

OLD ORCHARD BEACH PLANNING BOARD
 Public Hearing and Regular Meeting
 March 10, 2016 - 7:00 PM
 Town Council Chambers

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
Roll Call: Linda Mailhot, Mike Fortunato, Win Winch, Mark Koenigs. Absent: Eber Weinstein. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner.	
<p>ELECT CHAIR AND VICE CHAIR</p> <p>Motion made by Linda Mailhot to nominate Mark Koenigs as Chair, seconded by Win Winch. Unanimous.</p> <p>Motion made by Win Winch to nominate Linda Mailhot as Vice Chair, seconded by Mike Fortunato. Unanimous.</p>	<p style="text-align: center;"><u>MOTION</u> <u>VOTE</u></p> <p style="text-align: center;"><u>UNANIMOUS</u> <u>(3-0)</u></p> <p style="text-align: center;"><u>MOTION</u> <u>VOTE</u></p> <p style="text-align: center;"><u>UNANIMOUS</u> <u>(3-0)</u></p>
<p>Regular Meeting APPROVAL OF MINUTES: 4/22/15, 7/9/15, 7/23/15, 8/6/15, 11/5/15, 11/12/15, 12/3/15, 12/10/15, 1/7/16, 1/14/16, 1/28/16, 2/4/16</p> <p>Linda Mailhot made a motion to accept these meeting minutes as presented. Seconded by Win Winch. Unanimous.</p>	<p style="text-align: center;"><u>MOTION</u> <u>VOTE</u></p> <p style="text-align: center;"><u>UNANIMOUS</u> <u>(3-0)</u></p>
<p><u>ITEM 1</u> Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking Action: Applicant Update; Final Ruling Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>Scott Braley, Engineer from Plymouth Engineering representing the applicant introduced himself to the Board Members. Briefly summarized the following: The redevelopment of the existing cabin site at the corner of Smithwheel and Ocean Park Road. Replace with a 2,080 sf. Dunkin Donuts building with drive-thru. 24 parking spaces, all public utilities and incorporating the requirements of the Maine DEP Traffic Movement permit for both on site and off site activities. Mr. Braley addressed a few things that they have received since the last meeting.</p> <p>(1) At the last meeting the town received a letter from Wright Pierce on the site plan review criteria. There were comments from Wright Pierce and Town Planner indicated that it is generally a lot of construction type questions/details. They have reviewed and concur with that. The construction details that were mentioned by the engineer from Wright Pierce and have added to the plans. The applicant will meet with the Town Planner and Review Engineer after approval and work out any minor construction details.</p> <p>(2) Memo dated March 5, 2016 from the Town Manager, Larry Mead was the final staff review memo received by the Town Planner:</p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(4-0)</u></p>

Fire review from Chief Plummer:

Discussed traffic and Ocean Park Rd. being brought down to one lane West of the site. East of the site is already one lane.

Clarification in item #2: Should not drive over pedestrian islands. They are vertical curbs and they are there to protect the pedestrians.

- (3) Backups when emergency vehicles are trying to turn right onto Smithwheel from downtown, there should be no backups at the right turn because the right turn has no reason to stop at Smithwheel. With regard to turning left into the campground, they believe that the design that they have come up with by DOT and the Engineer is a better situation with an emergency vehicle because they now have a left turn pocket that they can get out of the way and be safe.
- (4) Traffic backups and the merges. This should be improved because there still will be 2 straight thru lanes and plus they have the left lane, so they have the left turning traffic out of the way.

Marc Guimond, Public Works Director Review:

Delivery trucks on site.

Public Safety Review:

1. Speed approaching the spur. This should get better because of the new signage and new lane markings
2. Crashes and dangerous intersections. Based on the numbers, the intersection is not a high crash location.
3. Intersection movement is acceptable as it's rated. DOT has issued the permit.
4. Deliveries to Dunkin Donuts clarification: Tractor Trailer that is a major concern on site only comes to the site once per week. Tractor Trailer has now been limited to between 9:00 am – 3:00 pm and 6:00 pm – 9:00 pm. for their deliveries. Doesn't believe this will be an issue.
5. Increased traffic due to development on Smithwheel Road. All of the properties that is currently permitted by the town was taken into account as part of this traffic study.
6. Vehicular backups on the east bound lane: The vast majority of campers will be coming out off I 95 and turning into the campground. Most of the traffic during the day going into the campground will most likely to be passenger vehicles.

Wastewater Review:

Wastewater flow is 240 gallons per day. Pre-treatment equipment will be standard grease traps in the building, part of the internal plumbing. Keeping in mind that this is not a full cooking facility.

Code Enforcement Review:

Code Officer restricted his comments to deliveries:

Tractor trailer is there once a week. Be there approximately 15 mins. There will be smaller vehicles (box truck) that will come twice a day and will be no turning issues.

Assistant Town Manager Review:

Traffic and noise concerns. The noise level of the Tractor Trailer coming in once a week will be less than the vehicles going by on Ocean Park. There should not be a noise issue.

Mr. Braley briefly went over the highlights to responses of the 9 criteria. Added or changed. And they are all in italics.

Item #1 Sec. 78-806 Curbs and sidewalks: Meet all of the requirements. The sidewalk comes all the way down Smithwheel and across the front of Ocean Park Road.

The lighting plan was to move a couple of light poles closer to the entrances.

They meet all signage and dimension requirements.

Item #2 ZBA and Design Review permits or applicable state and federal permits:

There are no appeals in place and not asking for any changes. There is no design review process for this project. The MDOT traffic movement permit is attached.

Item #3 Adverse impact: Not taking any groundwater out because we are on public sewer/water and we are not discharging anything for wastewater to the ground. In regards to stormwater, Mr. Dennis from the DEP made the suggestion about passing the larger storms. Plans were amended to go with the 10 year storm in both detention areas. In regards to the discharge that went towards Reserve St. they have created a new hard pipe discharge.

Item #4 Talks specifically about storm water. He has already discussed this. The two retention areas will retain the 10 year storm within their banks.

Item #5 On site and off site vehicular and pedestrian circulation systems. Engineers found an acceptable solution. Off site with the improvements that are proposed between striping, pedestrian islands, sidewalks, lane widening has been taking care of. DOT will review all the design before it goes to construction. The DPW Director will also be involved.

In regards to on site, Mr. Braley handed out information on parking spaces. The applicant schedules all of their own deliveries. If those spaces are dedicated to employees they can move prior to deliveries. Doesn't see this as a major issue on site. 8 parking spaces required by ordinance.

Mr. Hinderliter suggested that the board may want to make the hours of delivery a condition.

Item #6 Deals with environmental, marine, cultural and visuals information. In the environmental quality they are only adding 6,836 sf of impervious area. The structural facilities will all be further from the property lines than they currently are. Adding green space around the development. Also providing stormwater treatment. The existing fence belongs to the condo association. They will go back 4' and put in a new 6' solid stockade fence. In regards to trash/litter they will have an enclosed covered dumpster area and routine staff walkabouts.

Item #7 Under noise. Considering delivery times, this will not be disturbing. Added letter from SE Ambros. Under debris, refuse and clean up – staff is directed to make travel pass every 30 minutes. Has a program for street sweeping and the like.

Item #8 Project will not have a negative fiscal impact on municipal government. Generate local jobs add to tax base, increase property value, will not impact school budget.

Item #9 Improvement to property is better for the neighborhood. Property values could go up for adjacent properties in that zone.

Mr. Braley added that the stormwater permit is active, current and valid. There are a couple of clerical errors that will be corrected and Mr. Hinderliter asked if the board could have a copy of that letter. In regards to the permit by rule the town has received a letter with the project file from DEP.

Mr. Koenigs asked about post construction MS4 and do we need a condition from approval for site plan. Mr. Hinderliter stated that we already have that prepared. We will recommend that. The condition is primarily for a post construction stormwater maintenance plan, maintaining and getting certification every year stating that they are being maintained. This is part of the ordinance. Any application that they see going forward will have a box for the Chapter 70.

Chair Koenigs read the following: Review site plan review for Dunkin Donuts to construct a 2,080 sf. Building and associated parking. Applicant: JFJ Holdings, LLC at 14 Ocean Park Road, MBL: 210-1-1 GB zone.

SITE PLAN REVIEW (PROVIDE A RESPONSE TO EACH CRITERIA 1 – 9):

Sec. 78-216. Review procedure.

Criteria for approval.

All site plan review applications shall be evaluated, approved, approved with conditions, or denied based on the following findings of fact:

(1) The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in this article and article VIII of this chapter.

The project is located in the GB-1 Zone of the Town of Old Orchard Beach. The proposed project is a restaurant, which is permitted use under the standards set forth in Section 78-802 of the town of Old Orchard Beach Code of Ordinances.

The following table is reflective of Sec. 78-805 of the Town of Old Orchard Beach Code of Ordinances for Space and bulk requirements of the GB-1 zone.

Standard	Requirements for Nonresidential Uses	Proposed
Minimum lot area	10,000 square feet	51,716 square feet
Minimum lot area per unit	N/A	N/A
Minimum lot frontage	100 feet	152' (Ocean Park Road) 297' (Smithwheel Road)
Minimum lot width	100 feet	152' (Ocean Park Road)
Minimum principal front yard setback	30 feet	41' (Ocean Park Road) 75' (Smithwheel Road)
Minimum principal side yard setback	25 feet	>25', varies
Minimum principal rear yard setback	25 feet	160' (Ocean Park Road) 37' (Smithwheel Road)
Commercial use abutting a residential property	35 feet	37'
Maximum building height	35 feet	24'
Maximum building coverage	50%	4.36%

Sec. 78-806 Performance standards.

(a) Parking. In addition to parking standards specified in division 4 of article VIII of this chapter, all uses in the general business district 1 (GB-1) shall conform to the following parking requirements:

(1) No parking shall be permitted in the front setback yard as established in [section 78-805](#)

There is no proposed parking in the front setback along Ocean Park Road.

(2) With the exception of conditional uses established in [section 78-803](#)(1) and (2), sites containing nonresidential buildings in excess of 5,000 square feet of first floor gross leasable area shall allocate all off-street parking in the following manner:

- a. Front yard (area between the street and the building), 35% or less.
- b. Side and rear yards, 65% or more.

The proposed building is a permitted use, commercial building not in excess of 5,000 square feet, as such the off street parking area allocation specified in this standard does not apply.

- (3) Subsection (a) (2) of this section may be waived by the planning board if the edge of parking lots located in the front yard are set back from the front property line by a minimum of 100 linear feet.

Subsection (a) (2) of this section does not apply to the use being proposed in this application.

(b) Site improvements. Site improvements are as follows:

- (1) Curbs and sidewalks. Where nonresidential development or multifamily residential development in excess of five units fronts a public street, the property owner shall construct a public sidewalk and street curb within the street right-of-way for the length of the property frontage. All sidewalks and curb designs shall conform to specifications established by the planning board.

The existing conditions on the site include a sidewalk along a portion of the Smithwheel Road frontage. The curb cuts are being changed from their existing locations, as such, new sidewalk will be placed in the curb cuts to be removed, with tip downs added for accessibility to the locations of the new curb cuts. Further, the sidewalk on Smithwheel Road is being extended all the way to the Ocean Park intersection to add pedestrian safety, accessibility, and proximity to the new cross walks. In addition, a sidewalk and crosswalk are being proposed for the site along Ocean Park and internally to enhance the pedestrian traffic to the site from the intersection.

- (2) Lighting. Notwithstanding the standards for parking lot lighting specified in division 4 of article VIII of this chapter, all freestanding site lighting shall:

A lumen plan showing the foot candles generated by the new fixtures, and their impact on surrounding properties is attached to this application. The lighting plan has been amended since initial submittal to add lighting near the entrances to meet the MaineDOT entrance standards as part of the MaineDOT Traffic Movement Permit.

- a. Not exceed the height of the principal building or 14 feet, whichever is less.

As shown on the lumen plan, none of the fixtures being proposed for the site will have a pole height in excess of 14 feet.

- b. 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.

The proposed locations of the poles and lighting fixtures on the site will prevent the shedding of more than 0.5 foot-candles onto abutting residential uses, or 1.0 foot-candles on abutting commercial uses, as shown on the attached lumen plan.

- c. Be shielded to prevent point source glare.

The pole mounted site lighting, as well as the building mounted lighting is full cut off shielded fixtures to prevent glare. The specifications of the fixtures and poles are shown on the attached lumen plan and specification sheets are attached hereto.

- (3) Signage. All signs in the GB-1 district must conform to the following standards in addition to those of division 5 of article VIII of this chapter:

Samples of onsite, and building mounted signage are attached at the end of this application, specifying dimensions and materials.

- a. Materials. All proposed signage in the GB-1 district shall be constructed of either wood, metal, fabric, plastic, or composite materials.

As shown on the attached specifications for the site signage, all of the proposed signage will have

pan flat clear solar grade polycarbonate faces, with metal frame supports.

- b. Lighting. All proposed signs may be illuminated by one or more shielded external light fixtures affixed to the building, the sign, or up lights emanating from the ground. Internally lighted signs shall consist of light hue lettering in a dark hue background. All sign lighting shall be white colored illumination.

All on site signs will be internally lit, the specific bulbs for each of the signs are shown on the attached specifications. They are all white color illumination.

(4) Area and dimensions. Sign area and dimensions are as follows:

- a. Total aggregate signage located on the site, displayed on awnings, affixed to the building, shall not exceed one square foot of signage for every one linear foot of building or storefront frontage on a public street. When the principal structure is oriented so that more than two sides of the building are oriented to the same street, only one side may be used to calculate sign area.

The store frontage along Smithwheel Road is 66 feet. It is 30 feet along Ocean Park Road. The following table specifies the standard Dunkin Donut sign dimensions, as shown on the enclosed specifications.

Description	#	Surface Area facing Smithwheel Road (66 sf max.)	Surface Area facing Ocean Park Road (30 sf max.)
DD D/F Cloud Wall Sign	1		16.70 sf
DD Stacked Logo Blade Sign w/ Contour Top	1		13.02 sf (6.51 sf per face x 2)
Fresh Brew DD LED S/F Cloud Sign	1	47.33 sf	
Total per street frontage		47.33 sf	29.72 sf

The only other advertising sign beyond those listed above is the free standing pylon sign.

- a. Maximum aggregate signage for any parcel shall not exceed 150 square feet.

The storefront frontage of the building along Smithwheel Road is 66 feet, which will ensure that the total aggregate for signage on the site will not exceed 150 square feet.

Description	Surface Area
Building mounted signage	77.05 sf
DD Stacked Logo Pylon w/ Contour Top	22 sf
Total	99.05 sf < 150 sf max.

- b. Principal business buildings containing more than two licensed operations and set back a minimum of 60 feet from the front yard property line may erect an additional central directory sign visible from the street and equal in area to 25 percent of the allowable sign area of the building up not to exceed 30 square feet.

There is only one principal use being proposed for the development of this site, and as such this performance standard does not apply.

- c. Freestanding signs shall not exceed 15 feet in height and shall not exceed the allowable square footage. Square footage of signage allocated for the freestanding sign shall be subtracted from the maximum allowable square footage.

The freestanding pylon sign being proposed for the site is included in the preceding table for the aggregate sign calculations. It will not exceed 15' above the finish grade at its base. See attached

sign specifications.

- d. Permitted sign area is not transferable between sides of the building located on a corner lot.

The building signs are allocated to their respective sides.

Planner Jeffrey Hinderliter called for the vote:

- Win Winch – Yes
- Linda Mailhot – Yes
- Mike Fortunato – Yes
- Chair Koenigs – Yes

VOTE

(4-0)

(2) The proposed project has received all required zoning board of appeals and/or design review permits as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all applicable federal and state permits.

There are no appeals or design review being requested for the proposed project.

There is a Maine Department of Transportation Traffic Movement Permit Application *that has been reviewed by the agency for the new use being proposed for the site. The permit has been issued and is attached hereto in Appendix D.*

A Maine DEP Storm Water Permit By Rule notification *was submitted to the DEP’s Portland Office, and a copy of the authorized notification from the DEP is attached hereto.*

Planner Jeffrey Hinderliter called for the vote:

- Win Winch – Yes
- Linda Mailhot – Yes
- Mike Fortunato – Yes
- Chair Koenigs - Yes

VOTE

(4-0)

(3)The proposed project will not have an adverse impact upon the quality of surficial or groundwater resources.

The proposed project will not withdraw from the groundwater. The site will utilize public water supply. The only discharge to groundwater will be a similar amount of storm water as currently infiltrates through the site’s sandy soils. The project will not have an adverse impact upon the quality. *The Maine DEP has suggested holding more of the storm water on the site during the more frequent 2 and 10 year storms in an effort to increase infiltration.*

Surficial water will not be adversely impacted by the proposed project. A storm water management plan has been prepared for the site. Storm water discharge will continue to flow in the same general directions as the current site with better controls for quantity and quality. Much of the storm water runoff will flow to the public collection system as it currently does from developed areas. *The project meets both the Town’s requirements for storm water quantity control and the requirements of a Maine DEP Chapter 500 Permit-by-Rule. The permit-by-rule authorization is attached hereto. A project of this size is not considered significant beyond these levels by the DEP, and is therefore not required to provide any further storm water treatment. The applicant has however agreed to additional treatment of the storm water for the 2 and 10 year events through additional holding and storage to provide for enhanced settling of solids and additional infiltration.*

Planner Jeffrey Hinderliter called for the vote:

- Win Winch – Yes
- Linda Mailhot – Yes
- Mike Fortunato – Yes
- Chair Koenigs - Yes

VOTE

(4-0)

(4)The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event or any other event so required by the planning board, and will not have an undue impact on municipal stormwater facilities or downstream properties.

The site was previously developed with 22,278 square feet of impervious area. The proposed project will consist of 29,114 square feet on impervious area. A net increase of 6,836 square feet of impervious area will not create undue impact on municipal storm water facilities or downstream properties, because as required peak flows will be detained to prevent increases in runoff rates. The ordinance calls for control of the 25-year storm. The site has been designed to also control the 2 and 10 year storms. *Based on recommendations from the Maine DEP, and as described above, the storm water management program for this site has been amended to better control the 2 and 10- year storm events while allowing the 25-year storm to pass at the rate that is above the 10 year storm. This will enable the runoff to exit the site and enter the downgradient watershed ahead of upgradient untreated development runoff.*

Attached is a *revised* storm water report and supporting HydroCAD calculations describing the measures to be implemented and constructed during the development of this site to ensure that the storm water runoff from the site after construction will not exceed the current rates. See plan sheets D1 & D2.

The following table shows the results of the calculations performed using HydroCad to ensure that the post-development storm water flows would not exceed the pre-development levels.

	Storm	pre	post
WS 1	2	0.77	0.42
	10	1.54	0.54

	Storm	pre	Post
WS 2	2	0.45	0.17
	10	0.9	0.21

	Storm	pre	Post
WS 3	2	0.35	0.31
	10	0.71	0.56

After reviewing the possible area that could be disturbed during demolition and construction, beyond the limits of the proposed impervious area, a Storm Water Permit by Rule *was* submitted to the Maine DEP for review.

Planner Jeffrey Hinderliter called for the vote:

- Win Winch – Yes
- Linda Mailhot – Yes
- Mike Fortunato – Yes
- Chair Koenigs - Yes

VOTE

(4-0)

(5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.

The project requires a Maine DOT Traffic Movement Permit. *That permit has been issued.*

On-Site:

The site has been designed for uninhibited motion around the perimeter for vehicles seeking parking, drive through access or departure. Internal parking aisles are 24’ wide as mandated by the Town standards and circulation for drive through and bypass are 12’ wide one way aisles as required for drive through.

Two entrance & exit lanes are provided on the Smithwheel Road to maximize separation for

vehicles seeking drive through versus parking and for left or right turn exiting traffic. A right turn only exit is also provided onto Ocean Park to minimize stacking on Smithwheel of right turn traffic.

See plan sheet C1 for circulation layout.

The project's traffic engineer has performed a delivery vehicle analysis using AutoTurn software concluding that a WB67 tractor trailer can enter and exit the site without inhibiting street traffic. *Concern has been aired about the delivery vehicle getting stuck on Smithwheel Road because it can't enter the site. This is not a significant concern for two reasons. First, Smithwheel Road is being widened as part of the project, so there is considerably more queuing space on the street from the intersection than before the project. Second, in an emergency situation, whatever it may be, the truck could always pull in and stop in the drive through by-pass lane. The Town and MaineDOT have restricted the deliveries to non-peak times of the day. It is unlikely that the drive through lane will queue 15 vehicles as required for stacking at any time, let alone during the off peak hours. Further, there has been a concern aired about the delivery vehicle needing to utilize parking spaces to maneuver on the site. The traffic engineer has revised the Auto turn analysis to avoid parking spaces. That option will be presented to the Planning Board at the March 3 workshop, and if it is more to their liking, the site plan can be amended to that option for the March 10 meeting.*

Off-Site:

A variety of off-site mitigation measures *were* discussed with the Town and Maine DOT.

Ultimately selected items for implementation *have been selected*, and will be designed and put in place as part of a Maine DOT Developer Agreement that will be a condition of that permit. The concept for the ultimate solution *is* included in support documents to the Town of Old Orchard Beach.

The applicant has *sought* options that not only calm and direct vehicular traffic but provide for improved pedestrian and bicycle safety, including such items as new cross walks, pedestrian beacons, pedestrian refuge islands, and better layout of lanes.

The drive through will be laid out as specified in Division 4 of the Town of Old Orchard Beach Land Use Ordinance.

(a) All drive-through lanes will be physically separated from on-site parking areas and associated circulation lanes and driveways, we propose by a planted traffic island as preferred. See plan sheet C1.

(b) Lane width shall be 12 feet. See plan sheet C1

(c) Lanes shall have signage, striping, and pavement arrows to control and direct vehicles. See plan sheet C1.

Chair Koenigs added that the applicant has also indicated that the delivery of the WB67 tractor trucks will only happen once a week and it would be limited to a duration of 15 minutes, furthermore the other deliveries with smaller box trucks will be 2 times per day for short periods of time on site.

Planner Jeffrey Hinderliter called for the vote:

Win Winch – Yes

Linda Mailhot – Yes

Mike Fortunato – Yes

Chair Koenigs – Yes

6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.

The site is previously developed, and adjacent to other commercial development. The site is located in the General Business District of the Town of Old Orchard Beach, in a zone allowing this use. The following table addresses the individual criteria:

VOTE

(4-0)

<p>environmental quality</p>	<p>There are no protected natural resources on the site, so none such as wetlands will be disturbed. The amount of impervious area is increased over existing conditions, but will be compensated by better vegetated cover and natural screening as well as storm water treatment. <i>The project will only add 6,836 sf of new impervious area. Outside that area, the project will create more environmental protection by having facilities further from property lines, by providing storm water treatment, and by creating better greenspace.</i></p>	
<p>critical wildlife habitats</p>	<p>There are no critical wildlife habitats located in the vicinity of the project. It is located in a significantly built up commercial area of the city. However, there are several large pine trees that can act as wildlife habitat, screening, and buffering. Those trees outside the project’s limit of disturbance will be preserved. Further, multiple trees of multiple species will be added to provide a better variety of available habitat.</p>	
<p>marine resources</p>	<p>The site is located 1.75 miles to the west of the Atlantic Ocean shore line. There will be no effect on marine resources from the development of this project.</p>	
<p>important cultural resources</p>	<p>The existing site is an abandoned rental facility, with little or no maintenance having been done in the recent past. The removal of the existing buildings will improve the aesthetics of the neighborhood. The site as it exists and as proposed does not offer significant cultural resources, except that Dunkin’s “Green Dunkin” program seeks to provide a place for discussion of corporate stewardship.</p>	
<p>visual quality of the neighborhood, surrounding environs, or the community</p>	<p><i>The site currently is in a state of disrepair with dilapidated cabins, spare equipment/materials lying around the site, and an empty pool. This project will enhance the visual quality of the area for both local travelers and those entering town from I-195. Where possible, existing vegetation will remain, and additional landscaping will be installed on the site for buffering, and visual quality of the site. Further the site building will be a single story structure so as not to impact any currently available views. Additionally, the building will be set further from both streets adding green space for visual enhancement.</i></p>	
<p>Chair Koenigs added that the plan for landscaping indicates the pine trees that are to be preserved and protected by the contractor.</p>		

<p>Planner Jeffrey Hinderliter called for the vote: Win Winch – Yes Linda Mailhot – Yes Mike Fortunato – Yes Chair Koenigs - Yes</p>		<p><u>VOTE</u> <u>(4-0)</u></p>
<p>(7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels. The proposed project may lessen the level of noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels as evidenced below. Further, Dunkin has a “Green Dunkin” program. It is a corporate wide program for local operations to improve energy efficiency and environmental sustainability.</p>		
<p>Noise</p>	<p>The drive thru order speaker is electronically controlled so as not to add noise to the neighborhood. Otherwise noise will be limited to vehicular traffic that is typical of the existing site, nearby streets and other businesses. The delivery and trash pick-up will be done on off-peak hours <i>as directed by the MaineDOT and Planning Board. As such, deliveries between 9AM to 3PM and 6PM to 9PM should not disturb any abutters. Additionally, the Planning Board has required significant buffer/screening plantings and a new 6-foot tall stockade fence.</i> The Town’s noise ordinance limits of 70 dBa and 60 dBa at the property line will be met. See the attached letter in appendix D from noise consultant S. E. Ambrose</p>	
<p>Odors</p>	<p>The primary cooking of the food will not be done on site. Only final stage prep work will be conducted at the location, including warming/heating of sandwiches. Odors from the site will consist of the smell of coffee and occasionally baked goods during delivery. Other traffic related odors if detected will be similar to existing odors from any of the three streets surrounding the project.</p>	
<p>Dust</p>	<p>There will be paved parking area, and grassed or landscaped area elsewhere on the site. A salt/sand management plan to control fugitive dust is part of every Dunkin operation.</p>	
<p>Debris</p>	<p>The site will have enclosed secure dumpster areas, and outdoor receptacles for patron use. The staff will also monitor for refuse and cleanup as necessary. Staff is directed to make “travel paths” between rush periods at the facility.</p>	
<p>Glare</p>	<p>The site will have typical commercial lighting, down cast & shielded. The lumen levels on the site at the limit of the parcel will not exceed 0.5 foot-candles to abutting residential uses, or 1.0 foot-candles to abutting commercial uses as required by the Town Ordinance. The building does not have a “reflective” nature so glare from lights or the sun should not be an issue.</p>	
<p>Solar Obstruction</p>	<p>The building is shorter than adjacent buildings and existing trees in the vicinity of the project, so will not create solar obstruction.</p>	
<p>Planner Jeffrey Hinderliter called for the vote: Win Winch – Yes Linda Mailhot – Yes Mike Fortunato – Yes Chair Koenigs - Yes</p>		<p><u>VOTE</u> <u>(4-0)</u></p>
<p>(8) The proposed project will not have a negative fiscal impact on municipal government. The applicant believes that the project will actually have a positive fiscal impact on municipal government. The project will create jobs and generate additional property taxes. The owner uses “SnagAJob” and “MyStaffingPro” as means to attract local employees for management,</p>		

**shift management, and associate level employees.
The development while generating local jobs is not likely to bring families of employees to Old Orchard Beach through relocation so there will be no additional burden on the school system.**

Planner Jeffrey Hinderliter called for the vote:

Win Winch – Yes
Linda Mailhot – Yes
Mike Fortunato – Yes
Chair Koenigs - Yes

VOTE

(4-0)

(9) The proposed project will not have an adverse impact upon surrounding property values.
The current condition of the site is in disrepair, with non-operational cabins. They have been abandoned, and un-maintained in recent history. The majority of the parking area on the site is gravel, or broken pavement. The overall condition of the site is unattractive. The developer for this project will remove the existing conditions on the site, and construct a new building, with new parking area, significant landscaping and storm water management on the site as seen on attached plans.

The proposed project will improve the conditions on the site, and will not create any of the hardships listed earlier in this application support.

It is possible that with the establishment of a notable business in this area the property values for those owners along Ocean Park's GB zone could actually increase.

Mike Fortunato stated that it is unfortunate that the Dunkin Donuts design will be the corporate design instead of the similar one that they have in Saco. Linda Mailhot concurred.

Planner Jeffrey Hinderliter called for the vote:

Win Winch – Yes
Linda Mailhot – Yes
Mike Fortunato – Yes
Chair Koenigs - Yes

VOTE

(4-0)

Linda Mailhot made a motion to approve this application as submitted to the Planning Board with the following 2 conditions:

MOTION

1. The hours of delivery shall be between 9:00 am – 3:00 pm and 6:00 pm – 9:00 pm.
2. The applicant shall submit a post construction storm water management plan and enter into a maintenance agreement with the town before the site work begins.

Seconded by Win Winch.

Planner Jeffrey Hinderliter called for the vote:

Win Winch – Yes
Linda Mailhot – Yes
Mike Fortunato – Yes
Chair Koenigs – Yes

VOTE

(4-0)

Chair Koenigs talked about the next steps in the process:

Findings of facts will be drafted up by the Town Planner.

It will be brought and submitted to the Board Members at the next workshop meeting.

The Board Members will review the findings of facts and sign at the next regular meeting on April 14, 2016.

The applicant to submit the final plans within 2 weeks with the conditions as read in the record and approved and submit these to the Town Planner.

ITEM 2

Proposal: Major Subdivision and Site Plan: 40 unit condominium project
Action: Revised Sketch Plan Review: Discussion; Recommendations to Applicant
Applicant: Church Street LLC
Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

Bill Thompson from BH2M introduced himself. Represented a revised site plan as the unit count has been reduced. Had 49 units proposed previously with 11 acres with one entrance. They are now proposing 40 units. Proposing to remove the church building. Created a second curb cut will have 20 units that would access in off of the roadway which is proposed to be 20 ft. wide, then the main road would lend support of the other 20 units and that road is proposed to be 24 ft. wide. Curb and sidewalk throughout the project. Each unit would require 2 parking spaces and some guest spaces. The site event for this project is a swimming pool. They will be stand alone condominium units. They would be asking for a waiver on the dead end road supporting 20 units in the back. 600 ft. from the intersection they don't feel like that is an excessive distance for public safety. Decent snow storage (40 x 40 area). Snow removal is the parking areas to put snow. Site will be served by sewer and water. Storm drainage design will be looked into further.

Chair Koenigs wanted clarification on the density calculations and how do we get to 43 units? Mr. Thompson stated that it is 5,000 per unit. The 10,000 sf number is the minimum lot size. 8 units per acre. This will support the 43 units. The size of the buildings will be approximately 1,000 sq. ft. and will be at least 20 ft. apart. The swim pool with only be used for the condominium use only and it will have a maintenance building for filtration and equipment.

The Town Planner brought up Win Winch's concern in regards to 2 access points from the subdivision to the public way. Mr. Hinderliter spoke to our Town Attorney and he stated that it is fine as it is. Our Attorney feels that the standards that regulate this is broad enough to allow street connection as proposed. The standard does not specifically identify how to accomplish these 2 street connections.

Mr. Thompson stated that they felt all along that the 2 existing curb cuts would be acceptable.

Chair Koenigs asked Mr. Thompson if he would be able to find out about an easement on the property.

Wanted clarification on stream setbacks. The stream setbacks are 75' on both sides, but only impacts one side.

The Board Members discussed the waiver for the 600 ft. road. They may move more units around at the end (units 29 & 30) to turn around at the hammerhead and to be able to plow out.

Mr. Hinderliter stated that staff reviewed the plan and had concerns about having no turn around.

Mr. Hinderliter also had the owner of Duffy's Restaurant take a look at the plan and he had some concerns (primarily units 18-19 and 20, close to Saco Avenue). The restaurant's kitchen, dumpsters and deliveries are by these units and this particular area generates noise and odors.

He was concerned that when this is built he may get potential complaint calls from homeowners. It would be good to add some buffering in that area particularly.

Mr. Hinderliter showed the Board Members the original proposal. Staff had recommendations about allowing the applicant to keep the church and to create the second access but would have a breakaway gate for emergency vehicles. With the deletion of 1 unit they could create an access for the breakaway gate. The Board Members could require a waiver to do this.

ITEM 2

<p>Chair Koenigs said that when it comes to rules with waivers, there are sections within the ordinances that allow for the Board Members to have waivers and variances and accept them. The Board Members will be looking into dead end restrictions.</p>	
<p><u>ITEM 3</u> Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium expansion (Summerwinds II) Action: Sketch Plan Review: Discussion; Recommendations to Applicant Applicant: Saulnier Development Location: 180 Saco Ave., MBL: 208-1-1, GB1 & R4</p> <p>Bill Thompson, Engineer from BH2M. Introduction and brief summary. Summerwinds has added over 9 million dollars to the tax base, its residents pay over \$140,000 in real estate taxes, Summerwinds requires almost no municipal support services. There are only 15 of the units that are year round and half of them are widows. There are no children among the residences in the community and the rest are snowbirds or part time users in the summer season. The project has enhanced the gateway into the town and the developer has delivered on all that it promised 3 years ago. This project was well supported by the Planning Board, Town Council and staff. All 53 units are currently sold.</p> <p>This new proposal will have water and sewer. It will meet the stormwater needs. The 6 units will have approximately a 200' long turnaround, 2 parking spaces per unit. 18' wide driveway that comes in between the 2 units. The snow storage 2 years ago was never needed. This is an amendment to a conditional use permit. Wetlands have been identified. There will be a small stormwater study to make sure that they don't impact the stream.</p> <p>Linda Mailhot questioned the fact that it was initially approved for seasonal and then became year round. She asked if all of the initial infrastructure was designed for year round. Planner Hinderliter stated that all of the infrastructure except the design of the roads was in place. The roads didn't have a pitch. That became an issue when the Planning Board considered this for year round purposes.</p> <p>The density will be about approximately 70 units. Approximately 8 ½ units per acre. 10 acres minus a little bit of wetlands.</p> <p>Chair Koenigs suggested that the Board Members read all of the meeting minutes leading up to the approvals, and also for the findings of facts for the amended sub division. His recollection is that this was a non-conforming use and they had to provide a waiver for the 53 units. Chair Koenigs would like for the Board Members to look over the meeting minutes and decide whether it is in the Boards best interest to allow an amendment. Planner Hinderliter stated that the information that staff submitted to the Board Members, included the original findings of facts which included the non-conforming use.</p> <p>Mr. Thompson will look into the screening and buffering between the adjacent properties.</p>	<p><u>ITEM 3</u></p>
<p>Design Review Certificates</p>	
<p><u>ITEM 1</u> Proposal: Replace siding, windows and doors to match existing conditions Action: Review Submission, Certificate of Appropriateness Ruling Owner: Festival Hospitality LLC</p>	<p><u>ITEM 1</u></p>

<p>Location: 30 West Grant Ave, MBL: 307-4-1, DD-1</p> <p>The DRC approved this and recommended that the Planning Board support their ruling. The only condition was that they update the plans to show the T-111 siding.</p> <p>Win Winch made a motion to issue a design review certificate for Festival Hospitality LLC 30 West Grant Ave, MBL: 307-4-1, DD-1. Seconded by Linda Mailhot.</p> <p><i>Jeffery Hinderliter called for the vote:</i></p> <p>Win Winch – Yes Linda Mailhot – Yes Mike Fortunato – Yes Mark Koenigs - Yes</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0)</u></p>
<p>ITEM 2</p> <p>Proposal: Construct a new building Action: Review Submission, Certificate of Appropriateness Ruling Owner: Issac Mosseri ET ALS & Lily Penias Location: 31 Old Orchard Street, MBL: 206-31-4, DD-1</p> <p>The building burned down recently and has a demolition permit. Gone to DRC and they want to replace it with a single story frame structure.</p> <p>This was approved by the DRC and recommends that the Planning Board issue a Certificate of Appropriateness. There were 2 conditions. Need to see a lighting plan and wanted an architect come back with architectural designs for the side wall that faces the empty parking lot. It will be up to the Town Planner to review that submission. This will be designed to support a second story. The ordinance highly recommends that you build 2 or 3 stories to continue the building fabric but doesn't require you to do that. What is required is that you build a support for a second or third story.</p> <p>Linda Mailhot made a motion to issue the design review certificate. Seconded by Win Winch.</p> <p><i>Jeffery Hinderliter called for the vote:</i></p> <p>Win Winch – Yes Linda Mailhot – Yes Mike Fortunato – Yes Mark Koenigs - Yes</p>	<p><u>ITEM 2</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0)</u></p>
<p>Other Business:</p> <p>Chair Koenigs suggested that he would like to have a Planning Board procedures update at the next meeting.</p> <p>Chair Koenigs would like to give direction to the Town Planner to provide a Dunegrass build out and have the Dunegrass latest update.</p> <p>Chair Koenigs stated that it says in the procedures that there shall be no more than 6 items on any one agenda and limit the time from 7:00-10:00 pm.</p>	

<p>Chair Koenigs would like an update on Orchard Estates.</p> <p>Mike Fortunato brought up the fact that in light of the Dunkin Donut project, they were not able to alter the design in regards to the design criteria for the gateway. We have no enforcement and had to stay with the corporate design.</p> <p>Mr. Hinderliter stated that maybe we should include similar ordinance standards for other zones.</p>	
<p>GOOD AND WELFARE</p> <p>Mike Fortunato made a suggestion that whoever is speaking at the Planning Board meetings that they stay behind the microphone so that they can be heard. Members suggested wireless microphones.</p> <p>Chair Koenigs brought up parking performance standards for parking lots and its states that if the lots are larger than a certain size they require restrooms.</p> <p>Planner Hinderliter stated that Commercial parking lots in DD1 & DD2 often come under Code Enforcement and Design Review Committee because they are considered Complimentary Use.</p>	
<p>ADJOURNMENT</p> <p>MARK KOENIGS, CHAIR</p>	
<p>Meeting adjourned at 10:32 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 Sixteen (16) pages is a true copy of the original minutes of the Planning Board Meeting of March 10, 2016.

Valdine Camire