

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
Thursday, November 12, 2009**

Call to Order at 6:06pm	Call to Order
Pledge to the Flag	
<p>Roll Call: Win Winch, Tianna Higgins, Mark Koenigs, Karen Anderson, Eber Weinstein. Absent: Don Cote Staff: Jessica Wagner & Gary Lamb. Public: Gordon Weeks (president of Birch Hill Condo Association), Gary Curtis (school applicant), Ron Regis (Regis Acres Applicant), Bill Thompson (BH2M Engineers), Lee Allen (NECS Engineers), Mike Mailhot (Regis Acres abutter).</p>	
<p>APPROVAL OF MINUTES: October 1, 2009 Site Walk; October 1, 2009 Workshop; October 8, 2009 Meeting. Ms. Higgins motioned to approve all three minutes. Mr. Weinstein seconded <i>Motion carries 3-0</i></p>	<p>MINUTES</p> <p>Motion</p> <p>Vote</p>
<p>ITEM 1: Site Plan Review: Determination of Completeness: Proposal to place modular classroom building on existing parking lot at OOB High School. Located at 40 E Emerson Cummings Blvd, MBL 207-3-1 in the PMUD District. Applicant is the Regional School Union.</p>	<p>ITEM 1</p>
<p>Mr. Lamb stated that Staff is okay with the Board determining this application complete. It should be noted that it has come up that there are some abutter concerns regarding the opening of a second egress from the high school parking lot onto Dirigo Drive. It should be noted that the opening of this egress point would be done regardless of this modular classroom and it is not included in the application to the Board. This access point is to be opened up at the request of the State Fire Marshal.</p> <p>Mr. Curtis stated that the application to the Planning Board is for the modular classroom. Irrespective of the planning board application, the state fire marshal is insisting this blocked egress be opened. This area was blocked off in the past with boulders to shut off access to the private driveway.</p> <p>Mr. Eber asked if only having more than one means of egress was required by the PMUD district?</p> <p>Mr. Lamb stated that it is not required by the zoning district, but it is required by the State Fire Marshal for safety reasons.</p> <p>Mr. Lamb pointed out that the school will be requesting to have the fees waived by the Town council at the meeting next week.</p> <p>Mr. Jerome Beggert (4 Gables Way, Birch Hill Condo Association) stated: I understand the process of spending down the school budget, but none of the 28 abutters have received abutter notices. No one remembers why this egress was closed in the first place. In the case of an emergency, they can easily open this egress. The sidewalk location or relocation of the sidewalk should also be considered. I also disagree with the impact fee waivers, and I will be at the Council meeting to dispute this request.</p> <p>Mr. Lamb stated that abutters will be notified for the public hearing and site walk, as required by ordinance.</p> <p>Ms. Higgins made a motion to determine the application complete for the proposal to place modular classroom building on existing parking lot at OOB High School. Located at 40 E Emerson Cummings Blvd, MBL 207-3-1 in the PMUD District.</p> <p>Mr. Weinstein seconded.</p>	<p>Motion</p>

<p>Motion carries 3-0-1 Mr. Winch asked the Board if a site walk was necessary. Ms. Higgins stated that she did not feel it was necessary. Mr. Lamb stated that it would be a good idea to have a site walk. Mr. Winch scheduled a site walk for December 3rd at 5:30pm. A public hearing was scheduled for December 10th at 7:00pm.</p>	<p>Vote</p>
<p>ITEM 2: Subdivision Amendment: final review: Proposal to amend Regis Acres Subdivision (approved 11/8/2007, amended 3/12/2009) from a 4-lot subdivision to a 6-lot subdivision. Located at Ross Rd. and Portland Ave, MBL 103-6-6 in the RD district. Applicant is Ronald Regis, Agent is Northeast Civil Solutions.</p>	<p>ITEM 2</p>
<p>Mr. Winch stated: the issue that seems to be outstanding at the Workshop last week was the drainage. Mr. Lee Allen (NECS) stated: we are requesting two waivers: 1. Sec. 74-277(d)(2) – to allow septic on proposed lots 3 + 5. This request waives the requirement that all parcels within 1,500ft of public sewer be connected. Lot 6 on the corner will connect directly to a public sewer manhole. Public Works and Wastewater support this waiver request. 2. Sec. 78-216(d)(4) – to allow an increase of 0.13cfs flow through culvert under Ross Road onto MBL 103-7-9. This request allows the increase in stormwater runoff from proposed lot 5 to flow through the existing culvert under Ross Road. This waiver is an alternative solution to creating a shallow drainage storage area maintained with a drainage easement on lot-5. The Town’s peer review engineer supports this waiver request. Our analysis showed a 0.01ft increase in water level during a 25-year storm event, which is an 1/8th of an inch. There is a channel on the opposite side of the culvert that runs across Mr. Savoy’s property. There is already a natural flow of the channel. If we did nothing out there, this flow level would increase by an 1/8th of an inch. Mr. Koenigs confirmed that there was an increase in flow to the abutting property, there would be no storage area of water on the lot. Mr. Allen stated: yes, this waiver to have an increase in flow on the abutting property would mean we wouldn’t make any changes to the site. Mr. Winch asked how those on the Board feel about septic on lots 3 & 5. Ms. Higgins: I can’t imagine why you wouldn’t want to be on sewer, but if the wastewater department doesn’t want it, I can support septic. Mr. Koenigs stated that he has no problem with these lots being on septic. Ms. Higgins motioned to grant a waiver request for Sec. 74-277(d)(2) to allow septic on proposed lots 3 + 5. Mr. Weinstein seconded. Mr. Koenigs stated that he would recuse himself from this vote. Motion carries 3-0-1 Mr. Winch asked about an alternative for the drainage on lot 5. Mr. Lee stated: the alternative is that we can store the runoff water on the lot in a shallow detention area. This alternative was submitted in at the October 2009 meeting. Ms. Higgins asked: it is either this or that? There is no other alternative? There is an obvious problem of what we are going to do with the water here, and I want to be sure you exhausted all solutions. Mr. Lee: If the waiver is not granted, we propose to have a drainage storage area on lot-5 (as shown on the October plans). The shallow depression will look like a grassy area. It will hold</p>	<p>Motion</p> <p>Vote</p>

<p>6” of water in a 25-year storm and then drain within 24hrs. The peer review engineer approved the methodology of this stormwater management system.</p> <p>Mr. Lamb stated: Mr. Savoy voiced his opinion in writing and he has spoken with the engineer. Mr. Savoy is not in support of this waiver request. He does not want any excess water on his property.</p> <p>Mr. Weinstein asked if the building envelope would be impacted by the drainage easement.</p> <p>Mr. Allen stated the building envelope will be impacted, but there is still a reasonable amount of room to construct the house on the back of the lot.</p> <p>Mr. Winch summarized: if we disallow this waiver request for Sec. 78-216(d)(4), it would return this drainage plan to the alternate solution previously submitted. This plan includes a shallow detention area on site that will be covered in grass. This alternative plan was submitted in October.</p> <p>Mr. Weinstein motioned to deny the waiver request for Sec. 78-216(d)(4) and accept the alternative drainage proposal to store all runoff water on site.</p> <p>Ms. Higgins seconded the motion.</p> <p><i>Motion carries 3-0-1</i></p> <p>Ms. Higgins made a motion to approve the proposal to amend Regis Acres Subdivision from a 4-lot subdivision to a 6-lot subdivision, located at Ross Road and Portland Ave, MBL 103-6-6 in the RD district with the <u>condition</u> that the necessary changes are made the final site plan submitted to Planning Staff showing the proper drainage plan.</p> <p>Mr. Weinstein seconded.</p> <p>Motion carries 3-0-1</p>	<p>Motion</p> <p>Vote</p> <p>Motion</p> <p>Vote</p>
<p>ITEM 3: Public Hearing: proposed amendment to Section 78-1 regarding ‘drug paraphernalia’ and ‘head shop’ definitions.</p>	<p>ITEM 3</p>
<p><i>Opened and closed 7:36pm with no one present to speak</i></p>	<p>Public Hearing</p>
<p>ITEM 4: Vote on recommendation to Town Council: proposed amendment to Section 78-1 regarding ‘drug paraphernalia’ and ‘head shop’ definitions.</p>	
<p>Mr. Lamb: The Town of Old Orchard Beach wishes to prohibit the sale of drug paraphernalia. The easiest way to disallow head shops is to define them in the Zoning ordinance and then not list them as a permitted or conditional use in any zoning district. The proposed amendment to Section 78-1 of the Zoning Ordinance to include the following definitions: “drug paraphernalia” & “head shop”.</p> <p>Mr. Weinstein confirmed that convenient stores will still be able to sell cigarette makers, papers, and other legal items needed to make cigarettes?</p> <p>Mr. Lamb stated: correct, those items can still be sold.</p> <p>Ms. Higgins motioned to recommend the proposed ordinance amendments to the Town Council.</p> <p>Mr. Koenigs seconded</p> <p><i>Motion carries 4-0</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 5: Public Hearing: ordinance amendments to define and allow temporary wind study test towers in the PMUD, R5 and Rural Districts.</p>	<p>ITEM 5</p>
<p><i>Opened and closed at 7:41pm with no one present to speak.</i></p>	<p>Public Hearing</p>
<p>ITEM 6: Vote on recommendation to Town Council: ordinance amendments to define and allow temporary wind study test towers in the PMUD, R5 and Rural Districts.</p>	<p>ITEM 6</p>
<p>Mr. Koengs stated that he was not at the workshop, but he is familiar with this project and a</p>	

<p>member of the conservation commission. Mr. Winch explained the proposed amendment to him. Ms. Higgins noted that no windmills that will go up with this ordinance amendment. Mr. Lamb stated that while the proposed location for this anemometer tower is located in the PMUD, we should not take out the RD or the R-5 district from this ordinance revision because this is where the heights of land in town are. Ms. Higgins made a motion to recommend the proposed ordinance amendments to the Town Council. Mr. Weinstein seconded. <i>Motion carries 4-0</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 7: Subdivision Amendment: final review: Proposal to amend Dunegrass Section B from 76 multi-family style condo units to 24 single-family style condo units. Located on Wild Dunes Way, MBL 105A-1-B in the PMUD. Applicant is Ron Boutet, Agent is BH2M.</p>	<p>ITEM 7</p>
<p><i>Mr. Thompson</i> (BH2M): we have worked with planning staff and the peer review engineer at Wright-Pierce over the last week to satisfy all outstanding issues with this application and the proposed PS600. We have satisfied all of the issues regarding the pump station over the phone. Mr. Lamb directed the Board to the four recommended conditions of approval (given to the board in a handout):</p> <ol style="list-style-type: none"> 1. The results of the video inspection of the 6 inch force main shall be provided to the Town’s Wastewater department <u>within 60 days of planning board conditional approval</u>, along with any information on deficiencies and modifications needed to the sewer system as the result of this inspection. The final site plan and Findings of Fact will not be signed by the Planning Board until this condition is complete. <p>Mr. Thompson stated that this can easily be done.</p> <ol style="list-style-type: none"> 2. Condo/Homeowners Association Declarations and Bylaws must be approved by the Town Attorney <u>within 60 days of Planning Board conditional approval</u>. The final site plan and Findings of Fact will not be signed by the Planning Board until this condition is complete. <p>Mr. Lamb added: We need to ensure we do not have a reoccurrence of some of the issues related to ownership and pump stations currently out there at Dunegrass.</p> <ol style="list-style-type: none"> 3. <u>Prior to the commencement of construction</u>, the Applicant shall supply a Performance Guarantee in accordance with <i>Ch. 73 Article 3</i> of the Town Ordinance. The amount of this performance assurance must be approved by the Town’s engineer. 4. <u>Prior to the commencement of construction</u>, the Applicant shall establish an escrow account with the Town to be used for 3rd party engineering inspections during construction. This amount will be based on the performance assurance amount approved by the Town’s engineer. <p>Mr. Lamb added: conditions 3 & 4 are standard items that are usually conditions of approval. Mr. Weinstein asked about the performance assurance. Mr. Thompson stated that the planning staff will take care of this following the approval. Mr. Lamb stated that we have the teeth we need to ensure the condition of a performance approval. Mr. Koenigs asked about access to the pump station for maintenance. Mr. Thompson stated that the peer review engineer has approved the access area. Mr. Koenigs asked about the turn off for the mailboxes. Mr. Lamb stated that it is up to the condo association to install a generator for the pump station if they choose to. This is important because in a power-outage, the pump station only</p>	

