

OLD ORCHARD BEACH PLANNING BOARD  
 Public Hearing and Regular Meeting  
 10 September, 2015 - 7:00 PM  
 Town Council Chambers

<b>Call to Order: 7:07 pm</b>	<b>Call to Order</b>
<b>Pledge of Allegiance</b>	<b>Pledge of Allegiance</b>
<b>Roll Call:</b> Chair Eber Weinstein, Win Winch, Mike Fortunato, Linda Mailhot. Absent: Mark Koenigs. Staff Present: Jeffrey Hinderliter; Planner.	<b>Roll Call</b>
<b>APPROVAL OF MINUTES:</b> There were no meeting minutes to approve.	
<p><b>Public Hearing</b></p> <p><b><u>ITEM 1</u></b></p> <p><b>Proposal: Conditional Use (Home Occupation): Establish Bakery within existing accessory structure</b></p> <p><b>Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing</b></p> <p><b>Owner: Bryan Murphy</b></p> <p><b>Location: 165 Portland Ave., MBL: 103-6-4, RD</b></p> <p>Bryan Murphy couldn't attend the meeting tonight. Paul Murphy, on behalf of his son Bryan Murphy introduced himself and stated that he supports his son's project.</p> <p>There being no one else for or against the proposal, the public hearing closed to the public at 7:08 pm.</p>	<b><u>ITEM 1</u></b>
<p><b><u>Regular Meeting</u></b></p> <p><b><u>ITEM 2</u></b></p> <p><b>Proposal: Conditional Use (Home Occupation): Establish Bakery within existing accessory structure</b></p> <p><b>Action: Site Walk Report, Final Review</b></p> <p><b>Owner: Bryan Murphy</b></p> <p><b>Location: 165 Portland Ave., MBL: 103-6-4, RD</b></p> <p>Planner Jeffrey Hinderliter explained that with this proposal, it came down to the question about retail sales. We received an opinion from our Town Attorney that retail sales associated with a bakery do not fit within the home occupation standards. With retail sales attached to the bakery, the proposal cannot move forward as a home occupation.</p> <p>Mr. Hinderliter's recommendation is that if the Planning Board supports the attorney's opinion as opposed to a denial, they could table the final decision until we get a formal withdrawal from the applicant. There are other options that the applicant can pursue such as zoning changes, variances, etc. If they are successful with the pursuit, they could re-submit the proposal at a future date. By withholding the application, it does not lock the applicant within a one year time frame for denial.</p>	<b><u>ITEM 2</u></b>



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<p>           accessory use to be established. The common features as an in law apartment is that the entrance has to be a common entrance and they have to have a shared electrical meter. All agreed that this seemingly meets the criteria until they go on the site walk.            The sitewalk is scheduled for October 1, 2015 at 5:10pm            The Public Hearing will be held on October 8, 2015.         </p>	
<p> <b><u>ITEM 5</u></b>  <b>Proposal: Major Subdivision: 28 Unit Apartment Complex</b>  <b>Action: Preliminary Review; Schedule Site Walk; Schedule Public Hearing</b>  <b>Owner: New Heritage Builders</b>  <b>Location: Smithwheel Rd. (Colindale Apartments)., MBL: 107-2-1, R4 &amp; ID</b> </p> <p>           Bill Thompson, Project Manager from BH2M introduced himself to the Board Members. Mr. Thompson introduced the next phase of the development. The applicant was here in April of 2015 with a concept plan. Colindale was approved back in 1988 as 64 units. For this proposal, they are proposing 2 buildings/2 bedroom units. A 16 unit and a 12 unit. They will be set in the rear of the property with plenty of parking spaces. They will be collecting storm water at each parking area with a drywell and a pipe system for infiltration. Stormwater will be infiltrated back into the ground. They met with DEP and the soils are conducive to that. They did test pits and there is no indication of any ground water. The sewer will connect into it. It will require a pump station (E1 pump) between the 2 buildings. They already have a letter from Maine Water stating that there is capacity/ability to serve. They have also submitted letters to public works, fire, police and sewer district.         </p> <p>           Based on the existing sewer, there is no issue with capacity. They would like to schedule a site walk and a public hearing.         </p> <p>           Win Winch raised the question about green space.         </p> <p>           Mr. Thompson stated that as part of the proposal, they will create green space. Chair Weinstein questioned why they are not going with the original approval? Mr. Thompson stated that the design for the previous buildings when this was approved in 1988, the drainage that came down was not classified as a stream, and it was. So he couldn't get an 8 unit building to fit, so they had to modify that down to 4 and then got into a storm water issue that was not part of the 1988 design. They had to meet the standards at that time for handling the storm water. Over time with regulation, legal and technical engineering changes and having to meet them.         </p> <p>           Scheduled a sitewalk on October 1, 2015 at 5:30 pm.            Scheduled a public hearing on October 8, 2015.         </p>	<p style="text-align: center;"><b><u>ITEM 5</u></b></p>

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<p><b><u>ITEM 6</u></b>  <b>Proposal: Major Subdivision: 8 Lot Residential Subdivision</b>  <b>Action: Sketch Plan Review</b>  <b>Owner: Dominator Golf LLC</b>  <b>Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</b></p> <p>Bill Thompson, project engineer for BH2M introduced himself. He brought in a sketch plan for an 8 lot subdivision. The frontage and utilities would be accessed from Wild Dunes Way. (water and sewer vehicle access) Underground electric. The proposed development will not impact any of the golf holes. Dominator Golf LLC does have the right title and interest to these areas and basically part of the open space. With the town's approval, they will also have to go back to DEP for an amended site location and amended storm water permit. The next step is to go out and do some detail topographic survey and building placement for each lot and show how the stormwater would come off of the lots and how they would treat it. They will get a letter from Maine Water to show that there is capacity for the utilities to serve these units. Chair Weinstein stated that the major issues will be the waterline capacity/pressure. A lot of the problems was the plastic line instead of metal. Mr. Thompson will submit back and determine if there are any issues and specifically look at the sewage issues. Chair Weinstein also brought up the legal issues that are still pending with lawyers. Mr. Hinderliter stated that he thinks that the Planning Board can still continue to review this proposal.</p>	<p style="text-align: center;"><b><u>ITEM 6</u></b></p>
<p><b><u>Design Review Certificates</u></b></p> <p><b><u>ITEM 7 (May be tabled)</u></b>  <b>Proposal: Demolish former parsonage</b>  <b>Action: Review application; Discussion; Certificate of Appropriateness Decision</b>  <b>Owner: Good Shepard Parish</b>  <b>Location: 6 Saco Ave., MBL: 206-30-1, DD-2</b></p> <p>Win Winch made a motion to table this item. Seconded by Linda Mailhot.</p> <p><b><i>Jeffrey Hinderliter called for the vote:</i></b></p> <p>Win Winch – Yes      Linda Mailhot – Yes      Chair Weinstein – Yes</p>	<p style="text-align: center;"><b><u>ITEM 7</u></b></p> <p style="text-align: center;"><b>MOTION</b></p> <p style="text-align: center;"><b>VOTE</b></p> <p style="text-align: center;"><b>(3-0)</b></p>

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<p><b>Good and Welfare:</b></p> <p>Win Winch read an email letter from Mark Koenigs who couldn't be present at the meeting tonight but had a concern.</p> <p>Mr. Koenigs would like to have an update on the Orchard Estates cluster subdivision on the developer's plans for the old brick house.</p> <p>Jeffrey Hinderliter stated that there was a bat (endangered nesting) issue with new regulations that the developer encountered so it delayed construction. Mr. Hinderliter has been working with the owner of the development and their bank to secure all of the performance guarantees, so the project is moving forward.</p> <p>Mr. Hinderliter's understanding about the brick house is that the developer had gotten 2 or 3 assessment's on the status of the brick house. It was determined that, in terms of money, it is better to remove it than to try to rehab it.</p> <p>Chair Weinstein suggested that they cut the grass.</p> <p>Mr. Hinderliter will come back to the Planning Board with an update on what and if there was a condition on this proposal regarding the brick building.</p> <p>Jeffrey Hinderliter stated that Megan McLaughlin is helping him out by attending the regional organization meetings. He has also hired a UNE student, Emily who works 20 hours a week.</p> <p>Also welcomed new Planning Board Member Linda Mailhot to the Board.</p>	
<p><b>Other Business:</b></p>	<p><b>Other Business</b></p>
<p><b>Adjournment at 7:56 pm</b></p>	<p><b>Adjournment</b></p>

*I, Valdine Camire, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of five (5) pages is a true copy of the original minutes of the Planning Board Meeting of September 10, 2015.*

*Valdine Camire*