

OLD ORCHARD BEACH PLANNING BOARD

Regular Meeting

June 9, 2016 - 7:00 PM

Town Council Chambers

Call to Order at 7:04 pm	Call to Order
Pledge to the Flag	
Roll Call: Chair Mark Koenigs, Vice Chair Linda Mailhot, Ryan Kelley, Win Winch, Mike Fortunato. Absent: Laura Bolduc, Eber Weinstein. Staff: Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner, Valdine Camire, Administrative Assistant.	
<p>APPROVAL OF MINUTES:</p> <p>A change of the dates of the approval of minutes are 5-05-2015 and 5-12-2016.</p> <p>Win Winch made a motion to approve the 5-05-2016 meeting minutes, seconded by Linda Mailhot.</p> <p>Win Winch made a motion to approve the 05-12-2016 meeting minutes, seconded by Linda Mailhot.</p>	<p>MOTION VOTE (5-0)</p> <p>MOTION VOTE (5-0)</p>
<p>ITEM 1</p> <p>Proposal: Conditional Use Amendment of Approved Plan/Appeals from Restrictions on Nonconforming Uses (Overnight Cabins): Change use of 7 units from seasonal to year-round (currently 5 year-round use for a total of 12)</p> <p>Action: Discuss proposal; Board action</p> <p>Owner: SRA Varieties Inc., D.B.A. Paul's II</p> <p>Location: 141 Saco Ave., MBL: 311-1-10, GB2 District</p> <p>Mr. Hinderliter stated that he spoke with the owners and they have some ongoing family commitments today and could not make the meeting tonight. Mr. Hinderliter stated that he agrees that it is critical that they are here and can hear the boards comments. They have received some of the Department Head comments and we do need to receive responses to these comments. Mr. Hinderliter recommends that the board tables this item without prejudice.</p> <p>Win Winch made a motion to table this item without prejudice, seconded by Linda Mailhot.</p>	<p><u>ITEM 1</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>Unanimous</u></p>
<p>ITEM 2</p> <p>Proposal: Zoning District Amendment: Expand the Campground Overlay District over three parcels zoned R1 and GB1 (Paradise Park)</p> <p>Action: Discussion; Schedule Public Hearing</p> <p>Owner: Paradise Acquisitions LLC</p> <p>Location: 60 Portland Ave, MBL: 205-1-32; 58 Portland Ave, MBL: 205-1-30 (portion of);</p>	<p><u>ITEM 2</u></p>

50 Adelaide Rd, MBL: 106-2-2 (portion of)

They have been looking at some master planning of their property. Part of what they would like to do involves parcels that are currently not zoned as a campground overlay district. There are 3 parcels that are proposed to be in the campground overlay district. These parcels are located adjacent to Paradise Park campground with one sliver of the parcel (intersection of Portland Ave. and Cascade Rd. separates) This is the portion that has frontage of our main roads which is Cascade Road. In order for Paradise Park campground to continue with the expansion plans, they need to change these particular parcels to the Campground Overlay District.

Mr. Hinderliter added that there are some expansion concepts in this area that involves the expansion of the campground itself to include more lots and also the expansion of an access road, however we are not ruling on the development proposal.

Mr. Hinderliter is recommending a public hearing and site walk if the board wishes, but not required. As part of the public hearing we will be notifying all of the abutters and maybe extending the abutters notification beyond the properties that aren't commonly included in the abutters list.

Chair Koenigs suggested to have a full size zoning map of the campground overlay and the surrounding properties for the next workshop and also the public hearing. He would also like to see a little history from the town's perspective.

Ryan Kelly would like to see what the areas of the proposed expansion are currently zoned and what the actual addresses are.

Owner Mike stated that there was a parcel of land that they bought from Roger Tousignant approximately 18 years ago which was not included in the overlay district. He believes that it was an oversite and got missed somehow. Ultimately 2 of the 3 parcels that are in question have been owned by the owners since they have owned the property. Bought the property prior to 2003.

Roger Tousignant from 46 Portland Avenue introduced himself and asked if Paradise Park campground is conforming or non-conforming? Planner Hinderliter stated that this as well as all the campgrounds in town are conforming.

There will be a public hearing on this proposal at the July 14, 2016 at the next regular Planning Board meeting.

ITEM 3

Proposal: Major Subdivision and Site Plan: 40 unit condominium project
Action: Preliminary Plan Review: Schedule Site Walk and Public Hearing
Applicant: Church Street LLC
Location: 164 Saco Ave., MBL: 208-1-9, GB1 & R4

ITEM 3

Bill Thompson, Project Engineer from BH2M introduced himself along with his partner Walter Pelkey. They were last here in March with a concept plan. The project is Church Street Station. The submitted a preliminary application dated April 2016. This is an 11.2 acre parcel on Saco Avenue split with a GB-1 and R-4 Zone. They are proposing 40 units (condo stand alone units) no garages, units are 28 x 34 cape style 1 ½ stories. Received comments from public works, fire, police and letter from Maine water indicating their approval of availability of water to serve this site, will be served by public water, public sewer and underground utilities. This is the site of the recently closed Catholic Church. The project will have 2 access points with existing curb cuts. The first entrance closest to Jameson Hill road will be 20' wide and the second entrance will be 24' wide and will be built to towns standards. Will have a sidewalk network in the entire project. No issues with traffic. The sewer system on the front units will be coming out by gravity into the main sewer line and connect into an existing sewer line that runs across the front of the property. On the back properties, there is a stream going down through the properties so the gravity fed will not work to come across there. They are proposing an E-1 (grinder) pump for each house which will have a forced main that will pump into a small 2" low pressure forced main. There will be an 8" water main coming in with a hydrant along with an existing hydrant out at the street. Going to collect the storm water with a series of catch basins and culverts. The roadway system will be curved so they can manage the stormwater. They will have a vegetative soil filter in the

front and 2 by the Jameson entrance that will meet the standards for stormwater. Easy to build and easy to maintain. DEP will mandate inspection frequency with any improvements outlined in the stormwater report. There will be Condominium Association which will manage the improvements. They will need a DEP stormwater permit. In addition to there will be a stream crossing (NRPA) permit. They have a pre application meeting with DEP scheduled.

Mr. Thompson went through the question from Public Works, Police and Fire about the underground utilities for electric, cable and television and will there be conduit and they will, in fact be laying conduit.

Public works would like for them to note that this will be a private road. The vegetative soil filters which he already explained, maintenance will be minimal. The DEP will mandate in the submission of a report on the performance of these. They will look into ADA requirements warning tactile pad devices at the cross walks are shown (request for blue). There is no parking at the pool. Will not have trash pickup by the town, may have a dumpster or individual cans for each homeowner. Adding a series of street lamps along the sidewalks. ADA ramp designs will meet the standards. Fire Department would like for them to extend the turnaround at the end another 12'. This is a full 24' wide roadway with a 4' sidewalk proposed.

Chair Koenigs asked to get the Board Members the revised May 2016 stormwater submission packet to at least include the narrative and also the maintenance document to review.

Mr. Koenigs stated that there is a 3rd stream along the rear of the property for Mr. Thompson to be aware of.

Chair Koenigs asked about the 2 maps that are required by town ordinance.

USGS map that is dated 1970. Mr. Thompson stated that this is the latest map.

The flood plain map is dated 1984 and it doesn't show the stream. Mr. Thompson stated that this is not a 100 year storm so it wouldn't show the stream.

Vice Chair Mailhot ask if there was any intention on having a development sign on site?

Mr. Thompson stated that there will be street signs and stop signs, but as far as a development sign, he will ask and get back to the board.

Mr. Thompson stated that this is going to be a condominium project.

Mr. Koenigs asked Mr. Thompson to add N/A to the boxes that have no checkmarks.

Chair Koenigs also stated that he is very pro open spaces, wetland preserved and that there is conservation of land that is not going to be developed and maintained as a natural state as much as it can be.

The owners of the property should be told to get the stream cleaned out from the timber harvesting that they have done. Also there are trails from the Jameson School that DPW built with bridges and put trails in, but since the timber harvesting that trail way is obliterated and hard to follow. Is there any connection all the way down to Summer winds? Mr. Thompson will talk to the clients.

Mr. Thompson stated that the Sanitary Sewer report will be coming and looked at by DEP.

The Capacity of the connection point will be coming from the Superintendent of the Wastewater Treatment facility.

Also received letter from Maine Water with their approval to supply to this project.

Town Planner and Town clerk has received the payments for the application needs to be checked.

Assessor Official needs to sign the application.

Chair Koenigs stated that the board should be taking the comments from the sketch plan and making sure they were incorporated into the preliminary plans we have now.

One of the things brought to Mr. Koenigs attentions by one of the town members is that there is a redwood tree in the front of the church and is something that the town should investigate as to the history of that tree.

Mr. Thompson also stated is that a solid 6' fence be located as a buffering between Duffy's restaurant.

Mr. Hinderliter stated that it would be good to get an idea of what the homes will look like.

The setback for the back property line is 20' rear setback.

Chair Koenigs stated that we are not following the ordinance that states that we should give the application condition approval of the preliminary plan and he has 6 months to finish it and come back to the board. Win Winch stated that is when we call the application complete.

<p>Mr. Hinderliter stated that we can schedule a public hearing for a preliminary (final) plan or the Board Members don't even need to schedule a public hearing by ordinance. The site walk will be held on July 7, 2016 at 5:30 pm. then we will schedule the 2nd public hearing on the July 14, 2016 Planning Board meeting.</p> <p>Roger Tousignant asked what the unit density is for the GB-1 and R-4 zones. Mr. Thompson stated that it is 5,000 sf. per unit or 8 units per acre of buildable land.</p>	
<p>ITEM 4</p> <p>Proposal: Subdivision Amendment: Creation of connecting road between Juniper and Kapok, lot line change</p> <p>Action: Pre-application Review; Schedule Site Walk and Public Hearing (if necessary)</p> <p>Owner: HP Developers LLC</p> <p>Location: Juniper and Kapok Streets (Homewood Park), MBL: 402-2-4,5,6,7. R5</p> <p>Planner Hinderliter gave a brief update on this project. When it comes to land use and the fact that this isn't really a subdivision of land, it predates sub division statutes and it predates our sub division ordinances for the most part. Homewood Park has smaller lots and about half of Homewood Park is developed. There is one primary property in the remainder of Homewood Park and they are interested in looking at some phased development.</p> <p>One of the undeveloped parts of the project that triggers some Planning Board review because in the most part, if the developer builds exactly as it was approved back in the 1960's, due to the laws, there is not much the Planning Board can do. There is staff level review unless you begin to change some of the things within that subdivision such as this does. This proposal is proposing some minor changes to the subdivision.</p> <ul style="list-style-type: none"> • The removal of two lots to create a connector road in between two existing paper streets, Juniper Street and Kapok. • There is land left over that is going to two lots north of this proposed extension road that will make two non-conforming lots more conforming in terms of both frontage and area. <p>The primary change is an adjustment to the lot lines. We have the responsibility to make sure that the connection road is designed as function as it is supposed to.</p> <p>Chair Koenigs also added that there is going to driveways in the right of way.</p> <p>Planner Hinderliter went over the standards:</p> <ul style="list-style-type: none"> • Insure that the road is built properly • Serves the development as it should • Make sure the lot adjustments are ok. <p>He also stated that staff has looked at this and is comfortable with this proposal One of the reasons why these changes is coming to the Planning Board is because of what staff has recommended for the developer to move forward. Mr. Hinderliter is looking for some guidance from the Planning Board for the developer as to what They would like to see for the next meeting. The subdivision amendments have no standards directly attached to the subdivision amendment. Mr. Hinderliter is recommending that the Planning Board schedule a final review on July 14, 2016 and if there are abutters that are not part of the ownership of the lots that surround this area, he would not recommend a public hearing.</p> <p>Mike Gotto, the applicant's surveyor made his presentation to the Board Members. His client owns a number of lots and they have decided to move forward in three phases. They are looking at developing the green phase which includes Homewood, Juniper and Kapok and</p>	<p style="text-align: center;"><u>ITEM 4</u></p>

develop those lots to town standards so that they can develop the lots that come off of it. His client doesn't control all of the lots in the first phase. They are looking at about 3,170' of roadway and Mr. Gotto counted 51 lots that could get access. They control 38. Not only do they have to make sure they don't impact the abutters properties that they don't own, but they have to make the road standards fit in what they do own. They have rights to build the road with staff and they will go forward with that. It was clear that staff (police, fire and public works) did not want dead end roads.

Mr. Gotto also added that there are a number of dead end roads in this development and they are eliminating these dead ends the best that they can. Their intent is to design the road through staff process.

The directions that Chair Koenigs wants to give the applicant is to work with the town to come up with the standards that are consistent with the rest of the roads.

Mr. Gotto stated that the structure of the roads will be to the current standards.

They still need to get a stormwater permit through DEP and will likely need a wetland permit as well. They also have agreed with the town that they will build the roads.

Chair Koenigs questioned that in reading Chapter 50-Section 213 after the Planning Board goes through the approval of the amendment of the two lots does the town council have to approve the road?

Mr. Gotto explained that they have agreed with the town that they will build these roads. They also need the town council or town office to agree that the design standards they are going to use are ok with them. They will also work with the town on how they will build the utilities.

Chair Koenigs stated that there is an ATV trail up to the property line that has a connection in the public right of way and suggested to let them continue the trail to the sidewalk and that the biking/pedestrian systems need to be thought of as we develop these areas.

Chair Koenigs will talk with Marc Guimond, DPW Director and ask him that when he reviews the plan that he thinks about the pedestrian right of way.

The road width for Kapok and Juniper will be 20' plus the sidewalk and they have a 50' right of way.

The applicant will bring back to the board a survey plan for them to approve.

There will be no public hearing.

Chair Koenigs stated that since Ryan Kelly is here at this meeting tonight, that he is an alternate but as part of our internal procedures, he will be allowed to vote at the July 14, 2016 meeting.

Design Review Certificates

ITEM 1

Proposal: Parking lot buffer plan
Action: Certificate of Appropriateness Decision
Owner: Good Shepard Parish
Location: 6 Saco Ave., MBL: 206-30-1, DD-2

The church was trying to sell the parsonage and nothing ever happened.

They looked into other options and one of the options was to expand the ability to park out on this property. This proposal is in one of our Design Review district and the applicants went before the Design Review Committee (DRC) beginning with meetings from last June 2015(1 year ago). What the DRC was considering at that time was the demo of the parsonage and also the creation of the parking lot. The DRC continued to review this proposal and they were primarily focused on the parking lot aspect of this proposal. During the September 2015 meeting the DRC decided to allow the

**DESIGN
 REVIEW
 STANDARDS**

ITEM 1

<p>demo. The DRC split the application into to. The first part was the demolition and the second part was the buffer plan associated with the parking lot. DRC approve the demo and had a couple of conditions attached. Two had been met and the third one remains. In October 2015 the Planning Board approved DRC’s decision. In November 2015 the parking lot buffer plan was submitted to DRC. They felt comfortable with the over buffer plan. In December 2015 Code Enforcement approve the demo permit. April 2016 the church and Code Office met and discussed codes authorizing the church parking lot to move forward. Codes had authority under the DD-2 and DD-1 standards to approve this use as well as other items.</p> <p>The church began creating the parking lot. It was brought to Mr. Hinderliter’ s attention and he informed the church and codes that it cannot move forward because there are conditions associated with the September 2015 approval that requires that the church first secure recommendation from the DRC. The church stopped the work.</p> <p>Recently the proposal went to the DRC and the DRC determined is that they were comfortable with the parking lot buffer plan but would like to see lighting that is more compatible with the downtown lighting. DRC feels that this doesn’t fall within their jurisdiction, they mostly regulate the esthetics of buildings. The DRC is leaving the final decision up to the Planning Board.</p> <p>Recommendation: Codes and Planning were comfortable with the proposal. The one remaining item is the lighting. However we still have the one condition that is remaining from September 2015 approval which is the 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>Final comment: Codes did not approve this as a commercial property.</p> <p>Mr. Hinderliter recommends that the Planning Board approve this item.</p> <p>Bob Quinn from the Ross Road introduced himself representing the parish.</p> <p>He stated that the church, at one time had flood lights on the rectory but haven’t had them in some time. They decided that they didn’t need lighting except in the winter months.</p> <p>They are proposing putting one flood light on Adelaide Road and one on the Saco Ave. side.</p> <p>Win Winch made a motion to approve the St. Margaret’s parking lot buffer plan and to have one CMP flood light on Adelaide Road and one on Saco Ave. Seconded by Mike Fortunato.</p> <p>They amended St. Margaret’s Church to Good Shephard’s Parish. All agreed.</p> <p><i>Jeffrey Hinderliter called for the vote:</i></p> <p>Mike Fortunato – Yes Ryan Kelly – Yes Win Winch – Yes Vice Chair Linda Mailhot – Yes Chair Mark Koenigs - Yes</p>	<p>MOTION</p> <p>VOTE</p> <p><u>(5-0)</u></p>
<p>Other Business</p> <p>Chair Koenigs stated that they had talked about the ordinances at the workshop meeting, Planning Board ordinances and discussions. They had 6 items that they had asked Mr. Hinderliter to look through the ordinances and put them in an organized fashion.</p> <p>The headings are:</p> <ul style="list-style-type: none"> • Appeals from restriction and non-conforming uses. • Plan amendments • Architectural Design standards • Waivers • Meeting consistency 	

<ul style="list-style-type: none"> • Housekeeping <p>They have a long term plan to get the ordinances conformed. Also once the comprehensive plan is in place the ordinances will again be revised. Recommendation to the Town Council. The Town Planner and Assistant Town Planner will take some time and propose some of the items that they think the Planning Board should address when they come back in September.</p> <p>The Town Planner and Assistant Town Planner is still pulling information in regards to Dunegrass. What is left that is undeveloped from the remaining lots.</p>	
<p>GOOD AND WELFARE</p> <p>The town has been working with Saco on the Goose fare Water shed. For those in the community that are aware of the Goose fare Brook and its impaired stream, it had been brought to light and pushed forward by John Bird who recently passed away. A document that has been prepared by consultants of the town with Saco, the group has dedicated a document in John Birds name.</p> <p><i>“This plan is dedicated to the memory of John Bird. John’s presence and perseverance helped bring Goose fare Brook into the public’s eye and was felt through every stage of this project. His caring nature, local insights and thoughtful advocacy will be remembered as we move forward with restoration efforts”.</i></p> <p>Chair Koenigs stated that this document is available to the public on the website. This is a 15 year plan to get the stream back to the way it used to be.</p>	
<p>ADJOURNMENT</p> <p>MARK KOENIGS, CHAIR</p>	
<p>Meeting adjourned at 9:29 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 June 9, 2016.

Valdine Camire