

TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING
Thursday, May 14, 2009

Call to Order at 7:01pm	Call to Order
Pledge to the Flag	
Roll Call: Win Winch, Don Cote, Tianna Higgins, Mark Koenigs, Karen Anderson, Eber Weinstein (arrived 7:15pm). Absent: Ken Mac Auley. Staff: Jessica Wagner & Gary Lamb.	
APPROVAL OF MINUTES: April 2, 2009 Workshop/Site Walk & April 9, 2009 Meeting April 2, 2009 Workshop/Site Walk: Minutes accepted 3-0-2. April 9, 2009 Meeting: Minutes accepted 3-0-2.	Vote Vote
ITEM 1: Conditional Use Application: Determination of Completeness: proposal to establish a furniture repair home occupation (<i>Seaside Caning</i>) at 231 East Grand Avenue. MBL 201-1-1 in the RBD District. Applicant is Marco Giancotti.	ITEM 1
Mr. Lamb stated that staff has no issues declaring this application complete. The Board should determine if a site walk is necessary. Ms. Higgins motioned to determine it complete. Mr. Cote seconded the motion. Mr. Winch stated that the Board feels there is no need for a site walk with this application. The public hearing will be held June 11, 2009 at 7:00pm. Motion carries 5-0.	Motion Vote
ITEM 2: Conditional Use Application: Public Hearing: Proposal to construct a new single family home with an Accessory Dwelling Unit at 19 Miles Ave. MBL 205-18-16 in the R-1 District. Applicants are Salvatore & Consetta Costa. <i>Hearing opened and closed, with no one present to speak for or against.</i>	ITEM 2
ITEM 3: Conditional Use Application: Final Review: Proposal to construct a new single family home with an Accessory Dwelling Unit at 19 Miles Ave. MBL 205-18-16 in the R-1 District. Applicants are Salvatore & Consetta Costa.	ITEM 3
Mr. Lamb stated that there are no outstanding issues regarding this application. The Applicant amended their floor plans early on so they meet all relevant Ordinance requirements. The Board may wish to read through the <i>Section 78-1240 Conditional Use standards</i> and <i>Section 78-1272 Accessory Dwelling Unit standards</i> . Mr. Winch read through Section 78-1240 Conditional Use Standards, identifying how the Application fulfilled all Ordinance requirements: 1. The addition of a single family home and accessory dwelling unit will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site. This use requires 3 parking spaces (2 for the single family home, 1 for the accessory dwelling unit). This proposal exceeds the amount of parking required. 2. This single family home with an accessory dwelling unit must meet all building code requirements and will not create or increase any fire hazard. 3. This use requires 3 parking spaces (2 for the single family home, 1 for the accessory dwelling unit). This proposal exceeds the amount of parking required. 4. The construction of this single family home with an accessory dwelling unit will not cause water pollution, sedimentation, erosion, or contamination of any water supply. 5. This single family home with an accessory dwelling unit will not create unhealthful conditions because of smoke, dust or other airborne contaminants. 6. This single family home with an accessory dwelling unit will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties. 7. This single family home with an accessory dwelling unit will have public trash pickup once/week, which will provide adequate waste disposal for this use. 8 & 9. This neighborhood is made of single family house lots. This single family home with accessory dwelling	

<p>have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood.</p> <p>7. The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction. The mitigation of the stormwater runoff through the gutter system will ensure the peak stormwater flow from this property will be no greater than pre-development conditions. This will ensure that flooding problems will not adversely impact the quality of life, character, or the stability of property values of surrounding parcels.</p> <p>8. The stormwater runoff from the building will be redirected to a catch basin on School Street. The DPW director has Indicated that the School Street drainage system has adequate capacity to handle the increase in flows.</p> <p>9. The stormwater flow from this property will be no greater than pre-development conditions. This will ensure that flooding problems will not adversely impact surrounding property values.</p> <p>Ms. Anderson made a motion to grant final approval for retroactive review for pavement installed in 2004 at 15 School Street, MBL 206-24-38, R1 District. Applicant is Jean Michaud and Agent is Northeast Civil Solutions.</p> <p>Mr. Koenigs seconded the motion.</p> <p><i>Motion carried 4-0-1 abstain (Mr. Cote)</i></p>	<p>Motion</p> <p>Vote</p>
<p><u>ITEM 6: Amendment to Approved Site Plan: Determination of Completeness:</u> Proposal to amend the 5/12/2005 Planning Board approved site plan at 130 Saco Ave to show a proposed lot split and parking plan amendment. MBL 207-3-5 in the GB2 district. Applicant is William Rogers.</p>	<p>ITEM 6</p>
<p>Mr. Rogers stated that he is looking to split the home dwelling from the business property. This includes amending the parking lot that was approved in a previous site plan approval. I'd like to keep business as usual, however the plans show an amendment to the parking incase we sell one of the lots in the future.</p> <p>Mr. Lamb stated that Staff has no issues with his application.</p> <p>Mr. Koenigs stated that we should have a site walk. This site walk was scheduled for June 4th at 5:30pm.</p> <p>Ms. Higgins motioned to determine the application complete for the proposal to amend the 5/12/2005 Planning Board approved site plan at 130 Saco Ave to show a proposed lot split and parking plan amendment. MBL 207-3-5 in the GB2 district. Applicant is William Rogers.</p> <p>Mr. Cote seconded the motion.</p> <p><i>Motion caries 5-0</i></p>	<p>Motion</p> <p>Vote</p>
<p><u>ITEM 7: Amendment to a previously approved subdivision: Final Review:</u> Proposal to amend Colindale Estates Condominium (approved May 12, 1988) to construct a new 4-unit building. MBL 107-2-1 in the R-4 district. Applicant is New Heritage Builders, agent is BH2M.</p>	<p>ITEM 7</p>
<p>Mr. Les Berry (BH2M) introduced the project to the Board.</p> <p>Mr. Lamb stated that the Applicant has extended the fence towards the rear of the property since the Workshop. The Ordinance does allow for individual trash cans for this 4 unit building.</p> <p>Mr. Cote asked what the Ordinance states regarding dumpsters.</p> <p>Ms. Wagner explained that there is a 5-unit threshold for dumpsters. This building has 4 units so individual trash cans are okay.</p> <p>Mr. Cote stated that he is concerned with the location & height of this fence. The elevation of this fence is not sufficient to provide a buffer for the abutting property owner.</p> <p>Mr. Berry stated that the dumpsters are located on contour elevation 55 and the fence is on contour elevation 54. We can make it an 8ft fence as well if you'd like. The elevation of the fence will remain the same level across to keep an even look, meaning the fence will change in height as the ground elevation changes. This means it will be 6ft at the highest elevation and get longer as the elevation slopes. We can also move the fence closer to the dumpster if that</p>	

will help.

Mr. Lamb stated that this is not a bad idea to make this fence 8ft in height. The abutter’s house is above the elevation of this parking lot, so they will be looking down at this fence.

Mr. Libby stated that the height will be 6ft at the highest elevation and be 8ft as the elevation slopes two feet downwards. This will be a stockade, wooden fence.

Mr. Winch suggested that a condition of approval will be for the final plans to show and note: A 6ft wooden fence will maintain a constant level to increase to 8ft in height in order to maintain a level fence as the elevation slopes down toward the rear of the property.

Mr. Lamb referenced the DPW memo regarding Ms. Conroy’s 250ft of sidewalk request. He stated that 250ft of sidewalk at 16ft/linear foot makes this sidewalk \$15,000 for 250ft of sidewalk. Essentially the Board needs to decide if they are going to require the Applicant to construct a sidewalk off site.

Mr. Weinstein stated that several years ago, a group of developers paid to straighten out the road. A portion of this funding was used to construct the road and sidewalk.

Ms. Higgins stated that we have no basis to require additional sidewalks with this amendment. If there wasn’t a sidewalk in front of the development already, it would be a requirement. However, I don’t see how we can require the sidewalk to be installed off the property.

Mr. Lamb stated that it would be nice if the clump of trees could have been saved in the front of the property, however it appears that the stormwater system will takeout this existing vegetation.

Mr. Koenigs motioned to grant final approval for the proposal to amend Colindale Estates Condominium (approved May 12, 1988) to construct a new 4-unit building. MBL 107-2-1 in the R-4 district. Applicant is New Heritage Builders, agent is BH2M. With the following conditions:

Motion

1. As a condition of final approval, the amended condo documents shall be reviewed & approved by the Town Attorney within 60 days of final approval. The updated condo association documents shall be recorded at the York Registry of Deeds with the final signed mylar plans and returned to the Planning Department.
2. Prior to the issuance of a building permit, the amount of \$8600 should be paid to an escrow account for traffic improvements (\$2150/unit traffic impact fee pursuant to 1988 condition of approval).
3. Prior to the commencement of construction, the performance assurance shall be established in the form of a Bond or letter of Credit, and the inspection amount shall be put in an escrow account with the Town. The amount for this performance assurance or guarantee shall be approved by the Town’s peer review engineer.
4. The final plans shall note: A 6ft wooden fence will be installed as a visual and physical buffer from the front of the property to the midpoint of the building. As the ground elevation slopes down toward the rear of the property, the fence will increase to 8ft in height in order to maintain a level fence.
5. A revised lighting plan will be submitted to Staff that is in agreement with Ordinance specifications.

Ms. Anderson seconded the motion.

Motion carries 5-0.

Vote

ITEM 8: Conditional Use & Site Plan Review: Determination of Completeness: Hid’n Pines Campground proposes to add 54 new full-service campsites at 8 Cascade Road and to

ITEM 8

<p>expand existing campground in MBL 104-1-4 into MBL 104-1-30 in the Rural District. Owner and Applicant is DGA Enterprises, Agent is BH2M</p>	
<p>Mr. Les Barry stated that this item was before the Board in October and it was not determined it complete. The 6 month deadline has passed on the application window, so this is now a new application. We are technically starting from square one. Mr. Winch stated that a second site walk should be held. This <u>site walk will be June 4, 2009 at 5:40pm.</u> Mr. Lamb confirmed that the abutting property owners would be available that date in order to allow the board on their property. Mr. Lamb stated that much of what we need to discuss here is apart of the review process, not whether or not this application would be determine complete. Mr. Cote asked if we could have something in writing from a landscape arborist regarding the buffer standards. Mr. Lamb confirmed this would be provided for the Board at the next workshop. He stated that a <u>Public Hearing</u> would be scheduled <u>June 11, 2009.</u> Ms. Higgins motioned to determine the application complete Mr. Cote seconded the motion. <i>Motion carries 5-0.</i></p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p>GOOD & WELFARE</p>	
<p>Mr. Koenigs asked about the status of Saco Bay. Mr. Lamb stated that the Bill was approved 12-1 by the committee at the Maine Legislature. This will now go to the floor to be voted on. The politics in Augusta are taking over and this will either fly or die. It may change into another mediation effort or moratorium. As it stands now, the Bill is written to expand our boundary 3 miles our.</p>	
<p>Meeting adjourned at 8:13pm.</p>	<p style="text-align: center;">Adjournment</p>

I, Jessica Wagner, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of five (5) pages is a true copy of the original minutes of the Planning Board Meeting of May 14, 2009.