

**Old Orchard Beach Planning Board Site Walk & Workshop Minutes
Thursday, May 6, 2010**

| SITE WALK |
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| Site Walk at 44 Union Avenue at 5:45pm: Conditional Use Review: Proposal to re-establish 3 dwelling units at 44 Union Avenue, MBL 315-21-1 (per <i>Sec. 78-180 Appeals from restrictions on nonconforming uses</i>). |
| Roll Call: Win Winch, Tianna Higgins, Eber Weinstein, Don Cote. Absent: Karen Anderson, Mark Koenigs. |
| Called to Order at 5:48pm |
| <i>The Planning Board members walked around all sides of the property. The parking in the rear was observed, and the parking and fenced in area in the front (on Union Ave) was observed.</i> |
| Mr. Lamb: The applicants will need to expand the parking area to fit one additional car in the back of the multi-family building. |
| Mr. Bucci: The third unit was established as a rental unit in 1986. When we purchased the building it was in foreclosure and none of the units were in operation. We were able to re-establish the first two units, but by the time we got around to renovating the third unit, we ran into a density issue. We are hoping to reinstate this third unit with this approval. |
| Mr. O'brien: we will make the outdoor stairway an interior stairway with the renovation of this third unit. |
| Site Walk adjourned at 5:58 |

| WORKSHOP |
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| Roll Call: Win Winch, Tianna Higgins, Eber Weinstein, Don Cote, Mark Koenigs. Absent: Karen Anderson. Staff: Gary Lamb and Jessica Wagner. |
| Called to Order at 6:05pm |
| ITEM 1: Discussion: Conditional Use Home Occupation Review: Proposal to sell lobsters out of existing garage at 2 Oak Street, MBL 210-2-59. |
| Mr. Lamb: The Applicant, Daniel Clough, is a lobsterman with a Class 3 Lobster License. This State license allows him to fish for and sell lobsters he catches. He resides at 2 Oak Street with the owner of the house. He would like to sell lobsters out of an existing garage. This property is located directly next to Pinehurst Campground. It is likely that most customers will be guests at the campground, picking up lobster on foot. |
| ITEM 2: Discussion: Conditional Use Review: Proposal to re-establish 3 dwelling units at 44 Union Avenue, MBL 315-21-1 (per <i>Sec. 78-180 Appeals from restrictions on nonconforming uses</i>). |
| Mr. Lamb: we just came from the site walk. The only issue was the needed expansion in the parking area. The applicant indicated this would be taken care of with added gravel. |
| ITEM 3: Discussion: Conditional Use Amendment Review: Smith's Garage Conditional Use amendment, located at 2 Whispering Pines Drive, MBL 105-1-16. |
| Mr. Lamb: The applicants have submitted a landscape plan. |

ITEM 4: Chapter 78 Shoreland Zoning Discussion and Review.

Mr. Lamb: The Conservation Commission gave us their comments on the current Shoreland Zoning text in writing. Tonight you have a document with comments from both the Conservation Commission and myself. We are not going to decide something this evening. This is an initial debate about Shoreland Zoning changes.

Mr. Bird: The way I am conceptually looking at it is that JT Lockman gave us the basic minimum. DEP will not take anything less than this. I then took the basic minimum and added on to what the Conservation Commission would like to have. The fill ordinance was initially instated in the 1970s. This was lost since then and I'd like to add a fill Ordinance back. Ideally, when someone would like to fill, they must first have a license and will be required to remove twice as much fill as will be removed. This would be in the FEMA areas, not in shoreland zoning.

Mr. Weinstein: Doesn't the dam and the issues with Route 9 in Scarborough cause more flooding issues that fill in Ocean Park?

Mr. Bird: the major problem in Ocean Park is flooding.

Mr. Lamb: my concern Mr. Bird's suggestions expand the regulations to such an intense level, that it will create a significant amount of nonconforming lots. This will limit what many people can do on lots they own and live on.

Mr. Lamb: If you look at the Conservation Commission recommendations, you will see the Shoreland Zone in the upland portion of Goosefare Brook will be a 250ft setback. We currently have a 100ft buffer here. The 75ft buffer is the DEP minimum requirement. This is a 250ft building setback which will likely be very unpopular. Another example of potential over regulation is in #6 in the document we are looking at - why do you want to keep the downtown in the shoreland zone?

Mr. Bird: there are flooding issues in the some areas of the downtown, so it is easiest to have it all in the one zone.

Mr. Lamb: #7 – we should not be zoning based on ownership. We should remove this, as it is redundant anyway.

Mr. Koenigs: are we only concerned with slopes over 20% that are at least 2 contiguous acres?

Mr. Lamb: yes.

Ms. Higgins: #12 – does this say we are supposed to make all 2 acre wetlands in the shoreland zone?

Mr. Lamb: Yes. The state DEP office only recognizes 10 acre wetlands. # 13 – the Conservation Commission wants to change the definition of stream to include perennial streams. Further down is a reference to vernal pools. It is very difficult to map vernal pools, and we do not have the proper data. I have a problem with zoning things that we cannot map.

Mr. Bird: I think all three types of the highest annual tide should be included in the Ordinance.

Mr. Lamb: how are we going to define a stream? (f) on page 7 – the Conservation Commission suggests a 250ft buffer around all streams to the first order streams.

Mr. Bird: I think we should look to protect the watershed of all streams in OOB. To the extent you protect them is a judgment call.

Mr. Koenigs: after we make a recommendation to Council, will there be a workshop?

Mr. Lamb: correct, I hope there is a workshop. There should be.

Mr. Lamb: another thing we are going to be talking about after this is all done, is what we are going to do with our new ocean jurisdiction. We will not be dealing this in this revision process.

Mr. Lamb: the setbacks for streams in campgrounds as recommended by the Conservation Commission needs to be carefully looked at. A 250ft buffer would make many areas of the campground in OOB nonconforming.

Ms. Berlin: it is important to note what the State minimum is in relation to our Ordinance language and suggested changes.

Mr. Winch: let's discuss the procedure for reviewing these ordinance revisions next week.

GOOD & WELFARE

Mrs. Ebenhoeh (124 Ross Road) handed out a letter to the Planning Board regarding Item 3.

Meeting Adjourned at 7:48pm

I, Jessica Wagner, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original minutes of the Planning Board Site Walk and Workshop of May 6, 2010.