

**PUBLIC HEARING PLANNING BOARD
MEETING MINUTES
Thursday, July 10, 2014**

Call to Order at 7:15 pm	Call to Order
Pledge to the Flag	
Roll Call: Chair Eber Weinstein, Win Winch, Mike Fortunato, Mark Koenigs. Staff: Jeffery Hinderliter; Town Planner	
<p><u>Public Hearing</u></p> <p><u>ITEM 1</u> Proposal: Site Plan: 1-unit, 1-story addition to the top of the Temple Ave structure (hotel), minor parking lot changes and re-construction of the primary exterior stair to make it code compliant with current building and life safety codes Owner: Billow House LLC Location: 2 Temple Ave, MBL: 324-16-7</p> <p>Public hearing opened at 7:16 pm No one speaking for or against this item Public hearing closes at 7:17 pm</p>	<u>ITEM 1</u>
<p><u>ITEM 2</u> Proposal: Conditional Use: Establish a Tattoo Parlor and Body Piercing business within an existing building Applicant: Robert Johnson Location: 1 Ocean Park Rd., MBL: 210-11-4</p> <p>Public hearing opened at 7:17 pm No one speaking for or against this item. Public hearing closes at 7:18 pm</p>	<u>ITEM 2</u>
<p><u>ITEM 3</u> Proposal: Site Plan: Establish 9 new campsites within Paradise Park Campground Owner: Paradise Acquisition LLC Location: 50 Adelaide Rd., MBL: 106-2-2</p> <p>Public hearing opened at 7:18 pm</p> <p>Holly Konda from 15 Birch Lane speaking on behalf of herself and her neighbor Anita Morrison from 25 Birch Lane expressed their concerns.</p> <p>Ms. Konda read her concerns to the Board Members and is concerned of having these new campsites. She read a letter providing input for consideration by the Planning Board:</p> <ul style="list-style-type: none"> • Noise • Smoke from campfires 	<u>ITEM 3</u>

<ul style="list-style-type: none"> • Wetland run-off • Lack of privacy • Traffic congestion <p>Diane Scofford from 37 Birch Lane expressed her opinion of not being in favor of the 9 new campsites.</p> <p>There being no one else speaking for or against this item, the public hearing closed at 7:23 pm.</p>	
<p><u>Regular Meeting</u></p> <p>APPROVAL OF MINUTES – 6/5/14, 6/12/14</p> <p>The workshop meeting minutes of 6/5/14 needs to have the date for the headers on pages 2 and 3 changed to the correct date.</p> <p>Mark Koenigs made a motion to approve the minutes of the meeting on 6/5/14 with the change noted for the header on pages 2 and 3 as recommended by the Planner. Win Winch seconded the motion.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mark Koenigs – Yes Win Winch – Yes Eber Weinstein – Abstain Mike Fortunato – Yes</p> <p>The regular meeting minutes of 6/12/14 were tabled as they were not completed at this time.</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(3-0-1)</u></p>
<p><u>ITEM 4</u></p> <p>Proposal: Site Plan: Removal of existing building and construction of a three story retail and residential 10,976 sq. ft. building</p> <p>Action: Final review</p> <p>Owner: The Harrisburg Group</p> <p>Location: 11 East Grand, MBL: 306-3-3</p> <p>Jeffrey Hinderliter did not receive any additional information since the last Planning Board meeting, so the Board Members voted to table this item.</p> <p>Win Winch moved to table this item without prejudice, seconded by Mike Fortunato.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mike Fortunato – Yes Mark Koenigs – Yes Eber Weinstein – Yes Win Winch - Yes</p>	<p><u>ITEM 4</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0)</u></p>

<p><u>ITEM 5</u> Proposal: Site Plan: 1-unit, 1-story addition to the top of the Temple Ave structure (hotel), minor parking lot changes and re-construction of the primary exterior stair to make it code compliant with current building and life safety codes Action: Discussion, site walk report, set date for final review Owner: Billow House LLC Location: 2 Temple Ave, MBL: 324-16-7</p> <p>Architect Matthew Winch, speaking on behalf of the owners, gave a summary of the project.</p> <p>They are proposing a one story addition with associated exterior improvements. New rooflines added to the top floor. Siding, new egress stairs to make it more code compliant. Also including various, but modest site improvements. The use of street parking is allowable within the NC-1 district.</p> <p>Requested a waiver at the last meeting on a matter of professional licensing. The guideline for a site plan review indicates that a licensed civil/landscape engineer or surveyor is required for preparer of documents. Matthew Winch is a Registered Maine Architect. The Planning Board voted and approved this waiver at the last Planning Board meeting.</p> <p>The Board Members would like documentation from DEP saying that they approve this proposal. They would also like to have a written formal request on the waiver from the applicant. A final review is scheduled for the August 14, 2014 Planning Board meeting.</p>	<p><u>ITEM 5</u></p>
<p><u>ITEM 6</u> Proposal: Conditional Use: Establish a Tattoo Parlor and Body Piercing business within an existing building Action: Discussion, site walk report, final review Applicant: Robert Johnson Location: 1 Ocean Park Rd., MBL: 210-11-4</p> <p>Mr. Hinderliter stated that they had a site walk on July 3, 2014. He recommends that the Board Members approve this conditional use permit.</p> <p><i>Eber Weinstein read the standards for conditions:</i></p> <ol style="list-style-type: none">1. Not result in significant hazards to pedestrians or vehicular traffic, on-site or off-site. Response: The proposed business is a low volume customer base. Average of 4-6 customers in a typical 14 hour day. All work is performed inside building.2. Not create or increase any fire hazard. Response: Fire hazard is not a factor. No flammable materials are used in our profession.3. Provide adequate off-street parking and loading areas. Response: There are 15 parking spaces available. 4 spaces for employees and others are for customer parking. Average use is 3-4 spaces.4. Not cause water pollution, sedimentation, erosion or contamination of any water supply. Response: Good and Evil Tattoo and Body Piercing does not use any toxic materials that may pose any threat to the environment or cause any erosion to the soil.	<p><u>ITEM 6</u></p>

5. Not create unhealthful conditions because of smoke, dust or other airborne contaminants.
Response: *The application of a tattoo or body piercing does not cause any smoke or airborne contaminants.*
6. 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.
Response: *This business does not cause foul odors or loud noises that may offend or violate ones personal space in any way.*
7. Will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
Response: *Our main waste consists of gray water and paper towels, drawing paper, typical lunch trash/wrappers, soda bottles, etc. Public trash is picked up weekly.*
8. Will not adversely affect the value of adjacent properties.
Response: *Since we took lease of the building over \$25,000 upgrades inside and currently bringing outside up to a better standard of appearance.*
9. Be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
Response: *This business will operate from 9:00 am – 11:00 pm. Surrounding businesses actually open and/or closer earlier and later. I believe we are compatible to all others.*
10. The Applicant’s proposal must include any screening or buffering necessary to visually obstruct the subject property from abutting uses or to assure the continued enjoyment of abutting uses.
Response: *There is no special screening or buffer needed for the operation of this business.*
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.
Response: *The building in which this business will operate has not been altered and will not hinder any drainage. There is no fill or cut needed.*
12. The Applicant must be found to have adequate financial and technical capacity to satisfy the foregoing criteria and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.
Response: *Any and all financial burden for building is on the owner. He has owned property and maintained in good standing for over 25 years.*

Chair Weinstein stated that this meets all of the requirements of the conditional use standards, therefore they called for the vote.

Mark Koenigs made a motion to approve the conditional use of the establishment of the Tattoo Parlor business within the existing building at 1 Ocean Park Road, MBL 210-11-4, applicant Robert Johnson, meeting the 12 conditions. Seconded by Mike Fortunato.

Jeffrey Hinderliter called for the vote:

- Mark Koenigs – Yes
- Win Winch – Yes
- Mike Fortunato – Yes
- Eber Weinstein – Yes

MOTION
VOTE
(4-0)

<p><u>ITEM 7</u> Proposal: Site Plan: Establish 9 new campsites within Paradise Park Campground Action: Discussion, site walk report, set date for final review Owner: Paradise Acquisition LLC Location: 50 Adelaide Rd., MBL: 106-2-2</p> <p>Bill Thompson from BH2M Engineering introduced himself. They are asking for approval of 9 campsites vs. the administrative approval of 5 campsites. Mr. Thompson also addressed some of the concerns that the neighbors have.</p> <p>The Board Members scheduled a final review for August 14, 2014.</p>	<p><u>ITEM 7</u></p>
<p><u>ITEM 8</u> Proposal: Private Way: Establish access to one lot across a paper street to develop a single-family dwelling Action: Discussion, schedule site walk and public hearing Owner: Aeron and Eric Dupee Location: Hemlock Street, MBL: 403-1-5</p> <p>Michael Columbe with Down and Columbe Surveyors introduced himself representing Aeron and Eric Dupee. They are proposing to build a home on Hemlock Street. Mr. Columbe developed and prepared a private way plan to develop two lots as requested by the Planning Board.</p> <p>This would require a maintenance plan submitted to the town.</p> <p>Scheduled a site walk for August 7, 2014 and a public hearing for August 14, 2014.</p>	<p><u>ITEM 8</u></p>
<p><u>ITEM 9</u> Proposal: Conditional Use, Site Plan, Subdivision Amendment: Revise building 5 from 6 units to 3 units; Revise building 3 from 6 units and construct three buildings with two buildings containing 2 units in each and one building containing 3 units. Over-55 residential condominiums – 10 total units. Action: Final Review, sign mylar Owner: CHA Builders, LLC. Location: Emerson Cummings Boulevard and McCallum Drive (Cider Hill), MBL: 107-3-1</p> <p>CHA Builders has secured DEP approval. Mr. Hinderliter recommends approval.</p> <p>Win Winch made a motion to approve the final approval and conditional use to revise building 5 from 6 units to 3 units; revised building 3 from 6 units and construct three buildings with two buildings containing 2 units in each and one building containing 3 units. 10 total units located at Emerson Cummings Boulevard and McCallum Drive. MBL: 107-3-1. Seconded by Mike Fortunato.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mark Koenigs – Yes Win Winch – Yes Mike Fortunato – Yes Eber Weinstein - Abstain</p>	<p><u>ITEM 9</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(3-0-1)</u></p>

<p><u>ITEM 10</u> Proposal: Subdivision and Conditional Use Amendment: construct an inn facility consisting of 24 guestrooms with ancillary features common to golf course facilities. The proposed project includes three carriage house structures with associated parking and site features.</p> <p>Action: Discussion, schedule site walk and public hearing</p> <p>Owner: Pine Ridge Realty Corporation</p> <p>Location: Wild Dunes Way (Adjacent to existing Dunegrass Clubhouse Facility), MBL: 105A-1-200</p> <p>Peter Begal from Land Design Solutions along with Jason Bafiatis from Bafiatis Engineering and Design representing Pine Ridge Realty. Mr. Begal stated that they are here tonight for a subdivision amendment and conditional use. They went over the major elements of the components of the project.</p> <p>This is a 42,000 sq. ft site, proposing 3 structures with 8 units per structure. A total of 24 units. Proposing 25 parking spaces. Anticipate to be open seasonally. Approximately 12,000 sq.ft. of impervious area. They would be handling this through storm water infiltration basins. This is part of the original Dunegrass site that was approved in 1988. They will go to DEP to amend the site location development permit with minor amendment. They have public water, sewer and a gas line in the road.</p> <p>Mr. Hinderliter stated that this looks like a solid submission.</p> <p>Chair Weinstein would like to have this proposal looked at by the town's lawyer.</p> <p>Mr. Hinderliter recommends a public hearing and site walk and contact our attorney if the Board so desires. He also stated that he could get in touch with the Dunegrass Association and let them know that this project is being presented.</p> <p>They have scheduled a site walk for August 7, 2014 and a public hearing on August 14, 2014.</p>	<p><u>ITEM 10</u></p>
<p><u>ITEM 11</u> Proposal: Subdivision and Conditional Use: Establish 27 free-standing condominiums</p> <p>Action: Discuss proposal</p> <p>Owner: Dominator Golf LLC</p> <p>Location: Wild Dunes Way, Adjacent to Dunegrass Section C, MBL: 105A-1-200</p> <p>Bill Thompson from BH2M, along with Mr. Pulgaris and Mr. Pulgaris' lawyer Matthew Warner introduced themselves to the Board Members.</p> <p>Mr. Thompson explained that this is a concept plan. The proposal is to establish 26 free-standing condominium units. Served by interior roadways, 20' wide with a 4' sidewalk. Site is partially wooded, all utilities are available. Will need to go to DEP for a storm water permit and a revision to the site permit. All engineering will need to be done as well as topographic survey, wetland studies and utility design.</p>	<p><u>ITEM 11</u></p>

Lawyer Matthew Warner introduced himself to the Board Members. He had a few preliminary matters to address. His client Domenic Pulgaris has developed other portions in Dunegrass in recent years and at each of these he has been lead to believe by abutters that he was required to purchase development rights. Mr. Warner then asked the Board Members a few questions in regards to this.

- Do they in fact need to purchase these development rights?
- If they do not need them, are they required by the town?
- If they are required by the town how does this help so that they can direct the engineers to conduct studies accordingly?
- Where do these development rights come from and which sections should they be looking at?
- Who should they be acquiring these development rights from?

They would like to know who owns these development rights so that they can acquire them. They posed the same questions to the DEP and received a response in the form of an affidavit from them.

Mr. Warner read briefly the one relevant portion from DEP:

A Dunegrass landowner applying to construct more units on his property than were approved in the 1988 approvals has not and has never been required to purchase or otherwise obtain a transfer of approved or un built units from other Dunegrass properties to obtain DEP approval. It went on to referring to past approvals that the DEP did not rely on any agreement between parties for the transfer of development rights, lots or unit sites at Dunegrass.

Mark Koenigs brought up the following comments:

- The layout does not flow.
- There are more dead end streets that the town will not accept and plow.
- How many units and where did they come from?
- They have an easement for the cart path but there is still a (snack shack) in back of unit #6.

Bill Thompson stated that it is still only a concept plan.

Mr. Hinderliter recommends getting this information to our town attorney to get proper legal advice.

ITEM 12

Proposal: Establish a mixed use for the building of Medical marijuana research and product development, Primary Caregiver service/grow facility/ medical eatable products
Action: Discuss proposal, schedule site walk and public hearing
Owner: Pierre Bouthiller
Location: 60 Saco Ave., MBL: 206-10-1

Pierre Bouthiller introduced himself to the Board Members and handed out supporting documentation of the proposal to the Board Members to read on their own. Mr. Bouthiller explained that the intent is to create an internship program utilizing some of the Biochemists from UNE and others and creating not only research protocols, but also dosage

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<p>protocols, safety protocols, etc.</p> <p>The building at 60 Saco Avenue is uniquely situated in respect to its integrity of its structure to be a secure facility. They intend to put a state of the art security system including interior iron bars that cannot be tampered with and also security cameras to keep the building safe. It is close proximity to public safety, great visibility from the road and adequate parking for the approximately 10 employees that would be employed.</p> <p>Chair Weinstein stated that because this proposal is original to Old Orchard Beach, it is not covered in the zoning ordinance and said that this is more of a council decision.</p> <p>Win Winch is concerned about the State Licensing approval. Mr. Bouthiller stated that the State Licensing protocols are already in place and he added that they already have multiple state licensed caregivers in this community.</p> <p>These are the steps that Mr. Bouthiller would like to take:</p> <ul style="list-style-type: none">• Provide caregivers space.• To work with DHHS and develop the framework and protocol for how do we facilitate the R & D aspect at the same time. <p>He doesn't see why this should be any different than any other business in our community. Chair Weinstein stated that it is a fact that it is a Federal Felony that makes it different from the average business.</p> <p>Jeffrey Hinderliter stated that there is an emergency ordinance moratorium proposed on July 15th 2014 at the Town Council meeting and it could change anything that is discussed right now. Mr. Hinderliter suggested that we need to wait to see what action the council takes on July 15th.</p> <p>The Planning Board Members agreed.</p>	
<p>ADJOURNMENT EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 9:52 pm</p>	<p>Adjournment</p>

I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Eight(8) pages is a true copy of the original minutes of the Planning Board Meeting of July 10, 2014.

Valdine Camire