

She questioned if there is anyone who is doing another survey on water use, expected use and what we are handling now. She stated that those plans were drawn up in 2002. What existed in 2002 is no longer existing today. It is her understanding that nobody needs to go and survey the water use or sewage and this is what concerns her. She asked why hasn't there been a completion date on this plan. She suggested that there should be ordinance changes to get completion dates on these kind of projects.

Chair Weinstein stated that the Planning Board will not let anything go through in our Official capacity if it effects water or sewer assuming that the engineering is done correctly.

Doris Harris from 46 Cavanaugh Road in Cider Hill introduced herself to the Board Members. Her concern is the water drainage from the rainwater run off and where it will go.

Chair Weinstein informed her that the Board Members look at the original plans and make sure that it meets the same specifications and there won't be any more water run off than the original plans call for.

Mr. D'Agostino stated that whatever happens there will be for the betterment of the community.

Freddie Dahlgren from Ryefield Drive in Old Orchard Beach was concerned with the environmental impact and what is the process.

Chair Weinstein informed him that our town engineer and our town planner review the environmental impact and makes sure that it is accurate.

Planner Jeffrey Hinderliter added that what is difficult with some of these proposals is that there is no expiration date on what was already approved. This was a very detailed reviewed plan and was evaluated in 2002 and again in 2004. Because there are no changes to footprints, impervious surface or further increase to the impact, it is a very simple procedure. This is just a change of use. These are approved buildings, they just haven't been built yet.

Mr. Hinderliter stated that this is something that we need to address as a town to begin to think about projects so that we can assure that they are built in accordance with modern day specifications. Mr. Hinderliter enclosed a letter to all Planning Board Members from the Cider Hill Condo Association stating that they are comfortable with this proposal.

There being no else speaking for or against, the public meeting closed at 7:22 p.m.

<p><u>ITEM 3</u> Proposal: Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned R-1 Owner: Pacy LLC Location: 9-11 St. John St., MBL: 206-26-7 (Ne're Beach Campground)</p> <p>Alan Weinstein introduced himself to the Board Members. Alan Weinstein is one of the owners of Ne're Beach Campground. He would like to see this approved. He stated that the land abuts the property on two sides. He has had a 10 unit vacant building next to him for the past 8 years that was an eyesore. He had it torn down and has tried to make it as nice as possible for especially the neighbors. There being no one else speaking for or against this proposal, the public hearing closed at 7:24 p.m.</p>	<p><u>ITEM 3</u></p>
<p><u>REGULAR MEETING</u></p> <p><u>ITEM 4</u> Proposal: Conditional Use, Site Plan, Subdivision Amendments: Revise buildings 3 and 5 from professional office space to Over-55 residential condominiums containing 6 units each (12 units total). Action: Site Walk Report, Rule on Amendments Owner: CHA Builders, LLC. Location: Emerson Cummings Boulevard and McCallum Drive (Cider Hill), MBL: 107-3-1</p> <p>Jeffrey Hinderliter stated that this brings to light some of the parts of our ordinance that we need to consider looking at for the future. He has confidence of the engineering of the project, however there is a certain amount of time the projects should remain on the books. He added that we need to keep the integrity of how Cider Hill has been planned. There is nothing that changes the original engineering of this project. Mr. Hinderliter believes that the Planning Board can approve this proposal. Win Winch asked if there was anything that was brought up about the supply of the water pressure drop? Mr. Hinderliter stated that he believes that there is a pump station in the area that is designed to accommodate the full build out including the 74 Congregate Care sites of Cider Hill and also the full build out of 589 units of Dunegrass. We are looking into this further. Since 2002 there have been other pump stations brought on line in Dunegrass that will help alleviate that pressure. Mr. Koenigs stated that if the residents have issues with the water pressure, they should be talking to the Maine Water Company. He also mentioned that the water company will also have to supply enough water for the water sprinkler system for a building this size. Mark Koenigs was concerned about the public's comments about changing/amending plans. By changing this use, we are changing the vision of the Comprehensive Plan. He is not opposed to this development he is just concerned that we have the right kind of</p>	<p><u>ITEM 4</u></p>

<p>development for our community so that we have the right mix for our community with business and residential.</p> <p>Carl D’Agostino made a motion to approve the conditional use site plan for sub-division amendment for revising buildings 3 and 5 from professional office space to Over-55 residential condominiums containing 6 units each (12 units total) at Cider Hill, MBL 107-3-1, PMUD. Seconded by Win Winch.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Mr. Fortunado – Yes Mr. Winch – Yes Mr. Koenigs – No Mr. D’Agostino – Yes Chair Weinstein - Abstain</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> <p style="text-align: center;">(3-1-1)</p>
<p><u>ITEM 5</u></p> <p>Proposal: Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned R-1</p> <p>Action: Site Walk Report, Recommendation to Council</p> <p>Owner: Pacy LLC</p> <p>Location: 9-11 St. John St., MBL: 206-26-7 (Ne’re Beach Campground)</p> <p>Jeffrey Hinderliter recommends that the Planning Board provide a favorable recommendation to the Town Council for the addition of the campground overlay district for 9-11 St. John Street, MBL 206-26-7, Ne’re Beach Campground.</p> <p>Mark Koenigs made a motion that the Planning Board make a recommendation to the Town Council to expand the Campground Overlay District over a single parcel zoned R-1, location 9-11 St. John St., MBL 206-26-7, Ne’re Beach Campground. Seconded by Win Winch.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D’Agostino – Yes Win Winch – Yes Mark Koenigs – Yes Mike Fortunato – Yes Eber Weinstein - Abstain</p>	<p style="text-align: center;"><u>ITEM 5</u></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p> <p style="text-align: center;">(4-0-1)</p>

<p><u>ITEM 6</u> Proposal: Zoning District Amendment: Expand the Campground Overlay District over a single parcel zoned GB-1 Action: Site Walk Report, Recommendation to Council Owner: RBD Inc. Location: 17 Ocean Park Rd., MBL: 210-10-4 (OOB Campground)</p> <p>Jeffrey Hinderliter informed the Board Members that Mike Daigle, owner of the OOB Campground is investing and working to improve the OOB Campground. Mr. Hinderliter recommends that the Planning Board provide a favorable recommendation to the Council to expand the Campground Overlay District.</p> <p>Mark Koenigs made a motion that the Planning Board recommend to the Town Council that the Zoning District be amended to expand the OOB Campground Overlay District over a single parcel, zone GB-1 at 17 Ocean Park Road, MBL 210-10-4, OOB Campground. Seconded by Win Winch. All agreed that this project is very positive for the applicant as well as the town.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D'Agostino – Yes Win Winch – Yes Mark Koenigs – Yes Mike Fortunato – Yes Eber Weinstein - Yes</p>	<p><u>ITEM 6</u></p> <p>Motion</p> <p>Vote</p> <p>(5-0)</p>
<p><u>ITEM 7</u> Proposal: 53 seasonal dwelling units: Change from seasonal use to year-round use Action: Rule on Amendment to approved Findings of Fact (Conditional Use, Site Plan Review and Subdivision) Owner: Bernie Saulnier Location: 180 Saco Ave., MBL: 208-1-1, in the GB-1 & R4 Zone</p> <p>Bernie Saulnier from 180 Saco Avenue, Developer/Owner of Summerwinds, LLC introduced himself to the Board Members. Mr. Saulnier was here to discuss the change from seasonal (9 months) to year round units. The reason is that they have been struggling with the sales of these units. The buyers are retirees and they would like to see these units be year round. Mr. Saulnier stated that he had sent letters to the Town Planner discussing the infrastructure and buildings. They have a landscaper who does the snowplowing for them and he has prepared a snow management plan. Bill Thompson, BH2M Engineering introduced himself to the Board Members. They are the original engineers for Summerwinds. One of the questions that the Town Planner had is how can we transfer seasonal to year round when the project was designed for seasonal</p>	<p><u>ITEM 7</u></p>

use.

Mr. Thompson informed the Board Members that we do not have 2 sets of standards for design. (utilities, water, sewer, storm drainage). The road that was designed was pitched to the center with a catch basin/collection system to handle the storm water.

It is still an acceptable road design. Nothing will be substandard or impacted. And with any maintenance system, the catch basins will be uncovered from snow, and storm water will be handled. Everything was designed to the proper depth. The site was designed to handle public safety (fire, rescue, etc and proper turning radius). Mr. Thompson sees no issues with these year round units.

Mr. Hinderliter's primary concern is the maintenance of the road. He wants to make sure that what hasn't been built is designed to a level to accommodate year round use and what is constructed to a level that will accommodate year round use. Mr. Hinderliter is in favor of the Town Engineer review this proposal so that we can get that confirmation.

Carl D'Agostino stated that this is the kind of Economic Development with regard to increasing our housing inventory that we want in our community.

Chair Weinstein asked if there are heating systems in the units.

Mr. Saulnier stated that the units are all built to be year round cottages with 2 x 6 construction, insulated, on a frost wall, and have heating systems.

Mr. Hinderliter questioned the condo docs and renting.

Mr. Saulnier stated that the Condo Docs say that they can rent only to 6 people at a time. If these units go year round, he will amend the Condo Docs to read that they can only rent during the peak weeks.

Mr. Hinderliter would like to see clarification of this.

Chair Weinstein would also like to see the legal documents from Mr. Saulnier's lawyer.

Mark Koenigs suggested that if we do approve year round, that we make the amended Condo Docs a condition of the approval. If they go with seasonal, it should be conditioned that they cannot be year round rentals.

Mr. Hinderliter informed the Board Members that if they would like to see this proposal move forward, they can condition it to meet those standards to the satisfaction of our town engineer so at least it can move forward.

Mark Koenigs made a motion to table this item without prejudice. Seconded by Carl D'Agostino.

All approved.

Motion

Vote

(5-0)

<p><u>ITEM 8</u> Proposal: Subdivision Amendment: Adjust Lot #3 property line in Millbrook Estates Action: Rule on Amendment Owner: Mike & Linda Mailhot Location: Linda’s Way, MBL: 101-1-15-3</p> <p>Bill Thompson, BH2M Engineering introduced himself to the Board Members. Mr. and Mrs. Mailhot would like to have the Planning Board amend the original approval and adjust the common line between lots 3 and 9.</p> <p>Carl D’Agostino made a motion to approve the subdivision amendment to adjust lot #3 property line in Millbrook Estates, Linda’s Way, MBL 101-1-15-3. Seconded by Win Winch.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D’Agostino – Yes Win Winch – Yes Mark Koenigs – Yes Mike Fortunato – Yes Eber Weinstein - Abstain</p>	<p><u>ITEM 8</u></p> <p>Motion</p> <p>Vote</p> <p>(4-0-1)</p>
<p><u>ITEM 9</u> Proposal: Site Plan Review, Shoreland Zoning: Remove and construct building, establish 3-unit lodging use Action: Determination of Completeness, Schedule Site Walk and Public Hearing Owner: Friendship Motor Inn, Inc. Location: 25 Puffin St., MBL: 302-6-9</p> <p>Bill Thompson, BH2M Engineering introduced himself to the Board Members. He is here representing John Donovan, owner Friendship Motor Inn. He is proposing to move a single family seasonal rental and replacing it with a 3 story, 3 unit lodging meeting all zoning requirements.</p> <p>Mr. Thompson stated that they had started with a Maine DEP for a sand dune permit, but have held off until we get approval from the town.</p> <p>Mr. Thompson went over some issues that Mr. Hinderliter had in his memos/comments:</p> <ul style="list-style-type: none"> • Lodging is a permissible, nonresidential use within the BRD and LC Districts. 1,000 sq. ft. of lot area is required for each unit. The lot size is 3,000 sq. ft.; therefore, the lot has enough square footage to meet the minimum lot area requirement. 	<p><u>ITEM 9</u></p>

They have a 3,000 sq. ft. lot so it meets the use.

- Setbacks. In the BRD, setbacks are tied to building height. For structures less than 35' in height, front and side setbacks are 15' and rear yard setback is 20'. For structures that are 35' or higher, an additional 5' of all setbacks must be added for each additional 10' of building height or portion thereof. Based on the submitted plan, it appears the structure does not meet the setback requirements; although, the documents and plans indicate the proposed building will be in the old buildings footprint which means it is grandfathered and may be placed in that location as long as the proposed building does not encroach further into the setback than the existing building. One problem is the building is proposed to increase in height from 24.5' to 35'. Since setbacks are tied into height and the proposed building height is 35', an additional 5' of setback is required which adds a new setback that is not part of the original because the existing structure is less than 35'. The existing structure is not 35' or higher; therefore, the proposed structure could not take advantage of the grandfathered setbacks because it will create a new nonconformance. A solution to this is either a variance through the Zoning Board of Appeals or to reduce the proposed building height so it is under 35'. If the proposed building height is reduced than the proposed building can take advantage of the grandfathering. I recommend: 1. The applicant provide an existing conditions survey; 2. The applicant clearly documents how the finished building will meet the proposed height (35' or amended) in accordance with the Building Height definition; 3. The applicant amend the plans so building height is less than 35'; 4. If the applicant chooses to continue with the 35', I believe a variance will be required before the PB can rule on the proposal.

They are willing to lower the total height to under 35 ft. so they can go with the grandfathering of the setbacks that are currently assigned to the existing building that is going to be torn down.

- Maximum building height is 45'. The proposed building height is 35' (See comment above regarding height/setback requirements.) Whether the applicant choose to continue with the proposed height or a reduced height, I recommend he show how the building height will meet the building height definition: "*Building height* means the vertical height from the sidewalk or finished grade at the center of the front of the building to the highest point of the roof, if a flat roof; to the deck line, for mansard roofs; and to the mean height of the roof if a gable roof."

They are going to stay at 35' building height.

- Lot/Building Coverage. The BRD requires calculation for building coverage (*Building coverage* means the percentage of the lot which is covered by all buildings. Max is 60%) and lot coverage (*Lot coverage* means the percentage of the lot covered by all buildings or structures- including all impervious surfaces. Max is 80%). The submitted documentation shows the proposal meets both but I recommend the applicant provide a breakdown of each item that qualifies as part of

building and lot coverage (e.g., lot coverage includes all impervious surfaces which would include walkways and parking spaces).

The lot will be below the max. lot coverage. It is in the application to DEP. The lot coverage existing is 46% and proposed coverage is 43%. The building coverage will be well under the allowed.

- Parking. Lodging uses in the BRD require 1.25 spaces per guestroom (i.e., unit). The submission shows 4 spaces which conforms to the parking standard. My concern about parking is the layout. The plans show 3 spaces stacked-up. Why I'm nervous about this is because assuming 3 separate groups of people will have different travel needs and with stacked parking I can see this will lead to coordination problems and confusion which could result in people parking on-street. One solution is to provide two side-by-side spaces and two designated spaces at the Friendship. The BRD allows 50% of parking to be located at a different property as long as the ownership is the same, the parking is within 300' of the building and safe access for pedestrians is provided. I recommend the applicant reconsider the parking layout by amending the plans to show two side-by-side off-street parking and provide written assurance that 2 spaces will be designated for this proposed use at the Friendship.

They are proposing 2 parking spaces coming off of Puffin Street and 2 spaces will be assigned to the Friendship Motel.

- Exterior Lighting. How/where will lighting be located and how will it be shielded to avoid light impacts to adjacent properties while providing adequate on-site light as well as conforming to the BRD Lighting Performance Standard? *Lighting.* All freestanding site lighting shall: 1. Not exceed the height of the principal building or 14 feet, whichever is less; 2. From a nonresidential use, not shed more than 0.5 foot candle onto surrounding residential properties or 1.0 foot-candle onto surrounding nonresidential properties; 3. Be shielded to prevent point source glare.

There will be 100 watt bulbs at the entrance doors. Mr. Thompson stated that he will submit a photometric of what the light coverage will be anticipated.

- How will solid waste be handled?

They have a private hauler and Mr. Thompson will get a letter indicating this.

- I recommend the applicant provide a pre through post construction erosion and sedimentation control plan.

The site is flat with a catch basin. Small increase in impervious surface. Mr. Thompson will write up a summary of where the storm water is going now and what the volume of water leaving the site is. He does not anticipate any

significant impacts from this.

- Since the proposal is within the Back Dune, a DEP Permit-By-Rule is required. Has this been approved by DEP? Status?

Mr. Thompson does have the Permit-By-Rule from DEP, however they need to know what they are constructing for a footprint before bringing it to DEP.

- Has the applicant/agent contacted town department heads (PW, PD, Fire, Wastewater) and Maine Water?

The standard letters for the town department heads have been written. Those will go out once they know what the project will look like.

- The proposal shows a split rail fence along the property lines shared with Beach Walk Condos and the Johnson Family Properties. I recommend this be replaced with a vegetative and/or fence buffer or screen that will provide more visual obstruction while not impacting views.

They can replace that with a solid wood/vinyl buffer if needed.

- How will this proposal manage storm water? What storm water systems are in place or will be installed to properly manage storm water?

With this change of parking and eliminating the garage, the impervious surface number may go down or be really close to what it is now. There is nothing that is going to erode. Mr. Thompson's narrative will cover what the existing is and what the proposed will involve.

- The garage that is proposed to be removed is located on two properties. Has permission been granted from the adjacent property owner to remove the garage?

The property line goes down through the middle of the garage. Mr. Donovan has talked to his neighbor and they are in agreement that the garage will be torn down.

- I believe the applicant should be prepared to address abutting property visual impacts. Will the proposed building obstruct ocean views? Will it adversely impact surrounding property values?

Mr. Thompson handed out photos of the proposed layout. The Building to the East of the Friendship Motel that was constructed last year is 35' high. If there is any illumination of a site line, it would be the building on the Oceanside of what Mr. Donovan is proposing.

EBER WEINSTEIN, CHAIRMAN	
Meeting adjourned at 8:43 pm	Adjournment

I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Twelve (12) pages is a true copy of the original minutes of the Planning Board Meeting of September 12, 2013.

Valdine L. Helstrom