

TOWN OF OLD ORCHARD BEACH  
**PUBLIC HEARING/PLANNING BOARD MEETING MINUTES**  
**JUNE 14, 2012**

<b>Call to Order at 7:06 p.m.</b>	
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Chairman Win Winch, Carl D’Agostino, Mark Koenigs, Eber Weinstein, David Darling (arrived at 7:15 p.m.) <b>Absent:</b> Michel Russo, Jeffrey Hinderliter, Town Planner. <b>Staff Present:</b> Valdine Helstrom, Administrative Assistant.	
<p><b><u>APPROVAL OF MINUTES:</u></b>  Eber Weinstein had a correction on Page 4 of the May 3<sup>rd</sup> meeting minutes that the parenthesis be removed.</p> <p>Mark Koenigs made a motion to move to accept the May 3, 2012 meeting minutes with corrections. Seconded by Carl D’Agostino.</p> <p>Unanimous.</p>	<p><b><u>MINUTES</u></b></p>  <p><b>Motion</b></p>  <p><b>Vote</b> <b>(4-0)</b></p>
<p><b><u>PUBLIC HEARING</u></b></p> <p><b><u>ITEM 1</u></b>  Proposal: 44 single family residential lot cluster subdivision  Owner: Beachmont Land Development LLC  Location: 200 Portland Ave, MBL: 103-1-30</p> <p>This item was postponed because the property owner, as well as the soils engineer were unable to make it tonight. In doing so they have agreed to pay for the re-advertising of the public hearing to be held on July 12, 2012.</p>	<p><b><u>ITEM 1</u></b></p>
<p><b><u>PUBLIC HEARING</u></b></p> <p><b><u>ITEM 2</u></b>  Proposal: Remove 3 lodging buildings and replace with 1 lodging building and site work  Owner: Alouette Atlantic Resorts  Location: 91 East Grand Ave, MBL: 303-1-11</p> <p>The public hearing opened at 7:08 p.m. There was no one speaking for or against this item. The public hearing closed at 7:09 p.m.</p>	<p><b><u>ITEM 2</u></b></p>

<b><u>PUBLIC HEARING</u></b>	
<p><b><u>ITEM 3</u></b>                  Proposal: Seasonal sales and rentals of surfboards, kayaks, kites, and other beach related equipment at an existing office building                  Owner: Zettran, LLC                  Location: 173 East Grand Ave (Little Miss Cottages), MBL: 302-6-5</p> <p>The public hearing opened at 7:10 p.m. There was no one speaking for or against this item. The public hearing closed at 7:11 p.m.</p>	<b><u>ITEM 3</u></b>
<p><b><u>ITEM 4</u></b>                  Proposal: Establish a preschool and child learning center within an existing commercial building                  Owner: Winter Assisted Care LLC (Applicant: Candi and Richard Ireland)                  Location: 1 Granny Smith Court (Suite 2), MBL: 107-3-1</p> <p>The public hearing opened at 7:12 p.m. There was no one speaking for or against this item. The public hearing closed at 7:13 p.m.</p>	<b><u>ITEM 4</u></b>
<b><u>REGULAR MEETING:</u></b>	
<p><b><u>ITEM 5</u></b>                  Proposal: 44 single family residential lot cluster subdivision                  Action: Continue discussion; Schedule final review                  Owner: Beachmont Land Development LLC                  Location: 200 Portland Ave, MBL: 103-1-30</p> <p>This item was postponed because the property owner, as well as the soils engineer were unable to make it to the meeting tonight.</p> <p>Carl D’Agostino made a motion to table ITEM #5 with no prejudice. Seconded by Mark Koenigs.</p> <p>Unanimous.</p>	<p><b><u>ITEM 5</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(4-0)</b></p>
<p><b><u>ITEM 6</u></b>                  Proposal: Remove 3 lodging buildings and replace with 1 lodging building and site work                  Action: Continue discussion; Schedule final review                  Owner: Alouette Atlantic Resorts                  Location: 91 East Grand Ave, MBL: 303-1-11</p>	<b><u>ITEM 6</u></b>

<p>Steve Doe from Sebago Technics introduced himself along with Fred, Mark and Laura representing the team. In looking through Jeffrey Hinderliter’s items of concerns from the Board Members, one of the issues that they have is Quiet Title.</p> <p>Mr. Doe stated that this item is still open on their end.</p> <p>The second issue that the Board has is the DEP issue. Mr. Doe explained that the DEP has accepted their application and they are now starting the process.</p> <p>Mr. Doe stated that they are just waiting for the resolution of these two items.</p> <p>Carl D’Agostino asked if the court told them how long it would be to get a resolution for the Quiet Title.</p> <p>Fred Kennedy stated that at this point the court is just waiting to make a ruling and issue an order. This may be about 20 – 25 days.</p>	
<p><b><u>ITEM 7</u></b></p> <p>Proposal: Seasonal sales and rentals of surfboards, kayaks, kites, and other beach related equipment at an existing office building</p> <p>Action: Final review</p> <p>Owner: Zettran, LLC</p> <p>Location: 173 East Grand Ave (Little Miss Cottages), MBL: 302-6-5</p> <p>There were no new submissions on this item. The applicant positively addressed the 3 items:</p> <ol style="list-style-type: none"> <li>1.) Parking</li> <li>2.) Business location</li> <li>3.) Sitelines.</li> </ol> <p>There were no additional concerns.</p> <p>Carl D’Agostino stated that everything that was on the checklist was shown to the Board Members at the site walk. Mr. D’Agostino agrees that they are at a place where they can actually move forward with this item.</p> <p>Jeffery Hinderlitters recommendation is that everything is in order and can move forward to approve this conditional use.</p> <p>Chair Winch read through the conditional use criteria.</p> <p>Carl D’Agostino made a motion to grant a Conditional Use Application for Zettran, LLC, 173 East Grand Avenue (Little Miss Cottages) MBL 302-6-5 for seasonal sales and rentals of surfboards, kayaks, kites, and other beach related equipment at an existing office building. Seconded By David Darling.</p> <p>Unanimous.</p>	<p><b><u>ITEM 7</u></b></p> <p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(5-0)</b></p>

<p><b>ITEM 8</b></p> <p>Proposal: Establish a preschool and child learning center within an existing commercial building Action: Continue discussion 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 he had met with the Town Planner, Jeffrey Hinderliter and he would feel more comfortable to run this by legal council to get further definition on this item and to avoid any complications.</p> <p>A couple of the things that the Board Members would like to seek clarification on is that the ordinance does not name the street and also they want to call it a nursery school but there is no definition for a nursery school in the ordinance. Carl D’Agostino did some research on the clarification of terms. (attached)</p> <p>Carl D’Agostino stated that he would propose that because they are not in the Neighborhood Commercial District, and because it can be reasonably ascertained that this facility is a day care facility, and we can be assured that because this MBL 107-3-1 facility is indeed in the PMUD, he believes that we could actually move forward and approve this item.</p> <p>Mr. Weinstein agrees to having legal council look into this because it is not defined in the ordinance book.</p> <p>David Darling has concerns with where the access shall be permitted from the following arterial and collective streets. He was unclear of the definition of “Neighborhood Commercial District” does that mean it is only allowed in the Neighborhood Commercial District on those streets with direct access or does it mean that it only applies to the Neighborhood Commercial District with direct access to the streets named. Does it mean that someone could have a day care facility on any other road in the town that is not in a Neighborhood Commercial District?</p> <p>Carl D’Agostino mentioned that in the Conditional Use Application on page 7 the applicant checked off “standard application” and feels that it would be more appropriate to check off “child care facilities”.</p> <p>All were in agreement.</p> <p>Mark Koenigs suggested that we need to ask the question to legal what we want to do specifically. Eber Weinstein suggested that we could ask ‘is this a childcare facility or a school or something that doesn’t fall under our ordinance.</p> <p>All agreed to seek legal council for this Conditional Use.</p>	
<p><b>ITEM 9</b></p> <p>Proposal: Site Plan Review: Edith Libby Memorial Library Addition/Parking Expansion/Site Work (All work associated with Bond Project) Action: Determination of Completeness; Schedule public hearing and site walk Owner: Town of Old Orchard Beach Location: 27 Staples St., MBL: 206-27-1</p> <p>Dave Merrill from TFH Architects introduced himself to the Board along with Israel Collins who is a</p>	

member of the liaison with our town council and building committee.

Mr. Merrill brought everyone up to date on the project. They are continuing to work through the construction documents and developing the site plan. Mr. Merrill handed out the site plans to the Board Members.

He brought up a number of items that the Board required submission of.

1. Has the deed for the property. It is legal and binding.
2. They have met with the Design Review Committee and they seemed to have a very favorable appreciation of the materials and design.  
There are a couple of issues that they need to address in writing with them regarding the roof line and the general design of the building because the ordinance appears not to be written specifically for municipal or institutional use in the downtown district. It is more for residential and retail.
3. Exterior Lighting Fixtures. There is only going to be one exterior lighting fixture due to finances so we are going to be leasing that from CMP. We do have a couple of smaller fixtures that will be in the canopy and entry area.
4. Storm Water Drainage. They have met with Bill Robertson from the Public Works Department and Mr. Robertson came up with a suggestion that they run the storm water right down inside the curb line (metered line) and down to the corner where there is a catch basin at the corner of Staples St. and Front St. Mr. Merrill stated that they will have it engineered and covered in the plans. They have procured the services of Northeast Civil Solutions to take care of the science/drainage and erosion control as well as the run off calculations.

Mr. Merrill stated that other recommendations from Jeffrey Hinderliter was to meet with the Town Departments.

He has met with John Gilboy from the Fire Dept and he had a couple of minor comments such as the permitting process and adding a Knox box location, but is ok with the facility itself.

Our plumbing engineer has met with Tom Carr from the Water Department to coordinate the water entrance and there seems to be no problem there.

He has discussed the size of the building with Chris White at the Sewer Treatment Facility and he doesn't believe there were any issues.

The technical requirements in terms of the Civil Design will be addressed by their Civil Engineer at Northeast Civil Solutions for our next submission who will prepare the survey for the storm water layout and calculations and the soil erosion control plans.

Eber Weinstein asked if these are the official lot lines on the plans that Mr. Merrill had passed out to the Board Members.

Mr. Merrill stated that they were. Based on what they see from that lot description, this is our interpretation of the lot line, but Northeast Civil Solutions will be confirming that.

Mr. Weinstein asked if this was going to be a 12" drainage.

Mr. Merrill stated that this is what has been recommended.

Mr. Weinstein also had a concern if there was going to be any solar glare from the roof that would bother the neighbors.

Mr. Merrill informed him that the color of the roof will be a medium gray and will have more of a satin finish to it, so there shouldn't be a glare issue.

A site walk is planned for July 5, 2012 at 6:00 p.m.

<p>Carl D’Agostino made a motion to determine the application complete for the Edith Libby Memorial Library Addition/Parking Expansion/Site Work on 27 Staples Street, MBL: 206-27-1                  Seconded by David Darling.</p> <p>Mark Koenigs recusing himself from the vote.</p>	<p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(4-0-1)</b></p>
<p><b><u>ITEM 10</u></b></p> <p>Proposal: Amendment to approved subdivision plan: Reduce rear setback for 3 lots                  Action: Ruling on amendment                  Owner: Edward &amp; Linda Everest                  Location: Cherry Hills Rd. (Dunegrass Section-B); MBL: 105A-1-B12 – B14</p> <p>Jeffrey Hinderlitters recommendation is that he feels that the Board can approve this amendment.</p> <p>Eber Weinstein was questioned why this wasn’t this brought up when they had gotten the original approval.</p> <p>Chair Winch stated that maybe they weren’t trying to site houses in then. And now the homeowners may want to set their homes further back.</p> <p>Carl D’Agostino stated that in the PMUD Zone, there is no definition for a setback at all.</p> <p>Mark Koenigs made a motion to amend this subdivision approval. Seconded by Carl D’Agostino.</p> <p>Mr. Weinstein added that even though he thinks that the reasoning is poor, but he doesn’t have a problem approving the amendment.</p>	<p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>(5-0)</b></p>
<p><b><u>ITEM 11</u></b></p> <p>Proposal: Appeals from restriction on non-conforming uses: Reopening of 12 seasonal cottages                  Action: Discussion; Schedule site walk and public hearing?                  Owner: GSB Corporation (Shai Property Management)                  Location: 141 Saco Ave; MBL: 311-1-10</p> <p>Chair Winch informed the Board that because these cottages have not been used for greater than 2 years, they are subject to the following:</p> <ul style="list-style-type: none"> <li>Section 78-177 – Non-Conforming use of land.</li> <li>Section 78-180 – Appeals from restrictions from non-conforming use.</li> </ul> <p>Robert Greenlaw, Land surveyor from Old Orchard Beach introduced himself. Mr. Greenlaw stated that Shai Property Management contacted him to do the survey of this property and bring this proposal forth to the Planning Board to get these 12 cabins back in a rentable condition. Shai Property is currently leasing the property from Gorham Savings Bank. They have just gotten the letter authorized from the bank to go forward.</p> <p>Mr. Greenlaw went on to talk about the condition of the cabins.</p> <p>The roofs were all repaired 2 – 3 years ago. Their plan is to add vinyl siding, new screens, leaving the existing windows in, completely re-do the interior of the cabins with a shower, toilet and combined</p>	

<p>sink and a small kitchen. They do not propose to expand, move or alter the cabins. There is enough parking on site for the cabins the red rocket gas station and office for the cabins.</p> <p>There is currently an existing sewer system that is connected to the public system and appears to be in good condition. There is also a new 3-season waterline that has been installed. All it needs is a direct waterline for each cabin. They will also do some minor landscaping. These cabins will be seasonal.</p> <p>Mr. Greenlaw asked that the Board forego the site walk and public hearing so that they can get these cabins rehabbed before the tourist season.</p> <p>All agreed that there will not need to be a site walk. Both Mr. Darling and Mr. D’Agostino would like to see a sketch plan of the landscaping.</p> <p>It was agreed that this proposal would need a formal application for an Appeal filled out and brought back to the Board at the next meeting because this is for a non-conforming use.</p>	
<p><b><u>GOOD &amp; WELFARE:</u></b></p> <p>Eber Weinstein mentioned that pages in the Ordinance Book are missing. Section 78-1229 thru 78-1268. Valdine Helstrom will get these for the Board Members.</p> <p>Mark Koenigs also asked Ms. Helstrom if she could ask the Town Planner, Mr. Hinderliter if he could follow up on the RSU with the town manager and get back to the Planning Board with an update.</p> <p>Mr. Koenigs also mentioned that EE Cumming Blvd. has only a 44’ right of way but to be an arterial road it needs to be 80’. If we are turning land over to the RSU we should actually take the land we need to make it an arterial road.</p> <p>Carl D’Agostino suggested that the Board should reserve part of the workshops to have a discussion about what the Planning Board should be focused on.</p>	
<p>ADJOURNMENT WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 8:46 pm</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 Seven (7) pages is a true copy of the original minutes of the Planning Board Meeting of June 14, 2012.*

*Valdine L. Helstrom*