



**ITEM 1**

Proposal: Site Plan Review: 2,053 sq. ft. building expansion, exterior renovation and site work to multi-use commercial building  
Action: Final Review  
Owner: Stillridge LLC  
Location: 8 Heath St., MBL: 206-27-13

Mr. Oscar Emerson from Down to Earth Professional Land Services along with David St. Germaine representing the proposed site plan on 8 Heath Street introduced themselves to the Board. They prepared a list of additional items requested by the Board that the applicant submit for clarification.

***Summary and supplemental information:***

Lighting (depicted on the plan) and specifications on wall pack lighting.  
Signage (consistent with municipal sign ordinance)  
Snow storage (back of building)  
Landscaping clarification. Met with Memorial Park Committee (replicating the same design that is in front of the dog park) Also a request to itemize the existing landscaping and the maintenance and repair if required for the shrubbery.  
Prepare a cut sheet with a breakdown of the associated improvement cost for the project.  
There was also a concern with pavement encroaching past the property line. They will remove that pavement.

Jeffrey Hinderliter was satisfied with the project. The only recommendation that Mr. Hinderliter has is that the owner/applicant continue to work with the Memorial Park Committee as part of the removal of vegetation and re-vegetation just to make sure that they are informed and satisfied with the progress.

King Weinstein, 5 Sunset Drive (direct abutter) introduced himself to the Board Members. He was concerned about the dumpsters and lighting in the rear of the building where a lot of individuals congregate.  
Mr. Emerson stated that the lighting that will be put in the back and the cleaning up of that area should discourage people from congregating in the back. The small dumpsters will be screened from view with a fence.  
Mr. Weinstein requested that the lighting be on the memorial park side and aiming towards the back of the building.  
Mr. Emerson recommends that when they relocate the utility pole they would have the ability to put lighting there and cascade it on the building. He also recommended to try the lighting and see how that works for a season to see if this discourages individuals from congregating.

Mr. Koenigs suggested that the snow be plowed on the Northwest side where the parking stalls are on Heath Street parallel to the sidewalk so that the water can drain into the catch basin and they won't have the run off in the Spring on the park land. Mr. Emerson stated that he can make these changes.

Mr. Koenigs stated that he doesn't think that they should remove the pavement between the easement line down to the sidewalk. In his opinion Mr. Koenigs thinks that the easement line should be extended, take out the perpendicular line, make it a trapezoid that comes down to be about 3' off of the property line and about 35-36' along the link.

Mr. Koenigs is concerned with the drainage swale and that he thinks that they should enhance the natural swale so that when it is carried down to the sidewalk, the water has a chance to flow that way. Mr. Koenigs suggested that they add a simple note that says they will provide a

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depressed swail over the top of the underdrain.

Mr. Koenigs also suggested that they prepare a note stating the number of pine trees that they are going to remove.

Mr. Koenigs suggested that they add a breakdown of costs anticipated by the applicant. They have submitted \$442,287 worth of improvements on that property.

Mr. Koenigs made a motion to approve the site plan for 2,053 square feet building expansion, exterior renovation and site work for a multi-use commercial building for Stillridge, LLC at 8 Heath Street, MBL 206-27-13 with the following conditions:

**Motion**

- 1.) The site plan be revised to include recommended easement revisions, up to the minimum 1,000 sq. ft. along side the building with a tight driveway
- 2.) The lighting in the back of the building be installed with the additional condition that if after a period of time that there are complaints from the abutters, the applicant will make a change to that lighting but will not remove the lighting.
- 3.) The note will be added to the plan that the snow storage for plowing the front area will be along Heath Street or the Northeast side.
- 4.) The pavement along the south of the sidewalk and down to the property line to the memorial park will be removed on the memorial park property, but the pavement will remain north of the sidewalk that goes into memorial park and around the catch basin. Mark will also provide his sketch of the easement as well so that it will be clear.
- 5.) The drainage detail will include a depression over the top of the center line of the under drain and an extension of the grading swale to the north end of that with a plan note.

Seconded by Carl D'Agostino.

Jeffrey Hinderliter recorded the vote:

Win Winch - Yes  
Mark Koenigs - Yes  
Carl D'Agostino - Yes

**Vote  
(3-0)**

<p><b><u>ITEM 2</u></b> Proposal: Subdivision Amendment: Amend Sandy Hollow Subdivision Plan to create 2 residential lots Action: Consideration and ruling Owner: Terry and Jim Nagle Location: 90 Ross Rd., MBL: 105-4-12</p> <p>The deed for the Sandy Hollow Subdivision was amended to allow the creation of one additional lot for the purpose of constructing a single family dwelling.</p> <p>Mr. Nagle had met with the Public Works Director Bill Robertson and he stated that this was the best location for the driveway. Mark Koenigs suggested that the trees that are on the right of way of the town be removed in regards to safety for individuals crossing to get to the Eastern Trail. Mr. Koenigs also suggested to offset the driveway another 5 – 6 feet and make sure that it has proper signage to let people know that it is a driveway. Mr. Hinderliter mentioned that public safety (police, fire and public works) were comfortable with the location of the driveway. Carl D’Agostino read section 78-1491 (F-1) which reads: No driveway should be located within 50 feet of curb line tangent of any intersection of local streets or private ways.</p> <p>Carl D’Agostino made a motion to approve the subdivision amendment to amend the Sandy Hollow Subdivision plan to create 2 residential lots for Terry and Jim Nagle, 90 Ross Road, MBL 105-4-12 with the stipulation that the driveway that will be added will be aligned with the westerly side of the driveway and will be aligned with the easterly side of Wild Dunes Way. Seconded by Mark Koenigs.</p> <p>Jeffrey Hinderliter recorded the vote</p> <p>Mark Koenigs - Yes Carl D’Agostino - Yes Chair Win Winch - Yes</p>	<p><b><u>ITEM 2</u></b></p> <p><b><u>Motion</u></b></p> <p><b>Vote (3-0)</b></p>
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**ITEM 3**

Proposal: Site Plan Review Amendment: Relocate driveway  
Action: Consideration and ruling  
Owner: Cascade Corp  
Location: 12 Foote St., MBL 205-19-11 (Seabreeze Motel)

**ITEM 3**

King Weinstein introduced himself to the Board Members and stated that he is proposing to relocate his driveway on 12 Foote Street from next to the existing single family house and add a turnaround driveway towards the existing 10 unit property adjacent on the east side. Mr. Weinstein had spoken to the OOB Public Works Department, OOB Fire Department as well as the OOB Police Department and they all stated that they sent emails out that stated that they were fine with this proposal.

Mark Koenigs expressed concern with people/traffic coming up Foote Street. There could be a potential problem with someone backing out of that proposed driveway because of the stop sign that is on Foote Street.

Carl D'Agostino asked Mr. Weinstein why they are proposing to change what has already been approved?

Mr. Weinstein stated that if they kept the approved driveway, they would have to remove all of the buffering between that driveway and his neighbor. So if they put the driveway on the other side the buffering stays there and there would be a turnaround so that people don't have to back out into the street. The turnaround would still be there but that it would just be flipped from one side to another.

Kim McLaughlin, abutter to King Weinstein's property stated that her main concern is that she would like the trees to stay.

Mark Koenigs mentioned to Mr. Weinstein that the notes in the plans need to follow what Mr. Weinstein is proposing to do in the field so that it matches.

Carl D'Agostino feels that the responsibility is to be aware of the public safety and welfare of the individuals that live in this area and he feels that there is no reason to change the original proposal.

After much discussion, Mark Koenigs made a motion to table this item until the next Planning Board workshop meeting and a site walk to be scheduled for Saturday, January 5, 2013 at 9:30 a.m.  
Seconded by Carl D'Agostino.

**Vote  
To  
Table**

**(3-0)**

<p><b><u>ITEM 4</u></b></p> <p>Proposal: Planning Board workshop with town attorneys, Bernstein Shur, to discuss legal and various planning board related responsibilities, issues, etc.</p> <p>Jeffrey Hinderliter introduced Rob Crawford and Phil Saucier from Bernstein Shur. These are the lawyers from Bernstein Shur who handles our land use issues the most and are Mr. Hinderliter’s primary contact.</p> <p>Mr. Crawford and Mr. Saucier presented a brief educational session to the Planning Board members.</p> <p>Mr. Crawford gave the Board Members a little information on his educational background and he also gave a general presentation on the Freedom of Access laws.</p> <p>Mr. Crawford also talked to the Board Members about conducting the public’s business and conflict of interests. First and foremost any public official’s first priority is to serve their community. Due process of law which means that people are entitled to have due notice of things that might impact them and are entitled to have some involvement and voice in that. One of the important things in due process is that we entrust our public officials to be in the highest role of unbiased and fair decision makers.</p> <p>Mr. Crawford touched briefly on formality of action and reconsideration of a vote and also issuance of the decision and the summaries of the facts.</p> <p>Phil Saucier further talked to the Board about the Freedom of Access Act in general. This is an area of the law that seems to be getting the attention of the legislature and to revise and refine what our responsibilities are.</p> <p>Any kind of documentation of a meeting in any form is an example of the Freedom of Access Act. An email conversation between 3 or more board members for substantial issues is considered a meeting. Board Members can email one another but just on non-substantial issues like procedural issues.</p> <p>Mr. Saucier also brought up the topic of incomplete Findings of Facts and Conclusions of Law in regards to an appeal. This is the one thing that gets Board’s in trouble with the courts.</p> <p>Mr. Crawford also talked about “Consanguinity” (blood or marriage relationship) The key is to make an informed disclosure early on and then having it reviewed.</p>	<p><b><u>ITEM 4</u></b></p>
<p><b><u>ITEM 5</u></b></p> <p>Proposal: Consideration of Findings of Fact:</p> <ol style="list-style-type: none"><li>1. CMP 34.5 kV transmission line rebuild</li><li>2. Libby Memorial Library building expansion</li><li>3. Beachmont Subdivision</li><li>4. 7-11 fuel dispenser and canopy construction</li><li>5. Virginia Tent LLC clubhouse demo and new construction</li><li>6. Alouette Atlantic Resorts motel demo and new construction</li></ol>	<p><b><u>ITEM 5</u></b></p>

<p><b>ITEM 6</b>                  Proposal: Sign Mylar's:                  1. 13<sup>th</sup> Hole minor subdivision                  2. Regis Acres subdivision amendment</p>	<p><b>ITEM 6</b></p>
<p><b>GOOD &amp; WELFARE</b></p> <p>Mark Koenigs mentioned that the façade at Rocco's Pizza was improved in the Spring of 2012 and was curious as to when and if that went through the Design Review Committee and the Planning Board as this was over 500 sq. ft. which would require a certificate.                  Jeffrey Hinderliter stated that he would have to look back on what was brought up at that time.</p> <p>In another issue, Mark Koenigs was concerned with who in town does the phase development on Beachmont. Mr. Koenigs is concerned with who monitors the soil erosion.                  Mr. Hinderliter stated that it is a combination of both Code Enforcement and Wright/Pierce.</p> <p>John Bird expressed concern in regards to the Old Orchard Beach Campground at the far end of Saco Avenue where they are stripping the land. Mr. Bird wanted to know if that is being regulated.</p> <p>Mr. Hinderliter informed Mr. Bird that they are putting in a new entrance road and completely restoring the campground area. This comes out of the Campground Ordinance and there is not more than an acre at this site. Mr. Hinderliter also mentioned that the campground has kept the Code and Planning Offices involved in this process. Mr. Hinderliter stated that the one primary permitting authority that they needed was MDOT.</p>	
<p><b>ADJOURNMENT</b>                  WINTHROP WINCH, CHAIRMAN</p>	
<p>Meeting adjourned at 10:00 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 Seven (7) is a true copy of the original minutes of the Planning Board Meeting of December 13, 2012.*

*Valdine L. Helstrom*