

OLD ORCHARD BEACH PLANNING BOARD

Regular Meeting

February 11, 2016 6:00 PM

Town Council Chambers

<p><b>Call to Order at 7:00 pm</b></p>	<p><b>Call to Order</b></p>
<p><b>Pledge to the Flag</b></p>	
<p><b>Roll Call:</b> Vice Chair Mark Koenigs, Linda Mailhot, Win Winch. Absent: Chair Eber Weinstein, Mike Fortunato. <b>Staff:</b> Jeffrey Hinderliter, Planner; Megan McLaughlin; Assistant Planner. <b>Others Present:</b> Town Consultant, Randy Dunton, Traffic Engineer from Gorrill Palmer.</p>	
<p><b>ELECT CHAIR AND VICE CHAIR</b> The Board Members postponed the election of the Chair and Vice Chair until next month when all of the members are present.</p>	
<p><b>Public Hearing</b></p> <p><b><u>ITEM 1</u></b> <b>Proposal: Major Subdivision: 8 Lot Residential Subdivision</b> <b>Owner: Dominator Golf LLC</b> <b>Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</b></p> <p>Opened the public hearing at 7:03 pm.</p> <p>This is the second public hearing. The first was on December 3, 2015. One of the lots was moved to another position so they re-submitted the plan. There being no one speaking for or against this item, the public hearing closed at 7:04 pm.</p>	<p><b><u>ITEM 1</u></b></p>
<p><b>Regular Meeting</b></p> <p><b>APPROVAL OF MINUTES: 2/12/15, 4/22/15, 7/9/15, 7/23/15, 8/6/15, 11/12/15</b></p> <p>These meeting minutes were postponed for acceptance until the next meeting as there were not enough “attending members” to approve the minutes at this meeting.</p> <p>Eber Weinstein suggested to get a legal ruling as to whether the members who were in attendance at that specific meeting actually need to be at the current meeting to vote.</p> <p>Linda Mailhot stated that during the MMA workshop, they specifically stated that it was perfectly allowable and acceptable for board meeting minutes to be approved by the quorum of whomever is present for that evening that the minutes are being voted on. And that it did not have to be a quorum of people that were in attendance at said meeting of those minutes.</p>	
<p><b><u>ITEM 2</u></b> <b>Proposal: Major Subdivision: 8 Lot Residential Subdivision</b> <b>Action: Applicant Update; Final Review</b> <b>Owner: Dominator Golf LLC</b></p>	<p><b><u>ITEM 2</u></b></p>

**Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD**

Planner Jeffrey Hinderliter brought up a couple of requests:

One request was for staff comments. Staff has been in communication with Megan McLaughlin , Assistant Planner and everyone is ok at this point. One comment that we have is from the Public Works Director, Marc Guimond and he would like to see a sidewalk in the development.

Also have some abutter comments that were received after the last public hearing. 4 documents (3 in favor and 1 in opposition of the proposal. In the Findings of Facts for “The Turn”, according to Mr. Hinderliter’ s calculations which were accepted which was approved for Section B there are currently 8 units remaining that can be developed in other locations within the sub division in the future.

Mr. Hinderliter also mentioned that in regards to the workshops that the board has been wanting to have and he has been preparing documents. One of the workshops that he would like to have is on Dunegrass, where Dunegrass was and how we can move forward. The town attorney has agreed to assist us with this.

Win Winch would like a legal opinion as to where they stand as a Board.

Linda Mailhot would like to have discussion at the workshop on the direction of sidewalks moving forward.

Bill Thompson, BH2M Engineers, Project Manager for Dominator Golf introduced himself. They are here requesting a final approval. The applicant was here at the January 13, 2016 Planning Board Meeting. There hasn’t been any changes to the plan, all of the information has gone to DEP and will be looking at the storm water issues primarily. DEP will be coming back with their final comments.

They have gotten the final design and the sewer information to Chris White on behalf of the town. They have all of the review agencies at the town level basically being accepting of the designs.

Linda Mailhot asked if they had gotten the letter from Maine Water. It was submitted in the packet. They do not expect to make adjustments or changes to the plans.

In regards to the sidewalks that was brought up by the DPW Director, the applicant doesn’t see the benefit for adding sidewalks as it is a town road.

Win Winch stated that it would make sense to have the town work in coordination to fill in the gaps. We need to find this out before final approval.

Mr. Hinderliter stated that the Planning Board had discussed at the workshop sidewalks for these individual lots, however Public Works hasn’t had a chance to comment so there hasn’t been any coordination to fill in the gaps.

***Vice Chair Koenigs read through the criteria of the Subdivision Amendment:***

**Article 1 Section 74.2 Subdivision**

**Sec. 74-2. - Purpose.**

The purpose of this chapter [2] shall be to ensure the comfort, convenience, safety, health and welfare of the people; to protect the environment; and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the town, the planning board shall consider the following criteria and before granting approval shall determine the following:

(1) The proposed subdivision will not result in undue water or air pollution. In making this determination it shall at least consider the following:

a.The elevation of the land above sea level and its relation to the floodplains;

**Development area is generally at elevation 100 with no 100 year flood zone on these lots.**

b.The nature of soils and subsoils and their ability to adequately support waste disposal;

**These lots will be served by public sewer.**

c.The slope of the land and its effect on effluents;

**This site is served by public sewer with no on-site septic systems discharging effluents.**

d.The applicable state and local health and water resources regulations;

**These lots will be served by public sewer.**

(2) The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

**Public water is available for these lots. We will secure a letter stating “ability to serve” from Maine Water Co.**

(3) The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

**There will be no unreasonable burden on the existing public water supply as stated in the Water Co. letter.**

(4) The proposed subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

**All construction will be per Maine DEP Best Management Practices. This includes all measures to stabilize this site and minimize erosion and its capacity to manage surface water. All lots are on relatively level sites.**

(5) The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

**The proposed lots will access onto the existing Wild Dunes Way (a public road). Driveway sight distances will meet the zoning standards.**

(6) The proposed subdivision will provide for adequate solid and sewage waste disposal;

**Solid waste will be handled under the existing Town’s collection system with licensed haulers. Sewage waste will be treated at the Town’s sewage treatment plant via the existing public sewer system.**

(7) The proposed subdivision will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

**There are no known issues with the ability of the municipality to handle the solid waste from these 8 lots. The municipality will be handling any sewage waste and will be confirmed by Chris White’s letter.**

(8) The proposed subdivision will not place an unreasonable burden upon local, municipal or governmental services;

**There will be no unreasonable burden on local municipal or governmental services from 8 lots.**

(9) The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

**The proposed lots are spread out over the existing Dune Grass property and not clustered in one area of the project.**

(10) The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

**This project will conform to subdivision regulation. The design will generally meet the**

**original approved plan from 1988. All lots will meet the requirements of setbacks and parking.**

(11) The sub divider has adequate financial and technical capacity to meet the standards stated in subsections (1) through (10) of this section;

**The applicant has the financial and technical capacity to complete this project. The applicant will submit a Performance Guarantee prior to construction.**

(12) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, the proposed subdivision will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

N/A

(13) The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

**The approval of this residential project will in no way adversely affect the quantity or quality of groundwater. All units are served by public water and public sewer.**

(14) The proposed subdivision will not unreasonably interfere with access to direct sunlight for solar energy systems.

**The proposed construction of homes under the current zoning of height limits will not unreasonably interfere with access to direct sunlight for solar energy systems.**

Mr. Hinderliter recommends the following conditions:

1. The applicant secure DEP permits before construction begins.
2. The applicant shall enter into a post construction management plan and enter into a maintenance agreement with the town within 30 days of DEP's permitting approval.
3. The applicant shall work with the town to establish an escrow account for 1 year for linear footage of the 5 lot sidewalks based upon the lots frontage.

Mr. Hinderliter would like the Board to highly consider that the applicant place sidewalks along the frontage of the 5 lots and that the towns Public Works Director will coordinate efforts to fill in the gaps to match the sidewalks that are along this frontage.

We could create a sidewalk escrow account dedicated for sidewalks at Wild Dunes Way at town hall which wouldn't tie the applicant to the C of O and would give the town the ability to have access to that money in order to construct the sidewalks.

The applicant stated that until the town states that they can fill in the gaps to match the sidewalks, he cannot be tied to that.

The town and the public works director would work with the applicant to determine the location if we had the linear feet and our sidewalk specs, we could get that \$ amount and put it in an escrow and the town would install them.

Mr. Koenigs asked if there was money in the budget set aside for capital improvements?

Town Manager Larry Mead stated that there is money currently in the capital budget that is allocated for sidewalks but not assigned to a particular location. The council would have to authorize spending the money at that location.

Win Winch made a motion for approval of an 8 lot residential subdivision at various locations along Wild Dunes Way in Dunegrass, PMUD District subject to the following conditions:

**MOTION**

- 1.) The applicant secure DEP permits before construction begins.

<p>2.) The applicant enter into a post construction maintenance plan with the town.          3.) The applicant works with the town to establish an escrow account for sidewalk construction on the 5 lots and their share of the cost would be a pro rata share based on the frontage on Wild Dunes Way and notwithstanding this agreement will expire 1 year after issuing the building permit for the first lot. Also that the post construction storm water management plan and the maintenance agreement should be submitted within 30 days after DEP approval.</p> <p>Linda Mailhot seconded the motion for discussion.</p> <p>The applicant is in agreement to do a 1 year escrow for sidewalks on the 5 lots. Ms. Mailhot stated that as long as the applicant is in agreement she has no problem with the 3<sup>rd</sup> condition.</p> <p><b>Jeffrey Hinderliter called for the vote:</b></p> <p>Linda Mailhot – Yes          Win Winch – Yes          Mark Koenigs - Yes</p>	<p style="text-align: center;"><b><u>VOTE</u></b></p> <p style="text-align: center;"><b><u>(3-0)</u></b></p>
<p><b><u>ITEM 3</u></b>  <b>Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking</b>  <b>Action: Applicant Update; Discussion; Schedule Final Review</b>  <b>Applicant: JFJ Holdings, LLC</b>  <b>Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</b></p> <p>Planner Jeffrey Hinderliter stated that the biggest issues associated with this proposal is the traffic. There have been numerous meetings on this issue. Have received a draft traffic movement permit from MDOT, however this is not an approval. It is in draft form to allow the Planning Board to provide further comment.</p> <p>The town has a timeframe for decision making. 60 days from when an application is determined complete and 30 after the public hearing. This meeting brings us to both of those timeframes. Mr. Hinderliter consulted with the town attorney and he said that the Planning Board can go beyond that timeframe if the applicant and the Planning Board feel comfortable with that.</p> <p>Mr. Hinderliter also consulted with the towns attorney which stated that if the Board is allowed to have public comment without having a public hearing but to make it specific, such as traffic and specific to anything new. Mr. Hinderliter does recommend letting the public speak and schedule one more meeting before final review.</p> <p>Scott Braley, Plymouth Engineering and representing the applicant, gave an update:</p> <ul style="list-style-type: none"> <li>• Received MDOT Draft Traffic Movement Permit.</li> <li>• Got letter from Maine Water in regards to capacity of water service.</li> <li>• Sheet C-1 to show physical changes to the layout.</li> <li>• Sheet C-2 and C-3 has no changes.</li> <li>• Letter from Rep. of Conservation Commission, and they believe everything on the plans and submittal complies with DEP and the town’s ordinance.</li> <li>• Mr. Braley spoke with Jeff Dennis from DOT who stated that it is not necessarily prudent to hold the 25 year storm and that a 10 year storm would be the better of the two. So this would require a waiver from the Planning Board to their own standards.</li> <li>• Would like the Boards input on the fence and proposed landscape plan.</li> <li>• He has full set concept traffic plans for the Board Members to look at.</li> </ul>	<p style="text-align: center;"><b><u>ITEM 3</u></b></p>

Randy Dunton, Traffic Engineer from Gorrill Palmer update:

The Draft permit will not be finalized until they hear back from the applicant and municipality and comments that they may have.

The permit reflects the concept plan dated February 2, 2016. After the applicant gets their permit, they will enter into a Developers Site Agreement. Once they move forward they will submit construction quality drawings and they will have to be approved by MDOT. There are also some typos that need to be looked at to be fixed.

The C -2 plan is the one that the Planning Board signs off on however if it is drainage or buffering, we also use those as exhibits so they are included in the findings of facts.

Mr. Koenigs suggestion is for the plan to include signature block for the Planning Board Members to sign. All of the conditions on that plan and traffic movement permit file #.

Mr. Koenigs also talked about other updates which includes stop sign and would like suggestions as to making the islands more visible.

Win Winch asked about the widening of Smithwheel Road.

Although this is a town road and State requirements, the developer will pay and construct all designed to the same standards.

This will be a condition for MDOT submit a copy of the construction plans to the town so that the DPW Director can review.

*All agreed that the public could comment only on the added and modified issues.*

**Pat Brown** expressed concern that at the January 14, 2016 public hearing, that none of the public had seen the concept plan on item #4 until after they had already talked and spoken. So everything after that meeting is new to the public to speak to.

**Ms. Twombly** from 38 Goosefare Drive told the Board Members that on the corner of Smithwheel Road, between July and August it is not safe to cross the road. She feels that there should be some sort of traffic light.

**Alex Sinclair**, summer resident in Ocean Park was concerned about the peak hours and 289 trips in. Mr. Koenigs stated that it will be for the peak year and it will be half of the 289 trips.

**Jamie Fisher**, Rep. from CIEE (Council on International Exchange). One of the sponsors for the J-1 travel students who work in the Old Orchard Beach in the summer and expressed traffic concerns of these students that bike and walk to work. They are responsible for the health safety and welfare of the participants.

**Karen Brozek** from 86 Ryefield Drive wants to know what the improvements were made to make the traffic concerns/risks better. She totally believes that this is the wrong business for this location.

**Steve Collard**, resident of the trailer park is concerned with the traffic on Smithwheel Road and also why they have a public meeting after dark when older people have a hard time driving in the dark.

**Adam Hodgdon**, resident of Smithwheel Road asked if there was any consideration to reducing the speed limit on Ocean Park Road.

**Hank Morse** from 11 Smithwheel Road stated that this is a quality of life issue. Also that a lot of resident who live on Smithwheel Road did not get notified of this project.

**Helene Whittiker** read the following:

The question was asked at a conference of Engineers on April of 2011 by Russell Brownlee Engineer

and expert in, in-service safety issues. He asked “will you use your new safety powers for good or evil?” A slide presentation on an ethic case study was shown to the engineers in the room. How decision made can be tragic and in this particular case study, it created law suits and deaths costing the town money.

The engineer on this OOB project from Gorrill Palmer refers to this area as challenging and speaks of compromises, selecting from the lesser evils and repeatedly says “no compromise will provide a solution.” Does this give OOB any comfort to hear these words “lesser evil” and allowing the safety of pedestrians be put at risk?

Engineers have ethics to follow as stated by NIEE Statement of Ethics Principles and here are three:

1. Engineers shall hold the health, safety and welfare of the public in the practice of their profession.
2. Engineers shall ensure that a client is aware of the engineer's professional concerns regarding particular actions or projects, and of the consequences of engineering decisions or judgments that are overruled or disregarded.
3. Engineers shall appropriately report any public works, engineering decisions, or practice that endanger the health, safety and welfare of the public.

2015 is known as the deadliest year for pedestrians in Maine in nearly two decades, 18 people died last year, think about that. The 2014 Dangerous by Design report found that Americans are 16 times more likely to be killed crossing the street than by a natural disaster. Yet “this is the safest time for transportation in history, except for pedestrians and bicyclists”. Warns Anthony Foxx, U.S. Secretary of Transportation. Because roads designed for cars are only for cars.

OOB is being overly compromised using lesser evils. The people from Old Orchard and Ocean Park are not being heard. And to be honest, we don't want to see crosses, teddy bears and flowers in our gateway entrance.

**Pat Brown** from 4<sup>th</sup> Avenue made a visual presentation. She addressed #8 – full size delivery truck concerns. She believes that this concept will put J-1 students in harm's way. She also believes that this project will have an adverse impact on existing pedestrian and vehicle circulation systems within the neighborhood. This is a public safety issue.

**Freddie Dolgon** stated that he is not in favor of this project. This will cause unreasonable burdens on the town.

Mr. Koenigs expressed the need for the J-1 students be educated as to what the traffic rules are in the U.S.

Randy Dunton addressed some of the publics concerns

- With the ongoing requests for a traffic light. The applicant did a signal warrant analysis and the volume of traffic was not even close to warrant a traffic signal.
- 289 vehicles vs. trip ends: A vehicle in and a vehicle out is 2 trip ends.
- The concern with walkers. This is one of the reasons the requirement for a crosswalk with a refuge island and a rapid rectangular flashing beacon was recommended. This refuge island with the crosswalk is intended to be safer for pedestrian crossing. A pedestrian can cross in 2 stages.
- Change in improvements: what is being proposed is a full left turn lane so left turning vehicles can get out of a thru lane.
- Left and right turn lanes on Smithwheel Road have been extended all the way back to Dunkin Donuts.
- The diagonal crosswalk on Smithwheel Road will be eliminated and a new crosswalk will be going in at the intersection of Smithwheel Road and Ocean Park Road.
- Speed limits. The only way they could go down to 25 mph is a request from the municipality to

MDOT.

- Truck delivery circulation. If this becomes an issue. Dunkin Donuts will make those deliveries at a time when their clients can get into the site and get their services.
- The queue that MDOT has come up with is based on numerous towns with Dunkin Donuts at the busiest times of the day.

In regards to the noise level, Scott Braley explained that they can meet the ordinance requirements at the boundary lines. He stated that he will look at it again and provide some supplemental information at the next meeting.

The Board Members discussed the times of deliveries which will be 9:00 am – 3:00 pm, and 6:00 pm – 9:00 pm.

The applicant will re-submit the documents to the Planning Board at the next meeting.

**Mark Koenigs read the memo from the applicants Traffic Engineer to the Town Planner in regards to all of the 8 points that were raised by the Town Manager which was submitted at the last traffic workshop on January 28, 2016.**

1. All incoming traffic to DD occurs on Smithwheel Rd. This has ramifications related to the need for left turn from Smithwheel into DD and potential conflicts with southbound Smithwheel Rd traffic including traffic queuing for a left turn onto Ocean Park Rd. It also will increase the volume of traffic turning left from Ocean Park Rd onto Smithwheel.

*The original application was for a right-turn in and out from Ocean Park. The Town staff expressed concern with the right-turn drive so traffic analysis was performed to evaluate operations with and without right-turn entries and exits from /to Ocean Park. It was determined in the analyses that the Smithwheel approach to Ocean Park operates best with only a right-out to Ocean Park and with all entering rights on Smithwheel. The reason for this is that by having these right turns enter Smithwheel to enter DD they no longer conflict with vehicles exiting Smithwheel, thus improving the level of service for vehicles exiting Smithwheel. Hence, MTR advised the applicant to modify the proposed access to right-turn out only from Ocean Park.*

2. The left turn from Smithwheel onto Ocean Park Rd is compromised by the pedestrian traffic island on Ocean Park Rd. This will necessitate a pure 90 degree turn at the pedestrian island, making an already difficult turn more difficult. Turning vehicles will likely have to pause next to the pedestrian island to wait for traffic to clear, while dealing with potential view obstructions created by cars in the east bound left turn lane on Ocean Park Road. ?-

*There are no concerns with the left turn out from Smithwheel onto Ocean Park around the proposed pedestrian refuge island. This island is being placed to improve pedestrian safety in the area. An Auto Turn run showing that large tour buses can make this maneuver without any difficulty is attached to this letter.*

3. The merge of two lanes into a single lane east bound on Ocean Park Rd immediately after Smithwheel Rd entrance is challenged by the pinch point between the pedestrian island and the curb on the south side of Ocean Park Rd.

*The pedestrian refuge island has been narrowed to the existing centerline to eliminate the pinch point. In addition, lane reduction arrows and two alternative merge signs have been added to the plan to improve this merge area from existing conditions.*

4. The left turn from the campground is challenged by the left turn lane west bound on Ocean Park Rd and the traffic exiting from DD west bound. There is also an east bound turn land at the Reserve St

intersection.

***The exiting left- the campground is already restricted by left-turns attempting to enter the campground given its design with a wide drive island The proposed plan does not alter that condition but it does improve safety by giving the entering left-turn a safe place to wait, out of the through traffic stream.***

5. There is a potential for traffic exiting DD onto Ocean Park Rd to use the left turn lane into the campground as a U-turn in order to continue east bound towards Temple Ave and Ocean Park.

***The potential does exist for a U-turn but it would exist at any exit drive on any four-lane facility. A "No U-Turn" sign could be added to Ocean Park in this area prohibiting such U- turns. If vehicles did attempt this maneuver they could then be fined. It is important to note that the vast majority of traffic entering the DD during the peak hour is expected to be westbound so there should not be a big demand to reverse direction. The "No U-Turn" sign will be added to the plan if desired by the Town.***

6. The exit out of DD onto Ocean Park Rd is compromised by the short distance to the left turn land into the campground, the intersection with Reserve Lane, and the westbound traffic on Ocean Park Rd.

***It is unclear what concern staff is trying to convey here. The exiting right-turn from DD is no different than any other exiting right-turn into a single travel lane. If staff can clarify this concern I can better try to answer it.***

7. The left turn lane onto Smithwheel from Ocean Park Rd is only long enough (65') for 3 or perhaps 4 vehicles. Contrast that with the 280' left turn lane onto Reserve St, which will experience negligible traffic.

***The length of the left-turn lane was determined by the location of the pedestrian refuge island that Maine DOT wants to serve pedestrians crossing from the campground. Based upon the traffic analysis, three cars should be adequate for most conditions. The 95th percentile queue length, projected for peak hour conditions under peak summer volumes, under the conservative traffic analysis, was 78'. The average peak hour queue is only 39 ' so the left- turn lane should be adequate for almost all conditions during the entire year. It is important to note that there is no left-turn pocket now to serve lefts onto Smithwheel so currently all of those left-turns sit in the through traffic stream. The provision of the proposed 65' left-turn lane should improve safety in this area by removing the vast majority of left-turns from the through traffic stream.***

***The 280' long left-turn lane between Ocean Park/1-95 merge and Reserve Street was provided as requested by Maine DOT to remove any left-turning vehicles from the area of merging of 1-95 and Ocean Park. It is agreed that there are few left turning vehicles but this will provide for any left-turner to get out of the through traffic streams, again improving safety in this area.***

8. The ability for full sized delivery trucks to enter DD from Smithwheel Rd and then maneuver within the facility site would appear to be limited given the distances and internal traffic patterns.

***Auto Turn runs were performed for the WB-67 (largest possible delivery vehicle) for the design process. Copies of those runs, showing that WB-67s are able to fully access the site, are attached to this letter for your information.***

Mr. Koenigs mentioned that Mr. Braley had asked for the Planning Boards advise on the following issues:

- Back fence/screening
- Vehicle lights going through the fence.

The Board Members reviewed the landscaping plan and buffering and what needs to be improved. Mr. Braley is looking for guidance as to what the Planning Board wants to see. It is the consensus of the Board is that if the fence is not on their property, they need to provide a new fence. The landscape plan is adequate.

Mark Koenigs asked if the entrances need to be lit to a certain state standard?

Mr. Braley stated that they may need an additional pole mounted light on the double lot entrance on Smithwheel Road.

The Board briefly talked about signage.

In regards to the architectural design of the building, Mr. Braley expected to have them provide something from corporate Duncan, but they didn't however he will get this before the submittal.

Mr. Braley had concerns regarding the Conservation Commission's ideas on altering the outlet to the retention base. Waive the 25 year storm, if the Planning Board can do this and just require the 10 year storm which was recommended by DEP.

Win Winch asked Mr. Braley if he could get a letter from DEP to that effect.

Trash pickup will be 2 times per week. The Planner read from the ordinance stating that refuse collections are exempt from the noise standards and the Board has the right to not restrict the trash pickup. There are plans showing enclosures around the dumpster and added detail.

**Mr. Koenigs read peer review comments:**

Fire Chief Plummer suggests that a traffic light is needed. Concerned with traffic flow.

Mark Guimond DPW Director, Need pavement details so that they can be agreed to by the DPW Director. Address parking space numbers and quantities in the site plan and also employee Parking.

Police Chief Kelley opposes this project as it is a dangerous intersection.

Wastewater Director Chris White– would like to know about the estimated water usage and type of pre-treatment equipment.

Code Enforcement Dan Feeney – Has concerns about how a tractor trailer rig will be entering and discharging from the lot.

**Memo from Stephanie Hubbard from Wright Pierce:**

*TO: Jeffrey Hinderliter, Town Planner*

*Megan McLaughlin, Assistant*

*Town Planner*

*DATE: January 28, 2016*

*FROM: Stephanie Hubbard, P.E. PROJECT NO.: 12755H*

*SUBJECT: Dunkin Donuts @ Intersection of Smithwheel Road and Ocean Park Drive  
Peer Review of Application Materials*

*Wright-Pierce has received a copy of the Application Submission Package for the Dunkin Donuts proposed at the intersection of Smithwheel Road and Ocean Park Drive in Old Orchard Beach. The application information, received by Wright-Pierce, included the following information:*

*· Layout and Utility Plan (DWG C-1) prepared by Plymouth Engineering, Inc and dated 12-29-15;*

*· Proposed Dunkin Donuts – Site Plan review package prepared by Plymouth Engineering and dated November 23, 2015.*

*At the request of the Old Orchard Beach Planning Department, Wright-Pierce has reviewed the above referenced information for general engineering, layout and site design. We understand that review of the traffic impact and access requirements are being reviewed by others, so Wright-Pierce comments are related to general site details, stormwater and utilities. Based on our review of the information provided, we offer the following comments:*

1. *The project is located in the Towns priority watershed (Goosefare Brook). While this is a redevelopment project, we recommend the applicant consider the installation of low impact development best management practices to provide stormwater quality treatment for runoff leaving the site and discharging into the Towns drainage systems (MS4).*
2. *The stormwater report notes that rainfall data used in the model is associated with the Type III 24-hour storm distributions for York County. As you are aware, in recent years, organizations have noticed an upward trend in total rainfall in the northeast. In response, Cornell University and the Northeast Regional Climate Center (NRCC) have published new statistical rainfall information including rainfall amounts and recurrence intervals. It is recommended that the analysis account for this updated information.*
3. *The applicant is proposing to use an existing depression on the northwest side of the property for stormwater management. The HydroCAD report indicates discharge from this depression will be thru a broad crested rectangular weir. It is assumed this is overland flow. There is currently no subsurface drainage along Reserve Avenue. Under the 25-year storm (note rainfall comment #2) the ponding in this area will be within an inch of the highest elevation. Additional comment is recommended on where this flow will discharge and whether additional storage volume may be warranted. For stormwater not overtopping the broad crested weir, it is recommended comment be provided for the infiltrative capacity of this depression area and timeframe expected for water to drain.*
4. *A similar review of the detention area to be created on the eastern side of the project is recommended. The HydroCAD report indicates peak elevation will be within within 5-inches of the top of the pond. Location on the outlet control for the detention area should be noted on the plan.*
  - a. *Based on the detail, the outlet control from the pond is located at the bottom of the pond. This outlet control is proposed as a 12-inch pipe covered allowing only with 6.7-inch orifice for discharge. This outlet control is set at the bottom elevation of the pond. It is recommended that an operation and maintenance plan be developed to address sediment accumulation and maintenance of the pond to maintain functionality.*
5. *It is recommended additional grading details be included on the grading plan, including spot elevation along the sidewalk and building entrances. The existing grading plan does not provide details or contours outside of the existing property. There is limited topographic information on the plan showing grades outside or at the property boundary. It is also recommended the applicant provide comment on grading outside of the project area any potential off-site impacts.*
6. *It is our understanding that this project abuts residential properties to the north and east of the proposed site. Additional landscape screenings may be justified between the subject properties and adjacent existing uses based on the change of use.*
7. *It is recommended that crosswalks include the installation of Handicapped Detectable Warning Devices, as appropriate to meet ADA standards.*
8. *Additional site specific details should be incorporated showing at a minimum: typical driveway sections, typical sidewalk sections, concrete pad, dumpster enclosure detail, light pole bases, crosswalk striping detail.*
9. *Erosion and Sedimentation Control:*
  - a. *Please include site specific details on the proposed location of erosion and sedimentation controls;*
  - b. *Please confirm the location of the stabilized construction entrance for the site during construction;*
  - c. *Note 2 on the grading plan indicate inlet protection is to be provided on all catch basins within the project area. It is recommended inlet protections be installed on catch basins outside of the project area if there is a possibility of material leaving the site. It is recommended all catch basins within the project site and adjacent to the project site be cleaned following stabilization of the site.*

<p><i>d. It is recommended location of stockpiling, concrete washout, and material staging be noted and additional protections be incorporated during construction.</i></p> <p><i>10. Post-Construction Stormwater Management Plan: It is unclear from the application as to the limits of disturbance for this project. A plan showing the limits of disturbance and calculated disturbance area is recommended. Should the project disturb greater than one-acre, the project will be subject to the requirements of Chapter 71 – Post-Construction Ordinance. Additional submission details may be required.</i></p> <p><i>Should you have any questions in regards to the above, please do not hesitate to contact me.</i></p> <p>Mr. Braley will address these issues and bring back to the Board members. Resubmittal date will be the 29th of February 2016.</p> <p>Linda Mailhot made a motion to table this item without prejudice until the next regularly scheduled meeting on March 10, 2016. Win Winch seconded the motion.</p> <p>Unanimous.</p>	<p><b><u>MOTION</u></b></p> <p><b><u>VOTE:</u></b></p> <p><b><u>UNANIMOUS</u></b></p>
<p><b>Design Review Certificates</b></p> <p><b><u>ITEM 1</u></b></p> <p><b>Proposal: 30x40 trash collection building</b>  <b>Action: Certificate of Appropriateness Ruling</b>  <b>Owner: Town of Old Orchard Beach</b>  <b>Location: 77 Milliken St., MBL: 203-3-1, DD-2</b></p> <p>This project was not required to have a site review because Municipal Town projects are exempt in the ordinance. If anyone has concerns, they can contact Randy McMillin, Solid Waste Department Agent from DEP.</p> <p>This needs to be permitted through Code Enforcement.</p> <p>Win Winch made a motion to approve and issue a Design Review Certificate of Appropriateness to the Town of Old Orchard Beach at 77 Milliken Street. Seconded by Linda Mailhot.</p> <p><i>Jeffrey Hindertliter called for the vote:</i></p> <p>Linda Mailhot – Yes          Win Winch – Yes          Mark Koenigs - Yes</p>	<p><b><u>ITEM 1</u></b></p> <p><b><u>MOTION</u></b></p> <p><b><u>VOTE</u></b></p> <p><b><u>(3-0)</u></b></p>
<p><b>Other Business:</b></p> <ol style="list-style-type: none"> <li><b>1. Sign Beachmont Findings of Fact</b></li> <li><b>2. Village at Pond View Update - The update was postponed.</b></li> <li><b>3. Sign Colindale Mylar</b></li> </ol>	
<p>ADJOURNMENT</p>	
<p>EBER WEINSTEIN, CHAIRMAN</p>	
<p>Meeting adjourned at 10:25 pm</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 Thirteen (13) pages is a true copy of the original minutes of the Planning Board Meeting of February 11, 2016.*

*Valdine Camire*