

OLD ORCHARD BEACH PLANNING BOARD

Workshop Notice, Public Hearing Notice

November 3, 2016 6:00 PM

Town Council Chambers

Call to Order at 6:05 pm	Call to Order
Roll Call: Chair Mark Koenigs, Vice Chair Linda Mailhot, Eber Weinstein, Ryan Kelly, Win Winch, Mike Fortunato and Robin Dube Staff: Town Planner, Jeffrey Hinderliter, Town Assistant Planner, Megan McLaughlin.	
<u>Site Walk at 129 West Grand Ave.</u> Present: Mike, Linda, Ryan, Eber, Robin, Jeffrey. Applicant- Ron Sabin. Abutters- Dick McDonald, Steve Stella Site Walk opens at 5:33 PM Jeffrey introduces the PB members and discusses the purpose of the meeting and asks Ron Sabin to describe his proposal. Ron shows the PB and abutters the existing home and exterior area associated with his proposal. The following was discussed: <ul style="list-style-type: none">• Jeffrey explains how shoreland zoning applies to this proposal.• ZBA approval.• The proposal also needs to meet floodplain requirements. This is one of the reasons for the increase in height because there can be no living area on the ground floor.• Property line boundaries are discussed. Ron take abutters around property and shows pin location and rear fence.• Current use of property.• The “L” portion of the building towards the rear and how this relates to the proposal.• How the building will shift and where the proposed building corners will be.• What the building will look like.• Building too big for a postage stamp lot.• Design on marketing materials including sign out front showed a building that is not as high as the one proposed. This is more acceptable.• The building height including will the height block out the sun.• The driveway and parking situation was discussed at length. Currently there is a driveway that can fit one car. The proposal will discontinue that driveway and create a new driveway leading to the garage. Parking will be in the garage and there is room for 1 vehicle. The question is will there be enough parking for the new building now that more bedrooms are proposed and floor area is expanding. The abutters state a single person lived there before and didn’t have a car. Ron said he has a single person interested in the property and believes parking will not be a concern. The abutters state that parking is a mess in the area especially with rental properties as they always have more than one vehicle. Parking is a primary concern.• How building will be entered and how people will get upstairs.• Flooding and drainage problems in the area. Site Walk closed at 5:52 PM	

<p>CALL TO ORDER (6:09 PM)</p> <p>Workshop Discussion</p>	
<p>APPROVAL OF MINUTES: 10/6/16; 10/13/16</p>	
<p>Public Hearing (To be held on 11/10/16, 7:00 PM)</p>	
<p>ITEM 1</p> <p>Proposal: Conditional Use and Shoreland Nonconforming Structure Expansion/Relocation/Replacement: Replace and expand single-family dwelling with the Residential Activity Shoreland Zone.</p> <p>Owner: Ron Sabin</p> <p>Location: 129 West Grand Ave., MBL: 319-12-5, R3 & RA</p> <p>Planner Hinderliter received the ZBA’s Certificate of Variance recorded document. The problem with this is that it was approved as a Miscellaneous Appeal and in the Shoreland Zoning Circumstance set back this should have been presented as a Variance instead of a Miscellaneous Appeal. Even though the type of appeal is incorrect, it still is a valid approval.</p> <p>Planner Hinderliter stated that we did get an opinion from our Town Attorney in regards to upholding the ZBA and our only option as a board would be to appeal the ZBA. And to appeal the ZBA we would have to appeal within 30 days of their decision.</p> <p>The Planning Board has the authority, under our ordinance specifically, to vote on certain items that require Planning Board review such as the 30% rule and the State statute says that the only time the Planning Board is required to be certified as Shoreland Zoning Officers is if they are acting entirely as a Shoreland Zoning Officer. Planner Hinderliter sent that opinion to our Town Attorney and he agreed with this.</p> <p>Eber Weinstein explained that he is ok with this if this is all done legally.</p> <p>Win Winch stated that we need to be consistent with regulating the 30% rule.</p> <p>Planner Hinderliter stated that if the Planning Board is uncomfortable with these sorts of decisions, he recommends speaking to the Town Manager or the ZBA.</p> <p>The ZBA has secured the Variance and has made the decision of the 30% expansion and the adjustment of the building within the footprint.</p> <p>The Planning Board needs to concentrate on the 12 Conditional Use Criteria but primarily the Shoreland Zoning Criteria.</p> <p>Eber Weinstein was concerned that the applicant’s neighbor has a concern that this will put a shadow on his property and the parking driveway issue.</p> <p>As a Shoreland Zoning Application, the Planning Board’s responsibility is to make sure that it conforms with the Shoreland Zoning Standard.</p> <p>Eber Weinstein read:</p> <ul style="list-style-type: none">• <i>Sec. 78-1180. - Land use requirements.</i> <i>Except as hereinafter specified in this division, no building, structure or land located within the shoreland zone shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located,</i>	

<p><i>unless a variance is granted.</i></p> <p>According to these requirements the applicant may have to go back to the ZBA and get a Variance instead of a Miscellaneous Appeal.</p> <p>Planner Hinderliter will get the Town Attorneys opinion on this and will have more information.</p>	
<p>Regular Business</p>	
<p>ITEM 2 Proposal: Conditional Use and Shoreland Nonconforming Structure Expansion/Relocation/Replacement: Replace and expand single-family dwelling with the Residential Activity Shoreland Zone. Action: Site Walk Update; Final Ruling Owner: Ron Sabin Location: 129 West Grand Ave., MBL: 319-12-5, R3 & RA</p>	
<p>ITEM 3 Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium expansion (Summerwinds II) Action: Preliminary Plan Decision; Schedule Final Review Owner: 180 Saco Avenue Development LLC Location: 180 Saco Ave., MBL: 208-1-1, GB1 & R4</p> <p>Assistant Planner McLaughlin did a comprehensive review of all the material to provide some guidance and answers to the Planning Board’s questions.</p> <p>She went through all of the hard copy files, electronic files and found the tapes from 2013 however couldn’t find the tapes from 2011 so we have to rely on the written minutes.</p> <p>In 2013 when the Planning Board was looking at this proposal and at the last meeting when it got approved there was a long discussion about no waivers, road was too small and why wasn’t it built to subdivision standards.</p> <p>This was brought before the Planning Board as a site plan before it went through as a subdivision so it wasn’t looked at as a major subdivision and that is why the road widths aren’t what they are supposed to be as well as the number of parking spaces.</p> <p>They compared this to Seacoast RV because they said at the time that Summerwinds was approved as a seasonal cluster development. Seacoast RV is a seasonal development but they had roads built to subdivision standards and Summerwinds did not.</p> <p>The discussion ended with saying that the process was done by mistake and in the future to look into the process more thoroughly and stand fast by the process on the first go around so it does not come back like this.</p> <p>It is up for Preliminary Plan vote and the only way that it can be extended is through mutual agreement between the Planning Board and the applicant.</p> <p>They would be voting on:</p> <ul style="list-style-type: none"> • 14 Subdivision Criteria • 12 Conditional Use Criteria • 9 Site Plan Review Criteria <p>Mr. Koenigs mentioned that they didn’t make the submission that the Planning Board asked for at the last meeting.</p>	

<p>ITEM 4</p> <p>Proposal: Subdivision Amendment: Relocate proposed detention basin #1; Relocate proposed sewer lines; Relocate proposed building G; Relocate and add stormwater pipes and catch basins; Proposed road retaining wall replaced with rip rap.</p> <p>Action: Ruling on Amendment</p> <p>Owner: KRE Properties Inc.</p> <p>Location: Settlers Ridge Condo’s, Ross Road, MBL: 103-1-5, RD</p> <p>2 years ago Settlers Ridge was called Pilgrim Place. This was approved for buildings at one time then the ownership changed so the last 3 buildings were never built, however the approval remained on paper. In 2013 the applicant went through a name change to Settlers Ridge and also made a couple of adjustments to the building location.</p> <p>Planner Hinderliter asked the Planning Board members to look at Stephanie Hubbard’s (Wright Pierce) memo included as well as staff notes from Assistant Planner McLaughlin.</p> <p>This proposal amendment includes a couple of adjustments to the width of walkways, lighting and stormwater. One of the big issues is the relocation of the detention pond basin #1. This is actually on a separate lot so they are proposing to bring that detention pond over to the Settlers Ridge property and what that required was an adjustment to Bldg #G to move it down a bit. Another big change is that they were planning on building a retaining wall for the access road that enters Settlers Ridge, now they are proposing rip rap stabilization. They are adding more stormwater systems than what was originally proposed and doing a different grading plan.</p> <p>Stephanie Hubbard’s concerns are:</p> <ul style="list-style-type: none"> • Steepness of the topography • Location of detention basin <p>Ms. Hubbard’s concern with the detention basin is that the DEP has setback requirements for septic system placements in regards to detention basins. Placement of detention basin there could limit the development of some of the lots in Homewood Park because Homewood Park requires septic systems.</p> <p>One of the questions that the Planning Board should have is should this proposal do more than just take into consideration where potential septic systems could be located in Homewood Park. This could affect 3 houses in Homewood Park.</p>	
<p>ITEM 5</p> <p>Proposal: Plenary Plan Approval 1-Year Extension: 5,910 sq. ft. building expansion (Landry’s Shop n’ Save)</p> <p>Action: Ruling on Extension Request</p> <p>Owner: BCL Cascade LLC, PRL Cascade LLC</p> <p>Location: 2 Cascade Road, MBL: 205-15-1</p> <p>Applicant is looking to build exactly what was approved previously however they need to extend their site plan approval for one year. The standard says that a permit expires within 2 years if not substantially completed but it doesn’t say that if you want to extend your approval, you are required to extend it within that 2 year timeframe.</p>	

<p>Chair Koenigs read:</p> <ul style="list-style-type: none"> • <i>Sec. 78-219. - Duration of approval.</i> <p><i>Site plan approval and all the legal rights, privileges, and duties thereof shall expire if project construction has not commenced within one year of the approval date and if the project is not substantially completed within two years of the approval date. The town planner and code enforcement officer may grant up to a one-year extension on administrative approvals, and similarly the planning board may grant a one-year extension on plenary site plan review approvals if compelling evidence is presented that additional time is required to meet federal, state, or local permit requirements or in reaction to market changes</i></p> <p>All agreed that they are on solid ground with this proposal.</p>	
<p>ITEM 6</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: Discussion; Schedule Site Walk; Schedule Public Hearing</p> <p>Owner: SRA Varieties Inc., D.B.A. Paul’s II</p> <p>Location: 141 Saco Ave., MBL: 311-1-10, GB2</p> <p>Assistant Planner McLaughlin met with the Code Officer and the owners of Paul’s II. The submitted application shows 14 units. This is represented in the written portions of the application and on the submitted plan (units 2B and 4B were approved as common space). The unit count has been 12 since the original approval of the use resumption. In fact, during 2015 the applicant proposed 15 units and the PB required the application be amended to show 12. Also, the proposal shows the new units (2B and 4B) location in an area that was approved as common space. This area was required (by Code Enforcement) to be common space because both buildings had to meet occupancy square footage standards. This was pointed out to the applicants and they amended to original application by crossing out 14 and writing 12. The plan has not been amended.</p> <p>In regards to the 2 fuel trucks that are located on their property, the Code Officer had asked the owners to have these moved off their property on a certain date. However there are no ordinance standards that state that they are required to move them.</p> <p>There were a couple of things that didn’t make this an application that the Planning Board felt comfortable voting on:</p> <ul style="list-style-type: none"> • It didn’t give complete answers to the Conditional Use Criteria. • We had Department Head comments that we didn’t receive responses on. <p>The good thing about this is that the Planning Board recently received responses to the Conditional Use and the Department heads. The problem is that they didn’t provide a response to the non-conforming standard. They submitted it on September 30, 2016 but was too late to get on the October agenda.</p>	
<p>ITEM 7</p> <p>Proposal: Conditional Use: Accessory Dwelling Unit</p> <p>Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing</p> <p>Owner: Mark and Catherine Andrews</p> <p>Location: 98 Ross Rd., MBL: 105-4-4, RD</p> <p>The Planning Board got written responses to the Conditional Use and the Accessory Dwelling Unit.</p>	

<p>This is your standard Accessory Dwelling Unit:</p> <ul style="list-style-type: none"> • Is it really part of the main structure • Is there a common entrance with a single family • Does it share one electrical meter with a single family • Is it meet the less than 50% and at least 500 sf. <p>Based on the reply, they meet the standards and the Planner recommends approval.</p>	
<p>ITEM 8 Church Street Station Findings of Fact</p>	
<p>Design Review Certificates ITEM 1 Proposal: Building expansion and rehabilitation Action: Certificate of Appropriateness Decision Owner: Harrisburg H&P & Harrisburg Group Gen Partnership Location: 9 East Grand Ave., MBL: 306-2-6, DD1</p> <p>This proposal has already gone to Design Review Committee although it has not received DRC approval yet. This may receive DRC approval on Monday night so this is why it is on the agenda. DRC is responsible for approving the structure not how it works or functions, this is more of a Planning Board review. There have been a number of questions regarding the use of this structure. He can store his own things however a warehouse is not permissible.</p>	
<p>Workshop Items</p> <p>1. Paradise Park Update Included in the Planning Boards packets are the Town Attorney’s responses to the Planners questions. Also the questions we sent to the Town Attorney and the rest of the documentation are the attachments that were sent to the Town Attorney to be part of his review. Still unclear about the pistol shaped lot where the development is proposed. So the owner could come back to the Planning Board with the site plan review application and say that they are showing that their campground was part of the 2014 registration. Then it would be up to the Planning Board to say they agree that it was part of the 2014 registration, or no they don’t agree. They did own it at that time and it looks like it is included. Planner Hinderliter also communicated with the neighbors and told them that he would have more of a formal response at the regular meeting. Why this all came to the Planning Board as a zoning amendment is because it wasn’t identified to be within that campground overlay area on the zoning map but then began to find that the campground overlay on the map doesn’t say anything. It appears as though that lot may have been included to the point where Paradise Park could come to the Planning Board and the board would have to make that determination. The Town Attorney also supports that it appears as though it may have been included in the 2004 registration which means that it is part of the campground and the campground could expand in that area. This wouldn’t be subject to the new setback because it is part of the registered campground and is not a new campground.</p> <p>2. Design Standards There were adjustments made from our last meeting. A few things that the Board Members</p>	

<p>should think about:</p> <ul style="list-style-type: none"> • The intent of the Design Standards • Where/what Street or zoning district • What do we want to include within this Design Standard that we want to develop • What kinds of standards do we want to regulate • From there have a visioning session. • This will create the frame work to build the standards. <p>They also talked about developers, stakeholders and other people to come in and participate.</p> <p>Eber Weinstein suggested to have a meeting dedicated to this. Linda Mailhot mentioned that they had also talked about having information available to the members in regards to having some dissemination of materials that staff has been putting together in terms to what other communities have.</p> <p>It was decided to have this visioning session at the Planning Board Workshop meeting in December of 2016.</p> <p>3. Planning Board Procedures Planner Hinderliter would like to have the full memo (all the items) ready for the workshop meetings in the future. It was decided to get the applicant submissions in by 17 days instead of 14 days. No discussion. Unanimous.</p>	
<p>ADJOURNMENT</p>	
<p>MARK KOENIGS, CHAIRMAN</p>	
<p>Meeting adjourned at 7:10 pm</p>	<p>Adjournment</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 Seven (7) pages is a true copy of the original minutes of the Planning Board Meeting of November 3, 2016.

Valdine Camire