

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING PLANNING BOARD MEETING MINUTES
TOWN COUNCIL CHAMBERS
Thursday May 9, 2013**

Call to Order at 7:05 pm	Call to Order
Pledge to the Flag	
Roll Call: Chair Eber Weinstein, Carl D'Agostino, Win Winch. Absent: Mark Koenigs, David Darling Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<p>APPROVAL OF MINUTES:</p> <p>Carl D'Agostino made a motion to approve the March 7, 2013 meeting minutes, seconded by Win Winch. All approved.</p> <p>Win Winch made a motion to approve the March 14, 2013 meeting minutes, seconded by Carl D'Agostino. All approved.</p>	<p>MINUTES</p> <p>Motion Vote (3-0)</p> <p>Motion Vote (3-0)</p>
<p><u>PUBLIC HEARING</u> <u>ITEM 1</u></p> <p>Proposal: Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project</p> <p>Owner: Sawgrass LLC</p> <p>Location: Wild Dunes Way, Map 105A, Lot 1</p> <p>Neil Oelstrom, a resident from Dunegrass located at 7 Long Cove Drive and also serves on the Dunegrass Community Association Board introduced himself to the Board Members. His concerns are that the communication on this project were quite limited. They are abutters and have interest in the Dunegrass area.</p> <p>He stated that the Dunegrass Community Association Board is responsible for the water system that is out in the Dunegrass area and have been paying the bills accordingly for 169 units.</p> <p>The system was not designed to meet the standards of the Biddeford/Saco Water Company (Maine Water Company). They are in hopes that they can turn the water company responsibilities over to Maine Water Company.</p> <p>The Dunegrass Golf Course was hooked up to their water system. In 2007-2008 they separated the Dunegrass Golf Course from the water system. So right now the water company serves the owners of the Dunegrass Community Association. It is divided up accordingly by the 169 units and each owner pays their share and that is the way they maintain their bills.</p> <p>Sawgrass wants to use the waterline that was terminated back in 2007-2008 for feeding the system for this new development. And his understanding is that they want to incorporate using plastic water lines for this project and plastic does not meet the specifications for Maine Water Company. It is taking away from DCA's efforts in trying to get the water system turned over to Maine Water Company.</p>	<p><u>ITEM 1</u></p>

Mr. Oelstrom also mentioned that there were consent agreements that were put together by the Town of Old Orchard Beach and Ronnie Boutet back in 2006 for the looping of the water system in Oakmont. At that time there was \$30,000 committed by Mr. Boutet to loop Oakmont Drive across the golf course and one of the fairways. As he understands that money is still available. Nothing has been done as of today.

Dave Huntington from 22 Long Cove Drive introduced himself to the Board Members. He is the Vice President of the Association of Section O which was formed in 2002. He asked the Board Members if Mr. Ron Boutet is the developer of this project. Jeffrey Hinderliter stated that the record owner is Sawgrass LLC., the Applicant/Agent is Lester Berry from BH2M (who is the engineer of this project) we do not have a developer identified but Mr. Hinderliter stated that he has been working with Ronnie Boutet on this project.

Mr. Huntington has 21 units on his street. He and his neighbors concern is that when they bought their lots from the developer who previously bought the lots from Mr. Boutot, Mr. Boutot still owned the road and he refused to plow it. Mr. Huntington and his neighbors then came to the Town of Old Orchard Beach and the town signed a consent agreement (which was signed on September 2005) but these agreements have not been completed by Mr. Boutot.

Mr. Huntington also added that before we allow the developer to have this new development Within Dunegrass, that he complete the agreements that were signed in September of 2005 which includes looping the system off of Long Cove Drive before another site is developed. Mr. Huntington is also concerned that if they have a break in their water line, who is going to be responsible for it. Maine Water Company will not accept their water lines because they are sub standard.

Another concern that Mr. Huntington has is that the town has sidewalks that sit below the roadway.

Ronnie Boutet introduced himself to the Board Members. Mr. Boutet stated that Dunegrass was approved for 18 neighborhoods and 589 sites. The approvals from DEP and the Town stated that the approvals run with the land. He also stated that Barbara Boutet owns the property and he acts as her agent.

Mr. Boutet informed them that in 2008, Gary Lamb, former code enforcement officer investigated the water complaints that Mr. Oelstrom talked about, and the previous code enforcement officer Sandra Mowrey stated that Dunegrass met the State and Town's requirements so Mr. Lamb wasn't going to persue this any longer as all of the water was proved to be the same pressure as Old Orchard Beach.

Mr. Boutet wanted to clear up some issues and stated that he will not be using plastic pipes and that the sewer connection to Dirago Drive was paid by him and not the community as stated by Mr. Oelstrom. He also mentioned that the sidewalks were not developed by him, but that they were accepted by the developer and also the town.

Phil Bergeron from Oakmont Drive introduced himself to the Board Members. His concern is that Mr. Boutot should have put in cast iron pipes in the first place, and that he should be responsible for digging up all the plastic pipe and putting in cast iron pipes to all of Dunegrass.

There being no further discussion on this item, the Public Hearing closed at 7:45 p.m.

<p><u>REGULAR MEETING</u> <u>ITEM 2</u> Proposal: Sawgrass Subdivision Amendment: Approved 40 unit condo project modified into a 22 unit single family house lot project Action: Site Walk Report, Applicant Update, Final Review Owner: Sawgrass LLC Location: Wild Dunes Way (Dunegrass Sections J & L) Map 105A, Lot 1</p> <p>Mr. Les Berry, Engineer from BH2M Engineering introduced himself to the Board. He stated that at the May 2, 2013 site walk, the primary concern from the abutters was the drainage issue. It was agreed at the site walk to put in the drywell. Mr. Berry also added that he received comments from Stephanie Hubbard, the Town Engineer from Wright Pierce. The Planning Board just recently received the comments from Ms. Hubbard and didn't have enough time to look them over. Mr. Winch suggested to establish cut off dates (submission dates) for information that they need to receive from the applicants. It was agreed that the submission date will be the 24th of May.</p> <p>Carl D'Agostino made a motion to table the discussion on Sawgrass until the next meeting (June 13, 2013) when all of the information is received and the Board Members have time to look at it more thoroughly, seconded by Win Winch.</p> <p>Chair Weinstein – Yes Win Winch – Yes Carl D'Agostino - Yes</p> <p>Unanimous</p>	<p><u>ITEM 2</u></p> <p>Motion</p> <p>Vote (3-0)</p>
<p><u>ITEM 3</u> Proposal: Site Plan Amendment and Conditional Use: Add 22 seasonal camp sites Action: Final Review Owner: Seacoast RV Resort, LLC Location: 1 Seacoast Lane, MBL: 102-3-5</p> <p>Bill Thompson from BH2M Engineering and Project Manager for Seacoast RV Resort, LLC introduced himself to the Board Members along with Mike Mailhot from Seacoast RV Resort, LLC.</p> <p>They are here requesting a final approval for an amended site location permit and a conditional use permit.</p> <p>The only outstanding issue is for D.E.P. to issue a minor amendment to the original site permit (which was in 2004).</p> <p>Mr. Hinderliter stated that it has been a smooth, great project and also everything that the board requested has been complied with. Mr. Hinderliter recommends approval with the one condition from D.E.P.</p>	<p><u>ITEM 3</u></p>

<p>Win Winch made a motion to conditionally approve the Site Plan Review Amendment and Conditional Use proposal for the addition of 22 seasonal campsites and associated road and infrastructure located at Seacoast RV Resort, 1 Seacoast Lane, MBL: 102-3-5 with the following condition:</p> <p>Construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board. Seconded by Carl D’Agostino.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D’Agostino - Yes Win Winch - Yes Chair Weinstein –Yes</p> <p>Unanimous</p>	<p>Motion</p> <p>Vote</p> <p>(3-0)</p>
<p><u>ITEM 4</u> Proposal: Major Subdivision: 11-lot residential subdivision (Hole 16 Subdivision) Action: Applicant Update, Final Review Owner: Dominator Golf, LLC Location: Oakmont Dr. (Adjacent to hole 16 in Dunegrass), Map 105A, Lot 200</p> <p>Les Berry from BH2M Engineers commented on the issue of the rain gardens. With a little more grading and fill, they could put a retention pond in it so they have changed the plans and gave them to Mr. Hinderliter. Mr. Berry stated that they received the comments from Stephanie Hubbard, Town Engineer from Wright Pierce, and they have responded to them as well as all of the other issues from the town.</p> <p>Mr. Berry stated that after the workshop last week, in Mr. Hinderliter’s “Conditions of Approval” he was recommending that it be a private road perpetuity. Mr. Berry stated that they are meeting all of the road standards and they are asking to make it a private drive, then this will make everything in the subdivision owned and operated by the Homeowners Association.</p> <p>Mr. Berry stated that they haven’t received the homeowners documents as of yet. Mr. Hinderliter stated that he doesn’t expect a letter from Maine Water Company. This proposal is through the DCA and the Planning Board is not responsible for enforcing DCA rules, although we still want to make sure that the abutters are protected. Mr. Berry added that they were approved by Maine Water Company in 1987. Mr. Berry informed the Board Members that they will be using ductile iron instead of plastic pipes. It will be an 8” pipe which has plenty of capacity and meets all fire standards in reference to fire hydrants.</p> <p>Mr. Hinderliter has 2 comments concerning the water issue: 1.) There is no objection from the Town Engineer. 2.) The only thing that the applicant has to approve is the Right, Title and Interest in creating this development.</p> <p>Mr. D’Agostino is concerned with having a precedent / rule on having some kind of a written Agreement between the provider and owner when water is coming from a private source.</p>	<p><u>ITEM 4</u></p>

If there is no formal agreement or legal document that says they are entitled to get water from DCA as a sustaining member, then he cannot see how the Planning Board can move forward and approve a subdivision knowing that it does not have a sustainable water supply.

Mr. Hinderliter suggested to the Board Members that they could have a condition that states that the owner/applicant must provide legal documented proof that there is an agreement between the parties involved that there will be sufficient water supply to the development.

Dominic Pulguris expressed concern that he does not want to delay this project any further if possible. He has done everything that the Planning Board has asked them to do to move this project along.

The applicant states that they have contacted CMP but have not received a response to see if it is feasible to raise the power lines so to decrease the proposed road grade.
The lighting will have the same standards and they have a proposal that conforms to that standard.

Mr. Berry informed the board about the setback issues with CMP, and Attorney David Ordway's opinion was that the CMP's Powerline was part of Dunegrass at the time, so they do not need a setback.

Carl D'Agostino made a motion to approve Major Subdivision: 11-lot residential subdivision (Hole 16 Subdivision) Owner: Dominator Golf, LLC, Oakmont Dr. (Adjacent to hole 16 in Dunegrass), Map 105A, Lot 200 in this final review, is complete with the following conditions:

Motion

1. **Construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board.**
2. **The waiver of the maximum street grade at intersection (74-309 m) to allow a 5% grade is conditionally approved. If the CMP allows the placement of fill within the CMP right-of-way, than the maximum grade at street intersection shall conform to 74-309 (m).**
3. **Before any construction begins, the Home Owner's Association Documents shall be submitted. Construction may begin once approved by the town.**
4. **The Home Owner's Association documents shall include the following language: A. A maintenance and operation plan in accordance with the town's Post Construction Stormwater Ordinance. All stormwater system operations, maintenance and repair shall be the responsibility of the Home Owner's Association.
B. All operations, maintenance and repair of onsite site sewer infrastructure, including grinder pumps and force mains, shall be the responsibility of the Home Owner's Association.
C. All operations, maintenance, repairs of the streetlights and associated electrical systems shall be the responsibility of the Home Owner's Association.**
5. **All roads within the subdivision shall remain private for 99 years.**

Seconded by Win Winch.

Jeffrey Hinderliter called for the vote:

Vote

Carl D'Agostino – Yes
Win Winch – Yes
Chair Weinstein - Yes

(3-0)

Unanimous

<p><u>ITEM 5</u> Proposal: Install, replace, construct railings, siding windows and office entrance roof Action: Rule on Design Review Certificate Owner: Robert Gurry (Beach Villa) Location: 17 Imperial St., MBL 205-3-2, DD1 Zone</p> <p>At the April Design Review Committee Meeting, the Design Review Committee recommended that the Planning Board approve this certificate of appropriateness for the Beach Villa improvements.</p> <p>Win Winch moved that the Planning Board issue a Design Review Certificate for 17 Imperial Street, MBL 205-3-2, DD1 Zone for Beach Villa. Seconded by Carl D’Agostino.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Carl D’Agostino – Yes Win Winch – Yes Chair Weinstein - Yes</p>	<p><u>ITEM 5</u></p> <p>Motion</p> <p>Vote</p> <p>(3-0)</p>
<p><u>OTHER BUSINESS</u> 1. Sign Settler’s Ridge Plan</p> <p>Mylars are available for the Board Members to sign.</p>	
<p><u>GOOD AND WELFARE</u> Neil Oelstrom, who serves on the Dunegrass Community Association Board stated that he has not been able to get a set of as-builts. Mr. Hinderliter stated that he will contact Mr. Berry to see if they can get the as-builts from this project for the DCA. Mr. D’Agostino made a suggestion that applicants should provide as-builts upon completion of the project. Mr. Hinderliter agreed and suggested that this should be included in the ordinance. Mr. Hinderliter will do some research on ordinance amendments and see what the majority of other towns are doing in regards to this and what the cost is.</p> <p>Mr. Oelstrom is also concerned that this part of Dunegrass is not part of the DCA but wants to hook up to the DCA and use their water and expecting all of the DCA benefits. Chair Weinstein stated that the Planning Board cannot influence that and this is not a Planning Board’s jurisdiction, the Planning Board just has to be sure that there will be sufficient water for their project.</p> <p>Phil Bergeron from Oakmont Drive stated that he is concerned that Dominator Golf, LLC has one water pipe that was supposed to feed only one building and now it will serve 11 units. He is also concerned that the water pipe will be attached to the DCA waterline and they are not members of DCA.</p>	

<p>President of Wild Dunes Way, George Hazelton asked Jeffrey Hinderliter if they could get the as-builts for the Wild Dunes Way Association. If there was a break in the pipe, they wouldn't know where it is. Mr. Hinderliter told Mr. Hazelton that he would research that for his association and this is something that the town should also have on record as well.</p>	
<p>EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 9:12 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 Seven (7) is a true copy of the original minutes of the Planning Board Meeting of May 9, 2013.

Valdine L. Helstrom