the programming that is done which is non-taxable, religious camping program and it was determined that the change in the replacement of the fixtures and the connection fees would make the property more functional and to the benefit of those who use the camping facility. Part of the American Baptist Church the property is used for summer programming and it would not be their intent to put bathrooms back in the original property once they have been removed.**

**MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the request from Oceanwood, 17 Royal Street (MBL 108-1-2), to waive the connection fee for five cabins adding fifteen plumbing fixtures while eliminating thirty-two plumbing fixtures in a service building pursuant to Section 58- 121(d) and 58-124 of the Municipal Code.**

**VOTE: Unanimous.**

**# 5403 Discussion with Action: Act on Warrant and Notice of Election calling a Regional School Unit No. 23 Budget Validation Referendum for June 7, 2011.**

**MOTION: Vice Chair Tousignant motioned and Councilor Dayton seconded to Act on Warrant and Notice of Election calling a Regional School Unit 23 Budget Validation Referendum for June 7, 2011.**

**VOTE: Unanimous.**

**# 5404 Discussion with Action: Accept, with regret, the resignation of Jessica Bergeron from the Community Animal Watch Committee.**



**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to Accept, with regret, the resignation of Jessica Bergeron from the Community Animal Watch Committee.

**VOTE:** Unanimous.

**# 5405** Discussion with Action: Approve hours of Voter Registration office to be open in connection with the Regional School Unit Budget Validation Referendum to be held on June 7, 2011, as follows: Tuesday May 31 from 8:00a.m to 6:00 p.m.; Wednesday, Thursday and Friday, June 1, 2, and 3, 2011, from 8:00 a.m. to 4:00 p.m.; and Monday, June 6, 2011, from 8:00 a.m. to 4:00 p.m.

**MOTION:** Vice Chair Tousignant motioned and Councilor O'Neill seconded to Approve hours of Voter Registration office to be open in connection with the Regional School Unit Budget Validation Referendum to be held on June 7, 2011, as follows: Tuesday May 31 from 8:00a.m to 6:00 p.m.; Wednesday, Thursday and Friday, June 1, 2, and 3, 2011, from 8:00 a.m. to 4:00 p.m.; and Monday, June 6, 2011, from 8:00 a.m. to 4:00 p.m.

**VOTE:** Unanimous.

**# 5406** Discussion with Action: Approve monies collected in the water fountain at the Square during the summer of 2011 to be designated towards the Skateboard Park Project.

**BACKGROUND:** Each year the monies from the fountain in the Square are designated to some special area of the municipal budget. Last year it was given to General Assistance. This year the recommendation is that it be used as a source of donations toward the Skateboard Park. The Town Council voted unanimously to approve this measure. A committee under the auspices of the Recreation Department has been working on a plan for a new skate park. So far the Commission has about \$36,000 to use for a new park. Paul Golzbein, owner of the Pier, said he will match any funds collected in the fountain. There is usually about \$500 a year that comes in through donations to the foundation.

**MOTION:** Vice Chair Tousignant motioned and Councilor Dayton seconded to Approve monies collected in the water fountain at the Square during the summer of 2011 to be designated towards the Skateboard Park Project.

**VOTE:** Unanimous.

**# 5407** Discussion with Action: Approve the Special Event Permit application for Steven and Andrea Berlin to hold a Graduation Bonfire on the beach in front of 20 Puffin Street on Sunday, June 5<sup>th</sup>, 2011; rain date Monday, June 6<sup>th</sup>, 2011; from 8 p.m. to 11 p.m. Insurance listing the Town as additionally insured to be provided to the Town Clerk's Office at least one week prior to the event.

**MOTION:** Councilor Dayton motioned and Councilor O'Neill seconded to Approve the Special Event Permit as read.

**VOTE:** Unanimous.

**# 5408 Discussion with Action: Approve the Special Event Permit application for the Veteran's Flag Raising Committee to hold a Veteran's Flag Raising in Memorial Park from 6 p.m. to 6:30 p.m. each evening, seven days a week from Friday, May 27<sup>th</sup> to Wednesday, December 7, 2011; and a request to waive the fee.**

A flag raising ceremony will be held every evening from Memorial Day weekend to Labor Day and then on September eleventh, Veteran's Day and Pearl Harbor Day at Memorial Park in honor of those who have served their country. The idea was sparked when Saco Bay Rotary Club Past President Dennis Robillard received an e-mail last fall from a friend about a television news story of a man in New Jersey who has been raising a flag for thirty-eight years in honor of deceased veterans. A Committee formed including Dennis Robillard, Dusty Guarino and Nancy Kelley to work out the details along with members of the American Legion. Vice Chair Michael Tousignant has been very involved in the planning and presented the agenda item last evening along with the audience viewing the television segment. Dusty Guarino filled in many of the details of the event which starts May 29<sup>th</sup> and will continue. Gold Star Mother, Nancy Kelley, said that each night a flag in Veteran's Memorial Park will be raised in a ceremony at 6:00 p.m. Each night a specific individual will be honored and some people, who may have more than one deceased family member or friend who served our country, will be honored. The first night of the ceremonies will coincide with a luminary night, a fundraiser for the park.

**MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Approve the Special Event Permit from May 29, 2011 through September 5, 2011; September 11, 2011; November 11, 2011; and December 7, 2011.**

**VOTE: Unanimous.**

**# 5409 Discussion with Action: Set a Public Hearing Date of June 7, 2011 to Amend To Amend Chapter 54, Traffic and Vehicles, Sections 54-32 through and including 54-46, 54-102 through and including 54-115, and Adding Sections 54-142, 54-144, 54-146, 54-153, 54-154, 54-160, 54-186, 54-187.**

**MIKE NUGENT: We are discussing proposed amendments to the above ordinance. This work was done collaboratively with The Ordinance Review Committee and Deputy Chief Babin. there are also amendments that came as a result of the winter Town Council Parking Work shop. Deputy Chief Babin and I will present at the meeting.**

**MOTION: Councilor O'Neill motioned and Councilor Dayton seconded to Set a Public Hearing Date of June 7, 2011 to Amend To Amend Chapter 54, Traffic and Vehicles, Sections 54-32 through and including 54-46, 54-102 through and including 54-115, and Adding Sections 54-142, 54-144, 54-146, 54-153, 54-154, 54-160, 54-186, 54-187.**

**VOTE: Unanimous.**

**# 5410 Discussion with Action: Approve the Liquor License Renewal of The Whaler Inc. dba/The Whaler (206-31-17), 20 Staples Street, s-m-v in a Class A Lounge; William & Lesa Watson dba/Pierre's Restaurant (305-4-4), 47 East Grand Avenue, s-m-v in a Restaurant; Oceanside Investment Group dba/Myst Restaurant (306-1-2-I), 1 East Grand Avenue, s-m-v in a Restaurant/Lounge; Good Tunes Dance Club Inc.**

dba/Referee's (206-31-19-B), 4 First Street, s-m-v in a Class A Lounge; Good Tunes Dance Club Inc. dba/Strike Zone Restaurant & Pub (205-4-1), 20 Old Orchard Street, s-m-v in a Restaurant; and Patricia Brennan & Thomas Gilles dba/Fatt Patties (307-3-4), 2 West Grand Avenue, s-m-v in a Restaurant.

**MOTION: Vice Chair Tousignant and Councilor O'Neill seconded to Approve the Liquor License Renewals as read.**

**VOTE: Unanimous.**

**GOOD AND WELFARE:**

None

**ADJOURNMENT:**

**MOTION: Councilor Dayton motioned and Councilor O'Neill seconded to adjourn the meeting.**

**VOTE: Unanimous.**

**The meeting was closed at 10:00 p.m.**

**Respectfully Submitted,**

**V. Louise Reid  
Town Council Secretary**

**I, V. Louise Reid, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of nineteen (19) pages is a true copy of the original Minutes of the Town Council Workshop of May 17, 2011.**

**Louise Reid**