

OLD ORCHARD BEACH PLANNING BOARD

Workshop Notice, Public Hearing Notice

September 1, 2016 6:00 PM

Town Council Chambers

Call to Order at 6:05 pm	Call to Order
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Chair Mark Koenigs, Vice Chair Linda Mailhot, Eber Weinstein, Ryan Kelly, Win Winch, Mike Fortunato. Absent: Laura Bolduc. <b>Staff:</b> Town Planner, Jeffrey Hinderliter, Town Assistant Planner, Megan McLaughlin.	
<p>1 September 2016, 5:30 PM (Summerwinds II)  Present: PB members- Mark Koenigs, Linda Mailhot, Ryan Kelly, Mike Fortunato, Eber Weinstein;  Planning staff-Megan McLaughlin, Jeffrey Hinderliter; Owners Engineer- Walter Pelkey (BH2M);  Approx. 20 abutters.</p> <p>Site walk opens at 5:35 PM  The following includes PB member, abutter, staff, and applicants engineer comments</p> <p>Jeffrey discusses the site walk procedure including the meeting is an opportunity for the applicant to show the site to the PB and members of the public and that the meeting is primarily between the PB members and the applicant. The public is invited to listen and follow but questions and comments to the PB and applicant should be held off until the 8 Sept. public hearing. Jeffrey hands out copies of the site plan to abutter. Jeffrey turns the meeting over to the PB and Walt so he can discuss the project and show the site.</p> <p>The proposed building corners and road centerline are staked out. Walt describes the proposed road and building locations.</p> <p>Discussion concerning how much of the woods will be cut- very little.  Storm drain plan- go over in more detail and plans are available at town hall.  What kind of stormwater analysis has been done upstream of the property.  Adding additional flow to the stream- what does this do to its capacity.  Concerns about water flow onto adjacent properties and into basements. Already a problem and this could add to it and make it worse.  Flooding discussed.  Parking spaces discussed including how close some are to existing homes.  Fumes from vehicles and their impacts mentioned.  Concerns regarding people with disabilities and potential dangerous conditions this may create for them (traffic).  Discussion about existing Summerwinds- road design, stormwater, etc.  All drainage for the entire property is piped to a culvert near the fence in the right of the site.  Setback from the property line – 15 Ft., Engineer sought a legal opinion on what was considered rear vs. side setback  Walt says the stakes represent the entire building, including the porches. These new cottages will be the ones with the large porches. Abutter says that the porch will not fit in the way the stakes are set up.  Culvert pipe on site goes up and ties into Ordway’s Campground  Buildings can be tucked in and moved slightly to fit in the building envelope.  Appeals from restrictions of nonconforming use – part of Conditional Use</p>	

<p>Allows for expansion as long as there is no greater impact than what currently exists The dumpster located at Summer Winds is supposed to be a compactor, fewer trucks, less noise as part of this – something for CEO to look into Culvert under Saco Ave – capacity? Water under Saco Ave, 53 Acres – Church St. up to Cider Hill and schools. Flow from all of that down through this culvert. Size of culvert okay? Any issues? Check with DPW.</p> <p>Site walk concludes 6:05 PM</p>	
<p><b>CALL TO ORDER (6:09 PM)</b></p> <p>Workshop Discussion</p>	
<p><b>APPROVAL OF MINUTES: 7/7/16, 7/14/16, 8/4/16, 8/11/16</b></p>	
<p><b>Public Hearing (To be held on 9/8/16, 7:00 PM)</b> <b>ITEM 1</b></p> <p><b>Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium Expansion (Summerwinds II)</b></p> <p><b>Owner: 180 Saco Avenue Development LLC</b></p> <p><b>Location: 180 Saco Ave., MBL: 208-1-1, GB1 &amp; R4</b></p> <p>Planner Hinderliter stated that we have received quite a lot of comments with this proposal. He encouraged interested parties to get their comments to us before the meeting. A lot of the comments are associated with flood plains, water in their basements, wetlands and icing up of the roads. There are no new plans. We now can concentrate on getting public comments together and distributing this to the applicant, engineer and internally so that we can begin to address these comments. One of the things that was a concern is that this was supposed to be locked in at 53 units. Staff did some research and found that they were missing the March 10, 2011 meeting minutes which is probably the meeting where they talked about waiving the 53 unit count. There was language that was found that referenced replacing them one for one at subsequent meetings. Planner Hinderliter stated that the appeals from restrictions on the 53 units was part of the conditional use. There is a standard in the restrictions from non-conforming uses that states what they have to establish is that there will be no greater impact to the neighboring water, etc.</p> <p>Also included in the Board’s packets is the Wright Pierce memo. Assistant Planner Megan McLaughlin forwarded this to the engineers.</p> <p>At the regular meeting next week we will be focusing on listening to public comments and getting these comments together for the preliminary plan review.</p> <p>Mike Fortunato questioned the number of bedrooms. Mr. Hinderliter stated that when the Planning Board approved Summerwinds I for seasonal use, the number of bedrooms was limited based upon what the engineer provided for the estimated sewer flow and the intent was to limit the number of bedrooms in this development. Someone had reported that homeowners were expanding beyond the 2 bedrooms in Summerwinds I. This week code enforcement has been on site inspecting the units. Eber Weinstein read in the previous approval that Mr. Saulnier had stated that it will be stated within the condo docs that the attics will not be used or changed to a living space and also that the cottages will be seasonal.</p> <p>Chair Koenigs stated that Summerwinds were supposed to have a compact dumpster and they do not. Planner Hinderliter said that there will be more information in the memo that he will be forwarding and more information about the bedroom and dumpster comments at the next meeting.</p>	

<p><b>Regular Business</b>  <b>ITEM 2</b>  <b>Proposal: Major Subdivision and Site Plan: 40 unit condominium project</b>  <b>Action: Final Plan review; Ruling</b>  <b>Owner: Church Street LLC</b>  <b>Location: 164 Saco Ave., MBL: 208-1-9, GB1 &amp; R4</b></p> <p>Planner Hinderliter stated that Church Street LLC has submitted their final plan. Included in the members packets are the items that were identified at the last meeting. Megan McLaughlin went through these items and looked to see which of the comments were addressed and which ones need to be addressed. We just recieved information from Chris White, Wastewater Treatment Facility Director with additional comments. We also have received the Wright Pierce memo and the applicant has addressed this memo in the final plan.</p>	
<p><b>ITEM 3</b>  <b>Proposal: Conditional Use, Subdivision Amendment; Site Plan Amendment: 6 unit condominium expansion (Summerwinds II)</b>  <b>Action: Preliminary Plan review</b>  <b>Owner: 180 Saco Avenue Development LLC</b>  <b>Location: 180 Saco Ave., MBL: 208-1-1, GB1 &amp; R4</b></p>	
<p><b>ITEM 4</b>  <b>Proposal: Conditional Use and Shoreland Nonconforming Structure Expansion/Relocation/Replacement: Replace and expand single-family dwelling with the Residential Activity Shoreland Zone.</b>  <b>Action: Discussion</b>  <b>Owner: Ron Sabin</b>  <b>Location: 129 West Grand Ave., MBL: 319-12-5, R3 &amp; RA</b></p> <p>Planner Hinderliter recommends to table this item without prejudice. At the last minute the applicant found out that he needs a variance in order to do what they are proposing to do before they go to the Planning Board.</p>	
<p><b>Other Business /Workshop Items</b></p> <p><b>1. Paradise Park Update</b>          Planner Hinderliter stated that the Board Members will have more updated information on September 8<sup>th</sup>. He added that we are fairly certain that the overlay district doesn't exist as a formal zoning district. Someone can propose to expand it but the key to expanding it beyond the area that was registered and if the base zoning district allows for it. In the case of Paradise Park this doesn't allow it. Megan McLaughlin collected all of the 2004 campground registration packets on all campgrounds that registered at that time and we are trying to find consistencies with submissions, etc. The final step is to go to the town attorney and seek their advice with what we find. Planner Hinderliter added that he has been doing his best to keep the abutters notified of this project.</p> <p><b>2. Traffic Impact Fee Discussion</b>          Assistant Planner McLaughlin did some research on this and board members have this in their packets.</p>	

We have an account set up for traffic impact fees and it has approximately \$12,000 - \$13,000 in it. The developments that paid into it were Hiddin Pines Campground, Begin Subdivision, Powderhorn Campground and Dean Plante but the only one that paid a traffic impact fee was the Begin Subdivision. The other ones were to escrows, miscellaneous revenues and general reimbursement expenses. Win Winch mentioned that he thought that some of the impact money was used for the widening of Smithwheel Road/Ocean Park Road. This all came out of a transportation agreement plan that the town got from Gorrill Palmer back in 2007. They assessed a traffic impact fee for the town at 5 specific zones. The plan is also included in the packet. Assistant Planner McLaughlin explained how they came up with the impact fee cost. Also in the packet are the meeting minutes. There is no way to collect money for impact fees because there is no ordinance for it. She also stated that there is something in the ordinance that says that the Board Members can ask for a traffic impact study. Planner Hinderliter stated that Traffic Movement Permits are required whenever you hit more than 100 vehicle trips at peak hour.

### 3. Ordinance Discussion

Planner Hinderliter stated that this was introduced in May 2016 and what was decided was to identify 6 areas to concentrate on:

1. Appeals from restrictions on nonconforming uses (78-180). This standard allows a nonconforming use of land or structure to be enlarged, increased, extended, moved, reconstructed, altered, or converted after cessation for more than 2 years but less than 10 years as long as the PB finds the impacts and effects on existing uses in the neighborhood will not be substantially different from or greater than the impact and effects of how the use existed before the proposal.
2. Plan Amendments. Add or amend plan amendment-related language to the Site Plan Review (SPR), Conditional Use (CU) and Subdivision Ordinances. Currently, the Subdivision Ordinance has a plan amendment standard (74-235), SPR and CU do not.
3. Design Criteria. Create new language to provide design standards for OOB's gateway. The town currently has design standards for the downtown area (DD1, DD2 and HO Districts found in sections 78-246 – 78-430 and 78-686 & 687. Note 78-686 (1) – (7), Design standards for new construction and building rehab, are the review criteria used to rule on proposal that require design review.
4. Waivers. Review standards that are consistently requested to be modified or waived. Waivers allow the PB to modify or not require compliance with certain plan submissions and ordinance standards. SPR (78-215 (d)) and Subdivision (74-34) ordinances allow waivers, CU do not.
5. Meeting consistency- site walks, public hearings, etc. Abutter notices, agenda posting times, and other meeting-related ordinance standards are not consistent with SPR, CU and Subdivision. PB to review to see if meeting-related language can be amended so it is more consistent.
6. Housekeeping. Cleaning up ordinance citations, etc. to be sure standards are up-to-date.

The Board Members decided on the following to prioritize:

1. Design Criteria
2. Meeting Consistency

All agreed that they will work on these 2 items for now.

Planner Hinderliter stated that he will have some draft ordinance language changes to bring back to the Board for next month's meeting.

Planner Hinderliter stated that the one caution that he has for using these standards and what we need to

<p>recognize is that because they are modeled more on historic preservation efforts, it may not be exactly what we are looking for in regards to our gateways. Part of these discussions should include where should these areas be.</p> <p>Chair Koenigs asked the Board Members to think about what kind of ordinance that we could write that could give the Board some flexibility and research how other communities have done it and how they verbalized it.</p> <p><b>4. Findings of Fact: Accessory Dwelling Unit, 15 Willow Ave.</b> <b>5. Findings of Fact: Homewood Park Plan Amendment</b></p> <p>The Board Members will sign these Findings of Facts at the September 8, 2016 meeting.</p> <p>Chair Koenigs asked the Town Planner if he could give an update on “The Turn” under Good and Welfare at next weeks meeting. Planner Hinderliter gave a brief overview at tonight’s workshop. The Boutet’s decided to sue the Planning Board in regards to the decision that allows the 24 units. Part of the suit involved the units, saying that the units couldn’t be transferred because there were development rights. One of the suits involved the Town Planner purposely restricting the Boutet’s from looking at the files. They found information to counter that. The judge supported the Planning Board’s decision and ruled in our favor. One of the messages from the judge is that the town still has to get a unit count in Dunegrass, and this will be the discussion at the next Dunegrass workshop but what the Planner doesn’t have at this workshop meeting is the written decision of the court. The decision has not been made on the 8 lots, but is very similar to the 24 lots.</p>	
<p>ADJOURNMENT</p>	
<p>MARK KOENIGS, CHAIRMAN</p>	
<p>Meeting adjourned at 7:10 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 Five (5) pages is a true copy of the original minutes of the Planning Board Meeting of September 1, 2016.*

*Valdine Camire*