

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING/PLANNING BOARD MEETING MINUTES
THURSDAY, FEBRUARY 9, 2012**

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
Roll Call: Carl D’Agostino, Win Winch, David Darling, Michael Russo, Eber Weinstein, Mark Koenigs. Staff: Jeffery Hinderliter, Town Planner, Valdine Helstrom, Administrative Assistant.	
<p><u>APPROVAL OF MINUTES:</u> Michael Russo made a motion to approve the January 5, 2012 meeting minutes, seconded by David Darling. Unanimous. Win Winch pointed out a typo from the January 23, 2012 meeting minutes. Second page Item #1. Change “the” to “they”. Mark Koenigs made a motion to approve the January 23, 2012 meeting minutes with the change noted, seconded by Michael Russo. Unanimous.</p>	<p style="text-align: center;">MINUTES</p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (5-0)</p>
<p><u>PUBLIC HEARING</u> <u>ITEM 1</u> Proposal: Conditional Use: add one (1) motel unit within existing building Owner: Larry Pyle Location: 34 Washington Ave, MBL: 311-16-15, NC3 Zone</p> <p>The public hearing opened at 7:07 pm. There was nobody speaking for or against this item. The public hearing closed.</p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;">PUBLIC HEARING</p>
<p><u>PUBLIC HEARING</u> <u>ITEM 2</u> Proposal: Convert existing plumbing building into a one (1)-family home (30% Shoreland Expansion) Owner: Robert Stevenson Location: 34 Oceana Ave; MBL: 320-9-2; RA Zone</p> <p>The public hearing opened at 7:08 pm. John Bird from Ocean Park introduced himself. John stated that in general, he is in favor of this but he has a concern about the environmental issue with the amount of fill to be required. This includes the fill in the basement of a 2’ depth. That would eliminate water storage space for flooding. Mr. Bird wanted the Planning Board to take this under advisement and check on the calculations.</p> <p>A letter from Fred Wright, an abutter was read by Chair Winch:</p> <p>“Thank you for showing me the file for 34 Oceana in Ocean Park. I own the field and the house at 24 Oceana. I have no objection to the project, I just ask that they be careful as they do the work that they do not damage the evergreen trees on my property which abuts their property on the ocean side. I treat that field as lawn and I would not want vehicles or heavy equipment parking or working from that property in the course of demolition or construction or using the property for delivery or other temporary storage. Can you please build these</p>	<p style="text-align: center;"><u>ITEM 2</u></p> <p style="text-align: center;">PUBLIC HEARING</p>

items into the permit. Thank you, Fred Wright”

REGULAR MEETING

ITEM 1

Proposal: Private Way Application: Access to 1 lot
Action: Final Review
Owner: Robert and Shirley Baggs
Location: Connecticut Ave., MBL: 322-1-7, R3 Zone

Win Winch asked Jeffrey about the following waivers:

Horizontal and vertical curve data and road stationing in 50-foot horizontal increments.

Jeffrey informed the Board that he has no problem waiving this request.

Drainage calculations and storm water management plan designed for a 25-year storm event.

Jeffrey stated that in this case we have a couple of protections:

1. We have property owners that abut each other that get along and will work with their own issues with stormwater drainage and tree removal.
2. As part of the private way ordinance, the Public Works Director will need to review this plan. That is part of the Recommendation of Approval for this condition.

Mark Koenigs mentioned that he thought the DPW Director had already reviewed the Application Plan and he also had a concern that the abutters may get along now, but what if these properties go up for sale and there are new neighbors.

Other than that Mr. Koenigs stated that he doesn't see an issue with waiving this item.

Mr. Koenigs moves to waive this requirement.

Street tree planting plan.

The Board was in agreement to waive this requirement to take down a couple of the large trees because of safety issues.

Completed Declaration of Maintenance of Private Way.

Jeffrey sees no problems with waiving this requirement because this is just a one lot access.

Mark Koenigs asked that if the existing driveway and the proposed driveway are going to be side by side, then what is the shared responsibility of the two neighbors, i.e. plowing the snow.

Steve Harding, Engineer at AMEC, representing the Baggs, informed the Board that he should have marked this waiver non applicable. It will be up to the neighbors to work out the maintenance of snow removal. He doesn't anticipate that there is going to be a problem with that.

All agreed on this waiver.

Carl D'Agostino stated that he was concerned about the trees being taken down without their ability to move water away from the property and the street. It seems to him that there is going to be a lot more water built up in the swale between the property line and the driveway. He asked if this does happen, will this be the responsibility of the homeowner or the town.

Win Winch stated that this is a private road and is basically a driveway so this would be the

ITEM 1
REGULAR MEETING

<p>responsibility of the homeowner.</p> <p>Mark Koenigs made a motion to approve the private way application to access 1 lot for Robert and Shirley Baggs, Connecticut Avenue MPL: 322-1-7, R3 Zone with the condition that the development shall not commence until the stormwater management has been approve by the Old Orchard Beach Public Works Director. Seconded by David Darling.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Mr. D’Agostino – Yes Mr. Darling – Yes Mr. Russo – Yes Mr. Eber Weinstein - Yes Mr. Winch – Yes</p> <p>Unanimous</p>	<p>MOTION</p> <p>VOTE</p> <p>(6-0)</p>
<p><u>ITEM 2</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>Mark Koenigs made a motion to table this Item. Seconded by David Darling. No discussion.</p> <p><u>ITEM 3</u> Proposal: Conditional Use: add 1 motel unit within existing building Action: Discussion; Schedule Final Review Owner: Larry Pyle Location: 34 Washington Ave, MBL: 311-16-15, NC3 Zone</p> <p>The Board had a site walk on this property on Saturday, February 4, 2012. Jeffrey gave a brief overview of this project stating that we are at the point of advising the applicant so that we can move forward to the final phase which is our final review. Jeffrey’s main concern is that we need to get a handle on the parking issue. They need documentation concerning the parking. Jeffrey states that he thinks the Board can schedule the final review, and that he recommends Mr. Pyle secure the letter beforehand. Jeffrey also mentioned that if we look at the conditions that were attached to 32 Washington Ave. number one (1) and number three (3) were more site specific to the proposal.</p> <p><u>ITEM 4</u> Proposal: Convert existing plumbing building into 1-family home (30% Shoreland Expansion) Action: Discussion; Schedule Final Review Owner: Robert Stevenson Location: 34 Oceana Ave; MBL: 320-9-2; RA Zone</p> <p>The Board had a site walk on this property on Saturday, February 4, 2012.</p>	<p><u>ITEM 2</u></p> <p><u>ITEM 3</u></p> <p><u>ITEM 4</u></p>

The applicant did apply for a National Resource Protection Act permit. Jeffrey mentioned that we need to make sure that the proposal meets applicable DEP rules. DEP has visited the actual site. They had a formal site visit, The applicant worked with prior code officer Mike Nugent to work out the 30% calculations and flood hazard development permits. The Planning Board needs to make sure that the public water and sewer connection is acceptable by the appropriate departments.

We need to make sure that we are on board with these three items to move forward:

- 1.) Documents from the Water and Sewer Departments.
- 2.) Condition any approval that they secure Flood Hazard Development permitting before the beginning of construction.
- 3.) Make sure that they meet applicable DEP rules.

Jeffrey informed the Board that we have enough information to schedule a final review at the next Planning Board meeting.

Chair Winch asked Jeffrey about the two (2) permits.

Jeffrey stated that the applicant needs to get the Planning Board approval before they can secure a building permit. And to get the building permit, they need to know if the 30% expansion is ok. So the applicant needs to know what to apply for.

Jeffrey stated that the first thing they need to do is get the DEP state permittings required, then they need to get the Planning Board approval, then get the Code Enforcement approval.

Chair Winch suggested that he thought the 2 big issues right now would be to get the DEP clarification on the basement issue. The surfacing issue (filling in the basement and volume calculations).

Jeffrey stated that the 30% is the town regulations through shoreland zoning. The volume can be a little confusing because we are dealing with the flood plain issue.

The applicant needs to get the final sign offs from DEP

Paula Sherwood from Buxton introduced herself.

On February 2, 2012 she applied for an Elevation Certificate.

On February 7, 2012 she met with the code enforcement officer and submitted a Tier 1 (which is a little more involved than the Permit by Rule) application with the DEP so she is just waiting to hear back from them.

Dave Darling asked if there is an existing foundation, is it actually a 4' frost wall and are they going to be using the same footing/frostwall.

Ms. Sherwood stated that they will be using the existing foundation. And there is a 4' frost wall.

Jeffrey suggested to the Board to schedule a final review and hopefully we will get the information back to secure the final review at the March 9th meeting.

It was also suggested that the applicant contact the Biddeford and Saco Water Company for the capability of services.

ITEM 5

Proposal: Residential Single Family Lot Subdivision
Action: Subdivision and Site Plan Sketch Plan Review
Owner: Beachmont Land Development, LLC
Location: Portland Ave., MBL: 103-1-30; RD/SP Zone

ITEM 5

Steve Blais from Blais Engineering introduced himself, along with Cary Seamans and David Alves From Beachmont Land Development, LLC here to present a sub division plan.

They are looking to cater to first time home buyers. Affordable/smaller units. Approximately \$200,000 price range, year round residences. This project will increase jobs and also increase the tax base. They have approximately 265' of frontage on Portland Avenue, behind the Homewood neighborhood and along the Milliken Mill Brook. Mr. Blais stated that they have approximately 35 acres and are in an R-D zone.

The land is currently being surveyed. It has fairly mild slopes, the soil is excellent.

This subdivision is proposed as a Cluster. This allows the applicant to design a subdivision that alters the layout, dimensional and area requirements that are typically called for in the ordinance without a waiver or variance. These will be for smaller lots (approximately 20,000 sq. ft. (1/2 acre lots). They feel that the best solution is to have separate septic systems for each lot. They do have public water. This project will be reviewed by DEP.

John Toothaker will be leading the soil issues for this project. They will be doing a test pit on every lot and will also be planning on public roads built to the towns standards. They will have underground electric, and Bill Grays will lead the traffic team.

Mr. D'Agostino asked about the water run off issue.

Mr. Blais informed the Board that in regards to containing the water, they are thinking that infiltration basins are possible because the soil is great for storm water as well as septic.

Chair Winch asked Jeffrey if he knew if the town had any limitation on the length of a dead end street. Jeffrey stated that when you are abutting a vacant lot, you need to have some sort of right of way or easement strip that could be used in the future to connect.

Mike Russo asked if there was any particular reason why they chose Date Street instead of Poplar St. Mr. Blais stated that in doing net residences and density counts, subtracting out the pond area, wetlands, right of way's, and obviously we were trying to get as many lots as we could. As they were laying them out, this is the street that it fell on in keeping that 20,000 sq. ft. minimum.

Mr. Blais stated that they are open to ideas. He mentioned that Garden Street could also be a possible connection.

Eber Weinstein stated that as he recalls, Garden Street doesn't have an egress point but Poplar does and it seems like there had already been some development after the Homedale intersection.

Mr. Blais stated that from what he can tell and from the surveyors, he believes that Garden extends all the way to the end and Poplar doesn't.

Mr. Weinstein was curious as there will not be room for lawns but how about driveways?

Mr. Blais informed the Board that they will still build driveways even though they will not be building garages right off but will leave the option open for the future if need be.

Mr. Weinstein suggested to take into consideration that there will be traffic crossing from Portland to Cascade.

Mr. Blais stated that they are going to add stop signs wherever they can.

Mr. Weinstein asked where the nearest sewerage existed.

Mr. Blais informed him that it is on Portland Ave. to the South East.

Mr. Weinstein asked if the water line will run from Date St. to Portland Ave.

Mr. Blais stated that they would like to do that, to have a cross connection. It provides a more equal water source.

Mr. Weinstein asked what size mains do they have there?

Cary Seamans, 2 Fiero Drive introduced himself to the Board and stated that he has been in touch with Tom Carr. The water main is on the short side of Portland Ave. May want to bring the water off of Garden St. also and tie this all in together.

Mr. Weinstein asked if Mr. Seamans plans to build 1 Phase.

Mr. Seamans stated that it all depends on how the Board feels and get feedback from them.

Mr. Weinstein asked if they want to make these public streets; public garbage/snowplowing.
Mr. Seamans stated that they did, but it would be built in anticipation that the town will accept the streets.
Michael Russo asked if there is any requirement to have any electrical substations or transformers.
Mr. Seamans stated that they will have 1 transformer per every 4 homes.
Chair Winch suggested that they make provisions with the town to put up street lights.

Jeffrey informed the Board that once you have fifteen (15) lots you need to have access to two (2) public streets which is what is proposed.
There are no specs for how long a dead end street can be but it does require to reserve a 20' length beyond to connect to the next property as some sort of easement.

Mr. Blais asked that as far as the open space, is that something that the town will want to take over or would they prefer that it stayed in the homeowners association? They would prefer not to have a homeowners association if they didn't need one. Mr. Blais stated that they are open to ideas for the open space.

Mark Koenigs suggested that in regards to the open space, they consider a sidewalk for bikers, walkers and such to be able to connect to the Eastern Trail. This would also make the properties more valuable.

Mr. Blais stated that they require a waiver for a central sewer system.
Jeffrey stated that it is to the benefit for the town, property owners and all involved to have two (2) test pits whether it is required or not. Jeffrey also mentioned to the Board that what Mr. Blais is asking is if the Planning Board is accepting of the waiver request.

Mark Koenigs: Agreeable as long as everything is done correctly.
Dave Darling: He is agreeable as long as the soils come back favorably.
Michael Russo: In agreement provided that the test pits come out favorable.
Chair Winch: He is ok with this as long as they have a minimum of 2 test pits.
Eber Weinstein: Would like more time to research the information.

Mr. Blais also informed the board members that he will be providing the board with copies of DEP's feedback.

ITEM 6

Proposal: Remove 3 buildings and construct 1 building
Action: Pre-Application Meeting, Advise Applicant
Owner: Alouette Atlantic Resorts, LLC
Location: 91 East Grand Ave., MBL: 303-1-11; BRD/LC Zone

ITEM 6

Fred Kennedy of 91 East Grand Avenue introduced himself to the board. He briefed the Board a little about the Alouette. He and his family has owned this property for 12 years. Bought April 25, 2000. He then introduced his team members:

Steve Doe, Landscape Architect. Heading up land use issues and permitting.
Laura Blanchette will be heading up the operations for PM Construction.
Mark Mueller, Mueller Architects from Ocean Park.

Mr. Kennedy informed the Board that he assembled the team for over a year now. They have done a lot of the leg work already. Have been working closely with the DEP and have done a lengthy study of the beach situation in Old Orchard Beach. He has shared that report with the Planning Officer and has offered to share this plan with other town members and anyone who might want to improve the existing structures close to the beach. They are basically looking to revitalize/improve their hotel/family business. They want to do it in away that makes sense and is environmentally friendly. Their basic plan is to take the 3 existing buildings that is close to 40 years old and combine them in a new building.

It will be the same number of units.

Mr. Kennedy informed the Board Members that they are well on their way to submitting their plan to DEP for approval.

Steve Doe introduced himself to the Board Members. He informed the board that they have a combined property of approximately 1.3 acres. There is a combined 4600 sq. ft. of the 3 structures. DEP has a size restriction on buildings of 2,500 sq. ft. You can go larger than that but you have to show that the building will be stable after a 2' rise in sea level.

Their plan is to build one (1) structure centered on the lot, meet all of the setback requirements. In the frontal dune they will have to elevate the structures 3' clear for storm purposes. They will be pulling the structure back from the beach, restore some of the natural dune environment. They are proposing to close the foot path off and direct them to the main public access. Incorporate some native plant species. Looking to meet the parking requirements. They propose that 5 of the spaces will be underneath the structure. The building will be sprinkled. And they already have sewer service there.

Mr. Weinstein asked what kind of piers are they building?

Mr. Doe stated that they have SW Cole doing a study now and most likely will be concrete, but this hasn't been determined yet.

Mr. Weinstein also asked if Mullen St. meets the present street requirements.

Mr. Doe stated that this street is all pavement. He also mentioned that they are hoping to get 14 units in here and there are currently eleven (11) that they are replacing.

He informed the board members that if you are moving the building you have to raise it up, but if you want to stay in the same footprint, you don't have to raise it up.

Mr. Weinstein was concerned that there has always been an issue with the lot lines at the beach side. The Board was informed that they have an engineering company looking into this.

Mr. D'Agostina applauded Mr. Kennedy and his team for taking that extra care to bring the beach back into their general design. "Nicely done"

ITEM 7

Proposal: Site Plan Review: Remove 2 existing gas pump canopies and underground storage tanks and construct

1 gas pump canopy and underground storage tanks

Action: Determination of completeness; schedule public hearing and site walk

Owner: 7-Eleven

Location: 219 Saco Ave., MBL: 211-9-16

Jeffrey Hinderliter informed the Board that after the agenda was prepared, we found that this project is going to require a variance.

It is in a holding pattern until the variance is secured. The variance is for a setback. Two of the existing canopies are located within a setback and the proposed canopy will also be located in the setback. The big issue here is the traffic on and off site.

GOOD & WELFARE

The Board agreed on the election of officers:

Win Winch – Chair

Eber Weinstein – Vice Chair

Unanimous

ITEM 7

GOOD AND WELFARE

<p>Jeffrey informed the Board Members that there will be a Design Review Committee meeting held on Monday, February 13, 2012 at 6:00 pm if any of the Planning Board members would like to attend. since the Planning Board oversees what the DRC recommends, Jeffrey thought that it might be good for the Board to come to the meeting to comment on any issues they may have.</p> <p>Mark Koenigs informed the Board members that in regards to the Conservation Committee, they have been discussing a connector trail between the downtown and Eastern Trail. (School St. extension) They are having a meeting on Monday, February 13, 2012 at 7:00 pm at the High School library and is open to the public. They are also reviewing a bicycle brochure. They may be looking for volunteers in the springtime if they can get something going with the trail connector.</p>	
<p><u>ADJOURNMENT</u> There being no further issues to discuss, the meeting adjourned at 9:15 pm.</p> <p>WINTHROP WINCH, CHAIRMAN</p>	<p><u>ADJOURNMENT</u></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 Eight (8) is a true copy of the original minutes of the Planning Board Meeting of February 9, 2012.

Valdine J. Helstrom