

TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
Thursday, November 10, 2011

Call to Order at 7:05 pm	Call to Order
Pledge to the Flag	
Roll Call: Win Winch, Mark Koenigs, Eber Weinstein, Don Cote, David Darling. Absent: Staff: Jeffrey Hinderliter, Valdine Helstrom	
<p>APPROVAL OF MINUTES: Mr. Koenigs made a motion to approve the meeting minutes of August 8, 2011 and October 13, 2011. Seconded by Mr. Darling.</p> <p><i>Motion passes unanimously.</i></p> <p>Chair Winch introduced 1st Alternative Mike Russo.</p>	<p style="text-align: center;">MINUTES</p> <p style="text-align: center;">Motion Vote (5-0-0)</p>
<p>ITEM 1</p> <p>Proposal: Conditional Use Application (Appeals from restrictions on nonconforming uses): Re-establish 2-family use of existing building</p> <p>Action: Public Hearing, Final Application Review, Findings of Fact Approval</p> <p>Owner: Robert Kirby</p> <p>Location: 90 Union Ave, MBL: 314-17-2, R2 Zone</p> <p>Chair Winch opens the Public Hearing at 7:05 p.m. There is no one to speak for or against. No issues... Public Meeting closed.</p> <p>The Finding of Facts was read by Chair Winch. Robert Kirby introduced himself. Chair Winch stated that when he did a drive by of the property, his observation was that it doesn't look in the best condition and asked Mr. Kirby if he was going to be fixing it up. Mr. Kirby stated that he missed the deadline for the 2 year moratorium. He was just waiting to get approval from the Board to see if he can conform it into a 2 family house. Mr. Darling questioned Mr. Kirby about the Board and Batten and asked if he would be replacing it. Mr. Kirby informed the Board that he would be putting vinyl siding. Mr. Darling then asked him about fixing up the garage. Mr. Kirby stated that they are doing that now. Mr. Koenigs asked about the parking. All agreed that there is plenty of garage space.</p> <p>Mr. Darling made a motion to re-establish a 2-family use of existing building on 90 Union Avenue. Seconded by Mr. Cote. All approved. No discussion.</p> <p>Mr. Hinderliter recorded the vote: Mr. Russo- Yes; Mr. Darling- Yes; Mr. Koenigs- Yes; Mr. Cote- Yes; Mr. Darling- Yes.</p> <p><i>Motion passes unanimously.</i></p> <p>Mr. Hinderliter also mentioned to the Board that the Findings of Facts are available for them to sign.</p>	<p style="text-align: center;">ITEM 1</p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (5-0-0)</p>

<p>ITEM 2</p> <p>Proposal: Private Way Application: Access to 1 residential lot Action: Review application, site walk update and schedule public hearing (8 December 2011) Owner: Matthew G. Chamberlin Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone</p> <p>Chair Winch asked Mr. Hinderliter to bring the Board up to date with a little background on this item.</p> <p>Mr. Hinderliter stated that the proposal involved a private way application for access to a single family Lot in the Homewood Park Subdivision Development. The proposed private way is proposed to be located over an existing paper street (Homewood Blvd) that has not been improved but has been recognized by the town and has reserved the public rights to that particular section. He also mentioned that on the site walk on November 3, 2011, there was some discussion with the abutters about a couple of issues. The primary items are as follows:</p> <ol style="list-style-type: none"> 1.) Drainage issues on abutters property. 2.) Rights to access private way. <p>Mr. Hinderliter spoke with the Attorney regarding these issues. The Attorney feels that he is comfortable with this proposal as long as the public rights are recognized in the approved documentation.</p> <p>Mr. Hinderliter agrees that this does protect the public rights however Mr. Hinderliter is concerned with the right title and interest issue and his recommendation to the Board would be, that if they feel comfortable with the attorneys opinion on that, he would have 2 recommendations:</p> <ol style="list-style-type: none"> 1.) Make sure that they have right title and interest and, 2.) Have a public hearing next month to allow the abutters the opportunity to have a public discussion on this issue. <p>Mr. Hinderliter agreed that he understands the attorney’s position on this and if those public rights are reserved and recognized he agrees that the town is safe with an approval of this. Applicant Matthew Chamberlin introduced himself.</p> <p>Mr. Koenigs had a question about the applicant says that it is for his one lot and it is his dwelling. Once that private way is created and there is a hammerhead for the turnaround there is basically three other lots in the back that have drainage issues that are also accessible. He suggested that the Applicant get together with the abutters at the next public hearing to attend and work with the applicant to get up to what is basically a public road. Something that can be turned over and maintained by the town. He wasn’t to encourage other owners to consider coming on board with this. So that the Board only has to do this once.</p> <p>Mr. Chamberlain stated that there is a developer who owns the majority of the lots that would do it, it is just not feasible.</p> <p>Mr. Koenigs suggested that it is going to be eventually that public driveway will become the road. His thought that Mr. Chamberlain offset the road.</p> <p>Mr. Chamberlain stated that he took a conservative approach and is asking the Planning Board for 1 house lot.</p> <p>Mr. Koenigs read Chapter 78, Division 3 (private ways) Page 78/132-133. On the applicants plan, it has the requirements for the single lot which is 12’ wide, 12” deep, 2” fine gravel and maximum grade 10%, minimum grade 1/2 %, turnaround at the end has to be a hammerhead t</p>	<p>ITEM 2</p>

or cul-de-sac and the storm water drainage has to be approved by the Public Works Director. And that is the standard that Mr. Chamberlain followed in his submittal.

Mr. Koenigs suggested that it would be more feasible to go the extra 3' thicker on the sub base.

Mr. Chamberlain stated that he does not want to rely on other homeowners that may or may not want to do something. That is why he took the whole conservative approach.

Mr. Darling suggested to keep it at 12' wide but add an additional depth of 3" to the sub base only so that when the next person extends it 4' wide, they won't have to dig the whole road up.

Chair Winch asked how many potential lots are there?

Mr. Chamberlain stated that there are well over 100 potential lots, but whether or not they are buildable is unclear.

Mr. Cote asked what are the standards for a private road. This is actually a road not a private way.

Mr. Koenigs read from Page CD74:26, Construction Standards for Subdivision Roads.

Chair Winch asked Mr. Hinderliter how were the roads historically built?

Mr. Hinderliter stated that he had found a few private way proposals in the past that were approved by the Planning Board such as Homewood Park. There are 2 differences with these compared to Mr. Chamberlain's:

- 1.) Private ways were more than one lot.
- 2.) Side streets go to a dead end in the subdivision.

Chair Winch asked if anyone knew how the streets became paved.

Mr. Cote stated that it is his concern that lot of that area was that one house gets built, a little bit of road gets built and so on and all of sudden there is a drainage problem, then the town is responsible. Mr. Cote doesn't think the town should be responsible for this in this section or any other section.

Chair Winch suggested that for the next Public Hearing on December 8, 2011 that we get some history of how those streets were constructed.

Mr. Cote asked if Mr. Hinderliter could get some history about the Poplar Extension at the next meeting, to see what the Planning Board did with that issue. And there was a drainage issue.

Mr. Hinderliter agreed to research this.

Mr. Darling asked Mr. Hinderliter about the utilities in that area.

Mr. Hinderliter stated that there is public water but not sewer.

Mr. Darling asked what are the guidelines on a septic system lot size?

Mr. Hinderliter and Mr. Chamberlain stated that the state statute has a minimum of 20,000 sq. ft. for both septic and well.

Mr. Darling asked the applicant what are his plans on running public water.

Mr. Chamberlain stated that because there is little water pressure, he would be content with a well.

Mr. Koenigs asked Mr. Hinderliter if he could enlighten the Board at the next meeting as to the Statute MRSA 23 Section 3033.

Mr. Koenigs also mentioned that the Planning Board request to the Town Council that they have a workshop on this. Just to get a better feel as to where the Council wants to go on this.

There being no further discussion on this item, it was decided to continue with a Public Hearing at the December 8, 2011 meeting.

All agreed.

<p>ITEM 3</p> <p>Proposal: Private Way Application: Access to 3 residential lots Action: Advise applicant on waivers requests on Private Way/Subdivision road construction standards Owner: Harry L. Smith Location: 19 Smith Wheel Road, MBL: 210-1-11. R4 Zone</p> <p>Mr. Bill Thompson, representing Mr. Smith introduced himself to the Board. Asking for a waiver for Private Way Improvements to serve this lot along with getting a Building Permit. The owner bought this property in 1981 as a legal house lot. It is already an existing development, existing access into it. This is also served by public water and sewer. Mr. Cote is concerned with emergency vehicles being able to easily get in and out, being that this is the last house on the right. Mr. Koenigs stated that he was ok with this as long as the Engineer follows the guidelines and presents this issue to the Fire chief, and get this in writing, that they do not need a turnaround. Ultimately be a waiver to a buildable lot. Mr. Koenigs would also like to have the storm drainage specified. Bill Thompson agreed to put together a proposal. Mr. Cote also mentioned that if this is approved, that the Board clearly specify the Ordinance of how the 100' frontage was handled.</p>	<p>ITEM 3</p>
<p>ITEM 4</p> <p>Proposal: 53 seasonal dwelling units: change dates of seasonal use Action: Amendment to approved Findings of Fact (Conditional Use, Site Plan Review and Subdivision) Owner: Bernie Saulnier (William Thompson, Agent), Agent is BH2M, Bill Thompson Location: 180 Saco Ave., MBL: 208-1-1, in the GB-1 & R4 Zone</p> <p>Mr. Bill Thompson, Agent representing Bernie Saulnier stated to the Board that he is here to get an amendment to extend the season for 2 months. December 31st. There are no changes to the site or units. 2 issues that have come up are:</p> <ol style="list-style-type: none"> 1.) Snow removal. There would be no problem with snow removal. 2.) Water and sewer issues would be fine as they are built to withstand the cold months. The water will be shut off on December 31st. There is a 4' crawl space. <p>Mr. Cote asked how will the homeowners know that they must be out on December 31st. Mr. Thompson stated that this will be in the Condo docs. Mr. Cote was concerned with the plowing during the winter months for emergency vehicles to get in</p>	<p>ITEM 4</p>

<p>and out if there is an emergency for safety issues. Charlene Farley from Maine Coast Properties informed the Board that several of the potential buyers stated that they would like to stay until December 31st. Mr. Hinderliter stated that the findings of facts would only state the extra months and assumed that the water shut off would be in the condo docs. Mr. Darling asked if there would be any gates in the entrance. Mr. Thompson stated that there would be one at each entrance. Mr. Darling also asked if there will be any heat in the crawl spaces. Mr. Thompson stated that the only heat will be in the living spaces. Mr. Koenigs stated that he has a problem with this coming back to the Board 2-3 months after it has been approved and asking to amend it does not sit well with him as a Board Member and asked why this wasn't included with the marketing research in the first place. Charlene Farley stated that a lot was based on the marketing of other mobilehome parks/cottages. This was a unique project and until you open the door, you find out what the public is actually looking for. This has been driven by the buyers that want to be in Old Orchard for a longer period. Mr. Koenigs then asked why does the development that was sited as being further down the coast (Wells) that was similar, not used as part of your market research? Attorney Ordway stated that the Town of Wells has an entirely different ordinance. If this project had been done in Wells it would not require a subdivision approval. They classify them as seasonal motels and they specify the season. He stated that the Planning Board's and all other subdivision ordinances prevent the type of marketing that you said should have been done in advance. Mr., Koenigs asked why just seasonal, why not year round? Attorney Ordway stated that this was never proposed for a year round project and it is not suited for one. Mr. Darling asked if another public hearing on the amendment be appropriate to bring out concerns from abutters. Mr. Koenigs stated that he thinks that the concerns have been voiced and responded to properly. Mr. Cote mentioned that he does not want this project coming back in the spring for something else. Mr. Darling asked a question of Ms. Farley: How many potential buyers objected to purchasing because of the October 31st closer date? Mrs. Farley stated that 12 are on the list if the season changes. Mr. Cote asked how many had sold so far. Mrs. Farley stated that 12 are on the list and 12 are under reservation.</p> <p>Mr. Cote made a motion to approve the extension to December 31st on 180 Saco Avenue for 53 seasonal dwelling sites for conditional use. Mr. Darling Seconded the motion.</p> <p>Mr. Hinderliter recorded the vote: Mr. Russo- Yes; Mr. Darling- Yes; Mr. Koenigs- No; Mr. Cote- Yes; Mr. Darling- Yes.</p>	<p>Motion</p> <p>Vote</p> <p>(4-0-1)</p>
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<p>ITEM 5</p> <p>Proposal: Amendment to approved subdivision (30 residential dwelling units) Action: Consideration of subdivision amendment Owner: Pine Ridge Reality Corp. Location Wild Dunes Way (Dunegrass-LaCosta Pines), MBL: 105A-1-200A, PMUD Zone</p> <p>Ron Boutet introduced himself and stated that the only change to this amendment would be the size of the units. The amount of 30 units would be the same. Mr. Hinderliter stated that, in his opinion, this is a simple proposal/amendment. He stated that the only comment that he had received was from Fire Chief John Glass to request if an additional fire hydrant could be added. Other than that Mr. Hinderliter recommends that the Planning Board approve this amendment. Mr. Weinstein stated that he was concerned about the drainage and run off. Chair Winch and Mr. Koenigs stated that there should be less drainage. Mr. Koenigs read a section from the ordinance called Final Approval in Filing Section 74-234. He then asked Mr. Boutet why has it taken so long for someone who's new to this to develop build up? Mr. Boutet informed the Board that when they got Dunegrass approved it was going to be private roads built to the towns specifications. The changing of time in economics would depend that we do different things in different areas. Mr. Hinderliter stated that this is a regular agenda item and the Planning Board can approve this tonight, Mr. Koenigs suggested that they add a short piece to tie the cul de sac with the side road.</p> <p>Mr. Koenigs made a motion to approve the proposed DuneGrass LaCosta Pines with 2 conditions: 1.) The Addition of a fire hydrant at approximate station of 1350. 2.) Work with Director of Public Works and Town Planner to relocate 5' bituminous walkway to tie it into Ross Road at the North end of the development and work with D.O.T. if necessary. Seconded by Mr. Cote.</p> <p>Chair Winch also added to pull out the notes of when they approved it.</p> <p>Mr. Hinderliter recorded the vote: Mr. Russo- Yes; Mr. Darling- Yes; Mr. Koenigs- Yes; Mr. Cote- Yes; Mr. Darling- Yes.</p> <p><i>Motion passes unanimously.</i></p>	<p>ITEM 5</p> <p>Motion</p> <p>Vote</p> <p>(5-0-0)</p>
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<p>ITEM 6</p> <p>Proposal: Conditional Use: Home Occupation. Use of personal kitchen for production of baked goods and canning for sale online and offsite</p> <p>Action: Determination of completeness, schedule site walk and public hearing</p> <p>Owner: Jocelyn Mertz</p> <p>Location: 25 Evergreen Ave., MBL: 311-13-9, R2 Zone</p> <p>Applicant Jocelyn Mertz introduced herself to the Board stating that she is here to bring her proposal to the Board to have approved. She is opening a home occupation in her home for production of baked goods and canning for sale online and offsite. There will be no traffic, no parking conditions.</p> <p>Mr. Koenigs made a motion to accept the application on 25 Evergreen Ave. to approve a home occupation. Use of personal kitchen for production of baked goods and canning for sale online and offsite.</p> <p>Seconded by Mr. Darling.</p> <p><i>Motion passes unanimously.</i></p> <p>Chair Winch stated that they will have a public hearing on December 8, 2011.</p>	<p>ITEM 6</p> <p>Motion</p> <p>Vote</p> <p>(5-0-0)</p>
<p>ITEM 7</p> <p>Proposal: Private Way Application: Access to 1 residential lot</p> <p>Action: Discuss proposal, advise applicant</p> <p>Owner: Robert and Shirley Baggs</p> <p>Location: Connecticut Avenue, MBL: 322-1-7, R3 Zone</p> <p>Steve Harding, representing Robert and Shirley Baggs introduced himself to the Board stating that this was for discussion purposes only before they go to the Zoning Board. They would like to use a private way ordinance so that they create access to that lot to make this a viable lot. It requires a 100' frontage with a 12' wide drive to the lot.</p>	<p>ITEM 7</p>
<p>ITEM 8</p> <p>Proposal: Conditional Use Application: Deck addition to single family residence</p> <p>Action: Approval of Findings of Fact</p> <p>Owner: George and Cynthia Kerr</p> <p>Location: 206 East Grand Ave., MBL: 202-3-10, RA/RBD Zone</p> <p>The Board members signed the Findings of Facts.</p>	<p>ITEM 8</p>
<p>Mr. Hinderliter introduced the new Administrative Assistant, Valdine Helstrom and also introduced Mike Russo, alternate to the Planning Board.</p> <p>Mr. Hinderliter also mentioned that staff is working to get everyone new ordinance books to replace the older ones.</p>	<p>Adjournment</p>

Meeting adjourned at 9:08 pm	
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I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Eight (8) is a true copy of the original minutes of the Planning Board Meeting of November 10, 2011.

Valdine L. Helstrom