

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
Thursday, October 13, 2011**

Call to Order at 7:05 pm	Call to Order
Pledge to the Flag	
Roll Call: Win Winch, Tianna Higgins, Mark Koenigs, Donald Cote, David Darling. Absent: Eber Weinstein Staff: Jeffrey Hinderliter, Town Planner	
<u>APPROVAL OF MINUTES</u> FOR SEPTEMBER 9, 2011 Will hold off until the end when David Darling arrives.	MINUTES
<p><u>ITEM 1</u> Proposal: Site Plan Review Amendment: Construct a 32' x 40' building containing two rental units and associated parking Action: Final Plan Consideration; Design Review Certificate Approval Owner: Cascade Corp (Attar Engineering, Inc., Agent) Location: 12 Foote St., MBL 205-19-11 (Seabreeze Motel), DD2 Zone</p> <p>Chair Winch mentions that this is the final plan consideration. There a couple issues, Driveway issues, buffering and screening and conformity to the ordinance. Chair Winch asked Mr. Hinderliter if he had heard anything back from the Town Engineer and the Public Works Director. Mr. Hinderliter said that he had heard nothing back from them. Mr. Koenigs had a question about the boundary survey, whether the engineers seal is enough or is it required to have a signature. Mr. Hinderliter stated that he thought that the required engineer seal would be enough because the primary setback issue is not a property boundary but a water setback. Mr. Koenigs stated that it is unclear as to where the plantings are going to be moved to, and the other concern is what the limits of the driveway are. John Ponzeti, representing the applicant Mr. Weinstein, stated that the plantings would be going back to the same place that they were before, and as far as the driveway, Mr. Ponzeti would meet with Mr. Hinderliter at his convenience, to make sure that it is clear to where the driveway would be going. Mr. Hinderliter stated that in order to keep this moving forward, we could apply a few conditions on to the findings. We do have a condition on the finding of facts in regards to the buffer just to make sure that it is replanted, though it is not specific where it will be replanted. The Planning Board could identify a specific location as to where they would be replanted, and also maybe an amended plan highlighting the location of the driveway. Mr. Ponzeti agreed to meet with Mr. Hinderliter in regards to this issue as well as meeting with abutters again to make sure that they will be putting the plantings in the proper location. Mr. Koenigs had a general question on something that came up in the shore land zoning workshop concerning the shore land zone map. The plan does show the edge of wetlands. Mr. Koenigs was curious if there were adequate setbacks to the shore land zoning and had concerns that it was unclear what the date was when it became effective. Mr. Hinderliter informed the planning board that the shore land zoning is approved by DEP contingent upon what the conditions may be. There has to be a governing body approval of the ordinance prior to DEP approval. And he believes that the conditional approval was in July. Mr. Hinderliter</p>	ITEM 1

<p>mentioned that they have still never had a final vote on the DRC because they were waiting until everything was settled with the house plans. A motion was made by David Darling to accept the proposal to construct a 32' x 40' building containing two rental units and associated parking at 12 Foote St. subject to conditions brought up by Mark Koenigs, as well as the findings of facts conditions as presented, seconded by Mark Koenigs. A motion was made by Tianna Higgins to approve the design review certificate for 12 Foote Street, seconded by Mark Koenigs.</p> <p><i>Motion passes unanimously.</i></p>	<p>Motion</p> <p>Vote (5-0-0)</p>
<p><u>ITEM 2</u> Proposal: Conditional Use Application (Appeals from restrictions on nonconforming uses): Re-establish 2-family use of existing building Action: Determination of complete application, schedule site walk and public hearing Owner: Robert Kirby Location: 90 Union Ave, MBL: 314-17-2, R2 Zone</p> <p>Chairman Winch asked Mr. Hinderliter if he could give the board a quick summary of this project. Mr. Hinderliter informed the board that Mr. Kirby's proposal was a 2 family bldg until it became vacant in 2009, and wants to reestablish it back to a 2 family building use. It is the planning board's responsibility to schedule a public hearing and a site walk. A public hearing will be scheduled at the next meeting and instead of a committee site walk, the planning committee members will go, on their own, to drive by to take a look at the property.</p> <p>Motion was made by Don Cote to accept the application as complete. Motion seconded by Tianna Higgins.</p> <p><i>Motion passes unanimously.</i></p>	<p>ITEM 2</p> <p>Motion</p> <p>Vote (5-0-0)</p>
<p><u>ITEM 3</u> Proposal: Conditional Use Application: Deck addition to single family residence Action: Determination of complete application, schedule site walk and public hearing Owner: George and Cynthia Kerr Location: 206 East Grand Ave., MBL 202-3-10, RA/RBD Zone</p> <p>Chair Winch mentioned that this item was discussed at their workshop. Mr. Koenigs questioned the Shoreland Zoning and when did it end up going into effect. He mentioned that it is his understanding that they are required to review it because of Shoreland Zoning. But he doesn't have that document. Mr. Cote mentioned that it had already been approved. It fell through because of not getting a the deck done, for whatever reason and suggested to not worry about Shoreland Zoning at this time, move on and give Mr. Kerr his deck. Owner George Kerr took the stand and informed the members of the Board that he did get a building permit, added an addition, tore down an existing deck and wants to put it back because he cannot get out of his back door (safety issue) then he found out that he has a Shoreland Zoning issue. The applicant has gone to the Zoning Board of Appeals, which</p>	<p>ITEM 3</p>

<p>requires a public hearing, had gone through the process of applying for a variance, had it filed and recorded in the registry of deeds, sent out abutting notices. All of the neighbors have already been in and there is no opposition.</p> <p>He asked the Planning Board if it would be possible to vote on it tonight.</p> <p>Mr. Hinderliter informed the Board that this is a real straight forward issue. He doesn't like to see an applicant caught in between something that's the staff and administrations responsibility. He stated that there is nothing in the ordinance that states that the Planning Board cannot approve this. The question is the requirement for a Public Hearing. Which Chair Winch states that this has already been done.</p> <p>Mr. Hinderliter mentioned that this is a single family residence, doesn't effect anyone but Mr. Kerr since there were no objections from the abutters. We could consider it a public safety issue.</p> <p>A Motion was made to Approve the condition of the use of application item No. 3 by David Darling, seconded by Tianna Higgins.</p> <p>The Chairman wished to record the vote. Ms. Higgins-Yes, Mr. Cote-Yes, Mr. Darling-Yes, Mr. Koenigs-Abstain, Chair Winch-Yes.</p>	<p>Motion</p> <p>Vote (4-0-1)</p>
<p><u>ITEM 4</u></p> <p>Proposal: Private Way Application Action: Review application, schedule site walk and public hearing Owner: Matthew G. Chamberlin Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone</p> <p>John Hutchins from Corner Post Land Surveyors was representing the applicant, Matthew G Chamberlin, for an application for a private way on Homewood Blvd. This is and already existing street from an old plan that has never been constructed. This would be for a single home. The proposed private way would be about 350' with a hammerhead that would actually go into an existing right of way. The original recording date was 1963. Mr. Hinderliter suggested that to make sure this is done properly, he is concerned with two issues. First, does the applicant have the right to put a private way across this land? And the second issue is what if the other the lots suddenly want to be developed. By doing a private way does it affect their rights to access that private way? Mr. Koenigs suggested that it would not be fair to the other homeowners to not get them involved and he would suggest getting together with all of the other owners to get them to agree and to development all of the lots so that the whole subdivision can be upgraded. There would be more tax revenue for the town with developed lots as opposed to just one. Mr. Hinderliter suggested to schedule a site walk and he will check with the Town Attorney with this should be handled. Then work through these issues in a scheduled workshop. Mr. Koenigs wanted to thank the applicant for bringing this issue to the forefront.</p> <p>The applicant, Matthew Chamberlin introduced himself and stated that he bought the lot with the intentions that there would be a city road there. But he was misled. He stated that he is just trying to develop a buildable house lot. Mr. Chamberlin understands that this scenario has been done several times already and that he will bring this information to the workshop. Mr. Koenigs mentioned that alot of right of ways are still being used for recreational trails by the residents. One of the things to consider is putting a trail next to it so that is has some recreational aspect that can still be used for the property that is undeveloped.</p>	<p>ITEM 4</p>

<p>The Board decided to set up a site walk for 5:30 P.M. on November 3rd. Mr. Hinderliter will forward this information to the town attorney and hopefully will get some answers for the next meeting.</p>	
<p>ITEM 5 Proposal: Design Review Certificate: Demolition of Building Action: Design Review Certificate Approval Owner: Conrad Catalano (Blue Jay, Inc.) Location: 10 East Grand Ave., MBL 306-5-4, DD1 Zone</p> <p>Ms. Higgins moved to approve the Design Review Certificate for the Demolition of the Building on 10 East Grand Avenue, the motion is seconded by Mr. Koenigs.</p> <p><i>Motion passes unanimously.</i></p>	<p>ITEM 5</p> <p>Motion</p> <p>Vote (5-0-0)</p>
<p>ITEM 6 Proposal: Design Review Certificate: Pool Replacement Action: Design Review Certificate Approval Owner: Lafayette Old Orchard, LLC Location: Beach Street, MBL 313-5-1, DD2 Zone</p> <p>Mr. Hinderliter informed the Board that the Planning Board has gone through the Administrative Site Review and as part of that process, staff has to notify abutting homeowners within 100’ feet of the property. They have 7 days to comment. The only responsibility with the Planning Board is the Design Review Certificate.</p> <p>Ms. Higgins moved to approve the Design Review Certificate for a pool replacement on Beach Street, the motion was seconded by Mr. Darling. (4) approved, one abstained (Mark Koenigs)</p>	<p>ITEM 6</p> <p>Motion</p> <p>Vote (4-0-1)</p>
<p>GOOD & WELFARE: Mr. Hinderliter mentioned that there were some comments about the Performance Guarantee, reducing it to something more reasonable considering the type of development that was happening. The Planning Board agreed to that concept and requested that the numbers proposed by Hid’n Pines Performance be reviewed by our engineer. Staff had it reviewed by our engineer. Ultimately what the Planning Board requested was some sort of sign off from staff stating that every one is ok with everyone. No action required by the Board, just communication. Mr. Hinderliter brought the Board up to date on the new hire for the Administrative Assistant, who will be replacing Carolyn. Her name is Valdine Helstrom, and has worked in City Government for over 20 years. Also they are performing interviews for the new Code Enforcement Office, Mike Nugent who will be getting done on November 4th. Everyone thanked Tianna Higgins for serving on the Planning Board as this will be her last meeting. Mr. Hinderliter pointed out that we have received over 400 surveys for the Comprehensive Plan. so far and the next public meeting for the Comprehensive Plan will be October 27th at Jakeman Hall in Ocean Park starting at 7:00 P.M. to talk about the surveys,</p>	

<p>and another meeting on November 19th (Saturday), in the Town Council Chambers from 9:00 – 11:00 A.M.</p> <p>Mr. Koenigs approves to accept the minutes of September 9, 2011 and Mr. Darling seconds the motion. <i>Motion passes unanimously.</i></p>	<p>Motion Minutes September 9, 2011 (5-0-0)</p>
<p>Meeting adjourned at 8:05 pm</p>	<p>Adjournment</p>
<p> </p>	<p> </p>
<p> </p>	<p> </p>

I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of five (5) is a true copy of the original minutes of the Planning Board Meeting of October 13, 2011.

Valdine L. Helstrom