

1 OLD ORCHARD BEACH PLANNING BOARD

2 Workshop

3 March 2, 2017 6:00 PM

4 Town Council Chambers

5  
6 CALL TO ORDER (6:00 PM)

7  
8 **Roll Call:** Chair Mark Koenigs, Eber Weinstein, Ryan Kelly, Win Winch, Mike Fortunato and  
9 Robin Dube **Absent:** Vice Chair Linda Mailhot. **Staff:** Town Planner, Jeffrey Hinderliter, Town  
10 Assistant Planner, Megan McLaughlin.

11  
12 **Regular Business\***

13 **ITEM 1**

14 **Proposal: Determination of parcels inclusion with 2004 Campground Registration**  
15 **Action: Discussion; Decision**  
16 **Owner: Paradise Acquisitions LLC**  
17 **Location: 60 Portland Ave, MBL: 205-1-32; 50 Adelaide Rd, MBL: 106-2-2 (portion**  
18 **of)**

19  
20 Nothing has changed with this proposal since the last workshop on February 2, 2017. The only  
21 new information that is in the packet that came in after the workshop was an email that came  
22 from one of the abutters. The town attorney’s comments are in the memo. The reason for the  
23 Town Attorneys comment was that the Planning Board wanted to make sure that they were  
24 headed in the right direction with this proposal. The Town Attorney provided his advice and  
25 basically confirmed that the board is headed in the right direction and they have the ability to  
26 make the decision. What it comes down to is does the Planning Board feel that there is enough  
27 evidence to show the pistol-shaped area and Tousignant to Paradise Acquisitions area was part of  
28 the approved Paradise Park 2004 Campground Registration. The Board is not deciding on a  
29 development proposal (e.g., campsite expansion, access road construction) at this time. But, if  
30 the one or both areas are found to be part of the 2004 Campground Registration, Paradise Park  
31 has the right to apply for a new campground development in these areas.

32  
33 Planner Hinderliter stated that a lot of the ordinance interpretation is up to the Code Enforcement  
34 Officer, however we are not interpreting the ordinance in this case, just the decision of the  
35 Planning Board back in 2004.

36  
37 **ITEM 2**

38 **Proposal: Major Subdivision and Site Plan Review Amendment: 9-unit residential**  
39 **development**  
40 **Action: Sketch Plan review**  
41 **Owner: Tom Gillis**  
42 **Location: 1-3 Cascade Rd., MBL: 205-16-1**

43  
44 Nothing has changed with this proposal. We wanted to make sure that the application was moving  
45 forward in the right direction before we submitted for final amendment approval.

46  
47 The proposed 2017 amendment includes the following primary changes (2017 conceptual plan vs.  
48 2007 recorded plan):

- 49 • The approved 2 two-family buildings (units 1 & 3 and 5 & 7) are proposed to  
50 become 4 single-family buildings. There is no change to the overall unit count.

- 1 • Parking areas for the units associated with the change are adjacent to the
- 2 subdivision's road.
- 3 • Units now have their own condo "lot"
- 4 • Slight changes to dimensions and location of single-family buildings (units 2, 4
- 5 and 6).
- 6 • Length of hammerhead changed.
- 7 • Dumpster pad removed

8 Planner Hinderliter asked Mr. Gillis to provide an update on the completeness status  
9 of the project. Mr. Gillis responded with the following:

10

- 11 • Roads: Base paving complete 100% (final paving to be completed at final stage of
- 12 development. Final pavement 0%
- 13 • Earthwork 70%. Cuts and fills were done, stabilized but more grading is needed
- 14 as the units are built.
- 15 • Sanitary Sewer 100% (four man holes installed.) Sewer connections completed to
- 16 all units and tied in to main at Cascade Road.
- 17 • Water mains 85% (Main line completed and connected at street tested but not
- 18 energized). All services are run to all Lots.
- 19 • Drainage 67% North Swale completed and stabilized, Drainage manhole with
- 20 grate installed under roadway and headwall completed, per DEP permit. Rear
- 21 swale to be finalized when back units are constructed. Retaining wall eliminated
- 22 along wetland as not necessary and confirmed with consulting engineer at time
- 23 (Woodward and Curran).
- 24 • Landscaping 15% complete. Landscaping was completed on units 8&10 only. I
- 25 would place the sidewalk in this part. It has not been started.
- 26 • Underground utilities 5% (new pole was installed by CMP at entrance. I keep in
- 27 contact with CMP every six months and the work will be completed by them once
- 28 they get the go ahead they will be on site 4 to 6 days to do the install.
- 29 • Also what hasn't been started is final pavement, this is best done last. This
- 30 would include the curbing portion as well.
- 31 • My best guess would be we are about 78% complete with the project.

32

33 Below are miscellaneous comments and questions associated with the proposed  
34 amendment (in no particular order).

- 35 • Road to remain private?
- 36 • Need HOA documents.
- 37 • DEP Permit-By-Rule approved during 2007. I believe this approval expired.
- 38 Does the existing completed construction fulfill DEP permitting obligations? Is a
- 39 new or renewed DEP permit required?
- 40 • Buildings 1 and 3 are close to the 25' wetland setback. It's important to ensure
- 41 the plan clearly shows both buildings meet the setback. Also, this should be
- 42 clearly noted (perhaps in FOF and a note on the plan) the buildings must not be
- 43 within the wetland setback.
- 44 • Building unit numbers skip #9. Please renumber.
- 45 • Unit 10- where are parking spaces?

- 1 • Unit 8- clearly show parking spaces.
- 2 • Unit 6- identify that parking spaces are for unit 6.
- 3 • Parking space dimensions? Most are oriented at 90 degrees which requires 9 x 18
- 4 (standard) and 8'6" x 17' 6" (compact).
- 5 • Regarding the parking spaces abutting the road, is the road considered part of the
- 6 parking area and must meet the aisle 24' – 25' width standards? If so the
- 7 applicant will need to request a waiver as the built road is 20' wide. Sec. 78-1568
- 8 allows for parking waivers.
- 9 • As you'll see below, FD Chief Dube offers comments/concerns regarding road
- 10 turning radius, distance road is from building, turnaround, hydrants. Note that
- 11 during 2007, former FD Chief Glass reviewed the proposal and recommended the
- 12 hammerhead (which is on the plan) and a hydrant at the entrance (not shown on
- 13 the plan).
- 14 • Retaining walls- included with 2007 approval but per Mr. Gillis comments,
- 15 Woodard and Curran (town's former consulting engineer) authorized removal.
- 16 • Dumpster with enclosure not included in 2017 sketch plan. Will this be on formal
- 17 plan? If not what is the plan for solid waste?
- 18 • Hammerhead length the same in 2017 as approved in 2007- 40' off-center on both
- 19 sides (80' total)?
- 20 • Any issues associated with project that came up after approval and during
- 21 construction that remain unresolved? We're not aware of any but need to review
- 22 files.
- 23 • What makes this a bit different from other amendments we've reviewed is the
- 24 project is partially built, which includes most of the infrastructure. So, it may be
- 25 difficult to change items that physically exist.

26  
27 Planner Hinderliter stated that we need to make sure we eventually get the updated  
28 homeownership association documents for the condo, making sure that DEP obligations are  
29 filled.

30 Chair Koenigs asked if we would need to go through peer review.

31 Planner Hinderliter stated that we will need to do that for pre-construction purposes.

32  
33 **ITEM 3**

34 **Proposal:** Site Plan Review: Expansion of existing nonresidential (retail) building  
35 **Action:** Determination of Completeness; Schedule Site Walk and Public Hearing  
36 **Owner:** Harrisburg H&P & Harrisburg Group Gen Partnership  
37 **Location:** 9 East Grand Ave., MBL: 306-2-6  
38

39 This is the Harrisburg foot traffic proposal where they are proposing to rehab the existing  
40 building and the primary rehab is associated with an addition on the second floor within the same  
41 building footprint.

42 At the December meeting the Board tabled this proposal because there was not enough  
43 information to begin the proper review for determination of completeness. Planner Hinderliter has  
44 been working with the owner's agent, Attorney Neil Weinstein.

45 They submitted the information that Planning Board needed in order to conduct a proper review.

46 The PB requested the following information:  
47

- 1 1. A completed, signed and properly printed plenary site plan review application
- 2 (application submitted 1 Dec- has not been reviewed)
- 3 2. Waiver requests
- 4 3. Responses to the 9 Site Plan Criteria for Approval (78-216 (d).
- 5 4. Any items requested by the PB members and Department Heads.

6  
 7 In response, the applicants March submission includes the above. This first matter we  
 8 should consider is the waiver requests. The applicant can request waivers (78-215 (d) see  
 9 below) but they must prove to the PB and the PB must determine “that the required  
 10 application submission will not yield any useful information given the nature and scope  
 11 of the proposed activity or the existing character of the site.”

12  
 13 (d) *Waiver of submission requirements.* Specific submission requirements of  
 14 subsections (b) and (c) of this section\* may be waived by the reviewing authority if  
 15 the authority rules that the required application submission will not yield any useful  
 16 information given the nature and scope of the proposed activity or the existing character  
 17 of the site. \*Note: “this section” refers only to section 78-215 – Application.

18  
 19 A majority of the applicant’s waiver requests are associated with the site plan. The  
 20 applicant submitted a boundary survey which includes the site plan information after  
 21 submission of the waiver request so the original waiver request should change. They also  
 22 submitted the complete application.

23 Planner Hinderliter mentioned that he can get can get copies of the larger survey plan for the  
 24 Board to review. The waiver request may change with that plan. And finally the response to  
 25 department comments. The next step is determining completeness, then we can schedule public  
 26 hearings and a site walk.

27  
 28 Other Business

29 1. Discussion: Appeals from Restrictions on Nonconforming Uses (78-180)  
 30 Planner Hinderliter mentioned that the standard that we were reviewing is the 78-180 which  
 31 allows a nonconforming use of land or a nonconforming use of a structure to be  
 32 enlarged, increased, extended, moved, reconstructed, structurally altered, converted  
 33 to another nonconforming use.

34 This is the standard that allowed the Red Rocket property to be rehabbed. If you  
 35 apply for a conditional use and meet the conditional use standards you can get your 2  
 36 year non-conforming window extending to 10 years.

37 Planner Hinderliter talked about the Current Language/Proposed Language:

38  
 39 **CURRENT LANGUAGE**

40  
 41 Sec. 78-180. - Appeals from restrictions on nonconforming uses.  
 42 Notwithstanding sections 78-177(1) through (3) and 78-179(b) through (d), a  
 43 nonconforming use of land or a nonconforming use of a structure may be enlarged,  
 44 increased, extended, moved to another portion of the lot or parcel, reconstructed,  
 45 structurally altered, resumed after cessation for a period of more than two years, but less  
 46 than ten years, or converted to another nonconforming use on the lot which it occupied on  
 47 the effective date of the ordinance from which this chapter derives or amendment of this

1 chapter, upon approval of the planning board as conditional use pursuant to article VII of  
2 this chapter. The planning board may not approve any such enlargement, increase,  
3 extension, movement, construction, alteration, resumption or conversion, unless it finds  
4 that the impact and effects of this enlargement, expansion, extension, resumption or  
5 conversion to another nonconforming use on existing uses in the neighborhood will not  
6 be substantially different from or greater than the impact and effects of the  
7 nonconforming use before the proposed enlargement, expansion, resumption or  
8 conversion to another nonconforming use.

9  
10 Sec. 78-176. - Continuation of nonconformance.

11 Any lawful use of buildings, structures, premises, or parts thereof existing at the effective  
12 date of the ordinance from which this chapter derives or amendment of this chapter and  
13 made nonconforming by this chapter or any amendment thereto may be continued  
14 although such use does not conform with this chapter or amendment thereto, subject to  
15 this division.

16 (*Ord. of 9-18-2001, § 4.3.1*)

17  
18 Sec. 78-177. - Nonconforming use of land.

19 Continuance of nonconforming use of land shall be subject to the following:

20  
21 (1) No such nonconforming use shall be enlarged or increased or extended to  
22 occupy a greater area of land than that occupied at the effective date of the ordinance  
23 from which this chapter derives or amendment of this chapter.

24 (2) No such nonconforming use shall be moved in whole or in part to any other  
25 portion of the lot or parcel occupied by such use at the effective date of the ordinance  
26 from which this chapter derives or amendment of this chapter.

27 (3) If any such nonconforming use of land ceases for any reason for a period of  
28 more than two years, any subsequent use of such land shall conform to the regulations  
29 specified by this chapter for the district in which such land is located

30  
31 Sec. 78-179. - Nonconforming uses of structures.

32 (a) *Generally.* No existing structure devoted to a nonconforming use shall be  
33 enlarged, extended, constructed, moved or structurally altered except in changing the use  
34 of the structure to a conforming use.

35 (b) *Extension of nonconforming use.* Any nonconforming use may be extended  
36 throughout any parts of a building which were manifestly arranged or designed for such  
37 use at the effective date of the ordinance from which this chapter derives or amendment  
38 of this chapter, but no such use shall be extended to occupy any land outside such  
39 building.

40 (c) *Superseded by permitted use.* If a nonconforming use of a structure or  
41 premises is superseded by a permitted use for a period of one year, the nonconforming  
42 use shall not be thereafter resumed.

43 (d) *Cessation of use.* If any such nonconforming use of a structure ceases for any  
44 reason for a period of more than two years, any subsequent use of such structure shall  
45 conform to the regulations specified by this chapter for the district in which such  
46 structure is located.

1  
2 **PROPOSED LANGUAGE**

3 Below are the changes to 78-180 suggested at our February workshop (note with a  
4 number of after-the-fact staff adjustments to clear up other language). New language in  
5 **bold**, deleted language struck

6  
7 Sec. 78-180. - Appeals from restrictions on nonconforming uses.

8  
9 Notwithstanding sections 78-177(1) through (3) and 78-179(b) through (d), a  
10 nonconforming use of land or a nonconforming use of a structure may be enlarged,  
11 increased, extended, moved to another portion of the lot or parcel, reconstructed,  
12 structurally altered, **or** resumed after cessation for a period of more **less** than two years,  
13 but less than ten years, or converted to another nonconforming use on the lot which it  
14 occupied on the effective date of the ordinance from which this chapter derives or  
15 amendment of this chapter, upon approval of the planning board as conditional use  
16 pursuant to article VII of this chapter. The planning board may not approve any such  
17 enlargement, increase, extension, movement, **reconstruction**, alteration, **or** resumption or  
18 conversion, unless it finds that the impact and effects of this enlargement, expansion  
19 **increase**, extension, **movement, reconstruction, alteration, or** resumption or  
20 conversion to another nonconforming use on existing uses in the neighborhood will not  
21 be substantially different from or greater than the impact and effects of the  
22 nonconforming use **on existing uses in the neighborhood** before the proposed  
23 enlargement, expansion **increase, extension, movement, reconstruction, alteration, or**  
24 resumption or conversion to another nonconforming use.

25  
26 **For Further Thought**

27  
28 The first thought that comes to mind when reading several times and thinking it through-  
29 are the changes we propose already covered in 78-177 (3) and 78-179 (d) and the whole  
30 intent of the appeals from restrictions on nonconforming uses standard is to offer an  
31 appeal of 78- 177 & 179 to allow the owner of a nonconforming use or structure to  
32 extend the nonconforming time frame beyond the 2 year expiration up to 10 years? It  
33 would appear this is the case because 78-177 & 179 allows what 78-180 does for up to 2  
34 years. It is 78-180 that allows an owner to extend this 2 year expiration to 10 years  
35 through the appeals process. If this is the case and we want to stick with a 2 year  
36 cessation and hold firm to that, then the 78-180 could be entirely deleted because 78- 177  
37 & 179 appears to cover it. If someone wanted to seek relief from 78-177 or 179 then they  
38 could go to the ZBA. Interestingly, it appears the ZBA does not have the ability to grant  
39 a variance for nonconforming use and structure appeals- variances are “authorized only  
40 from dimensional requirements.” But someone could file an administrative appeal which  
41 is an appeal of the interpretation of a standard. This is also why I believe the only chance  
42 for an appeal, without getting into ZBA’s authority, is through the PB and that’s why it’s  
43 in 78-180.

44  
45 Planner Hinderliter asked the Board Member that he thinks they should decide:  
46

- 1 1. Should we just let the standards in 78- 177 & 179 limit the continuance of  
2 nonconforming use of land and structures and not offer an appeal through the PB?  
3 The way I interpret this is it would cap nonconforming use and structure  
4 enlargement, increase, extension, movement, reconstruction, alteration, or  
5 resumption at two years, period.
- 6 2. Should we keep 78-180 and still offer the appeal through the PB but shorten the  
7 10 year time frame? If we decide to keep this standard I suggest: "...for a period  
8 of more than two years, but less than five years". The world changes quickly and  
9 were part of it.

10  
11 Nonconforming use of land. 78-177 (3). If any such nonconforming use of land ceases for  
12 any reason for a period of more than two years, any subsequent use of such land shall  
13 conform to the regulations specified by this chapter for the district in which such land is  
14 located.

15 Nonconforming uses of structures. 78-179 (d) *Cessation of use*. If any such  
16 nonconforming use of a structure ceases for any reason for a period of more than two  
17 years, any subsequent use of such structure shall conform to the regulations specified by  
18 this chapter for the district in which such structure is located.

19  
20 Planner Hinderliter stated that the only way it could go to the ZBA is actually for  
21 interpretation of the standard because according to the Variance definition for a Variance  
22 it is only authorized from dimensional requirements. If we were thinking of switching  
23 this over to fall under the ZBA's jurisdiction, he believes that their language would need  
24 to change to allow for this sort of Variance. Planner Hinderliter believes that the Planning  
25 Board has the most experience dealing with land use because we deal with it every month  
26 in multiple types of land use related zoning items. However does an appeal truly fall  
27 under the Planning Board's jurisdiction. The Planner feels that appeals are for the ZBA.

28  
29 Chair Koenigs mentioned that when we have a renewal of a non-conforming use  
30 application, it falls under a conditional use application. So section 78-180 is only using a  
31 portion of the application to continue a business license on that property. They would  
32 have to deal with this section, get approval from the ZBA then come back to the Planning  
33 Board to get the conditional use approved with that certificate from the ZBA.

34 Chair Koenigs mentioned that we can work on this and decide whether we will  
35 recommend changing it.

## 36 37 38 **2. Discussion: Planning Board approval expiration for subdivision, site plan and** 39 **conditional use.**

40  
41 Planner Hinderliter stated that when it comes to defining project commencement (when a project  
42 begins) he tried to find some decent language on this. A lot of it referred to construction contracts.  
43 He didn't find much zoning terminology.

44  
45 Planner Hinderliter stated that we've found that our subdivision, site plan and conditional use  
46 ordinances project approval expiration standards may be lacking. For example, our CU standards  
47 do not have a project approval expiration date which basically means a CU project approved by

1 the PB can pretty much run indefinitely before construction begins. Another example is  
2 subdivision which has project expiration standards but they're tied to plan recording (74-234 a)  
3 and a rather odd one that appears to be tied to phased development (74-234 b)

4  
5 Common project expiration standards are one year to begin construction and two years to  
6 substantially complete construction. Our site plan ordinance includes standards similar to the  
7 above but the key language, project commencement and substantially completed, is not defined.  
8 "Substantial Start" is defined ("completion of 30 percent of a permitted structure or use measured  
9 as a percentage of estimated total cost") but that language is not used in subdivision, site plan or  
10 conditional use.

11  
12 Coming up with proposed language wasn't as simple as originally thought. Meaning and intent  
13 of language, interpretation, twists of words, appropriate words, correct supporting language that  
14 flows within each ordinance, conflicting language, etc. all need to be considered- it's actually  
15 tricky. Also, subdivision, site plan and CU cover many different projects within each of the  
16 ordinances (e.g., a subdivision can include creation of lots with new roads as well as a division of  
17 units within a building with no new roads). So trying to come up with a definitions and  
18 supporting language that fits all potential scenarios is difficult. In addition to planning-related  
19 project commencement and substantial completion codes has standards related to their permitting.  
20 To avoid conflicts the definitions are included with the applicable ordinance (e.g., subdivision) or  
21 the applicable ordinance is specifically identified within the definition.

22  
23 Note that these amendments will apply to projects approved after adoption of the language and  
24 those projects that have not yet received substantive review (review of a project to determine if it  
25 complies with criteria) when the ordinance is amended. Generally, an approved but undeveloped  
26 project will be grandfathered absent any language that includes an expiration clause.

## 27 28 **CURRENT LANGUAGE**

### 29 30 **SUBDIVISION:**

31 74-234: (a) Any subdivision plan not so filed or recorded within 90 days of the date upon which  
32 such plan is approved and signed by the planning board as provided in this subsection shall  
33 become null and void, unless the particular circumstances of the applicant warrant the planning  
34 board to grant an extension which shall not exceed two additional periods of 90 days.

35 (b) At the time the planning board grants final plan approval, it may permit the plan to be  
36 divided into two or more sections subject to any conditions the planning board deems necessary  
37 in order to ensure the orderly development of the plan. The applicant may file a section of the  
38 approved plan with the tax assessor and the registry of deeds if such section constitutes at least  
39 ten percent of the total number of lots contained in the approved plan. In these circumstances,  
40 plan approval of the remaining sections of the plan shall remain in effect for three years or a  
41 period of time mutually agreed to by the municipal officers, the planning board and the sub  
42 divider.

### 43 44 **SITE PLAN:**

45 78-219: Site plan approval and all the legal rights, privileges, and duties thereof shall expire if  
46 project construction has not commenced within one year of the approval date and if the project is  
47 not substantially completed within two years of the approval date. The town planner and code  
48 enforcement officer may grant up to a one-year extension on administrative approvals, and  
49 similarly the planning board may grant a one-year extension on plenary site plan review  
50 approvals if compelling evidence is presented that additional time is required to meet federal,  
51 state, or local permit requirements or in reaction to market changes.



1 CONDITIONAL USE: Nothing

2  
3 **PROPOSED LANGUAGE**

4  
5 **SUBDIVISION**

6 Add definitions for Project Commencement and Substantial Completion in 74-1. Delete last  
7 sentence in 74-234 (b). Add new Section 74-235 Project Commencement and Substantial  
8 Completion. New language in **bold**, deleted is struck

9  
10 Sec. 74-1. Definitions.

11  
12 **Project commencement means the date on-site construction activity begins in accordance**  
13 **with an approved and recorded subdivision plan.**

14  
15 **Substantial completion means the stage or part of an approved and recorded subdivision**  
16 **that is sufficiently completed to allow the subdivision to be used for its intended purpose.**

17  
18 Sec. 74-234. Final approval and filing.

19  
20 (b) At the time the planning board grants final plan approval, it may permit the plan to be divided  
21 into two or more sections subject to any conditions the planning board deems necessary in order  
22 to ensure the orderly development of the plan. The applicant may file a section of the approved  
23 plan with the tax assessor and the registry of deeds if such section constitutes at least ten percent  
24 of the total number of lots contained in the approved plan. In these circumstances, plan approval  
25 of the remaining sections of the plan shall remain in effect for three years or a period of time  
26 mutually agreed to by the municipal officers, the planning board and the sub divider.

27 **Sec. 74-235. Project Commencement and Substantial Completion.**

28  
29 **Subdivision final approval and all the legal rights, privileges, and duties thereof shall expire**  
30 **if project construction has not commenced within one year of the approval date and if the**  
31 **project is not substantially completed within two years of the approval date. The planning**  
32 **board may grant a one-year extension on project commencement and substantial**  
33 **completion if compelling evidence is presented that additional time is required to meet**  
34 **federal, state, or local permit requirements or in reaction to market changes.**

35  
36 **SITE PLAN**

37 Add definitions for Project Commencement and Substantial Completion in 78-1. Add “Project  
38 Commencement and Substantial Completion” and “final”, delete “Duration of approval” in 78-  
39 219. New language in **bold**, deleted is struck

40  
41 Sec. 78-1. Definitions.

42  
43 **Project commencement (site plan and conditional use) means the date on-site construction**  
44 **activity begins in accordance with a site plan or conditional use final approval.**

45  
46 **Substantial completion (site plan and conditional use) means the stage or part of a project**  
47 **sufficiently completed to allow the project to be used for its intended purpose in accordance**  
48 **with site plan or conditional use final approval.**

49  
50 Sec. 78-219. Duration of approval **Project Commencement and Substantial Completion.**

1 Site plan **final** approval and all the legal rights, privileges, and duties thereof shall expire if  
2 project construction has not commenced within one year of the approval date and if the project is  
3 not substantially completed within two years of the approval date. The town planner and code  
4 enforcement officer may grant up to a one-year extension on administrative approvals, and  
5 similarly the planning board may grant a one-year extension on plenary site plan review **final**  
6 approvals if compelling evidence is presented that additional time is required to meet federal,  
7 state, or local permit requirements or in reaction to market changes.

8  
9 CONDITIONAL USE

10 Add definitions for Project Commencement and Substantial Completion in 78-1 (Note: same as  
11 site plan definition). Add new Section 78-1241 Project Commencement and Substantial  
12 Completion. New language in **bold**, deleted is struck

13  
14 Sec. 78-1. Definitions.

15  
16 **Project commencement (site plan and conditional use) means the date on-site construction**  
17 **activity begins in accordance with a site plan or conditional use final approval.**

18  
19 **Substantial completion (site plan and conditional use) means the stage or part of a project**  
20 **sufficiently completed to allow the project to be used for its intended purpose in accordance**  
21 **with site plan or conditional use final approval.**

22  
23 **Sec. 78-1241. Project Commencement and Substantial Completion.**

24  
25 **Excepting more restrictive standards stated within Article VII of this Ordinance,**  
26 **conditional use final approval and all the legal rights, privileges, and duties thereof shall**  
27 **expire if project construction has not commenced within one year of the approval date and**  
28 **if the project is not substantially completed within two years of the approval date. The town**  
29 **planner and code enforcement officer may grant up to a one-year extension on**  
30 **administrative approvals, and similarly the planning board may grant a one-year extension**  
31 **on conditional use final approvals if compelling evidence is presented that additional time is**  
32 **required to meet federal, state, or local permit requirements or in reaction to market**  
33 **changes.**

34  
35 Chair Koenigs asked the Planner Hinderliter if he would want to reach out to these developers  
36 and ask the question like what can the town do to encourage them to develop these properties.  
37 Chair Koenigs also suggested that the extensions be done administratively.

38  
39 Planner Hinderliter stated that both Conditional Use and Site Plan do have an administrative  
40 provision where the Town Planner and Code Enforcement can grant a 1 year extension on  
41 administrative approval. But if the Planning Board approves it it needs to go back to the Planning  
42 Board for an extension.

43  
44  
45 Good & Welfare

46  
47 Megan McLaughlin mentioned that at the next workshop meeting, as part of the permit  
48 requirements for the MS4 permit, they have to give a presentation by June of 2017 to either the  
49 Town Council or the Planning Board to go over some new permit requirements.

1 Chair Koenigs stated that Ryan Kelly will be a full time member and Mark Koenigs will be an  
2 alternate member. The election of officers will be at the regular meeting on March 9 2017.

3

4 ADJOURNMENT

5

6 The workshop meeting adjourned at 7:08 pm.

7 \*Note: Workshop Agenda Regular Business items are for discussion purposes only. Formal  
8 decisions on these items are not made until the Regular Meeting.

9

10 *I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old*  
11 *Orchard Beach, do hereby certify that the foregoing document consisting of Eleven (11)*  
12 *pages is a true copy of the original minutes of the Planning Board Meeting of March 2,*  
13 *2017.*

14



15