

**PUBLIC HEARING PLANNING BOARD
MEETING MINUTES
Thursday, May 8, 2014**

Call to Order at 7:08 pm	Call to Order
Pledge to the Flag	
<p>Roll Call: Chair Carl D’Agostino, Win Winch, Mike Fortunato, Mark Koenigs, Eber Weinstein. Staff: Jeffery Hinderliter; Town Planner, Valdine Camire; Administrative Assistant. Others Present: Durwood Parkenson, Town Attorney</p>	
<p>Harold Harrisburg introduced himself to the Board Members and informed them that there have been some changes to a package that the Planning Board had accepted last month. He is hoping to eliminate some problems.</p> <p>Brud Weger went over some of these changes: They are moving the new proposed building 10’ towards East Grand Avenue, leaving approximately 8’ between the front of the building to the property line. The building will setback about 18’ from the curb of East Grand Avenue. They have included a location for air conditioning units on the North side. They will be wall mounted at approximately 8’ in height. They will remove the planters on the site in favor of trees and bushes planted in large tubs/boxes. They have included benches along East Grand Avenue. Further changes: Taking dumpsters on the north end and move them off site onto Mr. Harrisburg’s neighboring property. They have changed the lighting fixtures. They will have fluorescent fixtures with prism lens, low light spread and high efficiency fluorescent bulbs.</p> <p>Chair D’Agostino stated that since these new changes were just added tonight, there will be a public hearing at the next monthly meeting to go over these changes.</p> <p>Mr. Harrisburg stated that one of the concerns of the neighbors was the side door on Kinney Avenue. They need the side door because they need 2 means of egress to the cellar. There will be no conveyor belt there and any deliveries will be done in the back of the building. The new windows will give the store more light (more efficient) and it will allow the customers to see the inside of the store.</p>	
<p><u>Public Hearing</u></p>	
<p><u>ITEM 1</u> Proposal: Site Plan: Removal of existing building and construction of a three story retail and residential 10,976 sq. ft. building Owner: The Harrisburg Group Location: 11 East Grand, MBL: 306-3-3</p>	<p><u>ITEM 1</u></p>
<p>Opened the public hearing at 7:23 pm.</p>	
<p>Brug Weger from Weger Architects introduced himself and explained the project in detail. Mr. Weger informed the Board Members that Mr. Harrisburg is removing the existing retail building and developing a new development which consists of a 4,000 sq.ft. footprint. The main floor will be a</p>	

residential establishment with a full basement for storage of his goods. Above that will be 4 residential units for summer rentals. On the Oceanside of the project will be 8 parking spaces as required by the ordinances. There will be no handicapped parking spaces required. Also in that area will be 3 dumpsters proposed to move off site. Allowable coverage is 90% (the proposed building coverage is 45%). The minimum lot size in this zone is 1000 sq. ft. per residential unit. We have over 10,000 sq.ft. The maximum height to the means of the roof is 50' (we are about 38') There are no setbacks required. They have received a DEP back dune permit on March of 2012 which was required. They are in FEMA flood zone C. The drainage for the property will be very similar to the drainage that is there now. There will be plantings in containers as opposed to planters. They are using pervious pavers. The building will resemble those buildings from the turn of the century. They will be using vinyl siding and will have a red metal roof. The windows will be all along the front of East Grand Avenue and half way up Kinney Avenue. Trucks will be entering up Harrisburg Street and unloading at the back of the building. They will have 2 or 3 trucks unloading per year at the most for stocking his store. The location of the air conditioning units will be on the north side of the building. They are substituting standard florescent fixtures with no lenses for high performance 25 watt fluorescence fixtures which will have a standard light spread.

Robert Lavoie from 2 Kinney Avenue introduced himself to the Board Members. He has no objection to the building being proposed, however he is concerned with the vehicle traffic (having the Kinney Avenue cleared for emergency vehicles and the safety of pedestrians) and the number and location of the dumpsters. The present building practices have not proven to be an example of following town ordinances. He is also concerned that the access door on Kinney Avenue will be used for access for storage. The water main is 2" and has had corrosion that reduces the water main to 1" and is concerned that the system may break down completely.

Debbie Woods from 2 Kinney Avenue #6/3rd floor introduced herself to the Board Members. Her biggest concern is the 18 wheelers that come through Kinney Avenue and sit in the lot for days at a time. If we agree to a plan, we need to make sure that the plan is followed. Safety for pedestrians. There should also be some consequences if the plan is not followed. (letter enclosed)

Cynthia Kerr from 206 East Grand Avenue introduced herself to the Board Members. She is not objecting to the project. The following are the items that she would like to see changed and worked into the plan are as follows:

1. Install a safe sidewalk with curbing from East Grand Avenue to the beach.
2. No planters but preferably install trees.
3. No access doors on Kinney Avenue.
4. No store windows beyond the existing windows on Kinney Avenue.
5. No vehicular or truck traffic access to subject property or existing lots through Kinney Ave.
6. No large or interior lit signage on Kinney Ave.
7. Dumpsters and surrounding enclosures will open and dump towards Harrisburg Street only.
8. No neon window lighting.
9. No fluorescent wall washing suffix tube lighting.
10. Show a suitable trash disposal plan that will accommodate now trash volume.
11. Satisfactory area delivery or traffic impact plan.

(letter enclosed)

Lisa Gribbon introduced herself to the Board Members. Ms. Gribbon owns a small hotel on Kinney Avenue called Richards by the Sea. Ms. Gribbon stated that previously Kinney Avenue was zoned residential. She is concerned that this proposal will go forth and ordinances will not be followed. This project changes the residential to more retail but with no additional parking. Concerned that Mr. Harrisburg's customers will be parking in her

hotel parking spaces. This building should be an asset to this community.

George Kerr 206 East Grand avenue introduced himself to the Board Members. Mr. Kerr agreed that this proposal will be an asset to our community but that it needs conditions. No access on Kinney Avenue would be a bonus. We need to work together for the betterment of the neighborhood. He would like clarification when the dumpsters would be picked up.

Harold Harrisburg stated that this neighborhood is commercial. He also wanted to express that there are other business, besides his that have truck deliveries also. He also stated that his forklift is a licensed vehicle and it is legal to drive it up and down the street.

Durwood Parkinson, Town Attorney introduced himself to the Board Members and has been asked to advise the board on any legal issues that they might be facing with this application. He advised the Board Members to attempt to follow the ordinance as written to the best of their ability. When they close the public hearings, take full deliberations and write out your decisions, using all criteria contained in the ordinance, writing individual findings of each of the criteria in your ordinance.

Comments from Town Planner Jeffrey Hinderliter:

There have been a number of documents that we received as well as many comments from the public. Mr. Hinderliter would like to take all of these comments and work through our ordinances and apply some comments to be fair to the applicant, property owners and abutters. Mr. Hinderliter would like to have a meeting together to try to work through some of these things.

After he evaluates the comments that were received, he will have a better understanding of how they apply to our ordinances and how we can move forward.

Win Winch: If these dumpsters are moved onto neighboring property, what happens if that property is sold. Is there going to be an easement on that property.

Jeffrey Hinderliter: There is most likely an easement needed for access through the back property in case the property was transferred.

Win Winch: In DD-1, the ordinance states that it does not allow warehousing/wholesaling.

Jeffrey Hinderliter: The Code Office and the administrative review board is currently working with Mr. Harrisburg on this part.

Win Winch: Have the owners ever considered trash compactors.

Jeffrey Hinderliter: He will discuss this with the applicant.

Mr. Parkinson, Town Attorney suggested keeping the public hearing open in case there is any follow up testimony to the recent changes in the packet.

Eber Weinstein made a motion to continue the public hearing at the next Planning Board meeting on June 12, 2014. Seconded by Mark Koenigs.

Regular Meeting

APPROVAL OF MINUTES – 4/3/14, 4/10/14, 4/22/14

Eber Weinstein made a motion to approve the meeting minutes of 04/03/2014. Seconded by Mark Koenigs.

MOTION

VOTE

<p>Unanimous.</p> <p>The minutes of 4/10/14 were postponed until the next meeting.</p> <p>The minutes of 4/22/14 were postponed until the next meeting.</p>	<p>(5-0)</p>
<p><u>ITEM 2</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: Site walk report, continued discussion, schedule final review</p> <p>Owner: The Harrisburg Group</p> <p>Location: 11 East Grand, MBL: 306-3-3</p> <p>Mark Koenigs suggested that the plans should be updated to reflect their dumpster revision plan and whatever the applicant comes up with the easement. In C1-C3 & C4, do not coincide as far as some of the aspects and the architects drawings need to be updated to reflect the actual survey information in regards to grades, drainage, utility location, utility cuts. They shouldn't have 2 drawings that conflict with each other. Impervious surface it is unclear as to what the sidewalk will be constructed of. Mr. Koenigs stated that he will submit all of his markups to the Architect for his benefit. There are a lot of things that conflict with each other on these plans. Mr. Koenigs would like to encourage the sidewalks construction on both sides of Kinney Ave.</p> <p>Eber Weinstein stated that the biggest problem there is truck traffic. It's going to be hard to limit that because there are delivery trucks all over Old Orchard Beach. He agreed that the basic plan is an improvement. Try to minimize the problems of the past.</p> <p>Mike Fortunato would like to see a detailed plan as to how these tractor trailers will go to the back of the building and also a time when these trailers will be arriving.</p> <p>Mark Koenigs talked about the site plan review responses (1-9) These will be the items that the Planning Board will review and write their own responses as to what they say that the project is providing.</p> <p>Mr. Weger stated that he will provide the Planning Board a detailed plan for the tractor trailer traffic and he will also get a letter from the utility companies for their recommendations.</p> <p>Mr. Hinderliter asked that if any of the members have changes that they would like to see, please forward them to him. Then he can meet with the applicant to provide these comments so that they will have time before the next submission.</p> <p>Mr. Parkinson recommends that the Code Officer address any of the code violations are cleared up before the building permits are pulled.</p> <p>Mr. Hinderliter suggests that the Code Officer puts this in writing and if we apply a condition, it should be limited to those properties under the same ownership.</p> <p>Mr. Koenigs asked if it was in the condition to go with the pervious pavers. Mr. Weger stated that it was not part of the conditions. Thought it would be a good idea to let the water percolate as much as it could.</p> <p>The Planning Board has scheduled the final review and continue the public hearing at the June 12, 2014 Planning Board meeting.</p>	<p><u>ITEM 2</u></p>

<p>Mark Koenig made a motion to table for continued discussion without prejudice, seconded by Mike Fortunato.</p> <p>Eber Weinstein abstained.</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0-1)</u></p>
<p><u>ITEM 5</u></p> <p>Proposal: Revision: Amendment to “Green Monster” and awning to increase size of indoor/outdoor café (Slyders)</p> <p>Action: Consideration of Certificate of Appropriateness</p> <p>Applicant: Slyders LLC (Mike Paul)</p> <p>Location: 16 Old Orchard St., MBL: 205-5-5, DD1</p> <p>The Design Review Committee did not have a quorum so they did not take a vote. Mark Koenigs made a motion to table this item until the next meeting, seconded by Win Winch.</p> <p>Unanimous.</p>	<p><u>ITEM 5</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(5-0)</u></p>
<p><u>ITEM 6</u></p> <p>Proposal: Update: Amend building design to include 2nd door, increased roof pitch, increased height, shingle roof, cedar impression and clapboard siding</p> <p>Action: Consideration of Certificate of Appropriateness</p> <p>Owner: Viola Margarones</p> <p>Location: 33 Saco Ave. MBL: 206-27-11, (Beach Lobster & Farmstand).DD2</p> <p>It was brought to the Design Review Committees attention that this building was not being built to code. Code Official Dan Feeney went to inspect and found that this building was not in Code Compliance. The applicant and contractor came back to the Design Review Committee and re submitted another package that was found to be in compliance with the criteria of DD-2. The Design Review Committee deliberated and voted that a Certificate of Appropriateness be recommended to the Planning Board.</p> <p>Win Winch made a motion to issue a Certificate of Appropriateness to Viola Margarones, 33 Saco Avenue, MBL: 207-27-11, seconded by Eber Weinstein.</p> <p>Jeffrey Hinderliter will have his findings at the next meeting.</p> <p>Unanimous.</p>	
<p>GOOD AND WELFARE:</p> <p>Mark Koenigs talked about the last “Special” Planning Board meeting in regards to the recommendation to the Town Council for a zoning recommendation for the Good and Evil Tattoo establishment. Three of the Board Members came to that meeting and deliberated and reviewed a motion which was seconded and voted on by all three members including the Chair. Mr. Koenigs had heard that the Chair recanted his vote in front of the Town Council meeting, which nullified the vote and the Planning Board’s effort to make a recommendation as a group. Mr. Koenigs was taken back by that. We have to come to an understanding that when the Planning Board takes a vote, the vote stands. If a Board Member doesn’t agree with a vote, they need to express this at the time. Mr. Koenigs would</p>	

<p>like to hear from the Chair that this will not happen again.</p> <p>Mike Fortunato also agreed that as Planning Board Members that they should all be on the same page.</p> <p>Chair D’Agostino apologized and stated that what he said was not to hurt anyone’s feelings. He explained that he couldn’t get the information on his ipad that night because of technical problems.</p> <p>Mr. Koenigs also stated that it should be known to the public that there are only 5 members on the Planning Board. No alternatives. So if there is anyone who wants to serve on the Planning Board and has land use knowledge, they are welcome to sit on the Board and serve the public.</p> <p>Jeffrey Hinderliter gave a brief update on the new library. The foundation is in and he encourages and recommends that the Board Members to drive by and look at the footprint of the project. They are working hard to complete this project by this fall.</p> <p>Mr. Koenigs talked about the connection from downtown to the Eastern Trail. The finance committee voted to make a recommendation to the Council to include the CIP \$55,000 for FY 15 for improvements along the trail such as the retaining wall in Wild Dunes Way and also the Ross Road crossings and improvements.</p> <p>Mr. Hinderliter stated that the Eastern Trail is supportive of the town’s efforts to create that link to the Eastern Trail.</p> <p>Chair D’Agostino questioned a digital sign that he had seen across from Harold Harrisburg’s building and asked Mr. Hinderliter if this sign is in conformance with the towns ordinances.</p> <p>Mr. Hinderliter stated that he permitted the sign as part of the ordinance sign review. He also stated that there are some questions because there has been precedence set before with digital signs in town. He added that there are a number of things that we need to clarify in our ordinances and signs are one of them that we need to work on and tighten up.</p>	
<p>ADJOURNMENT CARL D’AGOSTINO, CHAIRMAN</p>	
<p>Meeting adjourned at 9:55 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 Seven (7) pages is a true copy of the original minutes of the Planning Board Meeting of May 8, 2014.

Valdine Camire