

**TOWN OF OLD ORCHARD BEACH
PUBLIC HEARING PLANNING BOARD MEETING MINUTES
Thursday August 9, 2012**

Call to Order at 7:08 pm	Call to Order
Pledge to the Flag	
Roll Call: Carl D’Agostino, Win Winch, Mark Koenigs, David Darling, Eber Weinstein. Staff: Jeffery Hinderliter, Town Planner.	
<p><u>APPROVAL OF MINUTES:</u></p> <p>July 5, 2012 – Library site walk. Approved. Unanimous.</p> <p>July 12, 2012 meeting minutes: Mr. Koenigs had a couple of corrections: On page 4 of 7. In speaking about hydrant locators, it should read asphalt vs. concrete “<u>Curbing</u>”. Also on page 5 of 7 Mr. Koenigs suggested to remove sewer system because catch basins are clearly storm drainage not sewer. And in the next sentence he thinks that Mr. Merrill meant to say storm drainage instead of capacity of the sewer.</p> <p>Unanimous.</p>	<p style="text-align: center;">MINUTES Motion</p> <p style="text-align: center;">Vote (5-0)</p> <p style="text-align: center;">MINUTES Motion</p> <p style="text-align: center;">Vote (5-0)</p>
<p><u>PUBLIC HEARINGS</u></p> <p><u>ITEM 1</u> Amendments to Old Orchard Beach Code of Ordinances, Chapter 78 – Zoning, Article VI – Districts, Division 17 – Shoreland Zone, Sections 78-1185, 78-1203 (5), 78-1203 (8)</p> <p>Jeffrey Hinderliter stated that these standards have already been adopted. Everything stays the same. What this amendment is proposing to do is just to take that applicable language that’s associated with the ordinance and put it in its rightful place in the ordinance.</p> <p>Public hearing opened at 7:10 p.m. There was no one who wished to speak for or against this proposed clarification of the ordinance. The public hearing closes at 7:11 p.m.</p>	<p style="text-align: center;"><u>PUBLIC HEARINGS</u></p> <p style="text-align: center;"><u>ITEM 1</u></p>

- Stephanie Hubbard had a couple of questions on the test pits. Mr. Blais stated that we are going to look at it and will do another test pit if need be.
- Stephanie Hubbard would like a little more detail on the septic system. Mr. Blais had graded three lots but he didn't fully grade out the septic system as it would be designed because he felt reasonably comfortable that it would work. So we are going to come back with 2 or 3 lots fully graded out for the purpose of knowing that all of this works.
- Ms. Hubbard also had a question about the overall hydrology model so Mr. Blais stated that they will be looking into it.
- A concern with a path to maintain the pond in the future. This is being looked into.
- Ms. Hubbard also has a question about the soils and whether the ground water is out of the way. Mr. Blais stated that we only have 1 test pit to show what we have for soils and we may have to shift the pond a little.
- Ms. Hubbard had a concern that there is supposed to be 8 feet of separation between the bottom of the infiltration basin and the ground water table. Mr. Blais had spoken to John Hopeck, Ground Water Specialist. DEP talked about that specific standard with him and it doesn't specifically have to be that deep, as long as you modify the soil layer to slow down that water and treat it before it gets into the groundwater.
- There is a question whether the pipe on Date Street is big enough. They will take another look at that and if needed they will adjust the pipe.
- Stephanie Hubbard suggested that it would be helpful to her to have copies of everything that's going on as far as the DEP. Mr. Blais agreed to forward information to Stephanie Hubbard as he receives it.

John Hopeck talked about profile sheets that Carl D'Agostino questioned and said that these are typically done to give an idea of different types of slows. They are just for informational purposes.

Mr. D'Agostino then asked Mr. Blais about the warning services for the crosswalks and asked if they could consider the cast iron instead of the plastic warning services.

Mr. Blais stated that they can certainly look into using the cast iron services as long as it would be agreeable with the Public Works Department.

Mr. D'Agostino wanted to be clear as to what part of the land that was going to be gifted to the town. Mr. Blais informed him that this is the open space by the pond as well as by the easement for the trail.

Mr. D'Agostino asked if the language was in the covenant in regards to the duration that the gate would exist.

Mr. Blais stated that this is in the offers of session that the offer to the town is to take over the roads and open space and there is a paragraph that reads that the gate will not be removed without written approval.

Mark Koenigs talked about the town land easements and covenant and turning over some of the storm water drainage areas. He thinks that the plans should have some sort of notations on them as to what those pieces of the property are as far as a description to make it clear in the deeds. This is the land that the covenants talking about that would be held by the ownership of the association and once it is turned over to the town it is that land that is conservation land or land that will not be built on.

Mr. Koenigs asked what they are proposing to do with the Animal Shelter's land which is owned by the town.

Mr. Blais stated that the best thing to do with that land would be to extend the property lines to the back and we could also write up a "no cut buffer" on the resident's property.

Mr. Koenigs asked if there is any potential for blasting trenches for utilities in this area to get the water

lines in 4' below grad and is that going to be covered on the plans?

Mr. Blais informed the Board Members that he will add this in and refer to it on the plan sheet.

Mr. Koenigs added that there are 3 conceptual grading plans and in these grading plans they had to propose driveways for lots 40-41-42-43 and 44.

Mr. Koenigs question is are they going to develop these lots as you sell them, or are you not going to put the sidewalk in until all the lots are sold?

Mr. Blais informed him that they are proposing to build the sidewalk at the end.

Mr. Koenigs suggested that the plans need to show a typical detail showing a typical driveway intersection. One for a house lot stating that the minimum/maximum grade you can have for the driveway. Each lot should have a typical spot grade on it that would be the best grade for the foundation or the lot.

Mr. Koenigs also mentioned that in the ordinance it points out that you cannot have a driveway within 50' of an intersection, so the three lots that are on the corner of Neptune and Dolphin have to make sure that those driveways should be located as restricted.

Mr. Blais stated that he would add that to the plan for safety. (no driveway zone)

Mr. Koenigs stated that the gate should be called out in the detail (C304).

The C102 gate should be shown and he is assuming that the drawings on C101 will be in the recorded plan as well.

In section 74-266 it talks about article 5 (The Review Criteria). Mr. Koenigs feels that as a subdivision, this also applies and the Board needs to go through these criteria and ask themselves, "Does the Cluster Development also meet a subdivision criteria for this as well".

Mr. Koenigs asks that the applicant consider using section B which states:

"The Planning Board may further require the developer of a major subdivision provide accurate cost estimates to the town for the services listed in the subsection A of this section and the expected tax revenue of this subdivision".

Mr. Koenigs added that as a Board Member it will give him the ability to better balance his decision to this waiver of the sewer system and also what other services to the community such as the trail, sidewalk and other types of things you do with the green space is a good idea for the town as well.

Mr. Koenigs also explained that these are questions that are driven by the ordinances and he just wants to make sure that the applicant has answered all of the questions for the Board Members so that when the Board makes their decision, we don't have to come back and revisit this.

He stated to Mr. Blais that he is looking for a rough estimate to show that this is economically feasible to go with the cluster vs. central sewer system. Mr. Koenigs stated that the applicant has added the sidewalk but what he is looking for was connectability to the Eastern Trail, something down Portland Avenue up Milliken Mills to the Eastern Trail or something along those lines that gives the town some added benefit to offset the sewer not being connected.

This plan should also conform with the Comprehensive Plan as well.

Dave Darling added that he likes the applicant's willingness to address of the issues. He looks forward to seeing the reports and getting it approved by Stephanie Hubbard, Engineer at Wright Pierce Engineering.

ITEM 4

Proposal: Site Plan Review: Edith Libby Memorial Library Addition/Parking Expansion/Site Work (all work associated with Bond Project)
Action: Continue discussion; Schedule final review
Owner: Town of Old Orchard Beach
Location: 27 Staples St., MBL: 206-27-1

ITEM 4

Jeffrey Hinderliter informed the Board Members that there is a number of outstanding items associated with the proposal including submission of a complete set of site plans, responses to the Site Plan Review Criteria for Approval and discussion with town departments. He is looking forward to the documented responses from the applicant in regards to these issues.

Dave Merrill from TFH Architects gave the Board a brief overview. He is here along with Israel Collins representing the Library.

Mr. Merrill did receive the comments from Mr. Hinderliter and Stephanie Hubbard, the Town Engineer and has met with civil engineers to come up with responses to these comments. These are issues of clarity and their aim is to add a significant amount of notations to the plan in order to make it as clear as possible. He is also scheduled a follow-up meeting with Bill Robertson, Public Works Director to get his input on these comments.

Ms. Hubbard needs clarity on these issues:

- 1.) New vs. existing utilities.
- 2.) Site/Parking layout
 - a.) turn around
 - b.) parallel parking
- 3.) Sidewalks – detectible warning device at the end of the sidewalk.
- 4.) Mechanical Room (book shed)

Eber Weinstein asked if they have enough offsets.

Mr. Merrill stated that yes they are 10' away from the property line.

Mr. Weinstein also asked if it will be propane powered?

Mr. Merrill stated that it will be a buried/non visible propane tank.

- 5.) 4" Storm Drainage:

There is a perforated pipe that we are placing under crushed stone in order to give it some drainage and connecting it into the storm drainage that runs through the parking lot.

- 6.) Grading and Draining:

The grading details will be provided. We will be adding a couple of plans to the submission package. The first plan will be in regards to storm water calculation and pre and post development plans. We will be enlarging the Civil Site Plan Details and will be provided where required for utilities, grading etc. We will also be providing spot grades around the building to note the proposed elevations.

Mr. Merrill informed the Board Members that they have addressed the grading by bringing the slope down from 5% to 2.8%.

- 7.) Storm Water Analysis:

We will be providing pre and post development plans submission. Utility plans have been supplemented by Northeast Civil Solution plans that were dated in July and will be supplemented again in the middle of this month. He will be talking to Bill Robertson, Public Works Director and

will get the size of the existing sewer line on Staples Street. The sewer line has just recently been replaced with a 4” sewer pipe. The water line is a 1” copper line, and Mr. Merrill will find out when this was replaced.

8.) Clean out of the Bends:

Mr. Merrill informed the board that the clean outs have been added and all of the lines are at 45 degrees so there will not be any 90 degree bends in the system.

9.) Domestic and Fire Protection Lines:

Details on the water line should be provided which will be included in the drawings. In regards to the domestic and fire protection lines, the building is not required to have a sprinkler system so there will be no fire protection line, only domestic water service.

10.) Storm Drainage Connection:

The storm drainage connection into the catch basin is completed with a 45 degree bend prior to entering the manhole. Does not recommend bends on the SD piping. Mr. Merrill had a conversation with their Civil Engineer and response from him is that the 45 degree bend is necessary because the 350’ pipe is proposed to be placed between the telephone poles and parking meters. This does not allow the pipe to go straight into the catch basin, instead a clean out access is proposed at the bend so that all pipes can still be maintained. He will be getting information in regards to a plastic material that can be molded into configuration that will allow this to be cleaned out and also go in at a 45 degree angle and he will be forwarding that information to Ms. Hubbard.

Mr. Koenigs questioned what they were going to do with the set of stairs that is by the walkway that comes out of the park because that is where the storm drain is going to go.

Mr. Merrill informed him that these stairs will have to come out and be replaced.

Mr. Koenigs questioned if Bill Robertson will be taking care of the drawings that are going to show the profile and plans for the catch basin.

Mr. Merrill stated that he will have to clarify this with Mr. Robertson.

Mr. Koenigs would also like to have clarification that in the long range plan for the town, that if it is being dug up and re-graded why wouldn’t you put in a granite sidewalk with curb.

11.) Separation of Water and Sewer System:

We now have given a separation of 6’ on our new site plan. We feel that this is a comfortable separation distance.

12.) New Underground Service:

There will be a new lighted pole will be on the property and details will be provided in the subsequent submission.

13.) Review of the service and utility layout between the connection between the proposed library addition and the book shed shall be reviewed to determine the required layout and separation.

We have revised that to meet property separation and that will be reflected on the new plan set.

14.) Erosion and Sediment Control/Site Security:

They have set a placement of ESC at the edge of the grading.

15.) Consideration of a temporary site security fencing during the construction project.

Mr. Merrill stated that they were going to leave it up to the contractors discretion depending on the time of year and what is going on around the site at the time.

<p>Carl D’Agostino asked to make sure that it is part of their documentation to have it secure.</p> <p>Mr. Koenigs asked about the existing bike rack and that if there is an appropriate location near the front door to relocate it that would be a great idea to do this.</p> <p>Mr. D’Agostino asked that he is concerned with increasing the flow into XCB1 because the roof is draining into this, how is the discharge going to increase.</p> <p>Mr. Merrill stated that the run off will decrease and the impact on the storm sewer system will increase.</p>	
<p><u>ITEM 5</u> Proposal: Conditional Use: Establish Home Occupation Action: Determine Complete; Schedule public hearing and site walk Owner: John Glass Location: 1 Date St., MBL: 403-6-20</p> <p>The Board has determined the application is complete. There will be no site walk but they have scheduled a public hearing for September 13th at the next Planning Board Meeting.</p>	<p><u>ITEM 5</u></p>
<p><u>ITEM 6</u> Proposal: Remove 3 lodging buildings and replace with 1 lodging building and site work Action: Final Review Owner: Alouette Atlantic Resorts Location: 91 East Grand Ave, MBL: 303-1-11</p> <p>Mr. Fred Kennedy introduced himself to the Board. Jeffrey Hinderliter stated that there were (2) remaining issues: Quiet Title and DEP. The Quiet Title has been satisfied. If the Planning Board chooses to approve the condition on DEP Mr. Hinderliter has to prepare the final document and what he would recommend to the Planning Board that Mr. Kennedy have a site plan prepared as a mylar for a final plan and get the Planning Boards signatures.</p> <p>Carl D’Agostino made a motion to approve this plan as complete and final with the conditions that construction shall not begin until all applicable Maine Department of Environmental Protection permit application approvals are secured by the applicant and/or property owner. If these MDEP approvals change the plans and written documentation that were submitted and part of the Planning Board approval, those changes shall be presented to the Planning Board. Seconded by David Darling.</p> <p>Mr. Hinderliter recorded the vote: Carl D’Agostino - Yes Eber Weinstein - Yes David Darling - Yes Mark Koenigs - Yes Chair, Win Winch – Yes</p> <p>Unanimous.</p>	<p><u>ITEM 6</u></p> <p>Motion</p> <p>Vote (5-0)</p>
<p><u>ITEM 7</u> Proposal: Site Plan Review/Conditional Use: Phased development to replace single story residential structures with multi-unit residential structures Action: Pre-Application meeting Owner: Pinewood Manor Inc. Location: 10 Manor Street, MBL: 108-1-5</p>	<p><u>ITEM 7</u></p>

<p>The applicants from Pinewood Manor elected not to be here tonight. Chair Winch informed the Board Members that if this does come back before the Board, he will reclude himself as he is an officer of that corporation. The applicants have stated that this is a work in progress. The three separate buildings are going to come back as one construction project, not three. This is the same Board for both Corporations (Pinewood Manor, Inc. and Oceanwood Manor) David Darling mentioned that a lot of the buildings are outdated and insufficient. They are small 500 sq. ft. units. Chair Winch stated that the applicants will prepare a revised formal application.</p>	
<p><u>ITEM 8</u> Proposal: Amendments to Chapter 78 – Zoning, Article VI – Districts, Division 14 – Planned Mixed Use Development, Section 78-1023 – Conditional Uses; Chapter 78 – Zoning, Article VII – Conditional Uses, Division 2 – Conditions, Section 78-1268 – Child Care Facilities Action: Discussion; Schedule public hearing Applicant: Town of Old Orchard Beach</p> <p>Town Planner Jeffrey Hinderliter is requesting that the Planning Board allow him to schedule a public Hearing for this amendment. In regards to this Child Care Facility Amendment, this item was generated because of some issues that were found earlier this Spring with a particular proposal that didn't work and the Planning Board questioned whether the standards were fair. The changes would clearly allow Child Care Facilities in the PMUD District and also the access standards that were troubling will be deleted.</p>	<p><u>ITEM 8</u></p>
<p><u>ITEM 9</u> Proposal: Amendment to Chapter 78 – Zoning, Article VIII – Performance Standards, Division 5 – Signs, Section 78-1627 (4) – Temporary Signs Action: Discussion; Schedule public hearing Applicant: Town of Old Orchard Beach</p> <p>Jeffrey Hinderliter informed that Board Members that in July of this year, the council enacted an “Emergency Ordinance Amendment” that allows temporary signs for ballpark events. There is a time frame for temporary signs of 60 days. Eber Weinstein asked if this included banners as well. Mr. Hinderliter informed Mr. Weinstein that a banner could be included with this ordinance. Mark Koenigs asked why don't we have permanent directional signs. Mr. Hinderliter states that the MDOT requires very specific criteria. The ballpark is public, but the teams are privately owned.</p>	<p><u>ITEM 9</u></p>
<p><u>GOOD & WELFARE</u></p> <p>Jeffery Hinderliter informed the Board Members that this year has been the biggest permitting year since 2003 for Planning Board Applications.</p>	

ADJOURNMENT WINTHROP WINCH, CHAIRMAN	
Meeting adjourned at 9:00 pm	Adjournment

I, Valdine Helstrom, Secretary to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Nine (9) is a true copy of the original minutes of the Planning Board Meeting of August 9, 2012.

Valdine J. Helstrom