

OLD ORCHARD BEACH PLANNING BOARD

Workshop Notice

May 5, 2016 6:00 PM

Town Council Chambers

<p>Call to Order at 6:03 pm</p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Chair Mark Koenigs, Vice Chair Linda Mailhot, Ryan Kelley, Laura Bolduc, Win Winch, Mike Fortunato. Absent: Eber Weinstein. Staff: Jeffrey Hinderliter, Planner.</p>	
<p>CALL TO ORDER (6:09 PM)</p> <p>Workshop Discussion</p>	
<p>APPROVAL OF MINUTES: 4/7/16, 4/14/16</p>	
<p>ITEM 1</p> <p>Proposal: Conditional Use Amendment of Approved Plan/Appeals from Restrictions on Nonconforming Uses (Overnight Cabins): Change use of 7 units from seasonal to year-round (currently 5 year-round use for a total of 12)</p> <p>Action: Discuss proposal; Board action</p> <p>Owner: SRA Varieties Inc., D.B.A. Paul's II</p> <p>Location: 141 Saco Ave., MBL: 311-1-10, GB2 District</p> <p>Planner Jeffrey Hinderliter explained that SRA Varieties currently have a total of 12 cabins. 5 are for year round use and 7 are seasonal use. This proposal is to change those 7 units to year round. The last time this had come to the Board was in June 2015 and was a very similar proposal. Mr. Hinderliter explained that with this particular standard "Appeals from Restriction on Nonconforming Use" definition is if you have a use that is not allowed in a district, you can resume that use as long as that use was not discontinued for a period beyond 10 years. With this particular standard, it allows a non-conforming use to not only resume, but it allows them to expand and it allows uses to change to another non-conforming use. We do have this standard in our ordinances and it is applied to this property.</p> <p>These cabins used to be individual cabins. They were removed and new cabins were brought in. As part of the Planning Boards consideration back in 2015 it was to relocate and reconfigure the detached cabins to what we now see today, also to relocate parking and to do landscaping.</p> <p>There is a question of use with this proposal and there are 3 conditions:</p> <ul style="list-style-type: none"> • Site Walk (has been fulfilled) • Drainage report (in Planning Board's packet) • Buffering and Screening plan for the units (working with the applicant on this) <p>With this proposal, there are no adjustments with the buildings or parking.</p> <p>The first document that was submitted by the applicants are the responses to the Conditional Use Review Criteria and Appeals from Restrictions on Nonconforming Uses.</p> <p>The other document that was submitted is concerning the rules that are placed upon their tenants. We want to make sure that there are rules in place to make sure that this does not become a burden upon the town.</p> <p>Win Winch asked if this would be a condition of approval.</p>	

Mr. Hinderliter stated that if the Planning Board choses to move forward with year round, we could highly recommend that. If the Planning Board is thinking about this, they can look into the 12 criteria in the Conditional Use Standards and what kind of condition could be placed upon the property that would be in line with one of those 12 standards.

Mr. Hinderliter handed out a copy of the highlighted buildings that are proposed to go year round. Common area buildings (2-2 unit buildings) were also highlighted.

Mr. Hinderliter also has comments from departments (codes, public works, fire and police) the applicants were asked to be prepared to address these at the meeting on the 12th.

Mr. Hinderliter also included the minutes of the June 2016 Planning Board Meeting for reference.

There are different options that the Board Members can consider and there is nothing that binds the Planning Board into making a decision in one meeting.

It was encouraged, during the last review in June of 2015 that the owners become good neighbors with their direct neighbors and good neighbors to the town.

Mr. Hinderliter recommends that the board review this proposal and carefully consider the appeals from Non-Conforming Restriction Standards and look at whether there will be any greater impacts as a result of this proposed use compared to the use as it exists.

Mark Koenigs stated that it would be helpful to have a plan that identifies the units in order to write conditions, rules, etc. We should also have existing conditions based on the past approval of what the Planning Department has listed as units with the applicant in agreement with that so that we know which units we approved to be seasonal or year round.

Mike Fortunato suggested that we discuss why that ordinance exists and what the history of it is.

Mark Koenigs stated that it is up to the Board to determine whether or not the applicant is putting forth their best effort and it is not going to impact the neighbors. He added that the 12 conditional uses have to be met and how do we document that with the conditions on our approval.

Laura Bolduc questioned student housing and if there are State regulations regarding this.

The owners stated that they do have J-1 students coming in on the 5th of May.

Mr. Hinderliter stated that we have specific building standards for J-1 students within our ordinances for student housing. Codes through our ordinances and building fire codes have been reviewing this.

Chair Koenigs asked if Mr. Hinderliter could provide reference to this.

Ryan Kelley suggested that on the rule enforcement page, students should be replaced with tenants.

Chair Koenigs stated that is what they need to review this to get the rules more in place for year round tenants.

Mark Koenigs told the owners/applicants to be prepared at the regular Planning Board meeting to answer these questions.

ITEM 2

Proposal: Site Plan: Dunkin Donuts- Construct 2080 sq. ft. building and associated parking

Action: Findings of Fact review and signature

Applicant: JFJ Holdings, LLC

Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1

Findings of Facts for the original Dunkin Donuts approval. This one should reflect all of the Boards recommended adjustments and changes based on last month's discussion. The Board Members were fine with this.

<p>Planner Hinderliter stated that since there is no vote to be had, the Board can sign these tonight. The Board Members reviewed and signed the Findings of Facts.</p>	
<p>ITEM 3 Proposal: Site Plan Amendment: Dunkin Donuts delivery times condition change Action: Findings of Fact review and signature Applicant: JFJ Holdings, LLC Location: 14 Ocean Park Rd, MBL: 210-1-6, GB1</p> <p>This is for the amendment that the Board approved at the last meeting. It reflects back to the 3-10-2016 site plan approval. The Board members reviewed and signed the Findings of Facts.</p>	
<p>ITEM 4 Proposal: Major Subdivision: 8 Lot Residential Subdivision Action: Findings of Fact review and signature Owner: Dominator Golf LLC Location: Various locations along Wild Dunes Way (Dunegrass), MBL: 107-2-1, PMUD</p> <p>The Board Members reviewed and signed the Findings of Facts.</p>	
<p>Other Business</p>	
<p>ITEM 1 Review of Planning Board Rules and Procedures</p> <p>Planner Jeffrey Hinderliter emailed the Board Members the Planning Board Rules and Procedures on 5-4-2016.</p> <p>The Board Members discussed changes and went through Mr. Hinderliter’s comments:</p> <ul style="list-style-type: none"> • Changing Director of Planning to Town Planner • 1.0 Purpose: Chair Koenigs suggested that the best place to put the following add for “Should any of these procedures conflict or be less restrictive than adopted ordinance standards, the adopted ordinance standards shall prevail” should come right after the last sentence. All agreed. • 3.2 Meeting Durations: Chair Koenigs stated that the goal is to keep duration of the Planning Board meetings from 7:00pm – 10:00pm.and that they are not going to have more than 6 major items on the agenda. • 4.0 Site walks: Agreed to strike this. • 4.2 Site Walk Scheduling: Linda Mailhot suggested to replace “If determined to be required or warranted by ordinance instead of the Planning Board. • 5.1 Application Submission Deadlines: Change 17 to 14 and add calendar days. Add calendar days to where it says: Planning Board at least (7) days prior to the meeting. Strike the last sentence that reads “not to be related to application submissions because its determination of a completed application”. All agreed. • 5.2 Agenda Procedures: Planner Hinderliter suggested that in regards to who writes the agenda he recommends that it read “Created by the Town Planner and published after the Chair’s, or in the absence of the Chair, the Vice-Chair’s consent. 	

Planner Hinderliter also suggested to delete the sentence at the end which reads “approximately (2) weeks before the meeting date. All agreed.

- **5.3 Requests for Agenda Time:** It was agreed to strike the last sentence.
- **5.5 Applicant or Agent Shall be Present:** It was agreed to strike this.
- **6.2 Subdivisions:** Change to “The Planning Board may conduct public hearings for major and minor subdivisions in accordance with Chapter 74 Article IV Division 4 Sec. 74-206 (e) preliminary plan and Sec. 74-231(f) final plan”.
- **6.4 Amendments to Ordinance, Maps and Districts:** Clarification of the articles that apply to the amendments to ordinances maps and districts.
- **6.5 Discretionary Public Hearings:** All agreed to leave this in.
- **6.7 Action on Applications:** is redundant and no longer applicable. Should strike from this document.
- **7.2 Submission of Information at Meetings:** Leave the first sentence and strike the rest.
- **7.3 Public Submission/Testimony:** Change “shall” to “will” in the second sentence. Add regular meeting and add (7) calendar days.
- **8.0 Plan Amendments:** Agreed to strike this.

ITEM 2

Ordinance discussion

The Board Members went around the table and added what they would like to see in regards to changes in Chapter 74 - Subdivisions and Chapter 78 - Site Plan Conditional Uses.

Mike Fortunato suggested to work on Design Criteria for the Gateway of the Town.

Linda Mailhot suggested to look into waivers for conditions.

Chair Koenigs added to review past approvals on waivers and see how it is applied to the actual subdivision on site plan conditional uses and find out whether or not there is actually ordinance recommendation changes to the ordinance that would help preclude having to write the waivers in the future.

Chair Koenigs suggested to do some housekeeping and go through the ordinances and make recommendations to clean up the reference to other sections of the ordinances (in particular the charter) and where it refers to the Planning Board sections.

Win Winch added that maybe SMRPC could review our ordinance and see how it compares with other towns similar to ours.

Chair Koenigs also suggested that they have some sort of consistency in whether or not the ordinance is actually clear to the applicant for planning purposes.

Chair Koenigs suggested to get through May and June’s meetings, take a couple of months off and have the Planner and Assistant Planner pull it all together and come back in September for review.

Mike Fortunato asked about Landry’s Shop and Save and what is happening with this project. The Back of the building looks very unkempt and they didn’t finish what they were supposed to do.

Mike Fortunato also mentioned that the house on the corner of Ross Road and Portland Avenue has a Certificate of Occupancy but the home is not finished (siding). Planner Hinderliter is pretty certain that you do not have to having siding on in order to get a C of O.

Chair Koenigs expressed concern about the new Fielder’s ice cream parlor with the silt fence and the Tree stumps which look unsightly.

Mr. Hinderliter stated that he has brought this up to the Code Officer.

Good & Welfare	
ADJOURNMENT	
MARK KOENIGS, CHAIRMAN	
Meeting adjourned at 8:04 pm	Adjournment

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 May 5, 2016.

Valdine Camire