

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
Thursday, December 8, 2011**

Call to Order at 7:05 pm	Call to Order
Pledge to the Flag	
Roll Call: Win Winch, David Darling, Michael Russo Absent: Eber Weinstein, Mark Koenigs, Donald Cote Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<p>Chair Win Winch mentioned that he had pointed out one error on the Minutes of November 10, 2011. It should read Alternate instead of Alternative.</p> <p><u>APPROVAL OF MINUTES:</u> Mr. Darling made as motion to approve the minutes of November 10, 2011 with that one correction. So moved by Mr. Russo. All agreed.</p>	<p>MINUTES</p> <p>Motion</p> <p>Vote (3-0)</p>
<p><u>ITEM 1</u></p> <p>Proposal: Private Way Application: Access to 1 lot Action: Public Hearing; Schedule final review Owner: Matthew G. Chamberlin Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone</p> <p>Chair Winch opened the meeting to the public at 7:08 pm. There being no one for or against Item 1, the public hearing was closed at 7:09 pm.</p> <p>Mr. Hinderliter stated to the Board that his main concern was the issue of Right Title and Interest. He questioned what "Right to Use" actually means. Does it mean that to have the right to use a paper street, do they have the right to develop a paper street? This has not been clearly represented to the Board.</p> <p>With an easement, does the person have the right to use that land, but without Right Title and Interest, does he have the right to develop a private way? Jeffery stated that the public rights can be easily dealt with through a note on the plan and condition of approval.</p> <p>Matthew Chamberlin introduced himself and stated that he would get a Legal Opinion done by a Title Attorney on the Right Title and Interest and have that referenced on the plan.</p> <p>Chair Winch mentioned the other issue we have to decide is what happens when the second lot goes in. The ordinance states that two people on a private road has to have a joint maintenance set up. Mr. Chamberlin suggested that he could present in his package as a single lot, a Proposed Maintenance Agreement already in place that somebody would have to join into/accept and get the Planning Boards ok and has to abide by it this agreement.</p> <p>Mr. Chamberlin stated that it would have to be a first come, first served basis. Mr. Hinderliter stated that if this is built up to one lot standards, and he got a proposal for a second lot, they would be responsible for bringing the road up to the second lot private way standard. The reason is because the private way ordinance doesn't just include construction, it also includes use. Mr. Chamberlin will get a legal opinion drawn up and will talk to who may be well suited to join forces with him for a second lot and revise the plan to show 12-16'.</p>	<p>ITEM 1</p>

<p>ITEM 2 Proposal: Conditional Use: Home Occupation. Use of personal kitchen for production of baked goods and canning for sale online and offsite Action: Public Hearing; Final Review; Finding of Fact Owner: Jocelyn Mertz Location: 25 Evergreen Ave., MBL: 311-13-9, R2 Zone</p> <p>Chair Winch opened the public meeting to the public at 7:22 pm. There being no one for or against Item 2, the public hearing was closed at 7:23 pm.</p> <p>Mr. Hinderliter stated that the Findings of Fact are ready for them to sign. Mr. Darling made a motion to move forward with the proposal for the use of personal kitchen for production of baked goods and canning for sale online and offsite and seconded by Mr. Russo.</p> <p>All agreed.</p>	<p>ITEM 2</p> <p>Motion</p> <p>Vote (3-0)</p>
<p>ITEM 3 Proposal: Private Way Application: Access to 3 residential lots Action: Review Private Way proposal; Determine next steps Owner: Harry L. Smith Location: 19 Smith Wheel Road, MBL: 210-1-11, R4 Zone</p> <p>Chair Winch stated that this item is a review of the private way proposal to determine the next steps. Bill Thompson representing the Smith's introduced himself to the Board. The Development has been there since 1944 and in 1961 the Right of Way was formalized in the Registry of Deeds. What they are asking for is to be able to get a building permit and to be able to get upgrade standards to the private way waived.</p> <p>Mr. Hinderliter stated that he has three things for the Planning Board to determine.</p> <ol style="list-style-type: none"> 1.) a. The fact that this lot is clearly grandfathered, frontage is not required. Lots date to 1944. b. There is a requirement for a 50' right of way for lots that existed after September 19, 1989 so this is clearly exempt. The standard indicates that it would be the width of the private way improved portion. 12-15'. 2.) Because this is in access of 3 lots. The Board needs to determine if they can waive the subdivision road construction standards. 3.) Establishing the right of way. Be sure that public safety has the ability to pass through and have some sort of agreement between the parties to be properly maintained and plowed. <p>Mr. Thompson stated that he could get something to formalize/secure the maintenance agreement. Mr. Hinderliter stated a private way application needs to be submitted. Chair Winch asked if there were any abutters. Mr. Hinderliter stated that yes there is an abutter, Susan Nickerson. Mr. Hinderliter stated that there is no real set procedure. The main concern is to protect all property rights involved. Mr. Thompson stated that he would get the public safety comments and application before the Board and be back in January. Mr. Darling stated that because this is grandfathered, the Board could make an exception. Chair Winch stated that a site walk can be done individually on their own. There being no further discussion, it was agreed to meet at the January 12, 2012 meeting.</p>	<p>ITEM 3</p>

<p>ITEM 4 Proposal: Private Way Application: Access to 1 lot Action: Consideration of Private Way proposal Owner: Robert and Shirley Baggs Location: Connecticut Avenue, MBL: 322-1-7, R3 Zone</p> <p>Mr. Hinderliter stated to the Planning Board that this proposal needed to go before the Zoning Board of Appeals to secure a variance because it could not meet right of way standards. This variance was secured by the Zoning Board of Appeals on November 28, 2011. They are looking to get approval on this private way area to be constructed to support the private way width. It was agreed to have a site walk on January 5, 2012 @ 5:45 pm before the workshop. The Public Hearing will be held on January 12, 2011 at 7:00 pm. Mr. Hinderliter will get the Public Way Application to Mr. Harding.</p>	<p>ITEM 4</p>
<p>ITEM 5 Proposal: Site Plan Review Amendment to 2001 approval: Install fencing, adjust lot lines, construct vehicular access Action: Determination of completeness; schedule public hearing & site walk Owner: BBI Waste Industries Location: 1 Vallee Lane, MBL: 107-2-28, ID Zone</p> <p>Mark St. Germaine, representing BBI introduced himself to the Board. They are seeking a site plan approval for increasing the size of this facility that was approved in 2001. Adding fencing, security and control to improve movement on this site and to relocate the CMP easement that goes across the site. Originally The DEP approved it as a solid waste transfer facility. In 2007 the DEP permit was amended to permit municipal solid waste at the facility (MSW) In 2010 The town of Old Orchard Beach approached BBI and were interested in closing the towns transfer station. They asked BBI if they could take the (MSW) from their towns facility to the BBI facility. Since that time it has changed some of the traffic. There is more residential traffic coming into the facility now. Mr. St.Germaine stated that one of the stimulants for doing this is to manage traffic and secure the site a little better. The 4 acres of the existing site entails the building, transfer station, scale and fuel pump. The proposal is a 9 acre parcel and would include those pieces that were stored on neighboring properties, mostly owned by the Blow Brothers (container storage, empty toilet storage and truck equipment storage). So the idea is to bring all of this on the proposed 9 acre lot. There will be no change to the operation other than one pond will be built for storm water management. Archie St. Hillaire stated that they are basically trying to clean up the property, Mr. Russo asked, as a matter of completeness whether CMP is in agreement with this proposal. Mr. St. Germaine said that CMP has been notified and is in agreement with this proposal. Attorney David Ordway introduced himself to the Board and gave a brief overview of CMP history. Mr. Ordway stated that as part of the agreement with CMP is that as soon as the new line is charged, CMP will discontinue the line at this site and the easement will be abandoned. Mr. Ordway stated that when this work is done and everything is approved, they will complete the paperwork and relocate the existing easement. It was suggested that a site walk by the Board on their own at their convenience would be appropriate and to schedule the Public Hearing at the next Planning Board Meeting on January 12, 2012 at 7:00 pm.</p> <p>Mr. Darling made a motion that the Planning Board determines that BBI waste proposal is complete, Seconded by Mr. Russo. All approved.</p>	<p>ITEM 5</p> <p>Motion</p> <p>Vote (3-0)</p>

<p>ITEM 6 Proposal: Conditional Use: Addition of 20 feet to existing radio antennae Action: Determination of completeness, schedule public hearing & site walk Owner: Town of Old Orchard Beach Location: 136 Saco Ave. (Fire Department), MBL: 207-3-8, GB1 Zone</p> <p>This item on the Agenda is to determine the application complete. Mr. John Glass introduced himself to the Planning Board and informed the Board that they put an Addition of a 20' to an existing radio antenna at the Fire Department. Mr. Hinderliter then stated that the next step is to have a Public Hearing on January 12, 2012 and have The Planning Board members do a site walk on their own at 136 Saco Avenue.</p> <p>It was agreed to have a site walk on January 5, 2012 @ 5:45 pm before the workshop. The Public Hearing will be held on January 12, 2011 at 7:00 pm.</p> <p>Mr. Russo made a motion to determine the application complete, seconded by David Darling.</p> <p>Unanimous.</p>	<p>ITEM 6</p> <p>Motion</p> <p>Vote</p> <p>(3-0)</p>
<p>There being no further issues to discuss, the meeting adjourned at 8:15 pm.</p> <p>GOOD & WELFARE ADJOURNMENT WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 8:15 pm</p>	<p>Adjournment</p>

I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Four (4) is a true copy of the original minutes of the Planning Board Meeting of December 8, 2011.

Valdine J. Helstrom