



<p><b><u>PUBLIC HEARING</u></b></p> <p><b><u>ITEM 1</u></b>                  Proposal: Private Way Application: Access to 1 lot                  Owner: Casey Morris                  Location: 157 Portland Ave, MBL: 103-7-2</p> <p>The Public Hearing opened at 7:15 p.m. There was no one speaking for or against this item, the public hearing closed at 7:15 p.m.</p>	<p><b><u>ITEM 1</u></b></p>
<p><b><u>ITEM 2</u></b>                  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                  Owner: 7-Eleven                  Location: 219 Saco Ave., MBL: 211-9-16</p> <p>The Public Hearing opened at 7:15 p.m. Bret Davenport representing 7-Eleven introduced himself. Mr. Davenport then informed the Board that after the site walk that they had on May 3, 2012, they made some plan changes. These changes are adding an island and guard rail on Saco Avenue. Mr. Davenport stated that they are making improvements to the lot and also the business in the long term investment. Chair Winch informed Mr. Davenport that he is welcome to speak, however this is the public hearing part of the meeting. There being no one else speaking for or against, the public hearing closes at 7:16 p.m.</p>	<p><b><u>ITEM 2</u></b></p>
<p><b><u>ITEM 3</u></b>                  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</p> <p>The public hearing opened at 7:17 p.m. There was no one present to speak for or against this item however Jeffrey informed the Board that he received an email this week from a concerned citizen and thought it would be a good idea to entertain this letter during this public hearing. Jeffrey Hinderliter read the letter dated May 7, 2012 that was addressed to the Planning Board, Jeffrey Hinderliter and cc: to the Town Council. A copy of which is attached. This letter is from Linda Roy from 150 Temple Avenue. There being no one else for or against this item, the public hearing closes at 7:23 p.m.</p>	<p><b><u>ITEM 3</u></b></p>

<p><b><u>ITEM 4</u></b>                  Proposal: Private Way Application: Access to 1 lot                  Action: Continued discussion; Final review                  Owner: Casey Morris                  Location: 157 Portland Ave, MBL: 103-7-2</p> <p>Casey Morris introduced himself to the Board.                  Mark Koenigs asked that when Mr. Morris does get ready to submit the mylar that it should be updated with a curb flare on the roadway. Mr. Koenigs also asked if Mr. Morris is going to pave with 1 1/2” of paving. Mr. Morris stated that he is going to do this and also is thinking of beefing it up a little more. He may also put some re-claim down on top of the gravel so that he doesn’t get any rutting when trucks come in.</p> <p>Mr. Koenigs made a motion to approve a private way application to access 1 lot for Casey Morris from 157 Portland Avenue MBL: 103-7-2 with the condition that the plan be re-submitted with the curb flares on the mylar. Eber Weinstein seconded the motion.</p> <p>Unanimous.</p>	<p><b><u>ITEM 4</u></b></p> <p><b>MOTION</b></p> <p><b>VOTE (4-0)</b></p>
<p><b><u>ITEM 5</u></b>                  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</p> <p>Bret Davenport again introduced himself to the Board reiterating what he had stated previously that they made some plan changes. These changes are adding an island and guard rail on Saco Avenue. Mr. Davenport stated that they are making improvements to the lot and also the business in the long term investment. The board should have the revised drawings showing these changes for the island and guard rail on Saco Avenue.</p> <p>Mr. Davenport also mentioned that there were a couple of other comments/questions about whether they had gone to the different agencies: fire department, etc. Typically with most other jurisdictions, they don’t go to them to apply until after they get Planning Board’s approval. There is no application for permit to the State only a notification for registration of the underground tanks. The minimum is 10 days prior. Once we have the Planning Board’s approval, we typically do that approximately 30 days prior. We don’t normally make that notification until we have set our construction start date.</p> <p>Mr. Davenport also mentioned that they had talked with Officer Fitzpatrick and he didn’t see any problem with what they were proposing. His only concern was about the safety plans before they do the work. This is standard practice for them.</p> <p>Mr. Koenigs asked Mr. Davenport if he could explain a little about the removing of the existing tanks. In their construction plans, will they be removing all of the fuel out of the tanks                  Mr. Davenport assured the board members that all of the fuel will be removed. The tanks will be</p>	<p><b><u>ITEM 5</u></b></p>

cleaned and they will be disposed of properly in accordance with state regulations.  
Eber Weinstein asked if these tanks will be single wall tanks or double wall tanks. Mr. Davenport stated that the tanks that they have now are single wall tanks but the new ones will be double wall, fiberglass tanks. Also double wall piping, and sensors as well.  
Mr. Weinstein asked if they had gotten a variance.  
Chair Winch stated that they had gotten a variance approved for the setback requirements. They were non-conforming before.  
Mr. Weinstein asked if they needed a variance for the tanks being underground because they are right up there to the property line. Mr. Davenport stated that they do not because they are underground.  
Carl D'Agostino asked if there is a standardized procedure in place for removing the tanks.  
Mr. Davenport informed the board members that they coordinate with the state on the removal and they also have an environmental company that they work with who has a third party inspector who comes out and does all of the testing of the soil and any water that might be in the hole as well and dispose of the soil properly in accordance with state regulations.  
Mr. D'Agostino brought up ordinance 54-4B3 which states that the police chief should look at the exact area when it is not part of the street. He added that it might be a good idea to have that conversation with the police chief to see if he can enact that site visit so that he can have a look at the plans to see if he may want traffic aggressing from the parking lot to stop or go through like they do now.  
Mr. Davenport stated that they can do this.  
Chair Winch stated that we can potentially condition this.  
Mr. Koenigs mentioned that at the last meeting there was some concern about the former plan that talked about the proposed round about. Jeffrey Hinderliter did some research on this and attached the plan from Woodward and Curran. In Jeffrey's notes this plan is currently considered a "dead plan".  
Mr. Koenigs mentioned that this was evidence that it would not effect the 7-Eleven project in the near future.  
Mr. Koenigs stated that the plans show a 40' long barrier, sort of like a narrow island which is 2' wide and has a guardrail as well. Mr. Koenigs asked Mr. Davenport if the guardrail will have some sort of markings like a post so that it can be visible for someone who is sitting in their car. Will they be able to see the post but not visually block their view.  
Mr. Davenport assured him that they would have this painted traffic yellow.  
One of the other issues brought up is will there be any new pavement markings.  
Mr. Davenport stated that they currently have as a standard scope of work items for repainting the lot and parking spaces.  
Chair Winch asked if they will be closed while they are doing this work?  
Mr. Davenport stated that they will have the store open but the tanks will be shut down starting the work around September 4<sup>th</sup> or September 10<sup>th</sup> and running for approximately 4-5 weeks.

Carl D'Agostino made a motion to accept this application to remove 2 existing gas pump canopies and underground storage tanks and construct 1 gas pump canopy, new fuel dispenser and underground storage tanks presented by 7-Eleven, 217 Saco Avenue, MBL 211-9-16 with a final condition that the Old Orchard Police Chief go and take a look at the egress points for safety. Seconded by Mark Koenigs.

Mr. Koenigs also wanted to make sure that this is for 217 Saco Avenue and not 219 which the agenda refers to.  
Eber Weinstein also mentioned that while this in the construction phase this would be the time to think about sidewalks in that area.

Mr. Davenport informed the board members that they do have a new storm drain right around the area of the island and new guard rail that they are putting in and also right about the area that they are talking about putting the sidewalk in.

**MOTION**  
**VOTE**  
**(4-0)**



<p>Eber Weinstein states that if the buffer has to go because of the power lines he has a problem with that. He thinks that the buffer is required. As long as it doesn't affect the buffer he sees no problem.</p> <p>Jeffrey Hinderliter mentioned that he recommends a native species of trees or similar to replace what is removed.</p> <p>Mark Koenigs added that there is a tree that is bent over and is owned by the town. So if they do removed this tree they would need to have approval from the town.</p> <p>Mr. Koenigs also mentioned that it would be a good idea that if they were to remove some of the trees to improve their parking area, then maybe they could add some smaller trees back in for buffering.</p> <p>Chair Winch asked about what kind of lighting they will be using.</p> <p>Mr. Keiser informed the board that he will be using low residential lighting.</p> <p>Mark Koenigs made a motion to accept the final plan of Virginia Tent, LLC, Robert Moser, 4 Williams Street, MBL: 208-3-6 with the condition that the applicant adds buffering where appropriate per ordinance 78-1229.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D'Agostino - Yes          Eber Weinstein - Yes          Mark Koenigs - Yes          Chair Winch - Yes</p>	<p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p>
<p><b><u>ITEM 7</u></b></p> <p>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</p> <p>Chair Winch stated that this is a continuation of a pre-application discussion from the last meeting and we left off on the definition whether this was a registered campground.</p> <p>Jeffrey Hinderliter stated that he had researched a number of documents to find out if this is a registered campground and all of the documents clearly show that it was registered February 2004.</p> <p>Mr. Hinderliter stated that his interpretation of that particular standard is it appears as though a 30' buffer is required, although the board still has the option to send this to our town attorney if they so chose to. This is an expansion within that existing campground. All agreed. Jeffrey also wanted to remind the Board that this is just a pre-application.</p>	<p><b><u>ITEM 7</u></b></p>
<p><b><u>ITEM 8</u></b></p> <p>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</p>	<p><b><u>ITEM 8</u></b></p>

Recreation Director Jason Webber introduced himself to the Board. Jason informed the Board that the Recreation Committee is currently going out to RFP for design to bring an engineer on board. After that they will be getting the DEP permits. He and Jeffrey Hinderliter talked about having a site walk with the Planning Board. They did have someone from DEP to look at the site and he indicated that he had no issues. Mr. Webber then explained to the Board the exact location of the proposed site.

Eber Weinstein asked where the parking will be.

Mr. Webber informed the Board Members that they will be using the existing parking lot and they might do some angle parking for 10 minute parking or handicapped parking.

Chair Winch asked what age group would be using this skate park.

Mr. Webber stated that it varies, but typically it is from Jr. High thru High School and also a lot of tourist children. He also mentioned that a big part of the input is from the skaters themselves because they are the ultimate users. We want to build something that they like to have and to use. It will be built with concrete which is the best surface to ride on. The initial plan is to build what is called a . bowl.

Basically it is almost like a swimming pool and shaped like a 3-leaf clover. The second part would be a street course. Kind of like stairs, rails etc. Mr. Webber mentioned that their ultimate goal is a skateboard park within a park. We want to have a place with park benches so that parents can go and watch their children. The goal would be to have a walking trail around the whole property. There has also been talk about linking it to the Eastern Trail. Mr. Webber mentioned that they picked this property because it was the best out of all the other town owned property they had looked at. They had done some test pits, there was no ledge and sandy soil.

Chair Winch asked if they knew what the time frame would be.

Mr. Webber stated that they were awarded the Land and Water Conservation Grant. The plans have been approved but are not in the system yet. They will not be making a formal application until they have that in hand and an engineer/designer on board. Mr. Webber also mentioned that no trees can be eliminated per DEP, until a design is in place. Because they did not get a full matching grant they may go out for RFP's sometime next week and within a month or two have a complete design.

Mark Koenigs had a question on the ballpark/town property. Has the Recreation Department secured that property for their usage for the design so that they have the rights through the Town Council, etc. Jason Webber informed the Board Members that they have gone in front of the Ballpark Commission twice where they had voted on this and they have been before the Town Council Meetings and workshops.

Mr. Koenigs mentioned that as a caution, once we build this, it is going to be a valuable asset so people need to come forward with concerns at the Planning Board. This site needs to be known through the Town Council that this is the site, then once it is the ballpark should have a deed made up so that it will be made known that it is the Recreation Department's property.

Mr. Koenigs also stated that this would be in the PMUD ordinance section. Division 14 Chapter 8.

**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

Jeffrey Hinderliter brought the Board up to date on this item. Mr. Hinderliter stated that this has been through full review and the last piece to this is that Larry was trying to secure some off street parking and it just hasn't worked out yet. Jeffrey suggested to Mr. Pyle that to move forward with this he should request a waiver for the parking. Mr. Hinderliter stated that he doesn't see this as an impact and the Planning Board has granted them before. He doesn't see a parking issue in that area.

**ITEM 9**

<p>Carl D’Agostino questioned the parking bans in the winter months. Mr. Pyle informed the Planning Board that there is church parking lot that they can use until the parking ban is over in the winter months.</p> <p>Mark Koenigs made a motion to waive the parking requirements. Seconded by Mr. D’Agostino. Unanimous.</p> <p>Carl D’Agostino made a motion to Approve a Conditional Use Application for Larry Pyle, 34 Washington Avenue, MBL: 311-16-5, NC3 Zone conditional upon the following conditions:</p> <ol style="list-style-type: none"> <li>1. The main entrance of the building shall be on Evergreen Street.</li> <li>2. Minimum 30 day stay for residents.</li> <li>3. The proposed use shall be a lodging unit as defined in the Old Orchard Beach Code of Ordinance. A sign stating this shall be installed at or near the primary entrance.</li> <li>4. All applicable local and state licenses shall be secured.</li> <li>5. The lodging unit shall be furnished.</li> <li>6. Utilities shall be included.</li> <li>7. The owner/operator shall register and pay applicable Maine lodging sales tax as applicable.</li> <li>8. The unit shall meet applicable requirements for such use under the National Electrical Code and MUBC.</li> <li>9. Maid service shall be made available.</li> <li>10. A hotel/lodging ledger of occupants shall be maintained.</li> </ol> <p>Seconded by Eber Weinstein.</p> <p>Jeffrey Hinderliter called for the vote:</p> <p>Carl D’Agostino - Yes          Eber Weinstein - Yes          Mark Koenigs - Yes          Chair Winch - Yes</p>	<p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p> <p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p>
<p><b><u>ITEM 10</u></b></p> <p>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</p> <p>Steve Doe from Sebago Technics introduced himself, along with Mark Mueller, Architect and Laura Blanchette from PM Construction. Mr. Doe informed the Board Members that they were here in February with a preliminary application. The proposal submitted is pretty much the same. The project consisted of the removal of 3 (1) story motel buildings. They want to upgrade the whole facility. They would be taking the square footage of those 3 buildings and combining them into (1) structure which will be centered on the lot and will be meeting all setback requirements. This is in a frontal dune. They will need to go to the DEP for a sand dune permit. This new building will be constructed up on 3’ piers and cannot exceed 35’ in height. This is going to be a 3 story building. They will also be bringing a new water main down Mulley Avenue. The power lines will be underground. They have already met with the Fire</p>	<p><b><u>ITEM 10</u></b></p>

Chief and he is satisfied with the fire protection aspect of this project.  
Mr. Doe informed the Board Members that they will be going to have a 26' path to get to the building. They will also be reducing approximately over 1,000 sq. ft. of impervious pavement and going to create more of a dune environment (expanding the dunes). Mr. Doe mentioned that there are 1 or 2 footpaths that go through the dunes and those are going to be filled in, revegetated then they are going to try to control the traffic so that they don't cut through the dunes and kind of direct them out to Mullen Avenue which is the public access to the beach.  
There were some concerns about the ownership of the property on the beachside. They are not going to acquire the Mullen Avenue extensions out to the beach. This is public access to the beach right now. There are 2 parcels with unknown owners and he is going thru the "Quiet Title" and getting those 2 on the beachside.  
Mark Mueller then made a presentation to the Board. Mr. Mueller stated that they have had several meetings. And had looked at sort of a historical motif in the beginning and slowly they have come to what is a little more contemporary in nature. 3 stories high and built 4' above the grade. Up above there will be a copula and also an observatory (53 sq. ft. deck). They have been working with the DEP to incorporate those elements because they are technically above the 35' height line. So we have sort of a "Seaside Resort" architecture. The building materials are something that we would find in Maine. Horizontal type siding, working with different widths of siding/vertical as well. The building has 11 guest suites. There will also be an owners unit on the top floor facing the ocean. The back of the building will have parking below the building and there will be 6 parking spaces. They have also been talking about maybe working with solar panels.  
Eber Weinstein asked if this if going to meet the new standards as far as the pilings?  
Mr. Mueller informed him that yes, all of the living area on the first floor (4 units). The stairs, elevators will come down to the beach level. There are two sets of stairs in the building and the lower units will have their own stairs, but can also use the main stairway as well.  
Chair Winch questioned the Copula height being over the 35' mark.  
Mr. Hinderliter mentioned that in this particular district for the more commercial/non-residential structures, the height limit is 45' for town ordinances. It is a different height limitation through DEP due to the frontal dune regulations. But in terms of our local ordinances, as long as it is under 45'.  
Eber Weinstein expressed his concern about the North East corner of the deck, going away from the pier and toward the ocean. It looks like it is 4' (just the deck part) into the land that you don't really own.  
Mr. Doe stated that this is why we are waiting on the "Quiet Title" for this particular issue.  
Mr. Koenigs asked if they know how long this "Quiet Title" will take?  
Mr. Doe stated that he is not sure.

Mr. D'Agostino brought up the fact the design is much different than what was originally provided. Mr. Doe stated that basically it is the same shape that we are working with which is 35' and they are trying to incorporate some pitched roofs in the design.

Eber Weinstein stated that it is a great project and a significant improvement of what is there. He is very much in favor of this project but he just doesn't want to see any problems with any legal issues before it gets started.

A site walk was set up on Thursday, June 7, 2012 at 5:45 P.M. at the Alouette. A Public Hearing was also scheduled for June 14, 2012 at the Planning Boards next regular meeting.

Eber Weinstein made a motion to approve the determination of completeness subject to the condition of getting clear title. Seconded by Carl D'Agostino.

Unanimous.

**MOTION**

**VOTE**

**(4-0)**

**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

Steve Blais introduced himself to the Board, along with Cary Seamans and David Als of Beachmont Land Development, LLC.

Mr. Blais stated that the project team consist of Toothaker Associates (our soil scientists) Bill Gray (Traffic Engineer) and Don and Coolong completed the survey work.

Mr. Blais added that they are here tonight for three (3) things:

- 1.) Planning Board vote on Completeness of Application
- 2.) Schedule a site walk.
- 3.) Schedule a public hearing.

In summary, the project proposes 44 single family residential lots, year round residences. These are smaller homes with the option for garages. This will also create construction jobs to contribute to the economy. Since the start they have been to 2 sketch plan meetings. Some of the changes they have made since the start are to increase all the lots to be 20,000 sq. ft. to meet the minimum lot size for a State Approved septic system. Traffic was a big issue for the Homewood neighborhood especially. The two (2) things that they have done is to propose a break away gate on Date Street for emergency purposes. The have also added a sidewalk, hopefully serving as a connector to the Eastern Trail.

Mr. Blais also added that they have talked to Ginger McMullen at the Conservation Commission to talk about the Eastern Trail. They have talked to Bill Robertson, Public Work Director as they are proposing a public street. They have also talked with John Glass at the Fire Department to talk about overall safety. They have talked a couple of times Tom Carr at the Water District to make sure we have adequate water.

Mr. Blais then went over the Design aspect of this proposal.

This subdivision is designed as a cluster subdivision. We will have curbing running along both streets catching the storm water and putting into a catch basin system. We are also going to have two (2) infiltration ponds. We have good soils on this site. Because all of the water is going into the ground, there will be no dirty storm water leaving this site.

Due to site distances, we will be performing some liming along the Right of Way to make sure that there is adequate site distances as people turn in and out of the subdivision. We will be adding stop signs. We are proposing lighting at all three (3) intersections according to the towns standards. We are burying our electric (cable and television). There will be approximately one (1) transformer per four (4) lots which are on the plan. We have done a roach control plan that meets the state standards. Another thing that Mr. Blais would like to point out is that they are in the Shoreland Protection Zone, however we have been able to keep the entire development outside that area. Which is another benefit to the Cluster Type Development.

Mr. Blais also informed the Board that there was a question of how these lots might grade out so they have picked out three (3) lots that he thought represented typical situations. They did one (1) lot in full, one (1) lot in cut and then they picked an easier lot just to show how easily it could be. They have approximated how much clearing each of the lots would require.

Regarding the traffic issue with Bill Gray, we are creating 44 trips in the busiest peak hour. The question was raised whether they needed a traffic movement permit from the Department of Transportation. We have heard a lot of feedback from the neighbors and town that this would be the referred option. They did discuss this with the Public Works since they are going to be plowing these roads. They are putting in two (2) turnarounds.

Regarding the Maine Department of Environmental Protection we did have a pre-application with them awhile ago and we are holding a public informational meeting on May 15, 2012 at 6:30 p.m. and this is a requirement of the site location of the Development Permit. So right after that they have the

**ITEM 11**

application pretty much ready to go. They will be submitting this next week to the DEP, then they will have fifteen (15) days to deem it complete and then 150 days maximum to process it unless we agree on an extension.

Dr. John Hopeck will be reviewing the ground water and his main interest is how could the septic systems affect the groundwater. We had John Toothaker, our soil scientist and also Dick Sweet take a look at this also. Mr. Blais stated that in the Planning Board's packets there is a soil suitability plan (a plan that shows all of the septic) and that on the property edge there is no septic zones and these represent the areas where the nitrate plume could be above 10 milligrams per liter (the state standard). This is where if you had a septic system within that zone it could potentially cross the property line and we want to avoid that. There is one (1) waiver and one (1) modification needed for the project. Under the cluster provisions there is a standard that requires that cluster subdivisions be connected to the public sewer system or a central sewer system.

We feel that individual systems are a better solution and distributes the nitrates and it also recharges the groundwater. The other thing we have going for us is public water. There is a standard for a subdivision that with fifteen (15) or more lots, two (2) points of egress is needed. We will have two (2) points of egress but one (1) will have a breakaway gate.

We also have an archeologist out there doing a study on archeological artifact in the ground. And if there are artifacts this doesn't stop the project it just might delay it a bit. Mr. Blais informed the Board that they should have the results of that within a week. The other item is on Poplar Street. There is some water coming across and they are working with the Poplar Street folks to see how to make that work. They are currently working on the homeowner declarations to establish the homeowners association that would maintain the roads until it becomes public and also to maintain the storm water system. We are also working on the Offers of Concession for the roadway.

Carl D'Agostino asked a question regarding the stop signs on Date Street.

Mr. Blais informed him that they had considered a stop sign before they had considered a break away gate there. So there will be no stop sign. What there will be is a corner street sign that will say something like "for official use only".

Eber Weinstein asked Jeffrey Hinderliter about the requirement for the 2 means of egress. Is that for emergency use or traffic use or a combination of the two.

Mr. Hinderliter stated that this is probably a combination. For major subdivisions, once you exceed 15 lots, the ordinance requires it. To make sure that there are 2 safe ways to get out and for traffic movement circulation in general.

Mr. Weinstein stated that the emergency is ok but for everyday traffic use then there may be a problem.

Mr. Hinderliter stated that this is why the applicant is seeking a modification to that standard and Jeffery supports this. Date Street is a pretty established street but there isn't an established pedestrian walkway path thru Date Street. This could impact the residents there. It's not like we are going on another secondary road. Portland Avenue is an improved, well traveled road so in terms of internal movement and traffic, it is not major so Mr. Hinderliter thinks that one (1) access is fine. But when it comes to public safety, Date Street needs to be an option.

Eber Weinstein asked if it would helpful if they were to put an island on Portland Avenue to separate the traffic going in and out. Mr. Hinderliter stated that it could be a good design, but when realty hits it would be difficult when you have trucks trying to cross, then the island gets hit and they are also very difficult to maneuver for snow plowing. Mr. Hinderliter would not recommend it. Mr. Hinderliter added that what is good about this is it is not a complete waiver. They are going to establish that means to access Date Street so we are not saying just one entrance. So it is established, its just there for emergency purposes only at this time and maybe in the future there will be a need. At least it is established there, so we are not entirely waiving the requirement, we are just modifying it.

Mr. Weinstein asked where the sidewalks were going to be put in.  
Mr. Blais informed him that the sidewalks will be on the right side of Neptune Road. (only one side of the road).  
Mr. Weinstein also asked Mr. Blais what the definition was for “feasible” in the subdivision law #74-277 / D1-4.  
Mr. Hinderliter stated that this ordinance is not pertaining to the cluster subdivision.  
Mr. Blais stated that this law pertains to a central sewer system, and they are trying to stay away from that. He also mentioned that they could do a feasibility study but he doesn’t think that is required.

Then Mr. Weinstein read section 74-278 (B-7)

*All structures with required plumbing in a planned unit development or cluster development should be connected to a public sanitary sewer if available on to a central collection or treatment system with sanitation section in this chapter.*

Mr. Blais then stated that is what we are requesting is a waiver from that standard.  
We feel that this is going to be safe and a better design. Mr. Blais also added that Wright Pierce as well as Mr. Hobeck will be looking at it.

Mr. Weinstein stated that if a cluster system seems to be the better choice then he would like to see a letter stating this because it is the Planning Boards determination to decide which is feasible.  
Carl D’Agostino informed the Board that he had done some research on this through the University of Maine about the advantages and disadvantages of an all-in-one sewer system vs. individual septic systems. Having so many points of entry distributes the groundwater through a larger area so therefore the concentration of nutrients is much lower and also the peronderous of smells is reduced a great deal.

Eber Weinstein mentioned that a centralized system would be safer because it is also pre-treated. Mr. Weinstein mentioned that if he could see something in writing why the individual septic systems is better he would have no problem with it. This would protect the town and also have something to back it up.

Carl D’Agostino read Section 12: *“Each individual however will be required to design a septic system in accordance with town and state regulations”*.

Mr. D’Agostino asked if this meant that the homes will be sold in contingent upon the owners knowing that they are going to have to put in there own septic system?

Mr. Blais stated that these will be sold as an entire home package deal.

Chair Winch added that they already have had the 2 test pits on each lot.

Mark Koenigs also stated that he would be ok with this if the Planning Board secured some sort of letter. Maybe a general study that Carl was talking about from the University of Maine.

The Planning Board scheduled a site walk for Wednesday, June 6, 2012 at 5:45 p.m. and also scheduled a public hearing for the next Planning Board Meeting on June 14, 2012.

Mark made a motion to move that the application is complete with one amended correction (section 74-34 should be 74-278) for Beachmont Land Development, LLC. Portland Avenue; MBL: 103-1-30; RD/SP Zone for a Cluster Subdivision, 53 Residential Single Family Lot Subdivision.  
Seconded by Carl D’Agostino.

Unanimous.

**MOTION**  
**VOTE**  
**(4-0)**

**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

Mark Koenigs asked the Board that they allow him to comment as an engineer but he will recuse himself from voting on this issue as he was involved in selecting the architect and he was on the also on the building committee, his wife is also the Interim Library Director at the present time. All agreed.

Dave Merrill from TFH Architects in Portland introduced himself along with Lee Koenigs and Israel representing the Libby Memorial Library. Mr. Merrill brought the board up to date on that over the last ten (10) years the library has gone through a number of studies to examine the building, examine the program and have gone out for RFP's to select an architect and design team to fulfill the programming needs, study the program and the site and to bring forth the design. This was done in 2008 and 2009. TFH Architects were selected to develop the design. We worked through the design development. We have also been working on construction documents with the expansion committee. Since the completion of the design development, they have been asked to look at the parking issues and the relocation of the book shed. They have met with Jeffrey Hinderliter and Public Works Director Bill Robertson to discuss the site constraints. They are aware of the drainage issue. The lighting also needs to be addressed. They are actively working towards a solution. They will be looking for some feedback tonight to bring up any other items of concern. Mr. Merrill then briefly about the architect of the building. The materials are remaining the same. They are trying to remain true to the architecture of the building, making it energy efficient.

Mark Koenigs asked the applicant if the site plans, that they have in their packets are just their preliminary plans.

Mr. Merrill stated that they were. It is an evolution of the plan. This is not the final plan. They are still working with the water company on the drainage issue.

Mr. Koenigs stated that there are two (2) catch basins with an extension of the parking lot going out onto the existing parking area. But asked if this is still on the 200' x 200' library property.

Mr. Merrill stated that yes it is and they have trimmed it back a bit. He also informed the Board Members that this has been corrected and addressed.

Mr. Koenigs also mentioned that the catch basin #2 has a 12' storm sewer going down towards First Street through the park. Is this just preliminary also?

Mr. Merrill stated that yes it is and that he will be talking to the Public Works Director on this issue. He also mentioned that the Public Works Director stated that Staples Street has just been paved so they are trying to stay away from that street and there is also no storm drain on Staples Street. The closest one that he knows of is at the intersection.

Eber Weinstein asked if they were changing the parking lot.

Mr. Merrill stated that since they have started the construction documents, it has been requested that they look at expanding the parking as much as feasible going towards the park away from Staples Street.

Mr. Weinstein also asked if the library has its own land independent from the town.

Mr. Merrill stated that what we have is an assumption based on our existing condition survey so they have made their best assumption at where that lot line actually sits.

Mr. Koenigs stated that this is one thing that they are going to want to add to the plan so that they have a clear understanding of this.

Mr. Koenigs also mentioned that some of the things that he sees for the Board Members to look at is that they have a propane tank and a generator and some of those things do not go together well with the park.

Mr. Merrill informed the Board Members that the propane tank would go underground, and the

**ITEM 12**

<p>generator would be above ground but they would do something to screen that as well.          Mark Koenigs asked what the purpose of the generator is.          Mr. Merrill stated that the generator would be to keep the building warm and providing some space in an emergency for a warming shelter.          Eber Weinstein asked how big the propane tank would be.          Mr. Merrill stated that it would be approximately 750-1000 gallons.          Carl D’Agostino asked as an alternative to a propane generator, have they thought about a bio mass generator?          Mr. Merrill stated that they had not but storage might be an issue with that.          Win Winch mentioned that the Design Review Committee will be reviewing the exterior portion of the Library.          Mr. Merrill also stated that as for the lighting, it would be compatible with the adjacent areas.</p>	
<p><b><u>ITEM 13:</u></b>          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</p> <p>John Ponzetti, Manger of Zettran, LLC introduced himself to the Board. Mr. Ponzetti stated that they have everything in order and are ready to go forward.          Chair Winch asked that Mr. Ponzetti might want to pursue the issue of the time limitations on the beach for surf boards.          Mr. Ponzetti assured the board that he will research this and make sure that there are they have time restrictions on the rentals.          Chair Winch stated other than that everything seems to be in order. The site walk is scheduled for June 7, 2012 at 6:15 p.m. And the public hearing will be scheduled for June 14, 2012 at the next regular Planning Board Meeting.</p> <p>Carl D’Agostino made a motion to accept the application complete for a conditional use for Zettran LLC on parcel MBL: 302-6-5 at 173 East Grand Avenue. Seconded by Eber Weinstein.          Unanimous.</p>	<p><b><u>ITEM 13</u></b></p> <p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p>
<p><b><u>ITEM 14</u></b>          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</p> <p>Chair Winch stated that they had left off at the Planning Board Workshop about an issue with whether this is legal to put the child care facility on that street. In the existing ordinance it specifies the streets that a child care facility can have egress off and tied into that street, unfortunately that street is not on the list of the streets listed.</p> <p>Chair Winch then read the ordinance section 78-1268 as it currently reads:</p> <p><i>Access should only be permitted for the following arterial and collector streets:          Ross Road, Cascade Road, Portland Ave, Saco Ave, Ocean Park Road, W. Grand Ave, Temple Ave.</i></p>	<p><b><u>ITEM 14</u></b></p>

<p>Chair Winch stated that they could request a change in the ordinance through the town council. The only other item that he thought this could fall under is a private school, but that would have to meet state requirements for elementary/secondary or higher education.</p> <p>Mr. Ireland stated that this will be strictly daycare not a pre school. He also stated that the only other issue would be to stake out the proposed fence around the play area. The fence requirements is 48” height.</p> <p>Mr. Weinstein suggested that they may want to consent with the town attorney.</p> <p>Mr. Ireland stated that at no time will there be more than 18 children inside the building.</p> <p>Carl D’Agostino made a motion to accept this application complete for the Conditional Use for Candiland Preschool, MBL 107-3-1 at 1 Granny Smith Court, Suite 2.</p> <p>Mark Koenigs seconded the motion.</p> <p>Unanimous.</p> <p>Eber Weinstein mentioned that in the agenda item #14, under the proposal, it states that this is a child care facility.</p> <p>Chair Winch stated that we will have to determine what this is going to be called.</p> <p>The site walk is scheduled for June 7, 2012 at 6:45 p.m. and the Public Hearing will be on June 14, 2012.</p>	<p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p>
<p><b><u>ITEM 15</u></b></p> <p>Proposal: Conditional Use Application Amendment: Amend Landscape Plan</p> <p>Action: Consideration of amended plan and ruling on proposal</p> <p>Owner: Cari-Lyn Lane</p> <p>Location: 7A Summit Street; MBL: 206-28-2</p> <p>Bill Thompson from BH2M Engineers is here representing Cari-Lyn Lane and looking to amend the landscaping component of this project that was approved in 2003. Hoping to get this approved so that she can finish the landscaping and with the funds that are being held now she was hoping that if this does get approved and the estimate seems logical that some of the money can be released to help her out.</p> <p>Eber Weinstein asked why this has taken so long as the plans were finalized in 2003.</p> <p>Cari-Lyn Lane informed the board that part of this is because that the person who developed the lot land for her had some problems and also had some problems with the construction company.</p> <p>Carl D’Agostino made a motion to approve a landscape site plan for Cari-Lyn Lane, MBL 206-28-2 at 7A Summit Street. Seconded by Mark Koenigs.</p> <p>Unanimous.</p>	<p><b><u>ITEM 15</u></b></p> <p><b>MOTION</b></p> <p><b>VOTE</b></p> <p><b>(4-0)</b></p>
<p><b><u>GOOD AND WELFARE:</u></b></p> <p>Mark Koenigs stated that at the last Planning Board Workshop meeting they had talked about the RSU property division and had asked the Town Planner and the Town Council if they would provide him with what the status was with the RSU. The Town Planner provided him with the proposed working sketch from the RSU 23 for what they had proposed for the property division of the town property that</p>	

<p>was turned over to the RSU 3 year ago. To divide off the transfer station and other properties that weren't the schools athletic fields and the like. There is a plan from Dow And Coln Inc. Land Surveyors and Planners dated Marcy 23, 2012.</p> <p>Mr. Koenigs also informed the board that the Town Manager had gone on a site walk with the town planner and Gary Curtis from RSU 23 and currently are in discussions.</p> <p>Mark Koenigs stated that his issues are that he believes there are some potential benefits of keeping some addition lands that the school isn't going to use along the frontages to widen the right of way of Dirigo Drive/EE Cummings EE Cummings Blvd. connects Smithwheel Road and Dirigo Drive and also connects the ballpark property to Saco Avenue. Mr. Koenigs feels that the right of way should be widened to meet the higher standard of arterial roads and should be added to that list of arterial roads. They would actually have enough for future growth including the maintaining that bike path that was added that goes from Dirigo Drive and goes all the way down to the ballpark way. It would be nice to get the right of way widened all the way to Saco Avenue.</p> <p>The other areas being divided is the property from the southside of EE Cummings which is the Jameson and Loranger school property with the athletic fields and the RSU is proposing to divide off the little league field at the fence line. This is for the public's benefit. And the other property line that they are proposing is at the end of the field (the football field) where the police department is at the fence so the line would be the fence property line and towards the transfer station it will be 10' off the athletic field that is out back of the high school.</p> <p>Mr. Koenigs thinks that the right of way could be extended and maybe discuss this with the Comprehensive Plan so the town retains the rights to actually improve and connect trails to the ballpark.</p> <p>Jerome Begert from Gables Way introduced himself to the Board. He stated that it is presumed that the desire of the RSU is to receive the deed turnover. It is in no way a comprehensive foolproof part of the state law that they inadvertently must be given the deed of the land. This is optional. He also stated that he didn't think this is something that should be going to the Comprehensive Committee about. The Comprehensive Committee is a wish list for the future not an approval.</p> <p>John Bird introduced himself to the board and stated that he wanted to speak about the combined sewer vs. individual septic tank issues. He agrees that it will spread out nitrates over the land, but also will spread out the responsibility for maintaining the sewage systems over the same large area, or as a consolidated one would presumably be owned by a neighborhood association and there would be one responsibility in case it failed.</p>	
<p>There being no further issues to discuss, the meeting adjourned at 10:34 pm.</p> <p>ADJOURNMENT              WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 10:34 pm</p>	<p><b>Adjournment</b></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 Sixteen (16) is a true copy of the original minutes of the Planning Board Meeting of May 10, 2012.*

*Valdine Helstrom*