

TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
 THURSDAY, JANUARY 23, 2012

Call to Order at 7:08 pm	Call to Order
Pledge to the Flag	
Roll Call: Carl D'Agostino, Win Winch, Mark Koenigs, David Darling Absent: Eber Weinstein, Donald Cote, Michael Russo Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
APPROVAL OF MINUTES: Mr. Koenigs made a motion to approve the minutes of August 11, 2011. Seconded by Mr. Darling.	MINUTES Motion Vote (4-0)
<p><u>PUBLIC HEARING</u></p> <p><u>ITEM 1</u> Proposal: Private Way Application: Access to 1 lot Owner: Robert and Shirley Baggs Location: Connecticut Avenue, MBL: 322-1-7, R3 Zone</p> <p>Steve Harding introduced himself to the Board. He is here representing Amek and is here on Behalf of Robert and Shirley Baggs. The Baggs are seeking a private way approval. This is required because of the vacation of Connecticut Avenue. At some point the town decided to end the control of Connecticut Avenue and because of that, the Right of Way splits up in half and reverts to the abutters on either side of the road and they get the property. In doing that, it was originally a 45' right of way and because it only has 20' of right of way now, the Baggs had to go to the Board of Appeals for a variance. The Baggs have done that and it was determined at the end of November. The variance was actually for the width of the right of way. What they are proposing now is a 25' wide right of way and has a turnaround which is required. The driveway is about 12' wide. The road extends for less than 75'. We were able to use the turnaround configuration to pick up the required 100' of frontage.</p> <p>Gordon Anderson from 30 Connecticut Avenue introduced himself. He lives across the street from the proposed driveway area. He is concerned with drainage/flooding. He asked what happens if that land is sold. Would the new owners have to go to another public hearing? Win Winch stated what they are discussing tonight is access to a building lot.</p> <p>There being no one else speaking for or against this item, the public hearing closed at 7:15 pm.</p>	<u>ITEM 1</u>
<p><u>ITEM 2</u></p> <p>Proposal: Site Plan Review Amendment to 2001 approval: Install fencing, adjust lot lines, construct vehicular access Owner: BBI Waste Industries Location: 1 Vallee Lane, MBL: 107-2-28, ID Zone</p> <p>Mark St. Germain, representing BBI Waste Industries, introduced himself. This site has been Existing since the 1970's and has been in its current use since 2001. They have been using about 9 acres, but the actual property that is delineated is about 4-4 ½ acres. A couple of years ago</p>	<u>ITEM 2</u>

<p>BBI started taking the waste materials from the town’s transfer station. There is a lot more pedestrian use, they would like to re-arrange some traffic patterns, some security and what they are proposing is to clean up the site a little bit from a layout perspective. They will put a fence around this 9 acre parcel. As a part of this expansion of operating area there was an interest in managing the storm water for both the town and state requirements, so they will be adding another storm water drainage facility. There will be very little grading and a couple storm water management ponds and the only other change is building CMP an access drive off to the side for their easement. It originally ran through the property. Win Winch asked if BBI or CMP would be responsible for maintenance to that road? Mr. St. Germaine stated that it is an agreement to CMP, so once it is constructed it will be the responsibility of CMP.</p> <p>John Bird introduced himself. He asked why they are saying that this will basically be the same operation and going from 4 – 9 acres. Win Winch explained that they have been using the surrounding area and now they are going to put it all in one 9 acre parcel.</p> <p>There being no one else speaking for or against this item, the public hearing closed at 7:22 pm.</p>	
<p><u>ITEM 3</u> Proposal: Conditional Use: Addition of 20 feet to existing radio antennae Owner: Town of Old Orchard Beach Location: 136 Saco Ave. (Fire Department), MBL: 207-3-8, GB1 Zone</p> <p>There being no one speaking for or against this item, the public hearing closed at 7:27 pm.</p>	<p><u>ITEM 3</u></p>
<p><u>ITEM 2</u> Proposal: Site Plan Review Amendment to 2001 approval: Install fencing, adjust lot lines, construct vehicular access Action: Final Review; Findings of Fact Owner: BBI Waste Industries</p> <p>This amendment is basically to install fencing, adjust lot lines and construct a vehicle access. Mr. St. Germaine stated that they were asked by CMP to widen the road a little, so they have Submitted an updated plan to the town.</p> <p>Mr. D’Agostino asked if this proposal is closer to 8 or 9 acres. Mr. St. Germaine stated that this Is going to be closer to 9 acres. Mr., Koenigs asked, in regards to the Findings of Facts, will there be more traffic? Mr. St. Germaine stated that there will be no impact to the area, no change from what is there now. Mr. Koenigs was also curious about the trails and access to the trails in that area.(CMP easement) Is there potential for access to the easement? Mr. St.Alaire mentioned that there are more 4-wheelers than there are walkers there. Mr. St. Germaine also mentioned that the State approval requires limited access and this is not the kind of place you want trails going through anyways.</p> <p>Mr. St. Germaine also mentioned that the DEP permit is almost done.</p>	<p><u>ITEM 2</u></p>

<p>Win Winch read off the Findings of Facts. (3 conditions)</p> <ol style="list-style-type: none"> 1. BBI Waste Industries shall secure all necessary agreements and legal approvals for those who have rights to use the access before construction of the access begins. These agreements shall be submitted to the town once they are completed. 2. All performance assurances shall be in place before construction begins and the municipal infrastructure inspection procedure shall be followed. 3. The applicant shall secure applicable Maine DEP permit approvals before the commencement of construction. <p>Mr. Darling made a motion to propose that the Planning Board conditionally approve the site Plan proposal by BBI Industries to increase the size from 4 – 9 acres construction of a driveway with the Utilities easement, installation of fencing for improved security, subject to the conditions read by The Chairman. Seconded by Mr. D’Agostino.</p> <p>Jeffery Hinderliter recorded the vote:</p> <p>Mr. Darling – Yes Mr. D’Agostino - Yes Mr. Koenigs – Yes Mr. Winch – Yes.</p> <p>All approved.</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;">(4-0)</p>
<p><u>ITEM 3</u></p> <p>Proposal: Conditional Use: Addition of 20 feet to existing radio antennae Action: Final Review; Findings of Fact Owner: Town of Old Orchard Beach</p> <p>Chair Winch stated that the antennae has been replaced since June out of necessity. The prime issue of the Board is to Consider The Waiver of the wireless telecom facility standards. This is in a GB1 Zone and is a conditional use. This is in section 78-1307 of the ordinance under the Wireless Communication section.</p> <p>There is a letter from the consultants, Lincoln/Haney and Associates, and what they recommended.</p> <p>Mr. Koenigs asked if this was 95’ from the ground and wanted to know if they are waiving the Total 20’.</p> <p>Mr. Winch stated that it is 95’ from the ground but they only need to waive 10’ of the 20’ section.</p> <p>Mr. Darling stated that in the interest of public safety they should approve the conditional use of this antennae.</p>	<p style="text-align: center;"><u>ITEM 3</u></p>

<p>Mr. Darling made a motion to Waive the Wireless Telecom Facility Standards. Seconded by Mr. Darling. All agreed.</p> <p>Mr. Koenigs made a motion to approve the final application of a 20’ extension of the existing Antennae at the fire station. MBL 207-3-1 (GB1 Zone). Seconded by Mr. Darling. Unanimous.</p> <p>Mr. Hinderliter mentioned that the Findings of Facts for both BBI and the Fire Department Antennae are up front for the Board Members to sign tonight.</p>	<p>MOTION</p> <p>VOTE (4-0)</p> <p>MOTION</p> <p>VOTE (4-0)</p>
<p><u>ITEM 4</u> Proposal: Private Way Application: Access to 1 lot Action: Review submissions; Schedule Final Review Owner: Matthew G. Chamberlin Location: Homewood Boulevard, MBL: 403-17-13, R5 Zone</p> <p>Mr. Hinderliter suggested that we table this item as the Applicant didn’t supply any additional information to the Board but Jeffrey thinks that he is still going to pursue this. All agreed.</p>	<p><u>ITEM 4</u></p>
<p><u>ITEM 5</u> Proposal: Private Way Application: Access to 3 residential lots Action: Review submissions; Final Review Owner: Harry L. Smith Location: 19 Smith Wheel Road, MBL: 210-1-11, R4 Zone</p> <p>Chair Winch stated that they are here to review the Private Way Application and Submission for a final review.</p> <p>At the last meeting the Planning Board waived the subdivision road requirement to determine the 50’ right of way width was not required because the right of way existed before September 1989 and decided that the Road frontage was not required because the lot in question was established before the adoption of the ordinance frontage requirements. A public hearing is not required because the access already exists.</p> <p>The following is a request from the Planning Board that was submitted:</p> <ol style="list-style-type: none"> 1. Maintenance Agreement 2. Private Way application 3. Public Safety Opinion. <p>Mr. Koenigs made a motion to approve the Private Way Application, MBL 210-1-12 (R-4 Zone) for Harry L. Smith, Jr. as submitted. Seconded by Mr. Darling. So moved.</p> <p>Mr. Hinderliter called for the vote:</p> <p>Mr. Darling – Yes Mr. D’Agostino – Yes Mr. Koenigs – Yes Mr. Winch – Yes</p>	<p><u>ITEM 5</u></p> <p>MOTION</p> <p>VOTE (4-0)</p>

<p><u>ITEM 6</u> Proposal: Conditional Use: add 1 motel unit within existing building Action: Determination of completeness; schedule public hearing and site walk Owner: Larry Pyle Location: 34 Washington Ave, MBL: 311-16-15, NC3 Zone</p> <p>Chair Winch brought the Board up to date that we are here tonight to determine completeness, Schedule a public hearing, and do a site walk.</p> <p>Larry Pyle introduced himself and informed the Board members that because of the parking issues, he has talked to the owner of the Friendly Market and agree that they could park there for the winter until late Spring and at that time, they could talk about so much per parking space so that they can park there.</p> <p>Mr. Winch stated that Mr. Pyle is adding 1 motel unit and asked Jeffrey if the application is complete.</p> <p>Jeffrey stated that the application is complete, however he needs to get written approval concerning the parking issue, whether it is provided off site or whether there is a specific waiver requested for it.</p> <p>Jeffrey also mentioned that there is still a parking requirement and he thinks it is complete, just conditional upon the parking issue.</p> <p>Chair Winch stated that if Mr. Pyle just gets in writing, what he just conveyed to the Board, that Would be sufficient.</p> <p>They scheduled a site walk for Thursday, February 9, 2012 at 6:45 at the site of 34 Washington Avenue. MBL 311-16-15. And scheduled the Public Hearing for that night also.</p>	<p><u>ITEM 6</u></p>
<p><u>ITEM 7</u> Proposal: Convert existing plumbing building into 1-family home (30% Shore land Expansion) Action: Determination of completeness; schedule public hearing and site walk Owner: Robert Stevenson Location: 34 Oceana Ave; MBL: 320-9-2; RA Zone</p> <p>This is a new Conditional Use application. This proposal is to convert an existing vacant building (formerly used as a plumbing shop) into a single family dwelling. The reason this is before the PB is because it is a 30% expansion within the shore land zone. As a result of the 2011 shore land zoning ordinance changes, proposal that involve 30% expansions now require PB Conditional Use review. Also, this requires PB approval because the project involves removal of more than 50% of the structures market value and for the conversion to a single family home.</p> <p>There has been a fair amount of work and correspondence between the applicant's daughter, former Code Officer Mike Nugent and the Department of Environmental Protection. I recommend you carefully review this correspondence.</p> <p>I recommend the applicant work with the code officer on the understanding the regulations and complying with the Floodplain Management Ordinance. The code officer can offer comments to the PB concerning his findings.</p>	<p><u>ITEM 7</u></p>

Chair Winch asked Jeffrey if the Code Officer had offered any comments. Jeffrey stated that he had not heard from the Code Officer, but if that is the wishes of the Board, he can inform the Code Officer that instruction has also come from the Planning Board. Mr. Hinderliter mentioned a few items to be aware of:

1. The removal of more than 50% of the structures market value requires the Planning Board to determine that the proposed reconstruction complies with the shore land setback to the greatest practical extent. A site walk will be helpful for this.
2. The structure cannot encroach on the wetland further than what the existing structures setback is: although, rip rap can typically be placed within this area as long that it receives applicable DEP approvals.
3. The existing foundation, 1st and 2nd floors all county in calculating the volume and square footage for the 30 % expansion (these calculations are included in the applicants packet).
4. Trees that are removed as part of this project will need to be replaced with trees that are native to the area.
5. The proposal will need to comply with the Floodplain Management Ordinance. I believe the applicant should discuss with the code officer how this needs to be done before the Planning Board provides a final ruling.
6. Public water and sewer connections exists, we should just receive assurance they are in good working order.

Paula Sherwood, from 116 Old Thompson Road in Buxton introduced herself to the Board. Chair Winch asked her if the sewer and water connection was still there. Robert Stevens from 178 W. Grand Avenue then introduced himself to the Board and stated that the sewer line was never connected and there was water there at one time, but they had never re-connected the water line when they ran the waterline down the street.

Chair Winch stated that the Board is here tonight to determine the application complete.

Mr. Hinderliter stated that the application looks complete and also mentioned that the site walk is very important and to be able to identify the waterline. So a time when it is light out would be helpful.

Mr. Koenigs asked the applicant if they would be able to show the Board Members where the property lines are even with the snow cover.

Mr. Stevens assured them that they could.

Mr. Stevens also mentioned that they would be building on the existing foundation.

The Planning Board set the site walk for Saturday, February 4, 2012 at 9:30 a.m.

The Planning Board also scheduled a Public Hearing on February 9, 2012 as well.

It was suggested by Mr. Darling that it would be convenient to schedule the two site walks on that same day.

The Board will check with Mr. Pyle to see if they can re-schedule his site walk to Saturday, February 4, 2012

There being no further issues to discuss, the meeting adjourned at 8:15 pm. GOOD & WELFARE ADJOURNMENT WINTHROP WINCH, CHAIRMAN	
Meeting adjourned at 8:27 pm	Adjournment

I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Seven (7) is a true copy of the original minutes of the Planning Board Meeting of January 23, 2012.

Valdine J. Helstrom