

**TOWN OF OLD ORCHARD BEACH  
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES  
Thursday, September 8, 2011**

<b>Call to Order at 7:05 p.m.</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Win Winch, Don Cote, Mark Koenigs, Eber Weinstein, David Darling. <b>Absent:</b> Tianna Higgins, Karen Anderson. <b>Staff:</b> Jeffrey Hinderliter, Town Planner; Mike Nugent, Code Enforcement Officer	
<b><u>APPROVAL OF MINUTES:</u></b> Will hold off until the end when David Darling arrives.	<b>MINUTES</b>  <b>Motion</b>  <b>Vote</b>
<p><b>Proposal:</b> Site Plan Review Amendment: Construct a 32' x 40' building containing two rental units and associated parking</p> <p><b>Action:</b> Final Plan Consideration; Design Review Certificate Approval</p> <p><b>Owner:</b> Cascade Corp (Attar Engineering, Inc., Agent)</p> <p><b>Location:</b> 12 Foote St., MBL 205-19-11 (Seabreeze Motel), DD-2 Zone</p> <p>There was a site walk on August 4<sup>th</sup>. Mr. Hinderliter briefs the panel of Item 1. The proposal has gone out to all of the department heads and no comments have been received. It has gone out to the engineers. Letter on the table from the Biddeford and Saco Water Department and that is the only review outside of staff. There are two primary issues: The buffer and the driveway. Buffer – whether some vegetation would be removed as a result of the driveway’s proposed location and what type of vegetation might remain. We have not received any Amended Plan showing these changes. King is working on an Amended Plan for the buffer. We have an ordinance that deals with driveways. Driveways are supposed to be certain distances from intersections and other driveways. After measuring the driveway, it was discovered that it does not conform. Mr. Hinderliter recommends that the matter be tabled until further information is received. Design Review Proposal is a part of the package</p>	<b>ITEM 1</b>
Mr. Hinderliter: Moved to table the matter and seconded by Chair Winch.	<b>Motion (Item 1)</b>
Approved... all agreed.	<b>Vote (5-0-0)</b>
<p><b>Proposal:</b> Conditional Use/Waiver of number of parking spaces: Convert current shop/warehouse to 1 lodging unit</p> <p><b>Action:</b> Findings of Fact Approval</p> <p><b>Owner:</b> La Boca Corp, King Weinstein</p> <p><b>Location:</b> 30 Washington Ave., MBL 308-1-1, NC-3 Zone</p> <p><b>Chairman:</b> There are revised Findings of Fact with the packet. Does someone want to make a motion to approve the Findings of Fact? Mike?</p> <p>Mr. Nugent would like to be sure that the Board is entirely comfortable with this matter as there is a good chance that the abutters will litigate the matter. Mr. Darling asks what the specific issues are regarding the abutters. Mr. Nugent states that ordinance problems more than anything else are the issue. Mr. Darling asks if there could be some direction from staff on this matter to try and head off any expensive litigation.</p> <p>Mr. Hinderliter: We have all put in a considerable amount of time on this. We have twice recommended that this be reconsidered by the Planning Board for a number of reasons. We met with Mr. Weinstein. One of the reasons you are looking at this Amended Findings of Fact is because of some of the agreements that Mr. Weinstein is proposing as a result of some of the</p>	<b>ITEM 2</b>

<p>conversations we had with the abutters. We've sought attorneys' opinions several times – the decision seems to be pretty solid and pretty clear. The only thing that we can do at this point is to start the process over, and that would mean a resubmission of the application by the applicant, which would be difficult because the Findings of Fact have already been approved.</p> <p>Chairman Winch remembers one of the issues as being parking space. A one room – suite hotel is apparently permissible. Mr. Nugent says one possible solution is to not make the final action tonight to allow us more time. The applicant may also appreciate that too. If there is an appeal, he would be in the middle of that too. There was some discussion concerning a small triangular piece of property and possibly having the parties' compromise and reach an agreement on it. Mr. Hinderliter says that most of the abutters' comments are "opinions" and are subject to definition. They make some very good points, but they are just opinion. Mr. Koenigs feels that they reviewed the findings of fact, made some modifications, and are satisfied with the changes. Mr. Darling points out that the matter should be moved forward. The Chairman asks that someone make a motion.</p>	
<p>Mr. Koenigs moves that the Findings of Fact be signed; it is seconded by Mr. Darling, and it is agreed that they will execute at the close of the meeting.          Approved (Mr. Weinstein not yet present).</p>	<p><b>Motion (Item 2)</b>  <b>Vote (4-0)</b></p>
<p>Proposal: Amendments to zoning ordinances. Chapter 78, Article I, Section 78-1, Article II, Section 78-34, 78-38, 78-68, 78-70, 78-94, 78-95, Article III, Section 78-142, Article VII, Section 78-1268, Article VIII, Section 78-1625, 78-1627, 78-1629, 78-1631.</p> <p>Action: Recommendation for forwarding to the Town Council</p> <p>Mr. Nugent: These are the same zoning ordinances that we have been discussing since March, but we removed from discussion the design and review portion and the site plan review portion. Those will be revisited at a later date. There was discussion on "set backs." Then last section: Signage. There are new allowances for more, smaller signs, to go in windows, and menu boards to go on the streets.</p> <p>Mr. Darling asked where it is more or less restrictive than the other ordinances and is told that it is less restrictive and more practical.</p>	<p><b>ITEM 3</b></p>
<p>Mr. Darling moves to approve the amendments made to the ordinance; it is seconded by Mr. Weinstein, and after some discussion led by Mr. Weinstein regarding allowance set back, the matter is approved with no opposition and they move to recommend the amendments.</p>	<p><b>Motion (Item 3)</b>  <b>Vote ( 5-0-0)</b></p>
<p>Proposal: Request to review performance guarantee calculation methodology</p> <p>Action: Review and Approval</p> <p>Owner: DGA Enterprises</p> <p>Location: Hidn Pines Campground, 8 Cascade Road, MBL 104-1-30, RD Zone</p> <p>Mr. Hinderliter states that the final numbers have not been received yet. The concept was approved at the last meeting; you just wanted to see the final numbers. Bill stands up to the podium. Review items that would be of concern to DGA or the Ahearns. There are six items they felt would be required to stabilize the site and minimize any off-site impacts. That letter has been floating around since July and was revised in August. Standard Computer-Driven Performance Guaranty was distributed to Mike and Stephanie Hubbard at Wright-Pierce. Copies of the cost estimates were distributed to the Planning Board as opposed to a letter. Mr. Koenigs states that he would like to see something in writing for the Town stating that they are OK with these numbers. The Chair agrees.</p>	<p><b>ITEM 4</b></p>
<p>Mr. Darling moves to approve the Performance Guaranty Calculation Methodology subject to staff and Town Engineer approval; the motion is seconded by Mr. Koenigs. Mr. Weinstein would like to see something in writing before he votes on the matter. Mr. Darling points out that the vote doesn't count if the condition isn't met. But we approve the concept. The Chairman wishes to record the vote. Mr. Weinstein - No, Mr. Koenigs - Yes, Mr. Darling - Yes, Mr. Cote – Abstain, Chair Winch – Yes.</p>	<p><b>Motion (Item 4)</b>  <b>Vote (3-1-1)</b></p>

<p>Proposal: Design Review Certificate: Façade Renovation                  Action: Design Review Certificate Approval                  Owner: Kim McLaughlin                  Location: 20 Foote St., MBL 205-19-17, DD2 Zone</p> <p>Chair: The Design and Review Committee has done all the work and we need to approve their efforts, which are being done on our behalf. Mr. Weinstein and Mr. Koenigs have concerns that there is no summary within the document which would support the Findings of Fact. The Chair states that the Design and Review Committee is a sub-committee of the Planning Board. Mr. Weinstein is concerned about consistency concerning the architectural details and the lack thereof. Mr. Koenigs agrees. Mr. Weinstein reads from the D &amp; R Committee report. Mr. Darling believes it is pretty standard language. The Chairs moves to make a Motion to Approve with a caveat noting that pictures are always appreciated. Mr. Hinderliter explains why some packages have pictures included and why some do not and will make sure that in the future there will be a photograph of description included. He also explains that the RC recommends Board approval.</p>	<p><b>ITEM 5</b></p>
<p>Mr. Koenigs moves to Approve Item No. 5, seconded by Mr. Darling.</p> <p>All approve.</p>	<p><b>Motion (Item 5)</b>  <b>Vote (5-0-0)</b></p>
<p>Proposal: Design Review Certificate: 28 x 27 Addition                  Action: Design Review Certificate Approval                  Owner: Peter and Jill Kelley                  Location: 7 Francis St., MBL 205-7-12, DD2 Zone</p>	<p><b>ITEM 6</b></p>
<p>A Motion was made to Approve Item No. 6 by Mr. Weinstein and was seconded by Mr. Koenigs. There was no discussion.</p> <p>All approve.</p>	<p><b>Motion (Item 6)</b>  <b>Vote (5-0-0)</b></p>
<p>Proposal: Site Plan Review/Major Subdivision: Demolish 53 overnight cabins and replace with 53 seasonal dwelling units                  Action: Plan Signatures; Findings of Fact Approval                  Owner: Bernie Saulnier (BH2M- William Thompson, Agent)                  Location: 180 Saco Avenue, MBL 208-1-1, GB-1 &amp; R4 Zones</p> <p>Chair Winch states that the matter was approved at the last meeting and that there is not action required at this meeting except for the signing of the Findings of Fact.</p>	<p><b>ITEM 7</b></p>
<p>Chair: No further action required. No motion needed.</p>	<p><b>Motion (Item 7)</b>  <b>Vote</b></p>

<p><b>GOOD &amp; WELFARE:</b> Mr. Hinderliter introduces Carolyn Dulac as a temporary administrative assistant in Code and Planning and states that 90 resumes were received in response to the advertisement and that interviews will be held very soon.</p> <p>Mr. Hinderliter pointed out that the Comprehensive Plan Survey is underway via a bulk mailing to property owners, the Town website, Survey Monkey, and they will be seen almost everywhere. Mr. Hinderliter is hopeful that the information will be received by mid-October.</p> <p>Minutes from Workshop of August 4, 2011 – Building at 12 Foote Street. Mr. Darling moves to approve the minutes and Mr. Weinstein seconds the motion. Mr. Koenigs has concerns that the minutes should show who was involved in the site walk. The Chair refers all to the second page,</p>	<p><b>Motion (Minutes)</b>                  4, Aug. 2011                  Vote (5-0-0)</p>
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<p>with italics regarding Jeremiah's Cabins and strikes a portion, which was a misquote of Chairman Winch.</p> <p>Mr. Darling moves to approve the minutes of August 4, the site walk and workshop. Mr. Weinstein seconds the motion. All approve.</p> <p>ADJOURNMENT: 0:45:43 minutes after commencement of meeting.</p>	
Meeting adjourned at 7:50 p.m.	<b>Adjournment</b>

*I, Carolyn Dulac, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages, is a true copy of the original minutes of the Planning Board Meeting of September 8, 2011.*