

TOWN OF OLD ORCHARD BEACH
Site Walk and Workshop

Thursday, May 3, 2012

Staff Present: Carl D'Agostino, Mark Koenigs, Eber Weinstein, Chair Winch. **Absent:** David Darling, Michael Russo **Staff Present:** Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant

SITE WALK

ITEM 1 (5:30 PM)

Proposal: Site Plan Review: Remove 2 existing gas pump canopies and underground storage tanks and construct 1 gas pump canopy and underground storage tanks
Owner: 7-Eleven
Location: 219 Saco Ave., MBL: 211-9-16

Site walk began at 5:30 pm at the 7-11 site at 219 Saco Avenue. Board Members walked the site and discussed issues regarding where the new canopy and four new fuel dispensers will be located. They also discussed the internal vehicular and pedestrian circulation. It was suggested to have some sort of curbing island that parallels Saco Avenue. It was also suggested that they add something so that it is visible to the traffic so that they are not driving over the curb. The Engineer from 7-11 informed the Board that they will also be adding diesel fuel as well. The standard height will be 14 ½ but the tanks will be a little bigger than the previous tanks.

ITEM 2 (6:00 PM)

Proposal: Site Plan Review: Remove Existing clubhouse and replace with new 2 story clubhouse
Owner: Virginia Tent, LLC (Robert Moser)
Location: 4 Williams Street, MBL: 208-3-6

The site walk for Virginia Tent began at 6:00 p.m. This proposal includes removing an existing clubhouse and replacing with a new clubhouse, pool house and other site improvements (attached deck, light fixtures, fence, formally marked parking spaces, walkways and landscaping). One of the important issues is the buffer. It is not required but it would be nice. Robert Moser stated that they are planning on improving the access but keep it as a one way. They have taken some large pine trees down but the abutters would like to see a few more taken down. The building will be the same footprint as the original building but not as long and it will be 2 stories high and will include an elevator. They will also be moving some utility lines. All agreed that this will be a major improvement to Virginia Tent.

ITEM 3 (6:30 PM)

Proposal: Private Way Application: Access to 1 lot
Owner: Casey Morris
Location: 157 Portland Ave, MBL: 103-7-2

The Board members walked the site and got a good feeling of what Mr. Morris in proposing to do with his property. This proposal is to create a Private Way to access one lot on 157 Portland Avenue. Currently there is no right-of-way or road at this location. The purpose for creating the Private Way is so that the applicant can create a conforming lot by obtaining frontage on

the Private Way. Mr. Koenigs mentioned that it was important to have a general curb flare to the end of the driveway and rounding the corners. It was also discussed that the Planning Board might like to see the driveway and culvert on the plans.

REGULAR WORKSHOP MEETING:

ITEM 4

Proposal: Private Way Application: Access to 1 lot
Action: Continued discussion; Final review
Owner: Casey Morris
Location: 157 Portland Ave, MBL: 103-7-2

Jeffrey informed the Board Members that one of the big questions left is that the Board indicated that they would like to see the driveway and culvert on the plans. Jeffrey mentioned that if the Board would like to see these on the plans, they would have to identify it at the meeting. Mr. Koenigs stated that it doesn't need to be on the plans, it is just a question that they have.

ITEM 5

Proposal: Site Plan Review: Remove 2 existing gas pump canopies and underground storage tanks and construct 1 gas pump canopy, new fuel dispensers and underground storage tanks
Action: Continued discussion; Final review
Owner: 7-Eleven
Location: 219 Saco Ave., MBL: 211-9-16

Jeffrey Hinderliter stated that one of the biggest concerns we have had all along is the traffic issue. We had a really good discussion on the site walk. And at the end of the site walk Mr. Hinderliter spoke with the engineer and asked if they could get us plans to show some sort of curbing or an island out at the location that parallels Saco Avenue. The engineer agreed that they would.

ITEM 6

Proposal: Site Plan Review: Remove existing clubhouse and replace with new 2 story clubhouse
Action: Continued discussion; Final review
Owner: Virginia Tent, LLC (Robert Moser)
Location: 4 Williams Street, MBL: 208-3-6

Jeffrey Hinderliter stated that the primary outstanding issue with this project is the buffer. This is something that the Board needs to further consider before the next meeting.
Chair Winch stated that under the campground ordinance this wasn't really required but it is a nice thing to do. Jeffrey stated that if they had any sort of buffer, they would have to remove the road. Jeffrey stated that it sounds like they are going to improve that access and keep it as a one way drive. Jeffrey thinks that they are required to keep it as a one way because when Jeffrey looked at the plans, it identified it as one way. He also looked in the ordinance and it would be ok to go with a one way drive.
Eber Weinstein questioned if there is going to be a height problem.
Jeffrey informed the Board Members that the height was pretty close because one of the proposals included a cupola and we were trying to determine if the cupola would be used as part of the height requirement. But now the cupola is no longer part of the plan, so they are at about 32' – 33' under. The height requirement is 35'.

ITEM 7

Proposal: Site Plan Amendment: Add 12 seasonal camp sites
Action: Continuation of pre-application
Owner: Seacoast RV Resort, LLC
Location: 1 Seacoast Lane, MBL: 102-3-5

Jeffrey Hinderliter stated that Seacoast RV Resort is looking to reduce the buffer to add some campsites. What's new with this site plan is the Findings of Facts from the original approval which was on February 26, 2004. From the minutes of that meeting there was an amended approval in 2005. Mr. Hinderliter got the registration information that the Planning Board requested from the Business Licensing Clerk and everything points to this campground being established in 2004. Mr. Hinderliter's interpretation of that standard is that it is ok, however there are other individual interpretation's of that standard. Mr. Hinderliter informed the Board that they still have the option to get legal council if the Board wishes, but the board decided to have another shot at it before they would pursue that option.

ITEM 8

Proposal: Conditional Use: Construct a Skateboard/BMX Complex
Action: Pre-Application review
Owner: Town of Old Orchard Beach
Location: 14 E. Emerson Cummings Blvd (Ballpark); MBL: 207-3-6

Mr. Hinderliter stated that this is just a pre-application review. He also mentioned that there used to be a skateboard park where the police station is located now. Jason Webber, Parks and Recreation Director has been working to get this proposal together for quite awhile. It is at a point where it is just a discussion item for the Planning Board right now. Jeffrey suggested that it would be a good idea for the Board to look at this, think about it and identify any issues that they think needs to be considered. Jeffrey mentioned that there are numerous opinions on where this skate park should and shouldn't go. Ultimately it is the Planning Board who is responsible for following what the ordinance says it can do. This would be in the PMUD and Conditional Use Ordinance section. It is a permissible use. Whether the location is ideal or not, that could be determined with the site walk. The Planning Board reviewed the design that Mr. Webber prepared. Jeffrey Hinderliter stated that a site walk would be a really good first step even though all the engineering is not complete.

ITEM 9

Proposal: Conditional Use: Add 1 motel unit within existing building
Action: Continued discussion; Final review
Owner: Larry Pyle
Location: 34 Washington Ave, MBL: 311-16-15, NC3 Zone

This proposal is to add 1 motel unit within an existing building, however the issue with this proposal is the parking issue. Larry Pyle has tried to coordinate with his neighbor across the street to secure parking there and he has been unable to do this but he would like to move forward with the proposal. The new item in the Planning Board's packet is for his request for a waiver of the parking. Jeffrey mentioned that the Planning Board has granted waivers before out here for parking, so this is nothing new. Mr. Pyle indicated that he will continue to work with the off street parking issue. That is what he prefers but he just has not been able to secure that. Eber Weinstein asked if the requirement was for one or two parking spaces per room. Mr. Hinderliter informed that board that it is actually 1.5 spaces. He explained that the .5 is because it is considered a motel/hotel. Mr. D'Agostino asked if on street parking is legal there. Mr. Hinderliter stated that yes it is, other than the parking bans in the winter months.

ITEM 10

Proposal: Site Plan review: Remove 3 buildings and construct 1 building; Site work
Action: Determination of completeness; Schedule public hearing and site walk
Owner: Alouette Atlantic Resorts, LLC
Location: 91 East Grand Ave., MBL: 303-1-11; BRD/LC Zone

Jeffrey Hinderliter explained that the Alouette has now presented a final application. The Planning Board reviewed this earlier in the year as a pre-application and there has been a considerable amount of work by the applicant before it reaches the pre-application phase. But Mr. Hinderliter informed the Board that something came up that he noticed in the Courier Newspaper that their notice for Quiet Title to acquire land stretches all across the frontage (the beachside). Jeffrey's understanding is that there was once a street called Surf Street. And in between Surf Street and some of the other properties on the East Grand Avenue side is this unknown land that primarily consists of the dunes. Originally when we had our reviews, it looked like part of this proposal was going into that unknown land so he informed the applicant that they have to have Right Title and Interest to do that. Jeffrey stated that it looks like they are approaching this as to secure Quiet Title. The interesting part about this is that it goes straight across which includes the end of Mullin Street which access's all the way out to Surf Avenue (beyond the dunes). Unless there was something that was omitted in the legal advertisement in the Courier, it looks like they are trying to acquire Quiet Title over Mullin Street. Jeffrey thinks that this project is a great idea and it will be a huge improvement. The concern that Mr. Hinderliter has is with that is if ownership to Mullins Street is given up, that cuts off an access to the beach. We haven't wrapped our hands around this yet and it is pretty complicated.

Mr. Hinderliter had a conversation with the OOB Assessor, George Green and he made that determination that it includes all of the frontage including the area where Mullins Street is. It goes from East Grand Avenue 250' then it ends at Mullins Street. It is a traveled way for foot and horse traffic all the way down to the beach. So this puts a bit of a different twist on this project. The applicant is certainly welcome to propose Quiet Title. The applicant does have to show Right Title and Interest for the land on that unknown area where they are proposing to rehab some of the dunes. Jeffrey stated that this might be a big enough issue where he would be hesitant to recommend that the Planning Board determine this complete until this issue is resolved.

Carl D'Agostino asked if Mr. Hinderliter could explain what Quiet Title is.

Mr. Hinderliter explained that his understanding is that Quiet Title is when a person does not have full ownership. What makes Mr. Hinderliter curious is that the Alouette is looking to secure that title for the whole way across so he is led to believe that in his mind, the applicant has some sort of phased plan as to how he would like to develop the entire site.

Eber Weinstein stated that he thinks that Quiet Title means is that if you are really not sure who owns the land you cannot purchase it from that person.

Mr. Koenigs referred to the plans and stated that it looks like all of the other properties have already extended the lines, but that the Alouette's lines have not been extended. And the current concern is that the roadway being extended should be public access. Now that it has been posted, the town should actually say to the applicant, through the planning office or the town council, that the town claims that as public access so that they can't claim title to that roadway. Let him have the dunes because he cannot build on the dunes anyway but then he is responsible for it as part of his Quiet Title.

Mr. Hinderliter also mentioned that it doesn't go through the typical abutter notification process. This is really the only biggest issue to this proposal.

Chair Winch said that we will get a better idea of this proposal when we do a site walk in early June.

ITEM 11

Proposal: Cluster Subdivision: 53 Residential Single Family Lot Subdivision
Action: Determination of Completeness; Schedule public hearing and site walk
Owner: Beachmont Land Development, LLC
Location: Portland Ave., MBL: 103-1-30; RD/SP Zone

Jeffrey Hinderliter brought the Board up to date on this proposed subdivision. Jeffrey stated that we

had 2 pre-applications with this project and now it is before the Board as a formal review. Mr. D’Agostino questioned whether this will be a 53 single family subdivision or 44 single family subdivision. It was determined that this will be a 44 residential single family lot subdivision. Mr. Hinderliter stated that the biggest change is that the applicant will be proposing a breakaway gate for Date Street. To do that the applicant would have to come to the Planning Board to seek a modification of the subdivision requirements.

Eber Weinstein asked what the requirements are for regular access. Mr. Hinderliter stated that for 15 or more, there are 2 access ways that are required. Mr. Hinderliter also mentioned that they are looking for a modification to the Planning Board to that particular standard and because they are proposing a cluster development, they are required to put in a common septic system for the site. They are looking for a waiver of that to go to individual septic systems. Our engineering will look into this as well.

Mr. Hinderliter stated that they already have the pre-application and they know that we have the new formal application now so engineering review is crucial for the towns perspective.

Eber Weinstein asked how much traffic are they going to generate with a 44 residential lot subdivision, and asked Jeffrey if that was going to be a problem.

Mr. Hinderliter stated that he doesn’t see this as a problem.

ITEM 12

Proposal: Site Plan Review: Edith Libby Memorial Library Addition/Parking Expansion/Site Work
Action: Pre-Application review
Owner: Town of Old Orchard Beach
Location: 27 Staples St., MBL: 206-27-1

Jeffrey Hinderliter stated that this project has been discussed for some time now. This all went out to bond last year and now it has reached the point that it is moving forward to the Planning Board approval.

Mr. Hinderliter stated that he and Bill Robertson, Public Works Director has met with the applicant. A lot of that discussion was about the drainage issues which looks like it could be a bit of an issue. There is a catch basin at the top of Staples Street where Saco Avenue comes across and there is also a catch basin at the bottom of First Street, but from what the Public Works Director stated is that there is no drainage system at Staples Street. Jeffrey also mentioned that we also have to look at the drainage from the roof.

Mr. Hinderliter thinks that what the Planning Board should consider is to make sure that the library design fits in with the park scheme overall.

Mr. Koenigs stated that he will be reclusing himself from this item agenda because his wife in on the Library Board of Directors.

John Bird was concerned that there is a beautiful tree out back of the library and wanted to know if that tree will be removed. They assured him that it would not be taken down. Mr. Hinderliter also mentioned that one thing we should recognize is that this is just a pre-application and the library is looking for feedback from the public on these sorts of issues.

ITEM 13

Proposal: Conditional Use Application: Sales and Rentals of surfboards, kayaks, kites within existing building
Action: Determination of Completeness; Schedule public hearing and site walk
Owner: Zettran LLC
Location: 173 East Grand Ave; MBL: 302-6-5

Jeffrey Hinderliter brought the board up to date on this Conditional Use Application. As Mr. Hinderliter understands it, this is primarily for the people who use the Little Miss Cottages. They will be using an existing building. There will be no building expansion, addition or construction involved.

ITEM 14

Proposal: Conditional Use Application (Child Care Facilities): Pre-school and learning center
Action: Determination of Completeness; Schedule public hearing and site walk
Owner: Winter Assisted Care LLC (applicant: Candi and Richard Ireland)
Location: 1 Granny Smith Court, Suite 2, MBL: 107-3-1

This is another Conditional Use Application. Mr. Hinderliter stated that there is one particular item that he found that he has a concern on Page 9 of his memo.

There are 2 primary questions:

- 1.) Does it fit the definition of a “Child Care Facility”? ***If it doesn’t*** fit the definition of a “Child Care Facility” then we have to look at what other use it is and if that use is permitted in the PMUD District. Part of the child care facility is the number of children you have, and
- 2.) ***If it does*** fit the definition of a “child care facility” that underlying sentence applies: “Access shall be permitted only from the following arterial and collective streets”. Mr. Hinderliter stated that no where in that list does it state Granny Smith Court.

Jeffrey Hinderliter stated that “Child Care Facilities” is regulated under conditional use and under conditional use there are specific child care facility requirements.

Mark Koenigs informed the Board Members that he and Mr. Hinderliter were talking about the RSU properties and the right of way. Mr. Koenigs was concerned with the right of way on E. Emerson Cummings. It looks like it is under 50’ because that’s the way it has always been. Now that we have put in that bike path along the school property, Mr. Koenigs thinks that they should actually turn the property over to the RSU. There is a lot of heavy traffic: Blow Brothers, Industrial traffic from the transfer station, school buses, etc. The Right of Way should be wider. Mr. Koenigs suggested that we should actually get the right of way wider and eventually, when we have the funds, make the road wider and safer. Mr. Hinderliter asked the Planning Board to carefully read the memo that he wrote on this item for next weeks meeting.

ITEM 15

Proposal: Conditional Use Application Amendment: Amend Landscape Plan
Action: Consideration of amended plan and ruling on proposal
Owner: Cari-Lyn Lane
Location: 7A Summit Street; MBL: 206-28-2

Jeffrey Hinderliter informed the Board Members that Cari-Lyn Lane has come before the Planning Board to amend the 2003 Conditional Use Approval. And what that Conditional Approval was for was that there was a multi-family unit building on this property at one time. She then went before the Planning Board in 2003 to tear down the multi-family unit and put up a duplex with a garage and it was approved at that time. Almost 10 years have passed and the buffer is not built, but since then the vegetation has become more mature and is acting as a bit of a buffer. Mr. Hinderliter informed the Board Members that the findings of facts from the 2003 application are also in their packets for review. Mr. Hinderliter stated that what is interesting about that review item #10 is that it indicates that the Planning Board felt that they were ok with the buffer as is, not what was being proposed. But then one of the conditions was for a street planting plan. Mr. Hinderliter thinks that this is a pretty straight forward proposal. Conditional use does have a buffer standard in it as part of their review criteria but there is no specificity to the buffer standard, such as it must be a minimum of 10 feet in width. And it doesn’t site back to other buffer standards. Jeffrey doesn’t see a problem with the Planning Board approving this amended plan. Chair Winch stated that this is a huge improvement.

GOOD & WELFARE

Mark Koenigs talked about the transfer of property where the school building sits. When the RSU vote came, part of the agreement was that the town would allow the RSU to take over and manage the property. It would be divided as such that the RSU would be deeded the school buildings and athletic fields. In October it hadn't happened yet. Mr. Koenigs asked when the RSU was going to get this division so that the police station and the town landfill is not sitting on the RSU property. Then he realized that it had already been done. The former town manager had gotten a map from the state.

This map has 3 property lines. The first property line is in the back of the field between the property that is in between the ballpark and Dirigo Drive (10' off that fence line). The other would be on the fence line between the athletic field and where the football stadium track is at.

Mr. Koenigs mentioned that it is just not that property, it is also the property where the Loranger and Jameson Schools are. So the RSU felt that they didn't want the little league field so they divisioned that off with a fence. The town would still retain that. Mr. Koenigs also mentioned that the council probably won't even address this at a town council meeting until after the budgetary process and then getting through the summer. So this probably will not come up until the fall.

Mr. Koenigs stated that he mentioned that he brought this up so that it could go before the Planning Board and the Comprehensive Planning Board to actually talk in terms of planning for this.

Jeffrey Hinderliter informed the Board that he, along with the Town Manager and Gary Curtis, Chair of the School Board took a walk on site and Jeffrey stated that he had gotten a different perspective. He didn't get the impression that the school was trying to "land grab". Jeffrey asked the Board Members if they would like to take a site walk out there that he would point out some of these issues that were represented to him at his site walk with the Town Manager and Gary Curtis.

Mark Koenigs suggested that the Planning Board have a group site walk if we get to the point of where there is going to be a proposal and this is what is going to come to the Council for acceptance.

ADJOURNMENT
WINTHROP WINCH, CHAIRMAN

Meeting adjourned at 8:30 pm

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 May 3, 2012.

Valdine J. Helstrom