

**TOWN OF OLD ORCHARD BEACH
PLANNING BOARD MEETING MINUTES
July 12, 2012**

Call to Order at 7:05 p.m.	
Pledge to the Flag	
Roll Call: Chairman Win Winch, Eber Weinstein, Mark Koenigs, Carl D'Agostino. Absent: David Darling. Staff Present: Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant	
<p><u>APPROVAL OF MINUTES</u> – May 10, 2012, June 14, 2012</p> <p>Mark Koenigs had a few corrections to the May 10, 2012 meeting minutes.</p> <p>1.) The header on the pages should be changed from 2010 to 2012.</p> <p>2.) On page 6 of 16: There is no second to the motion.</p> <p>3.) On page 13 of 16: Mr. Koenigs also mentioned that the catch basin #2 has a 12' (should be 12") storm sewer.</p> <p>Mark Koenigs made a motion to approve the May 10, 2012 meeting minutes with corrections noted. Seconded by Carl D'Agostino.</p> <p>Mark Koenigs made a motion to approve the June 14, 2012 meeting minutes. Seconded by Eber Weinstein.</p>	<p style="text-align: center;"><u>MINUTES</u></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (4-0)</p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (4-0)</p>
<p><u>PUBLIC HEARINGS</u></p> <p><u>ITEM 1</u></p> <p>Proposal: 44 single family residential lot cluster subdivision Owner: Beachmont Land Development LLC Location: 200 Portland Ave, MBL: 103-1-30</p> <p>The Public Hearing opened at 7:07 p.m.</p> <p>Conrad Berthiaume from 19 Date Street introduced himself. His concern is with the break away gate. He just wants to be assured that a breakaway gate would be erected at the end of Date Street to prohibit construction/personal vehicles from going into the development. If this could be incorporated into a document to show that the gate can only be used for fire, rescue, etc. he would have no problem.</p> <p>Chair Win Winch stated that this is an issue that the Planning Board wants to see on the applicants plans as well. This is an issue that they will have to address.</p>	<p style="text-align: center;"><u>ITEM 1</u></p>

<p>The public hearing closed at 7:09 pm.</p>	
<p><u>ITEM 2</u> Proposal: Site Plan Review: Edith Libby Memorial Library Addition/Parking Expansion/Site Work (all work associated with Bond Project) Owner: Town of Old Orchard Beach Location: 27 Staples St., MBL: 206-27-1</p> <p>The public hearing opened at 7:10 pm.</p> <p>Win Winch mentioned that John Bird will be arriving late for the meeting but he wanted Mr. Winch to pass on a concern of his that he would like to see that the library consider saving as many of the trees and shrubs as possible.</p> <p>Lee Koenigs, Library Director introduced herself and stated that the library is very much in favor of saving the ivy, shrubs, trees. etc.</p> <p>The public hearing closed at 7:11 pm.</p>	<p><u>ITEM 2</u></p>
<p><u>REGULAR MEETING</u></p> <p><u>ITEM 3</u> 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>Steve Blais, from Blais Civil Engineers introduced himself to the Board. Mr. Blais talked about the review of the project. Mr. Blais asked the Board whether the public hearing has to happen before a waiver is granted, or does preliminary approval have to happen first?</p> <p>Chair Winch stated that a few members of the Board wanted to see something in writing by the University of Maine in regards to a cluster vs. individual septic systems and why it was a better choice. The other outstanding issues are to incorporate the breakaway gate on the plans.</p> <p>Mr. Blais stated that the history of the project has gone through 2 sketch plan meetings to get a feeling if the waiver was possible. They had gotten some strong feelings that it was. Mr. Blais also informed the Board Members that they still need some additional information. At the May meeting they were deemed complete.</p> <p>Mr. Blais then went over a few changes that they have made since the beginning.</p> <ol style="list-style-type: none"> 1.) Increased the size of the lots to be 20,000 sq. feet or more. 2.) Disconnected the Garden Street connection and have added a break away gate to Date Street and added the sidewalk along Portland Avenue. <p>Major items that were talked about at the site walk:</p> <ol style="list-style-type: none"> 1.) Off site drainage coming on to our site and how are we picking up that drainage and putting that into our system. The critical path to this is getting information back to Wright Pierce so that they can 	<p><u>ITEM 3</u></p>

finish the engineering review.

We do have a solution to this in the form of easements and pipes to pick up that drainage.

2.) In the outlet of the pond near the existing pond there are some steeper slopes and if a big storm came through there could be a chance for some erosion, so we will probably be looking into some form of erosion control.

As for the DEP status, we have the comments back from Ben Viola, Review Engineer. We also had a comment back from John Hopeck. John has reviewed the septic and the soils. Generally they are ok with all of the soils. One concern that Mr. Hopeck had is that with the infiltration on top, he wants to make sure that all that infiltration doesn't cause any problems.

There were no real major concerns in regards to the DEP. They wanted a little more information and more details. They were looking at the infiltration ponds. It was really hard to make sure that there was enough separation from the groundwater, ledge, etc.

Mr. Blais stated that they are working on these issues, but don't know when they will submit the responses to DEP.

They did have the public informational meeting. One of the bigger items that was discussed was the break-away gate. They want to make sure that the gate cannot be taken down in the future because it will become part of public property. Mr. Blais informed the Board Members that they would like to get something into the Offers of Secession that if that gate were to be taken down, it at least needs a form of public meeting.

Mark Koenigs suggested that once the road becomes turned over to the town, the town would have to maintain the gate.

Mr. Blais stated that they would talk to the town attorney firm, Bernstein Shur before getting something in the Offers of Secession.

Mr. Blais also mentioned that there was a comment about traffic on Portland Avenue. One of the abutters was concerned with backing out into the road with the increased traffic. Mr. Blais informed the Board Members that they are within the limits of what you're allowed to do on Portland Avenue.

They also agreed that they won't be bringing construction traffic from Date Street. Someone asked about the water connection to Homewood. We are making the connection through Date Street.

Steve Blais informed the Board Members that the Archeological study has been done and they found no evidence of a historic archeological site.

Mr. Blais went over the engineering comments from Wright Pierce.

- 1.) Intersection of Portland Avenue has altered the curve of the intersection.
- 2.) Roadway slopes were a little steep.
- 3.) Drainage from off site being taken care of.
- 4.) We are making the hammerhead more of a "t" hammerhead now.
- 5.) Lots 34 – 36. In our design as it stands we have 10' of fill. This was a challenging area to grade, but we were able to lower that down to 6' of fill. We feel like we have come along way there and made a better road design.

Mr. Blais also mentioned that Stephanie Hubbard from Wright Pierce is still looking at the septic design. She may even want them to design a septic system and if that is the case, Mr. Blais will probably just ask her to pick the one she feels is the most challenging.

<p>Ms. Hubbard was also talking about maintaining the flows to Milliken Pond. We are working out those details.</p> <p>Mr. Blais informed the Board Members that Bill Robertson had a few comments:</p> <ol style="list-style-type: none"> 1.) He was curious who would be maintaining the infiltration ponds. Mr. Blais stated that the Homeowners Association would be taking care of them. 2.) Mr. Robertson also commented on the outlets of the pond. Mr. Blais stated that in this next submission, it will have more of a splash pond/energy dissipater. <p>Hydrant locators will be added to the plan. He prefers asphalt vs. concrete curbing because of the winter salt so they will be changing the material to asphalt.</p> <p>In the next submission, we are hoping to have the final comments back from Wright Pierce. Mr. Blais stated that they are working to have Offers of Secession for the public roadway. He also mentioned that they will be adding a sign to the breakaway gate stating that only authorized and emergency vehicles will be allowed. This will be added to the plan.</p> <p>Mr. Blais looked into the septic study from the University of Maine. There was not a study to answer the Planning Boards question so he asked the Planning Board if it would make sense to design one of these lots and show that it works.</p> <p>Mr. Weinstein stated that the problem with doing only one site is because the soils are very different on some of the other lots. Mr. Weinstein also stated that the reason why he is questioning this is because the basic requirement is that you should have a central system unless they can show that a private septic for each lot would be better or unless we grant a waiver.</p> <p>Mr. D'Agostino stated he would be comfortable seeing a report that takes the information and filters out the pros to having individual septic systems and condensing that down to a report and review it with the town engineer then he would feel comfortable moving forward with a waiver.</p> <p>Mark Koenigs stated that he would be fine with making a proposal in a letter supporting that information.</p> <p>Eber Weinstein asked Mr. Blais if they would be running their construction equipment from Portland Avenue.</p> <p>Mr. Blais stated that yes this is what they would be agreeing to.</p> <p>Mr. Koenigs stated that he does have comments but he will hold off until the next set of plans are received.</p>	
<p>Eber Weinstein excused himself from the meeting as he had another commitment.</p>	
<p><u>ITEM 4</u></p> <p>Proposal: Site Plan Review: Edith Libby Memorial Library Addition/Parking Expansion/Site Work (all work associated with Bond Project)</p> <p>Action: Continue discussion; Schedule final review</p> <p>Owner: Town of Old Orchard Beach</p> <p>Location: 27 Staples St., MBL: 206-27-1</p> <p>Dave Merrill from TFH introduced himself. He informed the Board Members that they have received the civil plans from Northeast Civil Solutions. To summarize, Northeast Civil Solution has gone through an analysis with the storm water run off and have come to the conclusion that things improve a</p>	<p><u>ITEM 4</u></p>

<p>little given that they are adding to the collection on site with the 3 catch basins incorporating into the existing town sewer system.</p> <p>Mr. Merrill stated that they have had communications with the town departments and all are satisfied with what we have provided and have made some minor comments to our plans. Now that we have the sewer calculation, we will contact Chris White again and let him know where we are and to confirm that the sewer treatment has sufficient capacity to take on that.</p> <p>Mr. Koenigs asked Mr. Merrill if they were combining the sewer system and the storm drainage. Mr. Merrill stated no, that they were talking about the storm drainage.</p>	
<p><u>ITEM 5</u></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>Jeffrey Hinderliter brought the board up to date on this item. Mr. Hinderliter has been in contact with the town attorney about this proposal and it seems that they could not fit this use, as a permissible use, within this zoning district. We also tried to determine if other uses could match this use as described by the applicant. Unfortunately there is no way that the Planning Board can permit this proposal unless there was an ordinance amendment but he hasn't heard back from the applicant.</p> <p>Mr. Hinderliter thinks that the Planning Board's option at this time would be to table it and we can consider this at a future meeting.</p> <p>Mark Koenigs made a motion to table this proposal.</p> <p>Seconded by Carl D'Agostino.</p> <p>Unanimous.</p>	<p>ITEM 5</p> <p>Motion</p> <p>Vote</p> <p>(3-0)</p>
<p><u>ITEM 6</u></p> <p>Proposal: Appeals from restriction on non-conforming uses: Reopening of 12 seasonal cottages Action: Final Review Owner: GSB Corporation (Shai Property Management) Location: 141 Saco Ave; MBL: 311-1-10</p> <p>Robert Greenlaw, Land Surveyor from Old Orchard Beach introduced himself. Mr. Greenlaw brought the Board up to date on this project. Shai Property has started the exterior renovations on the three units that face Union Avenue and will be starting on a fourth soon.</p> <p>Mr. Greenlaw did submit a landscape plan that was requested by the board at the last meeting.</p> <p>Mr. Hinderliter stated that there is no formal application for appeals from the restriction of non conforming usage. The only application that we had that was similar to this was a Miscellaneous Appeal Application.</p> <p>Mr. Hinderliter stated that the applicant has submitted the Miscellaneous Appeal Application along with the revised plan. The only item, if the Board feels that they can allow this tonight, would be a condition on the seasonal aspect of this proposal. And as part of the findings you indicate that the effects of this use being resumed is no more of an impact as it previously was.</p> <p>Carl D'Agostino made a motion to approve this appeals from restriction on non conforming uses for</p>	<p><u>ITEM 6</u></p> <p>Motion</p>

<p>Shai Properties to resume and reopen 12 cottages with the condition that this be run as a seasonal operation from May 1st – November 1st. Seconded by Mark Koenigs.</p> <p>Unanimous.</p> <p>Jeffrey Hinderliter recorded the vote: Mr. Koenigs - Yes Mr. D’Agostino – Yes Chair Winch – Yes</p> <p>Unanimous.</p>	<p>Vote</p> <p>(3-0)</p>
<p><u>ITEM 7</u></p> <p>Proposal: Design Review Certificate: Paint and Re-Shingle Roof Action: Design Review Certificate Approval Owner: Jeffrey Thompson Location: 26 Staples St., MBL: 206-31-15, DD1 Zone</p> <p>This item has gone before the Design Review Committee and now needs to go through the Planning Board process. Jeffrey Hinderliter informed the Board Members that this had to go before the Design Review Committee because it involved an exterior alteration of more than 500 sq. ft.</p> <p>Mark Koenigs made a motion to approve the Design Review Committee Certificate for Jeffrey Thompson to Paint and Re-Shingle Roof on 26 Staples Street, MBL: 206-31-15, DD1 Zone. Seconded by Carl D’Agostino.</p> <p>Unanimous.</p>	<p><u>ITEM 7</u></p> <p>Motion</p> <p>Vote</p> <p>(3-0)</p>
<p><u>ITEM 8</u></p> <p>Proposal: Shoreland Zoning Ordinance Amendment Action: Schedule Public Hearing for 9 August 2012 Meeting Applicant: Town of Old Orchard Beach</p> <p>Jeffrey Hinderliter gave a brief overview of this Shoreland Zoning Ordinance Amendment. He states that when DEP recognizes the adoption of a Shoreland Zoning Ordinance, they will put their decision in an order and sometimes they will make it conditional that you have to include certain language in order to make it ok. So the DEP put this order together and they included some language that they wanted inserted in the Shoreland Zoning Ordinance. That order letter, which included the applicable language as well as some non-applicable language was adopted as part of the ordinance and inserted in the back section of the ordinance, not even in the Shoreland Zoning Section.</p> <p>What Mr. Hinderliter is proposing to do is to take that already adopted language out of that order and insert it in the correct place in the ordinance.</p> <p>Mr. Hinderliter also stated that he will have another shoreland zoning amendment soon. There was a section of shoreland zoning that was entirely forgotten and was not adopted.</p>	<p><u>ITEM 8</u></p>

<p>GOOD & WELFARE:</p> <p>In regards to the Design Review Certificate requirements, Mark Koenigs had a concern about a building on Staples Street that is in the DD2 district owned by Jeffrey and Pamela Golarz. Mr. Koenigs questioned why Mr. Thompson had to go before the DRC and not Mr. and Mrs. Golarz when they did their changes to their property a year and a half ago? Jeffrey Hinderliter stated that it should have gone before the Design Review Committee but that Mr. Hinderliter was not here at that time.</p> <p>John Bird introduced himself to the Board and expressed his concern about saving as much of the plants and vegetation from the library expansion. Mr. Bird also informed the Board Members that the current Comprehensive Plan does address that area around the proposed Beachmont Development and has a section in it about parks, fishing etc. Mr. Hinderliter stated that this is one of the reasons we have been trying to negotiate the open space that is by Milliken is to actually have some sort of conservation easement for this to remain open space. He stated that there is approximately 13 acres there. A big part of developing this is for the future land use plan and the Planning Board will have an active roll in that.</p> <p>Mr. Hinderliter also mentioned that the Comprehensive Plan Committee right now is in the process of <i>Inventory & Analysis</i>. We will be working on the <i>Goals & Policies</i> strategies this fall.</p> <p>Mr. Bird also had a concern about the Shoreland Zoning Business and is interested in finding out when the workshop on inventorying some of the setbacks is going to be.</p> <p>Mark Koenigs asked Jeffrey if he had spoken to the Town Manager on meeting with the RSU and the surveyors.</p> <p>Mr. Hinderliter informed him that he had sent a memo to the Town Manager and incorporated a number of Mr. Koenigs comments and also stating the importance that the town council considers this. Mr. Hinderliter also mentioned that he doesn't think that this is a decision that staff can make at this time.</p> <p>Mr. Koenigs stated that considering what is going on in Saco with the Citizens Action Group that is trying to dissolve their involvement with the RSU, we may not need to turn the land over at all.</p>	
<p>ADJOURNMENT WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 8:15 pm</p>	<p>Adjournment</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) is a true copy of the original minutes of the Planning Board Meeting of July 12, 2012.

Valdine Helstrom

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