

TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING
PLANNING BOARD MEETING MINUTES
Thursday February 14, 2013

Call to Order at 7:10 pm	Call to Order
Pledge to the Flag	
Roll Call: Carl D’Agostino, Win Winch, Eber Weinstein. Absent: Mark Koenigs, David Darling. Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<p><u>ELECTION OF OFFICERS:</u></p> <p>Carl D’Agostino made a motion to elect Eber Weinstein as Chair to the Old Orchard Beach Planning Board, seconded by Win Winch.</p> <p>All in favor.</p> <p>Eber Weinstein made a motion to elect Carl D’Agostino as Vice Chair to the Old Orchard Beach Planning Board, seconded by Win Winch.</p> <p>All in favor.</p>	<p><u>ELECTION OF OFFICERS</u></p> <p>MOTION</p> <p>VOTE (3-0)</p> <p>MOTION</p> <p>VOTE (3-0)</p>
<u>APPROVAL OF MINUTES:</u> The meeting minutes were postponed due to members being absent at the meeting tonight.	<u>MINUTES</u>
<p><u>PUBLIC HEARING</u></p> <p>Proposal: Conditional Use: Establish a preschool and child learning center within an existing commercial building</p> <p>Owner: Winter Assisted Care LLC (Applicant: Candi and Richard Ireland)</p> <p>Location: 1 Granny Smith Court (Suite 2), MBL: 107-3-1</p> <p>Expressing concern about this proposal is Cider Hill resident Jeanne Violette from 83 Kavanaugh Road. Ms. Violette doesn’t think that this is a proper place to have a Child Learning Center as this is a 55-plus community. She moved into this community so that she would have a quiet, adult neighborhood to live in. She is also concerned if this would hinder her in anyway if she would like sell her property someday.</p> <p>Mrs. Violette’s daughter Kathy also expressed concern for her opposition on having a child learning center in this 55-plus neighborhood because her mother had bought this place to live in a quiet adult neighborhood and not have children around.</p> <p>Mr. Hinderliter informed the Board Members that we had received 3 letters from concerned citizens on this proposal. Mr. Hinderliter asked for the Board Members to consider the other letters but was asked to read the following statement into the record as requested.</p>	<u>PUBLIC HEARING</u>

Chair Weinstein read a letter that Frances Dionne wrote and requested that the following statement be read into the record:

I live in the Cider Hill 55-plus condominium development abutting Granny Smith Court. When I moved here, the possibility of an assisted-living facility was going to be built at Granny Smith Court which would be compatible with an elderly community.

After learning that an assisted living facility would not be built, my neighbor who lived at 55 Macintosh Lane moved to Blueberry Hill in Falmouth because they had an assisted-living facility on the premises.

Whatever is going to go into the Granny Smith Court property should be a business that would be compatible with a 55-plus community.

As a note of importance, Cider Hill 55-plus community is not allowed to have any child under the age of 18 living here. They can visit for a two week period but cannot live here nor attend any Old Orchard Beach school.

I am in opposition of the proposed preschool and child learning center because it is not compatible with a 55-plus community.

*Frances Dionne
 49 Macintosh Lane
 Old Orchard Beach, ME 04064*

There being no one else present for or against this proposal. The Public Meeting closed to the public at 7:17 p.m.

REGULAR MEETING

ITEM 1

Proposal: Conditional Use: Establish a preschool and child learning center within an existing commercial building

Action: Final Review

Owner: Winter Assisted Care LLC (Applicant: Candi and Richard Ireland)

Location: 1 Granny Smith Court (Suite 2), MBL: 107-3-1

Candi and Richard Ireland introduced themselves to the Board Members and explained to the audience and the Board Members that this will be a well structured pre-school and child learning center with no more than 15 children in the morning from 8:00 a.m. thru 11:00 a.m. and no more than 20 children in the after noon from 12:00 p.m. thru 3:00 p.m. for 3 and 4 year olds.

Jeffrey Hinderliter mentioned that he understands both the applicant and the neighbors concerns. Mr. Hinderliter stated that he is quite sure that the Ireland's would respect the neighbors boundaries and that he understands that the neighbors would be concerned with the peace and quiet. Mr. Hinderliter's main concern is that this proposal will insure the safety and the welfare of the children.

REGULAR MEETING

ITEM 1

Carl D’Agostino had a concern about only having a 4’ fence there. He would like to see a 6’ fence.

Candi Ireland stated that they could accommodate a 6’ fence and she also mentioned that this will be an open concept building so that they will be able to see the children at all times.

Mr. D’Agostino’s other concern is that the children will be secure in the fenced in area and will not be able to sneak back in and get back outside from there.

Ms. Ireland assured him that they could not get outside. It will be locked.

They will have the same school schedule like everyone else, there will be no summer school and off on all vacations.

Chair Weinstein asked Mr. Hinderliter if there was any problem with what was stated in the Cider Hill deed itself. Mr. Hinderliter informed him that this was already checked out before and this is totally separate from the Cider Hill development. There should be no problem.

Win Winch stated that if they moved the Cider Hill sign back a couple of feet that it may not block traffic visibility. He also questioned whether they need to do a traffic study. Mr. Hinderliter stated that they do not need to do a traffic study because it would require at least 100 vehicle trips at peak hour.

Mr. Hinderliter also mentioned that if they should sell the business and/or if the business changed or the size of the building changed, they would have to come back to the Board for a conditional use.

The Ireland’s stated that they would like to be able to be in by mid July so that they could be ready to start the school year in September. Mrs. Ireland stated that she cannot work with the State until the Planning Board gives her the approval. Once she has the Planning Board’s approval, then she would have at least 3-4 months before it is approved by the State.

Chair Weinstein read the 12 standards for conditional use.

Sec. 78-1240. - Standards.

Before authorizing any conditional use, the planning board shall make written findings certifying that the proposed use is in compliance with the specific requirements governing individual conditional use and demonstrating that the proposed use meets the following standards:

- (1)The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.

AS THIS IS A PRESCHOOL AND ASIDE FROM BEING OUTSIDE IN THE BACK PLAY AREA NO MORE THAN 30 MINUTES A DAY, THE MAJORITY OF BUSINESS IS INSIDE TEACHING CHILDREN.

(2)The proposed use will not create or increase any fire hazard.

THE PRESCHOOL WILL HAVE NO EFFECT ON CREATING/INCREASING ANY FIRE HAZARD.

(3)The proposed use will provide adequate off-street parking and loading areas.

THE BUILDING’S PARKING LOT IS SUFFICIENT AND WILL PROVIDE PLENTY OF PARKING FOR DROPPING OFF AND PICKING UP CHILDREN DURING THE DESIGNATED TIME PERIODS.

(4)The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.

THE PRESCHOOL WILL NOT CAUSE ANY OF THE ABOVE.

(5)The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.

THE PRESCHOOL WILL NOT CAUSE ANY OF THE ABOVE.

(6)The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.

THE HOURS OF OPERATION WILL BE FROM 0800-1500 WITH A TOLERABLE AMOUNT OF NOISE AS PRODUCED FROM TEACHING 3-5 YEAR OLD CHILDREN.

(7)The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.

YES, WE WILL BE UTILIZING STANDARD PROTOCOL OF CURRENT BUILDING SYSTEMS.

(8)The proposed use will not adversely affect the value of adjacent properties.

THE PRESCHOOL WILL BE OF HIGH CALIBER VISUALLY AND FUNDAMENTALLY ATTRACTING YOUNG WORKING FAMILIES.

(9)The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

<p>THE PRESCHOOL’S HOURS OF OPERATION WILL BE FROM 0800-1500 PRODUCING MILD NOISE OF CHILDREN IN A LEARNING ENVIRONMENT.</p> <p>(10)The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.</p> <p>YES.</p> <p>(11)The applicant's proposal must adequately provide for drainage through and for preservation of existing topography within its location, particularly in minimizing any cut, fill, or paving intended.</p> <p>ASIDE FROM THE SMALL PLAY AREA IN THE REAR OF THE BUILDING, NO OTHER TOPOGRAPHY CHANGES WILL BE MADE TO THE ALREADY ESTABLISHED CONDO LANDSCAPING.</p> <p>(12)The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements</p> <p>WE HAVE ADEQUATE FINANCIAL AND TECHNICAL CAPACITY TO SATISFY CRITERIA AND MAINTAIN OUR PROPOSED PROJECT.</p> <p>Carl D’Agostino made a motion to approve this Conditional use for Candi and Richard Ireland to establish a preschool and child learning center within an existing commercial building at 1 Granny Smith Court (Suite 2) MBL 107-3-1 with one condition that they install a 6’ fence instead of a 4’ fence and have it inspected by the Old Orchard Beach Code Office before occupancy. Seconded by Win Winch.</p> <p>Mr. Hinderliter recorded the vote:</p> <p>Win Winch – Yes Carl D’Agostino – Yes Chair Weinstein – Yes</p> <p>All in favor.</p>	<p>MOTION</p> <p>VOTE (3-0)</p>
<p><u>ITEM 2</u> Proposal: Conditional Use: Re-establish 3rd dwelling unit within existing building Action: Determination of completeness; schedule public hearing; schedule site walk (if desired) Owner: Robert Kirby</p>	<p><u>ITEM 2</u></p>

<p>Location: 90 Union Ave, MBL: 314-17-2</p> <p>Robert Kirby introduced himself to the Board and informed them that this was once a 3-unit dwelling and in 2011 he proposed to re-establish this property as a 2-unit dwelling and he would like to re-establish this property back into a 3 unit dwelling once again.</p> <p>Jeffrey Hinderliter stated that his only concern would be the parking. He added that if the Planning Board approves this, they would need to waive the off street parking requirement.</p> <p>Mr. Kirby informed the Board Members that there was plenty of parking. There is a 10 vehicle attached parking garage for his tenants. The building has also been brought up to code.</p> <p>Win Winch moved to determine the application complete, seconded by Carl D’Agostino.</p> <p>All in favor.</p> <p>A public hearing will be scheduled for the March 14, 3013 Planning Board meeting. With conditional uses the Planning Board does not need to schedule a site walk.</p>	<p>MOTION</p> <p>VOTE (3-0)</p>
<p><u>ITEM 3</u></p> <p>Proposal: Major Subdivision: 11-lot residential subdivision Action: Determination of completeness; schedule public hearing and site walk Owner: Dominator Golf, LLC Location: Oakmont Dr. (Adjacent to hole 16 in Dunegrass), Map 105A, Lot 200</p> <p>Andrew Morrell, from BH2M Engineering introduced himself to the Board and made a presentation. In 1988 they designated this parcel of land to be a maintenance area but they don’t need that amount of space designated to maintenance.</p> <p>This is a 5.4 acre of land which is zoned PMUD and is located off of Oakmont Drive. The applicant is proposing an 11 lot subdivision. Lot sizes range from ¼ acre to over ½ acre. Access to the site will be off of Oakmont Drive. Roads constructed will come through an easement over the land owned by CMP. The applicant has the right to a 60’ easement over that CMP parcel. There are 2 roads proposed approximately 850’ in length. A 24’ proposed bituminous road, 5’ sidewalk. There will be a combination of curbing on a portion of the project and vegetative ditches on the majority of the road.</p> <p>All of the lots will be served by public sewer/water and underground utilities. They will be required to have an amendment to this site location permit with the Maine DEP requesting a waiver from the Board proposing a 5% grade rather than a 2% grade within the first 75’ of an intersection. He added that they are trying to hold the grade that CMP would like them to hold. The applicant is also proposing the extension of natural gas.</p> <p>All roads meet all Old Orchard Beach standards, except for the waiver that they are requesting on the 5% grade at the intersection of Oakmont and Nicolas Drive. They are connecting to the sewer system on Oakmont with an 8” pvc pipe. They are currently working with the sewer district. Lots 1 and 11 will be gravity and the remainder of the lots will be a pressure sewer system.</p> <p>Chair Weinstein asked if there will be any traffic problems. Mr. Hinderliter informed him that this was looked at by Wright Pierce and stated that he doesn’t foresee any traffic problems.</p> <p>Win Winch questioned where they would put all of the snow within the 2 hammerheads. Mr. Morrell suggested that they may create a snow storage area over to one side or do some kind of an</p>	<p><u>ITEM 3</u></p>

<p>easement on one of the lots. Win Winch suggested that they might want to put on the sketch where the driveways are going to be.</p> <p>Jeffrey Hinderliter stated that he has a chart in his office that shows each section of Dunegrass and the number of units and the ownership. Mr. Hinderliter added that we do our best in house to keep tract of the changes in Dunegrass.</p> <p>Chair Weinstein asked Mr. Hinderliter in regards to the determination of completeness, how many are necessary. Mr. Hinderliter recommends that we can determine it complete based on the applicant providing information in response to his memo, Wright Pierce and response to the Planning Board’s comments.</p> <p>Win Winch made a motion to determine the application complete for Dominator Golf, LLC, Oakmont Drive (Adjacent to hole 16 in Dunegrass, MBL 105A, Lot 200 conditioned upon receiving comments and replies to the questions raised by the Town Planner, Wright Pierce and the Planning Board. Seconded by Carl D’Agostino.</p> <p>All in favor. A public hearing will be scheduled for the March 14, 3013 Planning Board meeting. A site walk will be scheduled for March 7, 2013 at 5:15 p.m.</p>	<p>MOTION</p> <p>VOTE</p> <p>(3-0)</p>
<p><u>ITEM 4</u> Proposal: Conditional Use: Construct a Skateboard complex Action: Determination of completeness; schedule public; schedule site walk (if desired) Owner: Town of Old Orchard Beach Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6</p> <p>Recreation Director Jason Webber introduced himself to the Board. Mr. Webber informed the Board that the proposal has been scaled down from the last proposal. Mr. Webber will provide the responses for the 6 conditions in the memo from the Town Planner and will also provide a birds eye plot plan of the proposal to the Planning Board.</p> <p>Mr. Webber stated that they have sent the plans of the project to DEP. They also had a preliminary meeting with DEP and had an initial site walk with them. DEP stated that this will take approximately 6–8 weeks to get an answer from them. They are currently working with an engineer on the drainage and erosion issues. They plan on leaving a tree line buffer between the resident’s home and the ballpark.</p> <p>Chair Weinstein would like to see a plan in regards to the buffer and stated that the main concern of the Planning Board is that it meets the standards that they have. Mr. Webber stated that after they get DEP approval, they will need to take down some of the trees. Mr. Webber has met with the Police, Fire and Public Works and will get the Planning Board a statement from them in writing. Chair Weinstein also would like to see a plan in place for monitoring of the complex for safety purposes. Mr. Webber stated that the park will be monitored by volunteers and that it will be used as an inherited risk, so that the town is not liable for any accidents. Chair Weinstein would also see some legal documentation in writing to protect the town.</p> <p>Win Winch made a motion to determine the application complete for the applicant of the town of Old Orchard Beach to construct a skateboard complex at 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6 conditional upon receiving 6 conditions in the memo from the Town Planner, a full size set of drawings and an engineer’s site plan. Seconded by Carl D’Agostino.</p> <p>All in favor. A public hearing will be scheduled for the March 14, 3013 Planning Board meeting.</p>	<p><u>ITEM 4</u></p> <p>MOTION</p> <p>VOTE</p> <p>(3-0)</p>

<p>A site walk will be scheduled for March 6, 2013 at 5:15 p.m.</p>	
<p>ITEM 5 Proposal: Conditional Use: Home Occupation- Scooter Delivery Action: Determination of completeness; schedule public hearing; schedule site walk (if desired) Owner: David J. DiLibero Location: 125 Saco Ave., MBL: 311-1-7</p> <p>David J. DiLibero stated that he and his wife are proposing a seasonal scooter delivery service at their property at 125 Saco Avenue. Approximately 4-6 scooters. They will store the scooters in their neighbor’s garage Kathy Butterfield who lives 8 Pleasant Street. Ms. Butterfield introduced herself to the Board Members and stated that she will be working with the DiLibero’s as well. They will have a sidewalk sign (sandwich sign) and Jeffrey Hinderliter stated that kind of sign is permissible. Under the conditional use home occupation you are allowed one 2’x 3’ free standing sign. The hours of business will be 9:00 am to 6:00 pm. Chair Weinstein suggested to contact the Police Dept. and the Fire Dept. and get a letter stating that they approve of this.</p> <p>Win Winch made a motion to determine the application complete for conditional use of a home occupation scooter delivery. The applicant is David J. DiLibero, 125 Saco Avenue, MBL: 311-1-7 with the conditions that the Town Planner’s request be fulfilled, seconded by Carl D’Agostino.</p> <p>All in favor.</p> <p>A public hearing will be scheduled for the March 14, 3013 Planning Board meeting. A site walk will be scheduled for March 6, 2013 at 5:45 p.m.</p>	<p>ITEM 5</p> <p>MOTION</p> <p>VOTE</p> <p>(3-0)</p>
<p>GOOD & WELFARE ADJOURNMENT EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 9:03 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 Eight (8) is a true copy of the original minutes of the Planning Board Meeting of February 14, 2013.

Valdine J. Helstrom