

**PUBLIC HEARING PLANNING BOARD
MEETING MINUTES
Thursday, March 13, 2014**

Call to Order at 7:06 pm	Call to Order
Pledge to the Flag	
<p>Roll Call: Chair Carl D'Agostino, Win Winch, Mike Fortunato, Mark Koenigs Absent: Eber Weinstein. Staff: Jeffery Hinderliter; Town Planner, Valdine Camire; Administrative Assistant. Others Present: Stephanie Hubbard from Wright-Pierce, Jason Webber; Recreation Director, Tom Greer and Steve Frasier; Pinkham & Greer Consulting Engineering, Paul Landry; owner of Landry's Shop n' Save.</p>	
<p><u>Public Hearing</u></p> <p><u>ITEM 1</u></p> <p>Proposal: Site Plan: 5,910 sq. ft. building expansion (Landry's Shop n' Save) Owner: BCL Cascade LLC, PRL Cascade LLC Location: 2 Cascade Road, MBL: 205-15-1</p> <p>Barbara and Norman Delage from 83 Portland Avenue and Diane Fredette from 81 Portland Avenue, abutters to Landry's Shop n' Save, introduced themselves.</p> <p>Barbara Delage stated that although they are very excited about the project, there are a few comments/concerns that they have that they wanted to bring to the attention to the owners. They would like to have the dumpsters cleaned and sanitized with some kind of disinfectant to keep out the odors. They would also like to make sure that the lids are closed on these dumpsters so that animals don't get into them.</p> <p>Ms. Delage also spoke about the Island where the post office box and electrical box is located behind the building on the corner of Portland Avenue and Miles Extension. There are issues with traffic at this intersection. She suggested turning this circle into a triangle with curbs and some greenery.</p> <p>1.) to provide cover/barrier greenery for aesthetics 2.) It could solve the traffic issue.</p> <p>Diane Fridette expressed concern about the noise levels in the early morning hours with the Trash and Refrigeration trucks. She also suggested having some kind of dense, fast growing arborvitaes barrier (similar to the Summerwinds project) or maybe something else could be suggested to block the view.</p> <p>Mr. Delage was concerned with the coolers on the roof and if they will be humming all of the time.</p> <p>Tom Greer, Engineer for the project introduced himself to the Board Members. Mr. Greer brought in new revised drawings that add landscaping across the back island and they have added some arborvitaes. They have also put in a fence to screen the dumpster. They will work with the trash company to see if they can haul the trash at a reasonable time of the day.</p> <p>Also submitted to the Board Members were the original plans for the last approval which added a portion on one end of the building that had the survey markers that were shown on the plan. They are hoping that these survey markers will satisfy the Board. Mr. Greer informed the Board Members that they are comfortable that this project is well within the setback lines and is compliant with the setbacks that the town would have there. We are hoping that the Board will support them on getting the waiver for the Boundary Survey.</p>	<p style="text-align: center;"><u>ITEM 1</u></p>

<p>The public hearing closes to the public at 7:21 pm.</p>	
<p>APPROVAL OF MINUTES – 2/6/14, 2/20/14</p> <p>The February 6, 2014 meeting minutes were postponed until the next meeting as there wasn't a quorum.</p> <p>Win Winch made a motion to approve the February 20, 2014 meeting minutes, seconded by Mark Koenigs.</p>	<p><u>MOTION</u></p> <p>VOTE</p> <p>(4-0)</p>
<p><u>Regular Meeting</u></p> <p><u>ITEM 2</u></p> <p>Proposal: Site Plan: 5,910 sq. ft. building expansion (Landry's Shop n' Save) Action: Final Review Owner: BCL Cascade LLC, PRL Cascade LLC Location: 2 Cascade Road, MBL: 205-15-1</p> <p>Mr. Greer informed the Board Members that there will be 2 loading docks so they will be able to handle the deliveries much more efficiently. There is still the issue about the time of day the trucks will deliver and the dumpsters will be picked up.</p> <p>Mr. Landry also told the Board Members that the previous owner had biodegradable/compost dumpsters. The first big composter that was responsible for the smell is gone and he is in the process of getting the other removed. Mr. Landry will have the dumpster haulers come more often and at more convenient times of the day to accommodate the surrounding abutters.</p> <p>Mark Koenigs asked about the setbacks that used to be 35 and now are 25. Mr. Greer stated that this was based on the previous plan of 25. This was the interpretation of the ordinance. He added that if you read the ordinance, and if it is a commercial property it is a 25' setback and if it abuts a residential property it is a 35' setback.</p> <p>They are expanding the capacity of the coolers and they will be located in a contained control room. (not on the roof) but the air conditioning units will continue to be on the rooftops. The noise around the perimeter of the building will be minimal.</p> <p>Mark Koenigs expressed concern with the water run off/drainage issues on the property. The water runs off the property in sheet flow and comes to the low point of the pavement between Miles and the curb and runs across the front intersection. Mr. Koenigs talked with Bill Robertson from the Public Works Department and he confirmed that there were no catch basins there and his thoughts were that it is ok the way it is, but if they were to improve the lot, they would need to put a catch basin on their property and run it to a culvert across the front and into the swale.</p>	<p><u>ITEM 2</u></p>

<p><u>ITEM 4</u> Proposal: Site Plan Amendment & Conditional Use: Construct a 48 x 48 storage building Action: Determination of Completeness; Schedule Site Walk and Public Hearing Owner: Town of Old Orchard Beach Location: EE Cummings Blvd. & Ballpark Way (Police Department), MBL: 207-3-6</p> <p>Stephanie Hubbard from Wright-Pierce gave the Board Members a brief history on this item. The Police Department is proposing a 48' x 48' storage building. This will be on the backside of the 3 Police Department. They looked at a few options. They spoke with DEP in regards to this project. The portion of the site that they are talking about with regards to the police station was a part of RSU School Department. Not originally associated with the ballpark site. Discussion with DEP we learned that It had been previously permitted so RSU was previously permitted under a site location back in the late 70's early 80's. This portion was permitted as a parking lot and was to be completely impervious. Discussion with DEP and they would like to modify the location where the storage building would to. Dow – Coulombe had done extensive surveying in the area. There is 2.5 acres for this parcel. Need to do modifications to existing storm water basin to meet DEP's requirements.</p> <p>A sitewalk was scheduled for April 3, 2014 at 5:30 pm. And a public hearing is scheduled for April 10, 2014.</p>	
<p><u>ITEM 5</u> Proposal: Conditional Use (Home Occupation): Seamstress/Tailoring Services Action: Determination of Completeness; Schedule Site Walk and Public Hearing Owner: Linda Pollard Location: 18 Milliken Mills Rd., MBL: 101-2-5</p> <p>Ms. Pollard introduced herself to the Board Members. She stated that there will be no parking issues, just people dropping off and picking up.</p> <p>Scheduled site walk for April 3, 2014 and a public hearing April 10, 2014.</p>	<p><u>ITEM 5</u></p>
<p><u>ITEM 6</u> Proposal: Subdivision Amendment and Conditional Use (Accessory Dwelling): Amend Elegant Homes Subdivision; Establish 1 Accessory Dwelling Unit Action: Subdivision Amendment: Rule on Amendment Conditional Use: Determination of Completeness; Schedule Site Walk and Public Hearing Owner: Elegant Homes Location: Portland Road, MBL: 101-2-7</p> <p>Jim Logan from Albert Frick Associates introduced himself to the Board Members. They would like to establish a 1 Accessory Dwelling Unit. Mr. Logan talked about a 2 part analysis:</p> <p>1.) Formally lot #5 of the subdivision was previously approved by the Planning Board in 1999. Lot #5 had a note on the original subdivision plan that was brought before the Board by BH2M that said it was not approved for development and the land was to be retained by Elegant Homes. 2.) Condition use that is proposed. Bring into consideration the development of a single family dwelling, consistent with the other 4 lots that were approved in 1999. No further arrangement of lot lines other than the original lot lines.</p>	<p><u>ITEM 6</u></p>

<p>Since 1999 there were substandard changes to the Maine State Plumbing Code. The subsurface disposal wastewater rules.</p> <p>The wetlands on the property are forested wetlands. The zone requires 30,000 sq. ft. minimum lot. We have a net lot there of almost more than 2 times the minimum. A single family home could be placed on that lot and maintain adequate distance from the wetlands.</p> <p>Mr. Logan enclosed a copy of the septic design for the lot for the Planning Board.</p> <p>Mark Koenigs made a motion to accept this application as complete, seconded by Win Winch.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mark Koenigs: Agree Win Winch: Agree Mike Fortunato: Agree Carl D’Agostino: Agree</p>	<p><u>MOTION</u></p> <p>VOTE</p> <p>(4-0)</p>
<p><u>OTHER BUSINESS</u></p> <p><u>ITEM 7</u></p> <p>Status update and discussion of next steps regarding the disposition of the conditions of approval for Summerwinds Development</p> <p>Jeffrey Hinderliter prepared a letter, along with an email to Mr. Saulnier regarding the conditions and requested that they need to comply with the conditions.</p> <p>Mr. Hinderliter received a written plan and site plan from the owner showing the proposal of the Summerwinds Condo Association winter plowing and snow maintenance plan. They had it in by the due date of March 10th. Mr. Hinderliter informed the Board Members that the applicant is making the attempt to comply but if this plan is not acceptable to the Planning Board, then what would they want to see so that he can advise the owner.</p> <p>Win Winch had concerns that they don’t address the ongoing post storm treatment.</p> <p>Carl D’Agostino stated that the residents should have the same snow removal policy that they would expect from the Public Works Department.</p> <p>Mike Fortunato questioned whether this is something that should have been in place, whether it be seasonal or year round. Mr. Hinderliter stated that they did comply, but it was not to the level of year round use. It needed to be more detailed.</p> <p>Mr. Hinderliter stated that the plan needs to include a pre-storm treatment, post-storm treatment, before season preparation, after season preparation, a place for snow storage, acceptable removal of snow, and fire hydrant location cleaning. The Planning Board needs to receive a plan that addresses these issues. All agreed.</p> <p>Mr. Hinderliter will prepare another letter and lock them down with a certain date to get this plan in place. He will also add that the town will not issue a Certificate of Occupancy/Building Permits, etc. until the Planning Board, Town Planner and Consulting Engineer agrees upon the Winter Maintenance Plan. And also added that the Planning Board has the right to vacate their decision.</p> <p>This item will be added to the next months Planning Board Meeting agenda.</p>	

ITEM 8 Administrative approvals and discussions regarding in-process land use applications. This item will be discussed at a later Planning Board Meeting.	
ADJOURNMENT CARL D'AGOSTINO, CHAIRMAN	
Meeting adjourned at 9:34 pm	Adjournment

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 Six (6) pages is a true copy of the original minutes of the Planning Board Meeting of March 13, 2014.

