

TOWN OF OLD ORCHARD BEACH  
**PUBLIC HEARING PLANNING BOARD MEETING MINUTES**  
**Thursday November 8, 2012**

<b>Call to Order at 7:08 pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Carl D'Agostino, Win Winch, Mark Koenigs, Eber Weinstein <b>Absent:</b> David Darling. <b>Staff:</b> Jeffery Hinderliter, Town Planner Valdine Helstrom, Administrative Assistant.	
<p>Chair Winch apologized for the construction in the Council Chambers to add seating for the new 7 member council.</p> <p>John Bird introduced himself and wanted to bring up a point of order and have it recorded that this is an insufficient facility to hold a public hearing. The Charter states that public hearings should be of fair access and video recorded. Mr. Bird suggests that the Planning Board Meeting be adjourned to another date.</p> <p>Chair Winch stated that there are 3 public hearings being held tonight and given the fact that everyone is here and it is being recorded by audio, the Board Members decided to proceed with the meeting.</p>	
<p><b>APPROVAL OF MINUTES – 10/4/12</b></p> <p>Eber Weinstein had a concern with the first sentence on page 3. It should read 69 <b><u>KV</u></b> and 115 <b><u>KV</u></b>.</p> <p>Mr. Koenigs would like to change (from the 3<sup>rd</sup> sentence on page 3) <b><u>they</u></b> to <b><u>DPW</u></b>. And <b><u>proposing to</u></b> instead of <b><u>going to</u></b>.</p> <p>Eber Weinstein made a motion to approve the October 4, 2012 meeting minutes with changes. Seconded by Carl D'Agostino.</p>	<p style="text-align: center;"><b>MINUTES</b></p> <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b> <b>(4-0)</b></p>
<p><b><u>PUBLIC HEARINGS:</u></b></p> <p><b><u>ITEM 1</u></b>  <b>Proposal: Minor Subdivision: 4-lot residential subdivision</b>  <b>Owner: Dominator Golf, LLC</b>  <b>Location: Wild Dunes Way (Adjacent to hole 13 in Dunegrass), Map 105A, Lot 200</b></p> <p>The Public Hearing was opened to the public at 7:05 p.m. There being no one speaking for or against this item, the public hearing closed at 7:06 p.m.</p>	<p style="text-align: center;"><b><u>ITEM 1</u></b></p> <p style="text-align: center;"><b>PUBLIC HEARING</b></p>

<p><b><u>ITEM 2</u></b>  <b>Proposal:</b> Conditional Use: 1.92 mile long 34.5 kV CMP transmission line rebuild  <b>Owner:</b> Central Maine Power Co.  <b>Location:</b> Existing CMP transmission line corridor from Vallee Lane substation to School Street Extension substation</p> <p>The Public Hearing was opened to the public at 7:07 p.m.        John Bird asked what the agreement was to clean up the area after they are finished with the project.        Peggy Dwyer from the CMP Real Estate Department stated that any area they have impacted will be cleaned up</p> <p>The public hearing closed at 7:10 p.m.</p>	<p><b><u>ITEM 2</u></b>   <b><u>PUBLIC HEARING</u></b></p>
<p><b><u>ITEM 3</u></b>  <b>Proposal:</b> Site Plan Review: 2,053 sq. ft. building expansion, exterior renovation and site work to multi-use commercial building  <b>Owner:</b> Stillridge LLC  <b>Location:</b> 8 Heath St., MBL: 206-27-13</p> <p>The Public Hearing was opened to the public at 7:12 p.m.</p> <p>John Bird asked if there was a necessity for the trees to come down.        Mary Beth Robillard from the Old Orchard Beach Veterans Memorial Park Committee agreed that the trees do not need to come down.</p> <p>The Public Hearing closed at 7:15 p.m.</p>	<p><b><u>ITEM 3</u></b>   <b><u>PUBLIC HEARING</u></b></p>
<p><b><u>REGULAR MEETING</u></b></p> <p><b><u>ITEM 4</u></b>  <b>Proposal:</b> Minor Subdivision: 4-lot residential subdivision  <b>Action:</b> Final Review  <b>Owner:</b> Dominator Golf, LLC  <b>Location:</b> Wild Dunes Way (Adjacent to hole 13 in Dunegrass), Map 105A, Lot 200</p> <p>Chair Winch stated that the Planning Board members had a site walk at Wild Dunes Way this week and the major concern were the site lines on the curb of the first lot. Public Work’s concern was that that street has been beat up and has asked to combine the access to a couple of lots.</p> <p>Les Berry from BH2M representing Dominator Golf LLC stated that he could not get in touch with the water company. Mr. Berry addressed the following comments from the Public</p>	<p><b><u>ITEM 4</u></b>   <b><u>REGULAR MEETING</u></b></p>

Works Director.

- **Public Works Director Comments:**

1. First of all who inspected this section of Wild Dunes Way from the Clubhouse to these lots? How can so many of the Utilities; i.e. sewer, water, gas, electricity not have services brought to all the lots? There are already to many cuts across the road, especially it being a “New” road.  
**Mr. Berry stated that he didn’t know who inspected it because he wasn’t involved with it at the time.**
2. I strongly suggest that the utilities for lots 2 and 3 be put in a common trench at the lot line so there would essentially be one wide cut between these lots. Also have utilities brought across the road just east of here within the same cut to accommodate the Pine Ridge Realty Corp.  
**Mr. Berry stated that this could be done very easily.**
3. Bring utilities from Lot 1 across to the lot labeled “Dominator Golf LLC so that another cut would not be needed in the future.  
**Mr. Berry stated that they could bring it in from Lacosta Pines.**
4. All cuts should be compacted in 6”-12” lifts with 3” of binder course placed and within one year or a suitable amount of time the entire trench plus a minimum of one foot beyond the trench one inch of the material should be ground out and replaced with a surface mix.  
**Mr. Berry stated that this is just standard practice.**

Jeffrey Hinderliter stated that as long as the Public Works comments have been successfully addressed, he thinks this can go forward. Mr. Hinderliter recommends that the esthetics and site design continue to be in conformance with the Dunegrass looks.

Eber Weinstein asked if they had any problems with DEP.

Mr. Berry stated that they had to go through a minor amendment revision and it has been approved by DEP.

Mr. Hinderliter suggests that this be approved with one condition. Also recommend the applicant revise the plans to show the items that the Public Works Director recommended before any mylar is signed.

Mark Koenigs would like to know if the storm water drainage easement will satisfy the requirements to have that maintained over the long term. Mr. Koenigs is concerned that this is another thing that the Public Works is going to have to take care of if the Homeowners Association does not.

Mr. Berry stated that Dominator Golf would be maintaining it because this is part of the permit. And it would be part of the DEP approval also.

Mr. Hinderliter stated that this does not meet the requirement for the post construction storm



<p>It will be improved to 69 kV standards where it is 34.5 kV right now. At the last meeting there was some concern about the proposed trail. CMP and Public Works Department will be working together to optimize that plan to the maximum extent possible. This project will consist of pole replacement and slightly higher poles (between 5 and 15 feet) to accommodate the fiber optic lines for communications between substations only. The DEP permit has been granted.</p> <p>Mr. Koenigs wants to caution the contractor and have him talk to the DPW Director so that they can be aware that there is a section of the trail with phragmites that they need to be aware of when they cross that area across from Brook Drive.</p> <p>Also as a member of the subcommittee, Mr. Koenigs informed the Board Members that in meeting with the DPW Director, he had asked that the DPW do a test area to put down reclaim. They will do that in the Spring.</p> <p>Mr. Koenigs would like to add that as the contractor pulls out they clean up and not leave brush and debris.</p> <p>Jeffrey Hinderliter recommends that they add a condition to add a license agreement for the staging area and issued by the appropriate town officials before construction begins.</p> <p>Ms. Dearden stated that the project will last a minimum 2 months and maximum of 3 months.</p> <p>Mark Koenigs made a motion to approve the conditional use for a 1.92 mile long 34.5 kV CMP transmission line rebuild by CMP, location being the existing CMP transmission line corridor from Vallee Lane substation to School Street Extension substation with one condition being that the applicant add a condition to add a license agreement for the staging area and issued by the appropriate town officials before construction begins.</p> <p>Seconded by Carl D’Agostino.</p> <p>Jeffrey Hinderliter recorded the vote:</p> <p>Mr. D’Agostino – Yes          Mr. Weinstein - Yes          Mr. Koenigs - Yes          Chair Winch - Yes</p>	<p><b><u>MOTION</u></b></p> <p><b><u>VOTE</u></b>  <b><u>(4-0)</u></b></p>
<p><b><u>ITEM 6</u></b>  <b>Proposal:</b> Site Plan Review: 2,053 sq. ft. building expansion, exterior renovation and site work to multi-use commercial building  <b>Action:</b> Final Review  <b>Owner:</b> Stillridge LLC  <b>Location:</b> 8 Heath St., MBL: 206-27-13</p> <p>Oscar Emerson from Down to Earth Land Services here representing Stillridge LLC. He prepared the site plans and provided the Board Members with the data for the application. They have a 2,053 sq. ft. expansion of the building, have an 8’ walkway installed in front of the</p>	<p><b><u>ITEM 6</u></b></p>

building, parking will generally be the same. There is some condensing of stalls on the front and the sides to accommodate compact parking. We are relocating the existing lighting 8 ft. from the sidewalk to make sure that it is not interfering with any of the stalls. The plans reflect new comments that were provided by the planner. Itemized his review comments and we have a response to those comments as well as previously along with the application, they have provided a narrative listing the criteria for approval.

In regards to the landscaping based on discussions with the park committee, the intent is to provide the screening that is desired by the town. It is also the intent to duplicate the type of landscaping that is currently existing.

Carl D'Agostino mentioned that at the site walk they were discussing how to handle the surface run off. Mr. Emerson did take a look at it and because of the existing trees and utility poles and the proposed trees that are out there it is very difficult to put a french drain in the low area without disturbing the roots. They could maintain a 1% slope with an under drain that is typical to drain the base of the roadway.

If they put in a french drain the chances are that the existing pines will not survive because of the root base. Stillridge LLC would recommend the underdrain.

The Memorial Park Committee would like to have the big pine trees out. If they do replace the trees, they just want them to blend in with what is there already. They would like to go to a tree specialist to get their opinion.

The applicant concurs that there is stormwater coming off of that site, but they have demonstrated through grading and re-vegetating that they are not having an adverse impact.

They are trying to be accommodating with the underdrain.

Mr. Koenigs stated that if the applicant is going to be doing landscaping and taking out trees it should be what the Memorial Park had originally planned.

What Mr. Koenigs would like to see, from a Planning Board perspective, is to see the actual engineer show where that truck size is in the wheel base and where it is going to go.

The pavement from the catch basin from the corner of the property all the way to the back is 4' - 5' wide is on town land. Mr. Koenigs concern is that the pavement should be replaced with landscape. He thinks the easement should address that. He also mentioned that a new property line should be established and that the easement should be extended past the corner of the building.

Mr. Koenigs asked if they could do an underdrain and put in a small swale that has a depression lower than the tennis courts so that the water has a place to go.

The applicant stated that this could be done.

Mr. Koenigs brought up the site plan review requirements of things that should be on the plan.

- 1.) Details on lighting in the back
- 2.) Landscape Plan
- 3.) Size of sign – done administratively
- 4.) Where the snow will be plowed
- 5.) Performance Guarantee (site improvements, cost information.)
- 6.) Explore options for pavement.

Mr. Hinderliter stated that the landscaping shall be designed and acceptable to the memorial park committee within 6 months of approval. Mr. Hinderliter also mentioned that the items need to be changed on the plans before it is approved.

They need the plans back by November 26, 2012.

<p><b><u>ITEM 7</u></b>  <b>Proposal:</b> Amend appeals from restriction on non-conforming uses approval (Reopening of 12 seasonal cottages) to replacement of existing cottages with new cottages  <b>Action:</b> Consideration of amended application  <b>Owner:</b> Gorham Savings Bank (Shai Property Management)  <b>Location:</b> 141 Saco Ave; MBL: 311-1-10</p> <p>This item was put on hold as no one was here representing Shai Property Management.</p>	<p><b><u>ITEM 7</u></b></p>
<p><b><u>ITEM 8</u></b>  <b>Proposal:</b> Subdivision Amendment: Amend Sandy Hollow Subdivision Plan to create 2 residential lots  <b>Action:</b> Discussion  <b>Owner:</b> Terry and Jim Nagle  <b>Location:</b> 90 Ross Rd., MBL: 105-4-12</p> <p>Mr. Hinderliter informed the Board Members that the Nagles are here tonight because they have a subdivision that they would like to amend. They own 1 lot (over 80,000 sq.ft.). They want to take that lot and divide/create 2 lots to construct a single family dwelling. They went to the Board of Appeals regarding the frontage and it was granted. In September they went back to the Board of Appeals for clarification because they thought that they also needed an appeal on the square footage of the parcel. The Board of Appeals granted a variance for a 40,000 sq. ft. lot.</p> <p>So the Nagles have 2 Board of Appeals variances to make this lot a conforming lot although it doesn't meet our standards for the frontage or the square footage. Due to the history, there has been some confusion with this.</p> <p>The Town Attorney has determined that the way that the ordinance currently reads is that the minimum lot size is 40,000 sq. ft. without public sewer or water</p> <p>Mr. Nagle cannot get access to public sewer or water.</p> <p>They are prepared to surrender the mistaken variance on 40,000 sq. ft. and keep the variance on the frontage. The problem was the type of variance that was applied for which was a miscellaneous appeal.</p> <p>Before the Nagles prepared a formal submission for a sub-division amendment, they are here before the Planning Board to see if they would feel comfortable agreeing with the Board of Appeals decision.</p> <p>After much discussion, the Board Members agreed.</p>	<p><b><u>ITEM 8</u></b></p>
<p><b><u>ITEM 9</u></b>  <b>Proposal:</b> Subdivision Amendment: Amend property boundary line in Regis Acres Subdivision  <b>Action:</b> Consideration and vote on amendment  <b>Owner:</b> Saco Bay General Contractors, LLC  <b>Location:</b> 44 Ross Rd., MBL: 103-6-603&amp;605</p>	<p><b><u>ITEM 9</u></b></p>



Mr. Hinderliter informed the Board Members that Bernstein Shur will be attending the next Planning Board Meeting.	
GOOD & WELFARE ADJOURNMENT WINTHROP WINCH, CHAIRMAN	
Meeting adjourned at 10:00 pm	<b>Adjournment</b>

*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 November 8, 2012.*

*Valdine L. Helstrom*