

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<b>Call to Order: 7:02 pm</b>	<b>Call to Order</b>
<b>Pledge of Allegiance</b>	<b>Pledge of Allegiance</b>
<b>Roll Call:</b> Chair Eber Weinstein, Mark Koenigs, Win Winch, Linda Mailhot, Mike Fortunato. Staff Present: Jeffrey Hinderliter; Planner, Valdine Camire; Administrative Assistant.	<b>Roll Call</b>
<b>Public Hearings</b>	
<p><b><u>ITEM 1</u></b>  <b>Proposal: Conditional Use: Establish Accessory Dwelling Unit</b>  <b>Owner: Lance Foss</b>  <b>Location: 3 Idlewild Ave., MBL: 206-16-3, R1</b></p> <p>Applicant Lance Foss introduced himself to the Board Members hoping to finalize this agenda item.</p> <p>There being no one else speaking for or against this proposal, the public hearing closed to the public at 7:03pm.</p>	<b><u>ITEM 1</u></b>
<p><b><u>ITEM 2</u></b>  <b>Proposal: Major Subdivision Amendment: Revise location of two apartment buildings, parking and stormwater systems</b>  <b>Owner: New Heritage Builders</b>  <b>Location: Smithwheel Rd. (Colindale Apartments), MBL: 107-2-1, R4 &amp; ID</b></p> <p>There being no one speaking for or against this proposal, the public hearing closed to the public at 7:04 pm.</p>	<b><u>ITEM 2</u></b>
<b>Regular Meeting</b>	
<p><b>APPROVAL OF MINUTES</b></p> <p>There were no meeting minutes to approve. Valdine Camire is working on the meeting minutes that we have access to.</p>	
<p><b><u>ITEM 3</u></b>  <b>Proposal: Conditional Use: Establish Accessory Dwelling Unit</b>  <b>Action: Discussion; Final Ruling</b>  <b>Owner: Lance Foss</b>  <b>Location: 3 Idlewild Ave., MBL: 206-16-3, R1</b></p> <p>Jeffrey Hinderliter explained that he was not at the site walk so he was not able to see the structure as complete, however the key is to make sure that the</p>	<b><u>ITEM 3</u></b>

Town of Old Orchard Beach  
Planning Board Public Hearing  
Meeting Minutes  
October 8th, 2015

accessory dwelling unit meets the accessory dwelling unit standards (the five criteria) and as far as he understands, it was originally designed to meet these standards. As long as the Planning Board feels that it meets the accessory dwelling unit standards as well as the 12 review criteria, Jeffrey recommends that the Planning Board approve the accessory dwelling unit.

Chair Weinstein asked if this unit is 500+ sq. ft. or better.

Jeffrey Hinderliter states that this is 500+ square feet.

***Chair Weinstein read through the 12 Conditional Use Review Criteria:***

- 1.) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
- 2.) The proposed use will not create or increase any fire hazard.
- 3.) The proposed use will provide adequate off-street parking and loading areas.
- 4.) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
- 5.) The proposed use will not create unhealthful conditions because of smoke, dust or other air borne contaminants.
- 6.) The proposed use will 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.
- 7.) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the use.
- 8.) The proposed use will not adversely affect the value of adjacent properties.
- 9.) The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.
- 10.) The applicant's proposal must include any special screening or buffering necessary to visually obstruct the subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
- 11.) The applicant's proposal must adequately provide for drainage through and for preservation or existing topography within its location, particularly in minimizing any cut, fill, or paving intended.
- 12.) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this section and to develop and thereafter maintain the proposed project or use in accordance with all applicable requirements.

Linda Mailhot made a motion to approve the Accessory Dwelling, seconded by Win Winch.

**MOTION**

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p><b><i>Jeffrey Hinderliter called for the vote:</i></b>          Mark Koenigs – Yes          Linda Mailhot – Yes          Mike Fortunato – Yes          Win Winch – Yes          Chair Weinstein - Yes</p>	<p><b>VOTE</b>   <b>(5-0)</b></p>
<p><b><u>ITEM 4</u></b>  <b>Proposal: Major Subdivision Amendment: Revise location of two apartment buildings, parking and stormwater systems</b>  <b>Action: Discussion; Final Ruling</b>  <b>Owner: New Heritage Builders</b>  <b>Location: Smithwheel Rd. (Colindale Apartments)., MBL: 107-2-1, R4 &amp; ID</b></p> <p>Bill Thompson, Project Manager for BH2M here representing the applicant, introduced himself to the Board Members.</p> <p>Mr. Thompson brought the Board Members up to date since the last meeting that was held in September 2015. They are proposing the 2 buildings shown on the plans (16 unit and 12 unit buildings). Maine water has prepared a letter submitted as part of the requirements. Interim Public Works Director Mark Guimond had a number of questions which he and Mr. Thompson responded back and forth through various emails. Mr. Guimond is now satisfied with the project. Fire Chief Rick Plummer has submitted a letter also indicating acceptance of the location of the hydrant on site and fire protection needs will meet this project. One of the questions from the last meeting was how were these buildings going to be heated? Mr. Thompson explained that these will be heated with high efficiency heat pumps which will run by electricity. As far as the storm water infiltration from the parking, the two buildings will be treated with infiltration within the parking lot. Drywall systems with pipes that extend out off of them. They have a report ready to submit to DEP as an official submission. DEP is looking favorably at this type of storm water management. They did test pits 137” down and found no groundwater. They will split the parking in the front to break it up and eliminated 3 parking spaces. Had additional parking spaces and didn’t need them so they are putting in a green space to break up that pavement stretch in front of the buildings. They have 134 parking spaces and they only need 128. This building will be sprinkled. 8” water will be extended up to the building.</p> <p>Mr. Thompson stated that there has been a question that has come up very recently about an existing R.O.W. from this site Northwesterly to the Blow property. There is a R.O.W. but was never shown through any of the phases of this development. That strip of land in the back was totally encumbered by the</p>	<p><b><u>ITEM 4</u></b></p>

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p>CMP easement so there was never any intent to encroach on that. This 50 ft. R.O.W. does go across that CMP easement.</p> <p>The 1988 survey shows it on there but poorly identified. The deed that went from the Colindale property to the Blow Brothers identifies the R.O.W. but this is also poorly described. He explained that they need to do a little more research and meet with the Blow family to find out what it is supposed to be. Jeffrey Hinderliter stated that the project cannot begin until DEP approval is secured anyways to there may be a window where the applicant can work with the Blow family to see if they can get something resolved so we wouldn't need to make it a condition. If the R.O.W. shows that some plan adjustments need to be made, then it would need to come back to the Planning Board for approval anyways.</p> <p>Linda Mailhot asked Mr. Thompson if he could clarify that there is no way that any of the storm water runoff (with the system that has been designed) will disperse water into the adjoining properties? Bill Thompson stated that this is designed for a 50 or 100 year storm. It will be totally infiltrated.</p> <p>Win Winch made a motion to table this item without prejudice, seconded by Linda Mailhot.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b>      Mark Koenigs – Yes      Linda Mailhot – Yes      Mike Fortunato – Yes      Win Winch – Yes      Chair Weinstein - Abstain</p>	<p style="text-align: center;"><b><u>MOTION</u></b></p> <p style="text-align: center;"><b><u>VOTE</u></b></p> <p style="text-align: center;"><b><u>(4-0-1)</u></b></p>
<p><b><u>ITEM 5</u></b></p> <p><b>Proposal: Site Plan: Construct 4,000 sq. ft. equipment building</b>  <b>Action: Preliminary Plan Review; Schedule Site Walk; Schedule Public Hearing</b>  <b>Owner: Town of Old Orchard Beach</b>  <b>Location: 24 Manor St. (Waste Water Treatment Facility), MBL: 108-1-2, R3</b></p> <p>Wastewater Superintendent Chris White introduced himself. They are proposing a 50' x 80' building. They are currently working with an engineer to get a better drawing. Mr. White explained that the project came late in the budgeting process. They got through the budgeting process and the existing building had a partial collapse. They are trying to get it built before we get into snow and cold weather. Currently do not have a place to store generators, portable pumps, vehicles etc. There are no plans to add portable water. They would put their own plant water to it for wash down for vehicles. There will be drainage inside of the building. The plan for stormwater is whatever comes off of the roof would just go to infiltration. Will put crushed rock around the building. There</p>	<p style="text-align: center;"><b><u>ITEM 5</u></b></p>

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p>will be no bathrooms. The only thing inside of the building would be a mezzanine for parts, storage, supplies. They will be storing 2 service trucks, a loader, 4 portable generators, 2 portable pumps, lawn/grounds keeping equipment as well as a lay down area for working on pumps/equipment. Mr. White stated that he will get more information and better drawings in the next week or so. Chair Weinstein agreed that they do need a better plan. Linda Mailhot asked whether there will be oil/water separator's for vehicle fluids, etc. Mr. White explained that because it is an existing wastewater facility, they have access to a small yard drain, so it would go to the yard drain which then pumps it back up to the front of the facility for treatment. They scheduled the site walk for 5:30 pm on November 5, 2015 and the public hearing is scheduled for November 12, 2015. Chair Weinstein asked Mr. White to stake off where the building will be located when they have the site walk.</p>	
<p><b><u>ITEM 6</u></b>  <b>Proposal:</b> Sawgrass Subdivision Amendment: Approved 40 unit condo \ project modified into a 22 unit single family house lot project  <b>Action:</b> Applicant Update; Schedule Final Review  <b>Owner:</b> Sawgrass LLC  <b>Location:</b> Wild Dunes Way (Dunegrass Sections J &amp; L- Sawgrass); MBL: 105A, Lot 1, PMUD</p> <p>Jason Vafiadis with FST is here representing Ronald and Barbara Boutet for a subdivision amendment. They are looking to go forward and get approved. This has been tabled from a couple of meetings ago. They are changing grades from the road and also making them to conform to town code.</p> <p>Chair Weinstein asked Jeffrey Hinderliter if he could go back and find out if Cherry Hills was a full subdivision or an amendment.</p> <p>Mr. Hinderliter stated that this gets confusing because the interim Public Works Director has a different philosophy on improvements then our former Public Works Director.</p> <p>The interim Public Works Director Mark Guimond provided comments but staff still has to go over these comments with him. This is why it is scheduled as an update to the Planning Board before the final review. Public Works issues need to be worked out. Part of these issues is street lighting. They had discussed these issues in the past, but light symbols were not in the current plan. We have identified (4) locations for street lighting. 2 accesses for Wild Dunes Way access to Longcove Drive. Also 1 intersection where Island Drive and Ponteverda Drive.</p>	<p style="text-align: center;"><b><u>ITEM 6</u></b></p>

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p>Mr. Hinderliter mentioned that street lighting is one of the issues that has continued to come up.</p> <p>Jason Vafiadis stated that they have some recommendations from the Fire Chief. Chris White from the Water Company provided some comments and there will be additional staff comments.</p> <p>Staff and applicant will work these out before the final plan submission and we will be very clear as to what waivers are requested as well.</p> <p>Win Winch asked about the issue with the maintenance of the sewer. Mr. Hinderliter stated that these issues are still being worked out</p> <p>Mr. Winch also asked who maintains public sewer on a private road? Mr. Hinderliter stated that it varies. The final pump station hasn't been built at Cherry Hills, it is still the temporary pump station.</p> <p>Chair Weinstein also mentioned that the storm water still needs to be taken care of.</p> <p>Mr. Hinderliter stated that what changed from January is some of the written responses as opposed to the plans. He also stated that It was tabled without prejudice last time, so they do not need a site walk or a public hearing.</p> <p>Chair Weinstein asked about lot #1 which has a driveway near the intersection. Mr. Hinderliter stated that this gets into the 50' spacing and that this could be part of the waiver request. Hoping to have a finalized review for the next meeting.</p> <p>Win Winch made a motion to table this item without prejudice until the next meeting. Michael Fortunato seconded the motion.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b>      Mark Koenigs – Yes      Linda Mailhot – Yes      Mike Fortunato – Yes      Win Winch – Yes      Chair Weinstein - Yes</p>	<p style="text-align: center;"><b>MOTION</b></p> <p style="text-align: center;"><b>VOTE</b></p> <p style="text-align: center;"><b>(5-0)</b></p>
<p><b><u>ITEM 7</u></b>  <b>Proposal: Conditional Use/Relocation of Non-Conforming Structures: Remove two detached residential units and replace with one residential duplex.</b>  <b>Action: Ruling on Application: Table/Withdrawal</b></p>	<p style="text-align: center;"><b><u>ITEM 7</u></b></p>

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p><b>Owner: Estate of Stanley Weinstein Et Al</b>  <b>Location: 2 Puffin St., MBL: 303-7-2, BRD and Limited Commercial Districts</b></p> <p>This proposal is to remove 2 residential cottages and to construct 1 duplex in its place.          Jeffrey Hinderliter met with the applicant before the September Planning Board meeting and discussed some of the standards. He advised the applicant that it would be unwise to move forward because he didn't think it would successfully meet some of the non-conforming structure provisions.          The applicant decided to take a different approach to remove the cottage and build within the same exact footprint and the cottage elevated. This does not require Planning Board review, so it will be under code enforcement. Mr. Hinderliter gave the applicant the option to formerly request the withdrawal of the application. Mr. Hinderliter's recommendation is for the Planning Board table this item without prejudice.</p> <p>Win Winch made a motion to table this item without prejudice. Seconded by Mike Fortunato.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b>          Mark Koenigs – Yes          Linda Mailhot – Yes          Mike Fortunato – Yes          Win Winch – Yes          Chair Weinstein - Abstain</p>	<p style="text-align: center;"><b>MOTION</b></p> <p style="text-align: center;"><b>VOTE</b></p> <p style="text-align: center;"><b>(4-0-1)</b></p>
<p><b><u>ITEM 8</u></b>  <b>Proposal: Conditional Use (Home Occupation): Establish Bakery within existing accessory structure</b>  <b>Action: Ruling</b>  <b>Owner: Ruling on Application: Table/Withdrawal</b>  <b>Location: 165 Portland Ave., MBL: 103-6-4, RD</b></p> <p>Jeffrey Hinderliter stated that the Applicant did not show up at last month's Planning Board meeting and is not here at this meeting. Advice from our legal council was that this could not be approved because of the retail sales standard. Jeffrey gave them the option to withdrawal the application. We received nothing back from the applicant.</p> <p>Win Winch made a motion to table this without prejudice. Mike Fortunato seconded the motion.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b></p>	<p style="text-align: center;"><b><u>ITEM 8</u></b></p> <p style="text-align: center;"><b><u>MOTION</u></b></p>

Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p>Mark Koenigs – Yes                  Linda Mailhot – Yes                  Mike Fortunato – Yes                  Win Winch – Yes                  Chair Weinstein - Yes</p>	<p><b><u>VOTE</u></b></p> <p><b>(5-0)</b></p>
<p><b><u>Design Review Certificates</u></b></p>	<p><b><u>Design Review Certificates</u></b></p>
<p><b><u>ITEM 9</u></b></p> <p><b>Proposal: Demolish former parsonage</b>  <b>Action: Review application; Discussion; Certificate of Appropriateness Decision</b>  <b>Owner: Good Shepard Parish</b>  <b>Location: 6 Saco Ave., MBL: 206-30-1, DD-2</b></p> <p>Jeffrey Hinderliter stated that this is a good example for re-visiting some of our ordinances. For a demolition and a parking lot construction, there are very few Design Standards because the Design Review Standards typically deal with buildings, and a parking lot is actually a structure (by definition), not a building. In the DD-2 district, when it comes to constructing parking lots, the parking lots are considered a complimentary use, and as a complimentary use it only falls under the jurisdiction of Code Enforcement. Mr. Hinderliter stated that he will be discussing these Design Review Standards with the Board this winter.</p> <p>The Design Review Committee decided to split the application by taking care of the demolition portion first then taking care of the parking lot landscaping portion at a later date scheduled to be on the second of November. The DRC’s recommendation is for the Planning Board to conditionally approve only the demolition of the parsonage with the following (3) conditions:</p> <ul style="list-style-type: none"> <li>1.) All improvements will be in accordance with the application, plans and proposal received. Any additional changes must be approved by staff prior to completion</li> <li>2.) A completed landscaping plan for the entire site shall be submitted to the Design Review Committee by 2 November 2015.</li> <li>3.) Execution of the landscaping plan shall be done prior to paving of the parking lot. The parking lot shall not be used until the landscaping plan is implemented.</li> </ul> <p>This also needs permits through the code office for demolition.</p> <p>Win Winch made a motion to issue a Certificate of Appropriateness for the Good Shepard Parish for demolition at 6 Saco Ave., MBL: 206-30-1, in the DD-2 zone with following conditions:</p>	<p><b><u>ITEM 9</u></b></p> <p><b><u>MOTION</u></b></p>



Town of Old Orchard Beach  
 Planning Board Public Hearing  
 Meeting Minutes  
 October 8th, 2015

<p>1.) All improvements will be in accordance with the application, plans and proposal received. Any additional changes must be approved by staff prior to completion</p> <p>2.) A completed landscaping plan for the entire site shall be submitted to the Design Review Committee by 2 November 2015.</p> <p>3.) Execution of the landscaping plan shall be done prior to paving of the parking lot. The parking lot shall not be used until the landscaping plan is implemented.</p> <p>Seconded by Linda Mailhot.</p> <p>Members discussed their concern with prominent Old Orchard buildings that have great character and significance to the town being torn down instead of protecting and keeping them, however understandably, it is the owners right to do what they want with these buildings. It's unfortunate to see history being destroyed.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b></p> <p>Mark Koenigs – No          Linda Mailhot – Yes          Mike Fortunato – Yes          Win Winch – Yes          Chair Weinstein - Yes</p>	<p style="text-align: center;"><b><u>VOTE</u></b></p> <p style="text-align: center;"><b><u>(4-1)</u></b></p>
<p><b>Other Business:</b> Jeffrey Hinderliter announced that there is a new Board Member that will be joining the Planning Board. Jim Daley will be the new Planning Board Member. He will be an alternate.</p>	<p style="text-align: center;"><b>Other Business</b></p>
<p><b>Good &amp; Welfare:</b> Mark Koenigs mentioned that he will not be at the November meeting. Mr. Koenigs also mentioned that he would like to get the status of the brick building that is located at the Orchard Estates on Portland Avenue. Mr. Hinderliter stated that he and the developer will be getting together and will email the Board Members on the status. Mr. Koenigs stated that the Board needs to be very cognizant when we make our conditions on things and to make sure that we understand what we are trying to communicate. He was under the assumption that the brick building was going to be re-developed or saved. Chair Weinstein asked Mr. Hinderliter to add this to a workshop item to review.</p> <p>As another point of interest, Mr. Koenigs stated that we also need to be more cognizant when an engineer puts a note on the plans that says approved by DPW Director, etc. This person is not always the same individual. We need to be more definitive.</p> <p>Chair Weinstein would also like the discussion of the Sawgrass trail as an item on next month's agenda. Some of the Board Members were also under the impression that there was supposed to be a sidewalk going down the south side</p>	<p style="text-align: center;"><b>Good &amp; Welfare</b></p>

Town of Old Orchard Beach  
Planning Board Public Hearing  
Meeting Minutes  
October 8th, 2015

<p>of Heath Street. Chair Weinstein would like to put this as an agenda item as a workshop item.</p> <p>Mr. Hinderliter stated that there will be a Comprehensive Plan meeting scheduled in October to wrap up the Future Land Use Plan.</p> <p>On a positive note, Mr. Koenigs stated that the people who volunteered and put their efforts in developing the skate park, working on the Ballpark and gardens should be commended.</p>	
<b>Adjournment at 8:32pm</b>	<b>Adjournment</b>

*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 ten (10 ) pages is a true copy of the original minutes of the Planning Board Meeting of October 8, 2015.*

