



## Design Review Minutes

Monday, October 3<sup>rd</sup>, 2022 @ 6:00pm  
Council Chambers - 1 Portland Avenue

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### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** Kim Schwickrath, Richard Pelletier, Frank Manduca, Don Comoletti

**Absent:** Gary Luca

Associate Planner Foster gave an overview of the agenda for the evening. Don mentioned picking a focus and moving that change forward. They also need to look at the application for the Historic Overlay because it referenced old ordinances and requirements and isn't right.

Don Comoletti mentioned the former funeral parlor had renovations going on outside.

### REGULAR BUSINESS

#### **Item 1 - Draft ordinance updates review - Design Review Section 78-426 through 429, and 78-686**

#### ***Discussion on draft ordinance updates and choose focus.***

Associate Planner Foster mentioned it would be good to go over this with our newer member Richard. There is a lot to the proposed draft changes and it would be good to focus on one aspect of it.

Kim Schwickrath asked if the planning board needed to approve and how much resistance to the changes there may be.

Associate Planner Foster responded it would like any zoning ordinance change. This is different than the proposed overlays that were previously brought before the planning board. They oversee Chapter 78. The Chair is David Walker. Vice Chair is Chris Hitchcock. Current members are Jay Kelley, former councilor, Robin Dube, and Sam Dupuis who was a ZBA member. Marianne Hubert is another

35 member. [Planning board member Win Winch was mistakenly omitted]

36

37 Richard Pelletier asked about approval time limits.

38 Associate Planner Foster responded that there aren't current time limits on a design review certificate.

39 Chair Comoletti mentioned the proposed kind of matches building permits.

40

41 Richard Pelletier asked if design review gets the last look, because planning board review could take a  
42 year.

43 Associate Planner Foster responded downtown and historic overlay are a little different. With the  
44 historic overlay, this is straight this committee unless it was something else like a brand new building  
45 that could fall under planning board purview. With downtown districts this committee makes a  
46 recommendation and the planning board has to actually approve the certificate. With a project they are  
47 not reviewing they still need to approve the certificate. For picking one change, one that would be an  
48 interesting one to implement, would be installation, modification, addition, or alteration to any façade  
49 area on street frontage. Right now, a straight window replacement wouldn't really fall in for review  
50 unless maybe changing the size of the opening.

51 Chair Comoletti added that style could, if taking out three double hung and replacing with plate glass.

52

53 Richard Pelletier mentioned it is a slippery slope to not look at everything. Unless you said minor or  
54 major changes, but then you have to define them.

55

56 Associate Planner Foster added it is a challenge now with admin or committee review, where we tend  
57 to take proposals that we are not comfortable with and push those items to the committee, but also  
58 where the ordinance isn't clear and it seems to complicate things for the applicant, try to review it  
59 under what we can if the ordinance allows for it.

60

61 Richard Pelletier added if someone comes before them and wants to change the façade and they like  
62 what they are going to do, the applicant will be in and out. If they are trying to say pull something, they  
63 could be here for hours.

64

65 Frank Manduca asked when windows would be considered, what about changing from 6 over 6 to 6  
66 over 9.

67

68 Associate Planner Foster responded this is in the downtown district and although there may be historic  
69 structures there is nothing to take into extra consideration. Windows wouldn't really fall under this  
70 unless they were making a bunch of alterations or if there was something addressing the façade. There  
71 were questions about definitions. Façade is the exterior face of the building most often the front  
72 exhibiting the most ornate or articulated elevation. This doesn't restrict to only the front but does push  
73 for the front.

74 Chair Comoletti referenced what is visible from the street or sidewalk.

75 Associate Planner Foster mentioned this has been discussed but visible to whom comes up.  
76 Richard Pelletier added it would be the only way to get consistency if that is what we are looking for,  
77 is to always look at proposals.

78  
79 Associate Planner Foster responded that is why they are looking at amendments, because it isn't clear  
80 and review isn't consistent because the ordinances can be interpreted differently. What type of look are  
81 we looking for? That is a big hurdle. The admin review seems to allow some basic work and  
82 alterations to not have to come to the committee.

83  
84 Chair Comoletti pointed out the application applies to buildings visible from a public street or  
85 sidewalk. Whether it is administrative or full committee isn't that the same criteria that allows them to  
86 do their job.

87 Kim Schwickrath asked if that should be under them for review as well.

88 Chair Comoletti responded they have determined if it is on the back of a building and can't be seen  
89 from a public why they don't really care what they do. That first statement applies to everything they  
90 do. It defines their authority.

91  
92 Richard Pelletier pointed out that the first statement A, the following activities, it specifies only the  
93 following activities need to be under review. There is the possibility that something was missed.

94  
95 Chair Comoletti added that they are defining it a little bit. It used to be if they wanted to do something  
96 on the porch an applicant could administratively if it is less than 500 square feet or to a façade. This is  
97 the argument we have had. What if the front of the building is under 500 square feet, people took it as  
98 if the front is less than 500 square feet they could do whatever they wanted. That size would be the  
99 front of a lot of buildings in town.

100 What makes something come before the committee. The first key one is if it is visible. Then they can  
101 break it down after that.

102  
103 Kim Schwickrath added that one could be under them as well, then replacement or additions, then new,  
104 and demo. Expansions of decks and porches is not under both.

105  
106 Associate Planner Foster responded that sometimes they wonder at what point do you start from the  
107 beginning with nothing, and rewrite the standards.

108  
109 Richard Pelletier pointed out that applicants are looking for a hole to find a way to do the work.

110  
111 Associate Planner Foster asked what would we want to be admin. The next part is the design standards  
112 which seem outdated. We could go over these. In looking at the list of standards, one that comes up a  
113 lot is under 5, façade materials, where it gets into vinyl and aluminum siding. Vinyl or aluminum  
114 siding and similar synthetic materials are specifically discouraged on the sidewalk façade of any

115 structure in the Downtown Business district.

116

117 Chair Comoletti responded that they have always dealt with that individually. Quality has changed  
118 since this was written. This is similar to one we just did, although in the historic district. We allowed  
119 other materials.

120

121 Associate Planner Foster will look into how bringing number 1 under admin application classification,  
122 down to committee review would change this.

123

124 Chair Comoletti mentioned ATMs which are included under the mechanical and utility equipment.  
125 Vending machines were discussed at one point.

126 Associate Planner Foster mentioned there is a specific vending machine ordinance that doesn't seem to  
127 be followed. When something doesn't need to be permitted through codes it can be more difficult to  
128 monitor compliance. Roof shingles for example we might not see, because roofing doesn't always  
129 require a building permit.

130

131 Chair Comoletti used the Chamber of Commerce roof changes that occurred. What if they were adding  
132 windows.

133

134 Associate Planner Foster will go over the comments and changes mentioned. We have a list from  
135 previous meetings.

136

## 137 **Item 2 - Historic Overlay ordinance and application process review.**

### 138 ***Discussion.***

139 Associate Planner Foster stated that they will be creating an application. We will follow the historic  
140 overlay ordinance to create the application. No information because we haven't started yet.

141

## 142 **ACCEPTANCE OF MINUTES**

143

### 144 **Accept the meeting minutes of the 7/18/22, 8/15/22, 9/7/22 meetings**

145 Associate Planner Foster updated the committee that they have the minutes from the 7/18/22 and  
146 8/15/22 meetings. If more time is needed to approve that is fine. Bigger items are the certificate of  
147 appropriateness and certificate of economic hardship that we need signatures on. We can make changes  
148 but ask that we get signatures as soon as possible.

149 Chair Comoletti asked about the rails being listed as composite when it is most likely vinyl/PVC. Was  
150 the porch decking composite or pressure treated?

151

152 Committee discussed materials.

153

154 Associate Planner Foster responded that the language for the certificate came from the meeting

155 recording and applicant responses because the minutes are not ready yet. We will need to review  
156 composite versus PVC materials on the porch for the certificate. We are not 100% sure on what the  
157 response was. It may have been written as composite but it is actually PVC. We will review it. It will  
158 only need three signatures we just need to agree on the changes.

159  
160 Kim Schwickrath made a motion to approve the 8/15/22 minutes.  
161 Motion seconded by Frank Manduca. All in favor. 4-0.

162  
163 **GOOD & WELFARE**

164 Chair Comoletti mentioned the cost of rehab of Milestone. The money was designated for interior  
165 repairs also and those upgrades aren't design related, so they could have asked for that to be put into  
166 the exterior.

167  
168 Associate Planner Foster explained that 36 Portland Avenue, the former funeral home, has a permit for  
169 siding from awhile back from the previous code officer. Codes had issued a stop work order. The  
170 applicant is just doing roof shingles but some areas had rotted fascia boards that needed to be replaced  
171 as well. Current code officer Rick Haskell and I reviewed this because the code officer can issue a  
172 certificate of nonapplicability for certain work. The applicant found items that needed repair during the  
173 roof replacement and Rick issued the certificate conditional upon the applicant applying for a  
174 certificate of appropriateness for any other construction as outlined in the historic overlay ordinance.  
175 They need to make the roof weather tight. What if a roof is slate you would think the committee would  
176 review a change like that.  
177 Work was started, we let codes know, and it went to enforcement with a stop work order being issued.

178  
179 **ADJOURNMENT**

180 6:52PM

181  
182 *I, Michael Foster, Town of Old Orchard Beach Associate Town Planner, do hereby certify that the foregoing*  
183 *document consisting of Five (5) pages is a true copy of the original minutes of the Design Review Committee*  
184 *Meeting of October 3, 2022.*

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186  
  
x \_\_\_\_\_  
Michael Foster