

**TOWN OF OLD ORCHARD BEACH
PLANNING BOARD MEETING MINUTES
Thursday September 13, 2012**

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
Roll Call: Chairman Win Winch, Carl D'Agostino, Mark Koenigs, Eber Weinstein, Absent: David Darling. Staff: Jeffery Hinderliter, Town Planner Valdine Helstrom, Planning Board Clerk.	
<p><u>APPROVAL OF MINUTES:</u> Mark Koenigs made a motion to accept the August 2, 2012 Planning Board workshop meeting minutes. Seconded by Carl D'Agostino.</p> <p>Unanimous.</p>	<p>MINUTES Motion</p> <p>Vote (4-0)</p>
<p><u>ITEM 1</u> Proposal: Conditional Use: Establish Home Occupation Owner: John Glass Location: 1 Date St., MBL: 403-6-20</p> <p>The public hearing opened at 7:02 p.m. There being no one wishing to speak for or against this item, the public hearing closed at 7:03 p.m.</p>	<p><u>ITEM 1</u></p>
<p><u>ITEM 2</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.</p> <p>Planner Jeffrey Hinderliter gave a brief overview of this proposal. This came to light last Spring/Summer when the Planning Board was looking at a Child Care Facility that was being proposed before the Board and found that there were some issues with the ordinance. The Planning Board could not permit the Child Care Facility and there were a few questionable standards within the ordinance. Specifically an access requirement.</p> <p>What this ordinance proposes to do is to allow the use of Child Care Facility within the PMUD District and also remove the access standards from the conditional use criteria that became troublesome for the applicant. There has been no detailed zoning analysis done with that. Child Care Facilities are permissible in other districts. There is a level of Planning Board review that is still applicable. They would need to go through the conditional use.</p> <p>The public hearing opened at 7:05 p.m.</p> <p>There being no one wishing to speak for or against this item, the public hearing closed at 7:06 p.m.</p>	<p><u>ITEM 2</u></p>

<p><u>ITEM 3</u> Proposal: Amendment to Chapter 78 – Zoning, Article VIII – Performance Standards, Division 5 – Signs, Section 78-1627 (4) – Temporary Signs.</p> <p>This proposed amendment is associated with temporary signs associated with events at the ballpark. This past July, the town council enacted an emergency ordinance to allow temporary signs for events at the ballpark. The emergency ordinance lasts for 61 days and in order for this to become a formal ordinance in conformance with chapter 78 of our zoning standards, it needs to go through the Planning Board and then council procedures. We are looking for a recommendation from the Planning Board and then bringing it before the town council.</p> <p>The public hearing opened at 7:09 p.m.</p> <p>There being no one wishing to speak for or against this item, the public hearing closed at 7:10 p.m.</p>	<p><u>ITEM 3</u></p>
<p><u>REGULAR MEETING</u> <u>ITEM 4</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>Mr. D’Agostino had a couple of things that he would like to see added on the application as a matter of completeness. On page #4 he would like to see Saco/Biddeford added to the Public Water Service. Right below that under Electric/Telephone/Public/Cable/Overhead he would like to have added 3 phase. On page #6 under proposed signage. The total of all signs indicated as non-applicable and the # or signs indicated as zero.</p> <p>Mark Koenigs made a motion to approve a conditional use for home occupation renting golf club equipment by John Glass with the amended application. Seconded by Carl D’Agostino.</p> <p><u>Town Planner Jeffrey Hinderliter called for the vote:</u></p> <p>Carl D’Agostino - Yes Mark Koenigs - Yes Eber Weinstein - Yes Chair Winch - Yes</p>	<p><u>ITEM 4</u></p> <p>Motion</p> <p>Vote (4-0)</p>
<p><u>ITEM 5</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: Planning Board recommendation</p> <p>As a result of a Child Care Facility proposal the Planning Board recently considered, we found ordinance standards did not allow the use to exist even though it appeared to make sense. During the Planning Board meeting, it was discussed that one way to resolve this issue was to change the</p>	<p><u>ITEM 5</u></p>

<p>ordinance language.</p> <p><i>The proposal before the Planning Board shows these changes:</i></p> <ol style="list-style-type: none"> 1.) Child Care Facilities is a permissible use with the PMUD District by adding this use as a Condition Use under Sec. 78-1023. 2.) The access standards of Sec. 78-1268 (b) (2) are deleted. The standards mentioned specific roads that Child Care Facilities are required to have direct access to/from. <p>This use will require Conditional Use review which will provide a more detailed analysis of each proposal.</p> <p>Mark Koenigs questioned the access requirement for clarification. Mr. Hinderliter stated that the access requirement is just for Child Care Facility.</p> <p>Mr. Weinstein doesn't see a reason for this paragraph to be in there in the first place. There are no other zoning laws relative to any zones that mention any specific streets except for this one.</p> <p>Mr. Koenigs asked if we had a reason why they had this paragraph in. Jeffrey Hinderliter couldn't find any reason in the Comprehensive Plan as to why this standard exists.</p> <p>Mr. Koenigs just wanted to be clear that they will have to come before the Planning Board to get a permit for a conditional use.</p> <p>Mr. Koenigs made a motion as a Planning Board to recommend to the Town Council to make amendments to Chapter 78 – Zoning, Article VI – Districts, Division 14 PMUD section 78-1023 conditional uses. Section 1 78-1023 shall be amended by adding the underscore language as follows: 19 Child Care Facilities. Further amendment to chapter 78 zoning article 7 conditional uses Division 2. Conditions Sec. 78-1268 Child Care Facilities to Sec. 78-1268 (b) to (a) shall be amended by deleting strike through language as follows and re-numbered accordingly. Seconded by Eber Weinstein.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (4-0)</p>
<p>ITEM 6</p> <p>Proposal: Amendment to Chapter 78 – Zoning, Article VIII – Performance Standards, Division 5 – Signs, Section 78-1627 (4) – Temporary Signs</p> <p>Action: Planning Board recommendation</p> <p>During early July, the council enacted an emergency ordinance amendment to the sign ordinance (Ch.78, Art. VIII, Division 5). The council voted 5-0 in favor of the emergency ordinance. This amendment allows temporary signs associated with events at the ballpark. Events include baseball games.</p> <p>Mr. Koenigs asked what does temporary mean?</p> <p>Mr. Hinderliter stated that temporary signs do not have that many standards attached to them. He read section 78-1627.4 of the ordinance which states:</p> <p>Formal adoption of this ordinance amendment allows temporary signs associated with events at the ballpark to be placed anywhere in town (assuming they have the property owners permission); therefore, temporary signs may be located off-premises.</p> <p>Temporary signs are exempt from the size and dimensional requirements of the zoning district, provided the signage does not pose a safety hazard and meet all relevant conditions prescribed.</p>	

<p>Emergency ordinance amendments are in effect for 60 days from the date of the enactment. Even though an emergency ordinance may be adopted, it still must go through the appropriate adoption procedure to make it a formal ordinance change. That procedure begins with the Planning Board scheduling and holding a public hearing.</p> <p>Mr. Koenigs asked if the ordinance stated who is responsible for picking up the signs after the event. Mr. Hinderliter stated that there is nothing that states that the signs must be picked up upon completion of the event.</p> <p>Mr. D’Agostino made a motion to approve the recommendation to the council to amend Chapter 78-Zoning, Article VIII – Performance Standards, Division 5 – Signs, Section 78-1627 (4) – Temporary Signs. Community festivals, carnivals and adding the language events at the ballpark and special events, any signage erected by a business charitable organization or a public organization directly associated with a public festival, carnival addition, the language events at the ballpark, or any special community event approved by the town council. The Planning Board also recommends that that language, with the performance standard, that these signs are removed within 5 days after the close of the event. Seconded by Eber Weinstein.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote (4-0)</p>
<p>ITEM 7</p> <p>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>Mark Blais, Engineer brought the Board Members up to date on a few items. They have added the bollards. Mr. Blais talked to Chief Glass from the fire department and he doesn’t see any issues with this. The only question he had was to only put one down so that he could drive his truck through. They will add a detail to the detail section.</p> <p>Public Works Dept. will be responsible for maintaining the Bollards if any get knocked down because it is going to be in the right of way.</p> <p>One of the changes that they made is that they extended the back of the lots, and there is a no-cut buffer. It is labeled no-cut buffer on sheet C-101 and added that to sheet C-103 also. And this will also make it on the final sub-division plan and get recorded at the registry.</p> <p>Mr. Koenigs stated that they should erase the set back lines to make it clear. Mr. Blais agreed. Mr. Blais stated that they added 2 driveway cut details. One with a sidewalk and one without and those are Old Orchard Beach standards details. They also made sure that the curb detailed matched.</p> <p>It was previously discussed that the idea of building a sidewalk all at once after the driveways. That note will be added on to the final set.</p> <p>Mr. Blais stated that they had met with Stephanie Hubbard from Wright Pierce on the Storm Water Basin. He stated that they have redesigned the pond a bit to make it work a little better. Mr. Blais informed the Board Members that they are submitting to DEP tomorrow. DEP had a few minor comments.</p> <ol style="list-style-type: none"> 1.) DEP needs them to treat each phase individually. So they made the infiltration a little bit bigger on one phase to compensate for some areas where they couldn’t get to drain into it. 2.) DEP wants to know who is going to maintain these things. Mr. Blais stated that it will be up to the town council whether they are going to accept the roads and the drainage system. 	

Mark Koenigs questioned the MS-4 in regards to turning the land over to the town.
Mr. Hinderliter stated that the town was supposed to adopt the MS-4 post construction ordinance in 2009. He added that they are in the process now to adopt the post construction ordinance.

Mr. Koenigs talked about what the tax base will be for this sub division if the town took over the open space. It would be a good idea to get some number from Bill Robertson, Public Works Director.

Mr. Weinstein asked about the drainage issues that they had with a couple of the lots.
Mr. Blais stated that he roughly graded out the lots and figured out where is a good place for the pipes, so when they do grade the lots, they will have a place to put the water. He added a couple of easements.
Before any lots are built there, they are going to have a catch basin.
They have provided a design and are confident that will work in the long term drainage of the project.

Jeffrey Hinderliter stated that Stephanie Hubbard has confidence that with the PE (Professional Engineer) signing off on this information.

Carl D'Agostino mentioned that they should have a timeframe that the gate/bollards should be non-removable. All agreed that 25 years would be a good timeframe.

Mark Koenigs stated that they will be looking at a final submittal of the plans.
The next submission date will be September 24th.

Eber Weinstein stated to basically make a recommendation that the town accept the open space, but not necessarily make it a condition.

There is no guarantee that the town will take over the roads and the ponds. So at that point the homeowners association may take it over.

ITEM 8

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
Design Review Certificate Consideration
Owner: Town of Old Orchard Beach
Location: 27 Staples St., MBL: 206-27-1

Dave Merrill from TFA Architects in Portland introduced himself to the Board Members.
Mark Koenigs recluses himself as his wife works at the Library.

Mr. Merrill stated that they have responded to questions and recommendations from Stephanie Hubbard of Wright-Pierce and have resubmission those concerns. Ms. Hubbard came back with a shorter list of comments and recommendations:

Mr. Merrill stated that they need to secure an ok from Bill Robertson from Public Works and are trying to sit down with him to go over some of these issues.

1. Parking layout in regards to the 10' wide, van accessible use in a turnaround. Our proposal is rather than tie that up in a full time bases, we would like to capitalize this with an additional multi purpose parking space there.
2. The last 2 parallel parking spaces are labeled with a 12" curb reveal. We have reduced the slope.
3. Modify driveway entrance on Staples Street. Couple of options, there is an double wide blocked

- off area which is set aside for access of the curb to the walkway. As we move it down we are 4’ - 5’ in excess. One option is to slide the spaces down or to lose a parking space. We are gaining 9 spaces in the parking lot as it is now. Will discuss this with Bill Robertson.
4. Utilities plan on C-4 does not provide details of the size of inverts. There are inverts on the plumbing plan that we included. Inverts and pipe sizes are all there except for our connection into the existing pipe. Another item for Bill Robertson.
 5. Stormwater drainage. The calculations that NE Civil Solutions have gone through have resulted in a decrease in discharge over the 10 and 20 year storm. It does not a significant increase into the discharge into the system.

Carl D’Agostino had a question on impervious surface and how they determine the size of the pipe. Mr. Merrill will get a written response from Northeast Civil Solutions in regards to impervious surface.

6. Grading and drainage. Will be adding some additional spot elevations. There is a field drain located beneath the tree and it will be relocated to miss the roots of the trees to avoid any ponding in that area of the courtyard.
7. The entrance to the Northeast side of the building will not be ADA accessible because it is not for full time use for the patrons of the library.

Carl asked if they will be responsible to have ADA accessibility for the Horticultural Society in the garden area?

It is very difficult because of the sloping and would be structurally infeasible to make that a paved area that is a garden given the funds in the budget.

Jeffrey mentioned that the Garden Club is not ADA accessibility, so we now have a standard to go by.

8. Consideration of the design review certificate. Mr. Merrill stated that they have met with the Design Review Committee on a couple of occasions, satisfied them fully except for the roofline.

Carl D’Agostino made a motion to issue a Design Review Certificate as presented by the Design Review Committee with a note that we have approved the roofline plan as presented and move forward to accept the remainder based on the findings of facts posted on September 13, 2012.

Seconded by Eber Weinstein.

Motion

**Vote
(3-0-1)**

GOOD AND WELFARE:

Mark Koenigs stated that the sub-committee of the Conservation Committee is working on the OOB to Eastern Trail connector. They have started having meeting with abutters and are going through the issues and areas of concern. If anyone is interested in information on these sub-committee meetings, notices are put out on the website. The Conservation Committee is interested in the public’s input. An update of the project is a rough design of the route. Looking at basically a sidewalk trail for the most part and then using the roads for the bicyclists, except for the School Street extension, which is sand over a sewer easement. We will be looking to the DPW, Bill Robertson to help them with the design of that and facilitating the construction. When we get to the Comprehensive Phase of the plan which there is input from community groups that are interested in connector trails that are off road or on road trails and signage and make this community walk friendly and bike friendly.

Mr. Koenigs asked about the parking lot that is for sale across the street from the Royal Anchor. Mr. Koenigs asked what value does it have. This lot was in shoreland zoning.

Mr. Hinderliter stated that if someone proposes something that is a non residential (site plan) or a

<p>conditional use, it would have to come before the Planning Board for approval as long as it met the criteria for the Planning Board review.</p> <p>John Bird asked when the Post Construction Ordinance issue will be coming before the Planning Board? Chair Winch stated that it is on the agenda for next month.</p>	
<p>There being no further issues to discuss, the meeting adjourned at 9:00 pm.</p> <p>ADJOURNMENT WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 9.00 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 September 13, 2012.

Valdine L. Helstrom