

**Old Orchard Beach November 3, 2011
Planning Board Site Walk & Workshop Minutes**

SITE WALK: 5:30 PM meet at the corner of Homewood Blvd and Garden St.

Proposal: Private Way Application: Access to 1 residential lot
Action: Review application, site walk update and schedule public hearing (8 December 2011)
Owner: Matthew G. Chamberlin
Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone

Present at the site walk: Win Winch, Chair; Donald Cote, Vice Chair; Mark Koenigs, Michael Russo. **Staff:** Jeffrey Hinderliter, Approximately 8 members of the public were present.

Jeffrey Hinderliter opened the meeting and described the project to those in attendance. Jeffrey talked about paper streets and associated public and private rights to these. The public had several concerns and questions including the potential to exacerbate an existing drainage issue on one of the properties (Mittea's property), whether the public would have right to access the private way, if the town would be responsible for maintaining, the town attorney opinion concerning the proposal. The board and some members of the public walked along the unimproved section of Homewood Blvd. The corners of the applicant's lot were flagged. The board and public met at Homewood Blvd/ Garden St. intersection and continued the discussion. Jeffrey explained what the process for PB review may be.

Site Walk adjourned at 5:53 p.m.

Planning Board Workshop: 6:00 pm in Council Chambers at Town Hall

Present: Donald Cote, Michael Russo and Chair Win Winch. **Staff:** Jeffrey Hinderliter, Town Planner; Val Helstrom, Admin. Assistant.

Absent: Mark Koenigs, Eber Weinstein, David Darling.

Called to order at 6:15 p.m.

ITEM 1

Proposal: Conditional Use Application (Appeals from restrictions on nonconforming uses): Re-establish 2-family use of existing building
Action: Public Hearing, Final Application Review, Findings of Fact Approval
Owner: Robert Kirby
Location: 90 Union Ave, MBL: 314-17-2, R2 Zone

In regards to this item, there is nothing new. The Planning Board should have no problem with approving this at the November 10th meeting if no issues come up. Mr. Hinderliter also mentioned that he has prepared the Findings of Facts for the Board to sign at that meeting.

ITEM 2

Proposal: Private Way Application: Access to 1 lot
Action: Review application, site walk update and schedule public hearing (8 December 2011)
Owner: Matthew G. Chamberlin
Location: Homewood Boulevard, MBL 403-17-13, R5 Zone

Jeffrey prepared a memo in the Planning Boards packets. Jeffrey spoke with the Attorney. The Attorney's verbal opinions on the primary points are as follows:

- 1.) The town has reserved the rights to develop the sections of Homewood Blvd and Hemlock Streets as located on the plans that were received. The town wants to retain public rights. (right of way for the road)
- 2.) Although the public rights have been reserved, an applicant who has Right Title and Interest can propose a private way over a paper street and this can move forward as long as it is clearly documented on the plans and documents and upon the condition and recorded that all public rights be maintained and granting the approval does not relinquish public rights. Also any improvements within the Right of Way can be removed and/or upgraded by the town at a future date, so its at the property owners risk.

Chair Winch asked what happens when # 2 comes along, then #3 comes along.

Mr. Hinderliter stated that there still may be an issue.

There is some concern because Homewood Blvd and Hemlock Streets are primary access to numerous undeveloped lots in Homewood Park.

They can do it as long as they reserve the public rights clearly recorded in the registry.

Chair Winch: How many lots can the driveway serve is a question that needs to be looked at.

Mr. Hinderliter suggested that the Board think about these issues before the next meeting and that he would get more details.

ITEM 3

Proposal: Private Way Application: Access to 3 residential lots
Action: Advise applicant on waivers requests on Private Way/Subdivision road construction standards
Owner: Harry L. Smith
Location: 19 Smith Wheel Road, MBL: 210-1-11. R4 Zone

Mr. Hinderliter stated that the Applicant is looking for guidance from the Planning Board for a private way proposal that would access 3 lots. The applicant would like to request modifications or waivers of the subdivision road construction standards. Mr. Hinderliter mentioned that there is a memo in their packets for them to review.

Mr. Winch mentioned that the 3rd lot is considered at sub-division.

Mr. Hinderliter stated that this is not a sub-division proposal. This is already an approved sub-division but it needs to meet Subdivision Road Standards which are very detailed.

Mr. Hinderliter sees the ability for waivers or modifications with this.

Mr. Cote asked how much frontage does this property need?

Mr. Hinderliter stated the applicant needs 100 ft. frontage and have clear access in order for this lot to be buildable and they need to extend the right of way to get the frontage that they need.

The need for a right of way/cul-de-sac or hammerhead was agreed.

Mr. Hinderliter suggested to the Board to look at the waiver and provision proposals for the next meeting.

ITEM 4

Proposal: 53 seasonal dwelling units: change dates of seasonal use
Action: Amendment to approved Findings of Fact (Conditional Use, Site Plan Review and Subdivision)
Owner: Bernie Saulnier (William Thompson, Agent), Agent is BH2M, Bill Thompson
Location: 180 Saco Avenue, MBL 208-1-1, in the GB-1 & R4 Zone

Mr. Hinderliter mentioned to the Board that Summer Winds was approved, free and clear from any court action and the case was dismissed. They are seeking an amendment to change the seasonal dates, from October 31st and make them accessible to December 31st.

Mr. Cote has 2 concerns:

- 1.) Are the snow removal provisions in the Condo Docs.
- 2.) Building it to the standards that the pipes do not freeze.

Mr. Hinderliter had suggested to the applicant to bring this issue to the Board to see if they are willing to consider this proposal and also to talk to Mr. Urbanski to update him on this proposal.

ITEM 5

Proposal: Amendment to approved subdivision (30 residential dwelling units)
Action: Consideration of subdivision amendment
Owner: Pine Ridge Reality Corp.
Location: Wild Dunes Way (Dunegrass-LaCosta Pines), MBL: 105A-1-200A, PMUD Zone

Mr. Hinderliter stated that this is a simple amendment. Separating 30 town homes into single family detached units. Because this is a sub-division, and there is a change to the original sub-division plan, it needs to go back to the Planning Board to approve this change. All they are changing is the buildings and the driveway.

ITEM 6

Proposal: Conditional Use: Home Occupation. Use of personal kitchen for production of baked goods and canning for sale online and offsite
Action: Determination of completeness, schedule site walk and public hearing
Owner: Jocelyn Mertz
Location: 25 Evergreen Ave., MBL: 311-13-9, R2 Zone

The sales will be offsite, no pickup. Delivery once per week, no traffic issue.

Mr. Cote asked what the regulations on a sign would be.

Mr. Hinderliter stated that it is 5 square feet.

ITEM 7

Proposal: Private Way Application: Access to 1 lot
Action: Discuss proposal, advise applicant
Owner: Robert and Shirley Baggs
Location: Connecticut Avenue, MBL: 322-1-7, R3 Zone

Mr. Steve Harding, spokesperson for the Baggs was present.

Asking for a variance for access to one lot.

Mr. Hinderliter asked Mr. Harding if they need a Board of Appeals approval.

Mr. Harding stated that they do. They basically need to get the 100' of frontage. They need to extend the right of way to get the frontage that they need.

This is the last lot to be developed on this road.

No action taken, just looking for guidance or advice from the Planning Board.

ITEM 8

Proposal: Conditional Use Application: Deck addition to single family residence
Action: Approval of Findings of Fact
Owner: George and Cynthia Kerr
Location: 206 East Grand Ave., MBL 202-3-10, RA/RBD Zone

No discussion on this item. Sign findings of facts at the next meeting.

GOOD & WELFARE

ADJOURNMENT: There being no further information to discuss, the meeting adjourned at 7:45 pm.

WINTHROP WINCH, CHAIRMAN

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) pages is a true copy of the original minutes of the Planning Board Site Walk and Workshop November 3, 2011.

Valdine L. Helstrom