

Planning Board Meeting Apr, 11 2024

David Walker: All right. Well, let's get this started. Good evening, everybody. Welcome to the Old Orchard Beach Planning Board regular meeting, April 11, 2024. My name is Dave Walker. I'll be your chair tonight. I'm calling this meeting to order and we can begin with a pledge of allegiance to the flag, if you don't mind.

Group: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

David Walker: Jeffrey, you want to do the roll call, please?

Jeffrey Hinderliter: Sure. Ms. Dube?

Robin Dube: Here.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Here.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Present.

Jeffrey Hinderliter: Mr. Winch?

Winthrop Winch: Here.

Jeffrey Hinderliter: Vice Chair Hitchcock?

Chris Hitchcock: Present.

Jeffrey Hinderliter: And Chair Walker?

David Walker: Here. All right. We had a couple of packages of minutes included this month getting caught up.

Winthrop Winch: That's correct. Yeah.

David Walker: Did – does anybody have any changes, additions, deletions, or motions?

Winthrop Winch: If not, I'll move approval.

Robin Dube: I second.

David Walker: All right. Motion to approve by Win, second by Robin. All in favor?

Group: Aye.

David Walker: That's unanimous. Thank you very much. Onto regular business. So at the last meeting, if you'd just indulge me for a minute, I made an erroneous statement, don't know why. But I didn't want to leave it unaddressed and I like to correct it tonight.

I said something to the effect that it was a matter of who you knew if you want to get a project done. Nothing could be further from the truth. And I don't even believe that myself, so I don't even know how it came out of my mouth. If any of you are as old as me, Flip Wilson used to say, "The devil made me do it." So that's my excuse, but it's still not – inexcusable to say such a thing. And I want you to know that we have safeguards in place, so nothing like that can happen. The first safeguard is, I only have one vote and each member of this board has their own vote. We don't discuss anything. Everybody makes up their own mind about it. We have our engineering partners who also oversee every project. We have our planning staff who oversees our projects. So it's really impossible to know somebody and get something done. The only way to get something done is to have a good project that's safe, that follows all and so it follows state law. And that's the only way to get it done. I don't know why I said it. It was the end of the meeting. I'm going to blame it on old age. That's all. But I apologize to the board members here because it makes you look small and it makes me even look worse. So I apologize for that and just know that we'll move on from here and it'll never happen again, I hope. Okay? So end of that. Unless the board has any questions about that.

Chris Hitchcock: No.

David Walker: All right. Regular business. Item 1. Proposal: Subdivision Amendment: 27 family house lots, one lot with 45 townhouse units, two open space lots. Action: Discussion: Follow-up from our March 21st site walk. The applicant is Atlantic Resource Consultants. The owner is D&E LLC. Location, Dunegrass Sections D & E, Inverness Drive, Pebble Beach Ave, MBL: 105A-1-D, 105A-1-E, 105A-1-200. Zoning is in the PMUD district.

Michael: Yeah. So for this month, the applicant requested a meeting with planning board members for the purpose of discussing comments from the 21 March site walk. And some of these comments included buffering at the Inverness Drive entrance and as well as the connector to Willow Ave. The applicant's preparing the preliminary plan submission and wants to ensure they're heading in the right direction, and a buffer plan was included for this month.

David Walker: Okay. Is the applicant here? Jason?

Jason Vafiades: Yeah. Good evening, everyone. Thanks for having us back. Jason Vafiades, American Resource Consultants. Yeah. It should be on. Yep.

David Walker: Yeah.

Jason Vafiades: But this thing looks like it's a little – someone backed it over, so yeah. So we appreciate you having us back here kind of in this interim sort of meeting. But what happened was the site walk was kind of long, and things got spread out. And I think there were discussions happening with me and then discussion is happening sort of behind me. And I apologize if I went too fast, but it was kind of cold out there keeping people moving.

And so Mike put it pretty good. We had a couple of discussions that I think that merited further sort of on the discussions here. One was, when we're at the beginning starting the site walk, we had told you that there would be some buffering for the neighbor and, Dominic, one of the applicants is in discussions with her about altering this, whatever she needs, she's going to get for that first house there at the turn coming in. And so we've shown 11 densely planted arborvitae in a buffering plan, sort of just as a starting point of how we go. And she – we can't – she has her own fence, so we're going to put the arborvitae on the other side of her fence, between where the cart path is now and her fence.

And then this does require us to deflect the cart path out onto the sidewalk for about 30 feet, which we expect that that's going to happen. We've noticed cart paths start merging the sidewalks around different areas. So that's one item, probably not as key as we had walked the – around the end of the, I believe its hole 7, and then jumped up over and went down Willow Ave, and not a whole lot of people came down there. And so we were just discussion that connection and we walked in with some of the abutters. And I had heard after the site walk that there was discussion about the nature of that connection to Willow Ave. Currently, we're showing it as a – that's a permanent emergency access, which would be turned off – gated up or somewhat blocked from normal traffic.

When we had the meeting with town staff, I'm going to say it was in February, there was a lot of discussion about maintenance. Public works had a lot of unease about gating that off and how they're going to plow it. If, let's say, that the town accepted this road Inverness Drive going in, then they would own that right away. And then they just open the gate and leave it open all the time. The fire chief had some concerns. He does understand that there are a couple of Knox boxes currently in town, but he's not a big fan of them. And so we all have these discussions, but ultimately, it's your decision. And so we'd like a little feedback from the planning board regarding what your preference is, how you feel about that. We're open to doing whatever the planning board wants and what's good for the town. So those are the two issues.

David Walker: So I'm going to try to summarize, because I'm not sure I heard exactly what was going on. There was supposed to be a gate with a lockbox there for emergency vehicles access.

Jason Vafiades: Correct.

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David Walker: And something or somebody is concerned in the town, because that wouldn't be able to be plowed or it's going to – the gate would be left open where the fire chief is not happy with lock boxes. And so he want our feedback on that?

Jason Vafiades: Yes, right, because whatever – so it's – Tim might be able to.

Tim: Well, I think, Tim Swenson, I'm one of the...

David Walker: Hi, Tim.

Tim: Michael did the staff get back on what direction they wanted to go into. I think that's how we left it, because you guys were going to determine what we're going to – what you wanted.

Michael: We haven't received comments specific to that since that meeting.

Tim: From anybody from staff?

Michael: I don't believe so.

Tim: So we kind of left it open to what the town really wanted, but I mean, I thought they were going to make a decision on that. But right now, it's a gated, but it can change. We can do whatever the town wants, but it's all up to you guys.

David Walker: Sure. I understand. Do any of the board members have any ideas?

Chris Hitchcock: I do.

David Walker: Yeah.

Chris Hitchcock: Well, certainly, it has to be plowed.

David Walker: Yeah.

Chris Hitchcock: So the condition of that road has to be such that they can do that. I read something in the packet about the material that's on that road. It didn't sound – it's not – it didn't sound like a permanent road even though it's intended to be maintained.

Jason Vafiades: Yes. So the fire chief, so we currently had it as a gravel access and then the fire chief was not insisting. His interpretation of NFPA is that it has to be paved. So we're – that's fine. We're going to pave it. And he actually asked for it to be a little wider. So now we're going to – so – and this quarter brings it in. So now we're building almost a town wide road here, and that I'm not sure that if the conversation moves, and I know we've done this in previous projects where we're going to just maintain this as an open connection. In the future, do we need to build it to a town wide connection? And does – if you're good with a turnaround and a temporary access and you tell me that

that's what you want and that's what you're going to vote for, we'll leave it as it is other than making it 20 feet wide with paved. Or if this is ever going to be used open to the public, we would have to change some things.

Chris Hitchcock: Well, I think from my personal view, I don't think that should be opened at all. It's not the right thing to do to the residents of will.

Jason Vafiades: Sure.

Chris Hitchcock: And so half the people that live in this development, or at least a third that are in the single-family houses, are going to want to go out that way.

Jason Vafiades: Correct.

Chris Hitchcock: And that's just not right.

Jason Vafiades: Yep. And that's good. That would – that's the way we have it designed, so...

Chris Hitchcock: Yeah.

Jason Vafiades: We just want to make sure that was it before we got...

Chris Hitchcock: However, maybe that – my last comment would trump that, which is we try to get advice from not only the staff, but from people in, like, the fire chief and others that have informed opinions to give us their recommendation. We have got none of that. So I think your question of Michael was appropriate, which is what have you heard. If he hasn't heard anything, I don't think I want to opine without that other than what I've already said, it's *[indiscernible]* [00:12:04].

Jason Vafiades: So it's devil's advocate. If they come back and say, we would be – because we're going back to a meeting that happened in February, but I recall Mr. Smith – Chris Smith saying, just leave it open so people can go in and out. And then the fire chief was, well, just keep it plowed and put a Knox box on and we'll – that'll – that meets NFPA. So I think where we're going is we're going to pave it. We'll make it a little wider for the fire chief. And then what we do is we push the gate back onto our property so you can swing it. It's almost like a T-turnaround or hammerhead. Then you – so you can open the gate, swings open, plow the snow through, push it off to the side. Yeah.

Chris Hitchcock: Well, I understand there's some history of lockbox problems with the town. But if for some reason they forget the key, which I've heard they've done in the past, they can still go back – they can go out. It just can't – it won't be as direct a route. I mean, they can go around the cul-de-sac and go out the way they came in, probably.

Jason Vafiades: Yes. If they had come in and then they were looking to go out that way...

Chris Hitchcock: Yeah.

Jason Vafiades: Yeah. Correct. Now, if they go – if they come in an emergency down that road and they forgot the key, then that's a question of gate placement. We need to put it far enough in so they can back out and turn around, so.

Chris Hitchcock: Well, we're not the one – this is not the only gate in town.

Jason Vafiades: Correct.

Chris Hitchcock: So they've worked with lock boxes before.

Jason Vafiades: Yeah.

Chris Hitchcock: It's not rocket science.

David Walker: Early on, we talked about, having access, a second means of access into this subdivision, essentially a subdivision. But nobody really wanted to address going in and out of Willow Ave, and the thought was people would use it as a shortcut to get over to the golf course. But it's really not a shortcut, because when you come in Willow Ave, you've got to go all the way around D&E to come out.

Jason Vafiades: It wouldn't be a shortcut into the golf course. So Chris is right. It would be a shortcut for residents for, I'm going to say, the top part of the subdivision.

David Walker: Yeah.

Jason Vafiades: And then that being said, we're close to finishing our traffic impact study. If that is an operational, that changes the traffic impact study. Now...

David Walker: Yeah.

Jason Vafiades: Would you like a version, a discussion of having that open, how it changes the trip assignments. Does that mean anything to you? Or just...

Robin Dube: It means something to me. I don't want the traffic to have to go through these people's neighborhood. It's been a quiet neighborhood for me that it was fully developed.

David Walker: Which is why we couldn't...

Jason Vafiades: Correct. So we wouldn't...

David Walker: That's why we went this far.

Jason Vafiades: So we wouldn't study having that open from traffic, so that's what I'm asking. So to keep the traffic impact study focused on what you're actually going to get.

Robin Dube: As far as the lockbox goes, one says the fire department says they don't like to deal with the lockbox, but why haven't we heard anything from them as well? Shouldn't we really *[inaudible]* *[00:15:11]* from them by now as to what they want.

David Walker: So, Jeffrey, you could bring this up at your next staff meeting.

Jeffrey Hinderliter: A thought – yeah. A thought is, it seems like one of the primary issues is can this provide through access to the general public or not. I think if the planning board takes the position that we would not like to see this have through access, but we want to – so keep that in mind. But for the rest of the pieces, ensure that it meets public safety standards. I think that would provide the applicant with the guidance they need. So they then know they're not designing a road that provides through access to Willow when they're preparing their traffic study and their design. But they also know they need to coordinate with public safety in order to ensure that whatever the internal design, whether it's a Knox box, a gate, the width, whatever it is, will conform to their standards.

David Walker: Do we have to put them off another month before we hear from...

Jeffrey Hinderliter: I think if you take that, the position that I just suggested, I don't think you do, because that would – I'm not – I don't want to speak for the applicant. But I think that would resolve one of the key pieces to this, which is, does this provide clear access, public access back and forth through Willow Lane to the subdivision, or is it only a controlled access point for public safety purposes? If you say we don't want – we want a controlled access point for public safety purposes and we want public safety, you to work with public safety in order to figure out how to make that happen, that's fine. But when – whatever you do to make that happen, we don't want through traffic on that road.

David Walker: I agree. Any other statements from the board?

Chris Hitchcock: I would like to talk about the arborvitaes.

Jason Vafiades: Sure. Yeah. That's why we're here.

Chris Hitchcock: I think it's great that the owner gets some protections. However that pushes the cart path farther over, which pushes the road farther over, which reunderscores, if there's such a word, reunderscores my concern about the risk to drivers, and therefore, to the golfers of people being hit by golf balls driving it in their cars out that exit. And I brought that up at a couple of meetings ago when you first presented it. And I was told golf balls go where they go, and therefore, I shouldn't worry about it. But I'm more worried than I was before. And when you think about Dunegrass, for those of you that played golf there, this is the only hole that's got drivers exposed for that length

of time and that many drivers. The only other one is – I forgot the name of your development.

Male Speaker-1: Section C.

Jason Vafiades: Section C.

Chris Hitchcock: Section C. Yeah.

Jason Vafiades: Okay.

Chris Hitchcock: That's – but that's a relatively short period of time and the golfers are hitting, for the most part, away from that road. So it's not so worrisome and there's not as many houses in there. But this is a lot of people leaving this coming up against golfers regularly.

Jason Vafiades: So I think your second point is a little more pertinent than the first point, because if you look where the tee boxes are, at least this section where the – you see the green line where the arborvitaes go and that's where the golf cart currently – path kind of goes where the arborvitaes are now. So when we pull that path in, it would take a golfer of my skill to be driving and hit any pedestrians through there. But you're right. You do have a sidewalk...

Chris Hitchcock: A little walk down...

Jason Vafiades: Yeah, that's when you get farther down. And so I don't know – we have – you haven't seen it yet, because we're resubmitting the application in for the next meeting where you get the full review package. And then we have – we dive in quicker with the road, but there is still that exposed.

Chris Hitchcock: Well, I was going to bring up the dive in quicker, because I went back and looked at the original plan for the development and it went further back when they came up with that, the ninth hole was – had a little bit different profile. And there was more space for you to turn the road to the left going that way. It's been suggested to us, and I saw it on the site walk that we have you entertain the possibility of bringing Inverness off of Dirigo, such that the boxes – the tee boxes can be moved down toward the green such that the road is behind the golfer's back at least for that section in there at the beginning of the road.

Jason Vafiades: So you would not be driving over a road. The tee boxes move forward. The road sort of, I'm going to say, runs parallel to Wild Dunes Way a little bit...

Chris Hitchcock: Right.

Jason Vafiades: And then comes out onto...

Chris Hitchcock: Right. It's...

Jason Vafiades: Dirigo.

Chris Hitchcock: So I think diagonally is the right word. You've got a little bit of space from where the Dirigo extension is and where the, at least, the current gate is for the *[inaudible]* [00:21:47] where people pick their...

Robin Dube: Transfer station.

Jason Vafiades: Transfer station.

Chris Hitchcock: Transfer station? There's a little bit of space in there that a road could come off of that, and I suppose the town could consider moving their gate a little bit to help. But I think that would be an alternative that ought to be considered. I'm sure it wouldn't be great for the guy that owns the golf course to have to think about a different hole. But it will certainly improve someone's safety a lot. And probably, the other thing I worried about when we talked about this last is all those people pouring on to Wild Dunes Way. So if you shift them off to Dirigo, then a certain portion there might continue on Dirigo to go on their merry way rather than trying to get back on to Wild Dunes Way to go out the other side.

Jason Vafiades: And that's something we would...

Chris Hitchcock: So I think it would help the jam up of traffic that we might have otherwise been facing with all the roads that pour into Wild Dunes Way in that stretch.

Jason Vafiades: So one of my discussions with our traffic engineer, and lucky for me, I don't do traffic, so I – we – I have to rely on somebody else is that we're – the problem with doing the traffic engineering now is that my sense here is, is that we need to do counts, right? And so – traffic counts, right, to get actual numbers of people going in and out. And so you really can't do that here until its busy season, okay, because that's one *[indiscernible]* [00:23:28]. And so – and that's something we can do. We can give you a preliminary report, and then we're going to do that when the timing is appropriate. So that's going to tell us a lot about what existing traffic patterns are here, because I don't know that. I think it's more of a perceived combust – a perceived traffic...

Chris Hitchcock: Yep. That's fair.

Jason Vafiades: 00:23:54 Nightmare there than you actually got. But that's – I don't – I've never been down here on a Friday at 10:00 PM or 10:00 AM, looking to tee off, and people are cutting through in the summer. So those things will all be considered. We'll present you something like that in the report. As far as changing the golf course, that's certainly something I can't – that needs an owner – the golf course owner input.

Chris Hitchcock: I just want to give you feedback on your plan that you're showing us there. I don't like the way the road goes right now.

David Walker: The – there is a secondary golf path. I'm sorry, Robin. You're on mute. There's a secondary golf path from hole number nine that goes out through Tim's project now, and you're in the process of finishing that up?

Tim: Right. Yeah. *[Inaudible]* [00:24:47]...

David Walker: Right.

Tim: *[Inaudible]* [00:24:54]. Yeah. And it does, except for the people who are only playing nine holes.

David Walker: Yeah. But even for those people that are playing nine holes, you go over there and you cross the street and you come up the back way behind the barn into the parking lot. So, but...

Tim: Well, that's...

David Walker: I'm not going to engineer this. Well, I'm certainly not my expertise.

Jason Vafiades: Sometimes I wonder if it's mine.

David Walker: The arborvitae, do you know the height? Because it just says...

Jason Vafiades: So they come in at usually, I think, in the detail, we spec that out or in the in the chart it does. And they're at least six to eight when they go in so that they're this tall. And then, unfortunately, you got to wait, like, they grow fast, but I think that you stagger them to get as much coverage as you can so they have the radial growth to fill in, but they fill in pretty quickly. There's actually a row of them out in front of – right at the entrance where Cascade Road comes in and Ross Road moves off. I don't know the holes at the golf course. Delmar could kill me. But those are mature arborvitae. And I think it was just sort of block the golf course a little bit from maybe golf balls coming into the road. And so that shows you what they look like when fully...

David Walker: Okay.

Jeffrey Hinderliter: Summer winds is a good example of how quickly arborvitae mature too, if you all remember where summer winds is and how good of a buffer they provide, it's actually excellent.

David Walker: So to summarize, you're going to widen the gate, the road to the gate, you're going to pave it, and there'll be a lockbox there?

Jason Vafiades: Correct. That's – that seems to be the *[overlapping conversation]* [00:26:52]...

David Walker: Unless there's some significant change that Jeffrey can glean from his staff meeting this month.

Jason Vafiades: Yeah.

David Walker: And then one more request, if I may.

Jason Vafiades: Yep.

David Walker: So we'll have the full application back in a week from next Monday. Would it be possible to schedule a public hearing for May only because if there's anything that comes out of that, because I think there's still probably a lot of things that haven't been said or we haven't really heard from the public other than that for the site walk, that would affect the design. It really kind of – it – if you're okay with having a public hearing in May, I mean, nothing prevents you from having a second one if you wanted to. But just so that I can make sure that we've got all sort of comments in as part of the design process for us.

David Walker: I could do that.

Jeffrey Hinderliter: Sure. Yeah. My thought, you would need to have two public hearings. But it might be a good idea to have at least one public hearing to get those initial comments out as long as we have those solid plans together. But then in order to ensure that we meet the ordinance requirements, we would still need to have a public hearing after the preliminary plan is determined complete. So we would need two public hearings.

David Walker: Is that helpful to you?

Jason Vafiades: Well, is that helpful to you?

Tim: Yeah.

Jason Vafiades: Yes. I think – yeah. They...

David Walker: Okay.

Jason Vafiades: And then just so – so there is a public hearing for DEP that will be happening before that as part of the site location application, which will happen at town hall. But that's a separate process from your own just so multiple hearings on this.

David Walker: So the public hearings would be scheduled for 9th, Jeffrey?

Jeffrey Hinderliter: Mm-mm.

David Walker: The first public hearing? Okay.

Jason Vafiades: I think that's it.

David Walker: I do.

Jason Vafiades: I think you made it.

David Walker: Yeah.

Jason Vafiades: All right. Thank you very much.

David Walker: Thank you very much.

Jason Vafiades: Thank you for your time.

David Walker: All right. I'm about to lose my voice. Item number 2. Amend approved contract zoning agreement: Building design changes. Action is scheduled public hearing or council recommendation. The applicant is MAKKA Builders LLC, and the location is 60 Saco Ave, MBL: 206-10-1; zoning in the GB2.

Jeffrey Hinderliter: Okay. As our Chair read our agenda item, it's an amendment to an approved contract zone agreement, which is new, I think for all of us, for the property located at Saco Ave.

I think you'll all recall all the work and the history that's associated with this particular property, so I won't get into all the – all of that tonight. But the two most important piece is last year, I think, it was during the summer, early fall that the board recommended the council approve the contract zone agreement for a six unit condo building. And then the council began review. And at their November meeting, they approved the six unit contract zone agreement for. And specifically for three bedrooms in each unit that was kind of all over the – well, this has been all over the place from 15 units to 14 to eight to six over two years of review, a lot of stuff went into this. So as of November 2023, full approval for six units – condo unit contract zone.

So if we fast forward today, we have a new applicant and a new property owner before us, MAKKA Builders. They purchased the property, and the former applicant who did not own the property, but had a, I believe, a P&S agreement, land matters, they are no longer in this picture as far as I know whatsoever. So MAKKA Builders not only is the applicant, but they are the property owner.

So when MAKKA Builders got hold of this plan, the primary issue they came across was the building itself. And if you recall, the former Land Matters was really intent on saving the brick structure. I know during the years of review, staff had some considerable

concerns about keeping that structure that were discussed with Tom Gillis of Land Matters. And – but Tom wanted to preserve that. He thought it was an important piece of this particular property. So we couldn't sway his mind from that. But we thought it was important enough in our preparation thinking that he was going to submit his site plan application relatively quickly after the November 2023 council approval. I did include with our peer review a requirement to get a quotation from a civil engineer – or I'm sorry, from a structural engineer. We hardly ever do that, because we really deal with the civil side. But I thought the structural piece was critical in this because of concerns about that brick building.

So MAKA Builders, they actually came in without even having that discussion he had with them. And they said, "We've been through this building. That brick structure, it's just not going to work. It has to go." They had an engineer analyze it and they found it's just not going to work. But because that brick piece was part – was built into the approved contract zone, the contract zone agreement needs to be amended if we are to remove that.

So during our discussions, you'll see four items that are associated with this amendment. Two are very minor, and we could do without the planning board's approval. One being changing the name, because contract zones can – are transferred to the – from property owner to property owner, runs with the land, and also, changing the name of the project too. Those are very minor. But the two primary amendments, one is, changing the building and what MAKA Builders would like to do, keep the foundation, remove the brick, and just – and build a brand new structure from the ground up. But also what they're requesting is to allow the building to exceed the 35 foot minimum height requirement. And the 35 – the extra 35 feet according to MAKA is not for – to build more structure to go higher with typical structure. But they need it for, what they say is a dog house to provide access for the utilities on the roof. So it's not meant to go higher to – for habitation purposes. It's for access to the roof for utility purposes. And that would be the only – there would be a condition on that access being limited to – limited for access for utilities.

So the board's responsibility is to review the amendments and make a recommendation to council. Our ordinance doesn't have that, really anything that addresses amendments for contract zone agreements. The contract zone amendment language is usually built right into the contract zone agreement as it is with this case. But it does not get into details as to whether a public hearing is held, some of the details. But I think it's – I'm confident to say that at least for the planning board recommendation purposes, council may be a little different with the – when it comes to public hearings and stuff. The planning board shows – should still make a recommendation based on the three contract zoning factors. One being, with these amendments, is it still consistent with the comp plan? Number two, is it consistent with the existing uses in the area and also the uses that area allowed under the ordinance? And then number three, is it subject to conditions sufficient to meet the purpose of contract zone? I won't – that's a big long paragraph I included it for you in your memo. I won't read it now. So in order to recommend a contract zone agreement, you need to find in favor of all three of those standards.

And regarding staff's thoughts, we feel it meets all three of those standards. But the one concern that we have is that the height above 35 feet and if that could create some unintended consequences that the owners, applicants certainly don't intend, but we all know human nature that could suddenly become a deck, an observation. Who knows? But if it moves forward, we want to ensure that there is appropriate protection in place to do what we can do to ensure that does not happen. But that's our only concern. And also what we do is we recommend that the amended agreement include just the summary maybe in one of the whereas statements of what this – what was changed just so that record is followed and it's documented through time.

And finally, these are – it is an approved contract zone already and these are just amendments to that. So when – I highly caution you not to open this up again, because we're really only reviewing these amendments to ensure that they're consistent with the comp plan ordinance and with the purpose of the contract zone. The planning board has the option to schedule a public hearing, you still do. Or it doesn't say you can't. It doesn't say you can. So I interpret that as saying you do have the option. If you do want a public hearing, I recommend it scheduled for the 9th of May, and then have the – a final vote if you feel ready after that public hearing, or you have the option to vote on it tonight, I feel. And again, your vote is just a recommendation to council.

David Walker: All right. Thank you.

Chris Hitchcock: Could I get the *[inaudible]* [00:40:14]?

David Walker: Yeah.

Chris Hitchcock: Through the Chair to Jeffrey.

David Walker: Mm-hm.

Chris Hitchcock: Could you clarify something on the on the three factors? There was one of them, and I think it's the third one that when we've dealt with this contract zone before, like, the house on East Grand, they had to rotate and put several other parcels. The town had to get something out of that and the access to the beach was one of the things we talked about.

Jeffrey Hinderliter: Exactly.

Chris Hitchcock: The Milliken Heights, the town was got out of that some affordable housing. So that was a big plus. So we needed some little hook.

Jeffrey Hinderliter: Yeah.

Chris Hitchcock: As I remember this project, now two years in the making, the hook was the building. The hook was the history. This is Ben Franklin we're talking about here. I

mean, Land Matters made a very impassioned plea about the importance of that building to the town. And I bought it enough to say that's what the town's getting out of this. This historic building is going to be preserved. Now you've just told me, we don't care about anything.

Jeffrey Hinderliter: Yeah, two things. Good question and you're totally right about number three. Really the primary hook was the sidewalk in doing the sidewalk along Fern Park Ave. That was the primary hook, because that provided a public benefit. That was the big public benefit for this particular proposal that was presented.

The building was two pieces. One, just as you said, that was the applicant's. That's not – the structure has no historic significance at all. It's not in a registry. It was a brick post office that doesn't date to any special time too. But one of the – the second piece of the building process was it's a blighted property and this was going to resolve that.

David Walker: And that was the hook for me too.

Jeffrey Hinderliter: Yeah.

David Walker: Yeah.

Chris Hitchcock: Okay. I guess, I bought his pitch too much.

Jeffrey Hinderliter: There's there were all kinds of pitches throughout two years.

Chris Hitchcock: I was so excited I went out and bought a lot of stamps.

Robin Dube: Actually, through the Chair.

David Walker: Yes.

Robin Dube: There's so many seaside, seahorses, see this, see that, and it's down that it would be nice to have kept that thing.

Chris Hitchcock: That's right.

David Walker: Yeah.

Chris Hitchcock: Especially when somebody asked for directions, you know?

Jeffrey Hinderliter: Yeah.

David Walker: So when I looked at the artist's drawing in the packet of the roof, you had a walk up access to the roof and I think more appropriately a hatch, because that walk up is six and a half, seven feet high. And I don't know what the mechanical is on the roof. I'm familiar with mechanical, but I don't think mechanical is that high. And the

neighbors were concerned with – in the previous testimonies and hearings, they were concerned about view and the height of the building overall. Now we're going to go beyond, which is a concern to me. When it goes to council, I know they'll have a public hearing. And so I think if you could put a hatch in and a guarantee that there would be no debt for viewing fireworks from up there, I think that might work as far as I'm concerned to move it forward to council.

Robin Dube: *[Inaudible]* [00:44:13].

David Walker: You're not helping – you're not helping things.

Robin Dube: No, I'm not helping you, because I'm helping them. Maybe whoever buys it or builds it.

David Walker: Any other comments from members? Yes, sir. Welcome.

Eric Dube: Thank you very much. Appreciate that. So just I don't want to rehash everything. I thought that was pretty good on that. So I'm Eric Dube, Trillium Engineering. I'm a civil and a structural engineer. And with me tonight is Joe Delaney, Architect, the new owners, which are Fran and Frank, and they are both builders.

So Joe and I have worked together for 25 plus years. We worked on, like, Dynamite. Is it still called Dynamite, Joe?

Joe Delaney: It is called *[inaudible]* [00:45:02].

Eric Dube: CC – yeah, some seaside something. So we worked on this years ago that had bad soils and so on, and I've worked on the Brunswick Hotel and a bunch of other properties, Joe and I been involved with the Old Orchard Beach area. I think we're going to be in front of you on another project that'll be down in West Grand also. But – so I've been involved with the former purchaser, Tom, on the initial kind of site plan and whole thing. I know I wasn't here presenting in front of you, but I was behind – kind of behind the scenes in doing that. I didn't – I wasn't here in regarding the passion about some of the historic stuff that Tom had spoken about. But I can tell you from a structural eye and just being taking a lot – look at a lot of buildings, whether they're in Portland or New England in general, brick, timber, and that sort of stuff, I didn't see a lot of value in the building. But I'm going to represent my client if that's what they want to do and then we're going to figure out a way to kind of make that happen.

That being said, talking with Fran and Frank, and with Joe out on site, things like that, we went in, took a look with all the water infiltration and everything else and kind of looking at that, plus the steel that's in there and just leakage. I mean, there's not a lot of value into the structure except for the foundation itself. Foundation itself looks like it's in fairly decent shape, so that's why I wrote the letter that was as part of this package and why we've kind of come to that conclusion.

I think it was my opinion that, I think Jeff just said that basically, it's really a blight on that whole neighborhood. There's really no other brick buildings in that neighborhood. So everything else is kind of clapboard or cedar shaped or wood frame, older type stuff.

Robin Dube: *[Inaudible]* [00:46:50].

Eric Dube: Yes. Correct. It looks industrial. Looks like a post office. So that's kind of a little bit of background and history. I don't need to belabor that point. So regarding the site and part of the utilities and what we're talking about, at least, the issue with roof access. And so you can see we have a tight site with the parking spaces that we are proposing, trying to put utilities, trying to put other things. We really don't want to put utilities out in the front triangle. It's not a good look for, basically, on Saco Street. So really, what we're kind of nailed down to is the rooftop. And so having a rooftop access, again, Joe and I have worked on a lot of properties in Portland where we go through this, a lot of three story walk ups. And in that case, they want to have decks in there for viewing. In this case here, I – we're not getting much view from any – if there was a deck up there. I'm not saying there is, but if there was, you're not getting a view. So that's not really a benefit of what we're talking about.

What we're talking about is benefit of some of these units and especially the condensing units and everything that we have nowadays. Roof hatches are great. I'll tell you a 100% on that. But realistically, if you want to have somebody go up there and be able to maintain this equipment, be able to put this equipment up there, you want to have a safe access, because you're maintaining especially with the condensers and these heat pump units and everything else. You could have screens. You have air filters. You have things like that that you're changing out regularly. So having a closed door and, like, vestibule type thing is really, I believe, what we're talking about. I'll let Joe talk about some of these aesthetic things.

And in that case there, you get a really nice seal with the roof hatches. I'm – I tend to be more of an insulation guy on the structural side. You just don't get a great insulation seal, and you get air leakage. You get other issues and then rain leakage and driven rain things like that. So that's why I think we're talking about some of those specific issues about a roof hatch versus trying to get, like, a small access way that, yes, it's going to be above 35 feet. We're only talking about a very small access way with a doorway and not extending a third of the building. This is a pretty – the good thing is this is a pretty wide building and pretty long building. So you could tuck something in there that would look similar to an HVAC unit. HVAC unit that would be sticking up maybe four or five, six feet high anyway. *[Inaudible]* [00:49:26] – strategically in the middle of the building, then at least from a viewing point, it's not as bad. So those are a couple of things on that.

So we do have the site plan. We do have Joe's renderings that we can talk about with that. I think we've – I'm here to answer any specific questions about any structure or the existing building that you need to – that we need to discuss on that or any site – specific site issues. Again, go back to relieving sidewalks and when – and having new access ways and things like that. But the reality is we're trying to keep the site clean from Saco

Street for the most part, trying to clean that whole area up with the new parking at the rear, and then leave the existing foundation and be able to build off of that. So I'm happy to talk about any of those things. But otherwise, I'll turn it over to Joe and his – the artist part of the project, which is way nicer than us.

Jay Kelley: Through the chair.

David Walker: Yes.

Jay Kelley: Got just a question. And I guess a question and an observation. Are these rental units or condominiums?

Eric Dube: Condominium.

Jay Kelley: Condominium? Are they age restrictive?

Eric Dube: No.

Jay Kelley: No? Any age can be in? Okay. I just – I want to say from my experience as a Portland firefighter, I can't begin to tell you how many false alarms we responded to for structure fires with a gas grill on the third floor on the roof. It's amazing. And typically, roofs like that are used for everything but what they're intended. They're used for sunbathing. They're used for parties at night, especially if you don't have an age restriction in the building. So I would just like to make sure that we know that the access to that is not going to be open to anybody just saying, hey, let's go put a gas grill on the roof and we'll have some burgers. I've seen it a million times. Thank you.

David Walker: It's a good point. Thank you.

Joe Delaney: Good evening. So I'm Joe Delaney, Whipple, Callender Architects, I'm representing Fran and Frank for the seashore condominiums. I think, like, Jeffrey said, this really is about amendments to an existing approved contract zone. And we come back to you with bulk of building in a shape and a volume that reflects what was approved previously. Some things we have done in the plan was make sure that we don't have flexible spaces and we create every unit as a three bedroom unit pretty clearly in each plan, whether it's in the north or south of the building, it's generally going to be three bedrooms with an open living dining space and the idea of outdoor decks on the street side, one for each unit.

On the entry level, we would come in from the parking side into a vestibule and then into a protected hallway. We're proposing a single means of egress and in a building that's less than four stories, less than four units per floor, fully sprinkled, et cetera, that can be accomplished. So I just need to – after making sure that our progress is approved by you folks verify that those presumptions work with the inspector here in town. We would provide access on Saco Avenue and we would provide access in the rear parking space as well.

The rooftop access, I think with a 35 foot height limit, we're going to come pretty close to that anyway. We're probably two feet out of the ground on the corner. Probably want to allow 10 feet floor-to-floor to make sure we can get framing and systems in, so we don't have too much room, as you were saying, to put in a roof hatch or standing roof access without exceeding 35 feet. I think on the roof would be a minimum of half a dozen, perhaps more compressors and heat pump systems and an ERV system that would be a constant air change system for the building as well. So with that, the amount of equipment, it just seems that if we can come to an agreement on terminologies, keying, access, minimizing size as much as we can, it would be worth considering a man access.

If we have a hatch, we'll have to have a four foot tall yellow cage around it to keep people from falling into the hatch when they're on the roof. So it might make – it might be almost less visually disturbing to have some sort of gray painted, again, minimally sized roof access. So we just ask that you consider that.

The design that we show on the outside of the building, the previous iteration on the left to the new iteration on the right, there was a little stretch in one of the images. The idea is that they both represent the same mass, the same height, and more or less the same vocabulary or materials. The flat roof again is there really to try to maximize what we can fit in 35 feet and we'll see how that works. An option or a possibility from an appearance standpoint above 35 feet that hasn't been discussed, but maybe we could, at some point, is to consider screening of the mechanical system. I know visibility of the rooftop coming down Saco Ave might be possible. So is screening of the mechanical unit something we want to do? Frank and I were just talking about that. He had some concerns about it.

The building vocabulary is going to be, I think, pretty traditional. Turn of the century, rebuild Old Orchard with trim, painted siding. There'll be colors with the building. I don't necessarily see it being natural tones, but I see it being a couple of different tones. And the big difference, of course, being the demolition of the ground floor. In the scheme on the left, the two originals, there are a lot of compromises that happened because of the existing brick pattern and the existing windows. I think without that building on the ground floor, we have the ability, on the scheme shown on the right, to at least align windows, floor to grade – or sorry, roof to grade throughout the building and get the elevations more organized essentially.

We still have the broken up scheme where we take the ground floor and emphasize that as something else, and we take the upper two stories and break them off. But I think just due to the nature of the units, we will have the ability to line up and organize windows throughout the building vertically. And I think that – I don't want to repeat much that's been said since it was covered so well. But if there's any questions, I'd be glad to try...

David Walker: So a hatch style is not something that you think you can do for access to the roof, is that correct?

Joe Delaney: I think it's possible to do. I just think that, it's – just imagine in the winter, you're the guy pulling the hatch open and getting dumped on, and there's weather occurring. And even if you do a hatch, by OSHA standards, you need to build a cage around it. It's basically a yellow pipe cage to keep from falling in. So there are plenty of buildings accessed by hatches or roofs, but I think that it would be far better to provide man access.

Marianne Hubert: Excuse me, but the bulk hatch is not for big hole when you got in that – in the roof.

Joe Delaney: The hatch isn't...

Marianne Hubert: Yeah. If it's a bulk hatch. What is a hatch? It's flushed with the roof?

David Walker: Yeah.

Joe Delaney: So...

David Walker: Yeah. It's like a submarine hatch....

Marianne Hubert: Yeah. But you have...

David Walker: You lift it up and then you walk out onto the roof.

Marianne Hubert: Yeah. But it's a bulk hatch...

Joe Delaney: It falls up with that. Yeah.

Marianne Hubert: Yeah. A bulk hatch is slanted so you wouldn't fall on somebody. It's going to be very wide. *[Indiscernible]* [00:58:45] a larger opening than a door.

David Walker: It could be. You can make the hatch any size you want.

Marianne Hubert: Yeah.

Joe Delaney: I think, I feel like the main door is going to be – is just going to be a more humane way to go in that count. I mean, if – the building is fairly wide and deep. I think if we have a small bulkhead in the middle of the roof that is essentially surrounded by mechanical equipment, then I don't think it's going to be that big a visual impediment. If we raise it, the bulkhead you're talking about would be raised...

Marianne Hubert: Yeah.

Joe Delaney: Off the roof some amount anyway.

Marianne Hubert: But it wouldn't be eight feet as a – depending on the size of the building structure.

Joe Delaney: Yeah.

Robin Dube: He's trying to keep the height down, it...

Marianne Hubert: But that's what I was talking about. That should be a lot lower than a big door.

Joe Delaney: Well, the – it has – I mean, in the elevations, we would keep the door very minimally sized. We would fit the roof tight to it and we would clip the roof as much as we could for headroom access up to that roof.

David Walker: Who's – who will control the key, to the roof?

Marianne Hubert: Me.

Joe Delaney: Well, that's the language we're going to have to come up with, but I think there's going to be a common – there's going to be set of house keys and there's going to be a house key, not a resident key. So I don't know if you know a opine...

Eric Dube: *[Inaudible]* [01:00:16].

Joe Delaney: Yeah.

Robin Dube: Yeah. It's usually maintenance as *[inaudible]* [01:00:22].

David Walker: Well, there's going to be...

Marianne Hubert: No, anybody has it.

David Walker: There's going to be six units there.

Marianne Hubert: Yeah.

David Walker: And we don't want them to have access.

Joe Delaney: Correct.

David Walker: So when the mechanical guy comes, is he going to have the key or is it going to be in a lockbox?

Joe Delaney: Well, it could be. But I mean, I think it's also a – there'll be a management. There'll be a management situation, so I think it'll be...

Fran Pelletier: Fran Pelletier from MAKKA Builders. How are you doing? The door that's going to access the roof, if we do, do a dog house on the top, we'll have – we can put a sign on it, no public exit. We can lock the manager of the building, whether it's the condo association president. Once we assign it, we'll have the key to it. That's it. We don't have any intent of doing any roof access for the people in the building other than if there's an emergency, or you got to get up there to do that on the mechanical. So I mean, there's – we're not going to plan on doing any decks. We designed it to have the decks for each unit in front of the building, so they have their own little deck.

And I mean, it's either the – I mean, the other – the only other viable option for us would actually be put the mechanicals down on Saco Ave. And so when you come down, it actually be down on ground level. And I thought it would be better with them on the roof, but we still have to be able to get those up there without hiring a crane every time one fails and putting it on the roof.

David Walker: Yep.

Fran Pelletier: This would be a viable option to have a stairway locked, even a door at the bottom of the stairs so we have two doors, one at the top, one at the bottom, and there's no public access.

David Walker: So we're going to make a recommendation to council, and this is going to come up at council. So I'm just trying to get you prepared now...

Fran Pelletier: Absolutely.

David Walker: For options and answers. I have a concern with it, so if I do, I can guarantee you the council will have some concern with it as well. But I'm just one member here. So anybody else want to speak to the issue?

Jay Kelley: Yeah. Just real quick on the – I'm sure the fire department is going to want a Knox box on the building, and in the Knox box will be a key to the roof door.

Fran Pelletier: Right.

Jay Kelley: So that should take care of that.

Fran Pelletier: And the fire department can't have that or a lockbox.

Jay Kelley: Nobody can get into the Knox box other than the fire department.

Fran Pelletier: Yep.

Jay Kelley: So.

Fran Pelletier: And that'd be easy. No problem.

Jay Kelley: That takes care of that issue.

Fran Pelletier: Right.

Jay Kelley: Right.

David Walker: Anyone else?

Robin Dube: *[Inaudible]* [01:03:01] in Alaska, I can only squeeze 12 in there.

Fran Pelletier: I'm sorry. Say that again. I'm tired of hearing, so...

Robin Dube: *[Inaudible]* [01:03:10] on this?

David Walker: It's more like awful lot.

Chris Hitchcock: Yeah. I think there's plans in front of them.

Robin Dube: The *[indiscernible]* [01:03:24] do only 12.

Eric Dube: 17 parking spots is what we have.

Robin Dube: How did you squeeze that out if we only allow 12?

David Walker: Tom's going.

Robin Dube: I don't care. I'm asking a question.

David Walker: I don't have the answer.

Robin Dube: Well, then, don't speak up.

Eric Dube: I don't think we had 12. I think...

Robin Dube: It's just a...

Eric Dube: I think...

Robin Dube: You know what I'm saying? It's...

Eric Dube: Yeah. So we've just gone by what the ordinance says and what we can have per the ordinance. So I think we had 15 originally. It was told...

Robin Dube: *[Overlapping conversation]* [01:03:54] as to how you stretched it when...

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Eric Dube: Yeah. We – I mean, we...

Robin Dube: It was...

Eric Dube: We haven't really stretched it. I mean, we're trying to make use of the existing parking area, and then with the parking stand.

Robin Dube: And I do know when we had a public hearing on this piece of property before. There was only three people in here and it was all about parking.

Eric Dube: Sure.

Robin Dube: And one of those persons just put a driveway in their house, so they have their own parking. So I don't think you're going to get much...

David Walker: And...

Robin Dube: Backlash from a lot of people anymore.

David Walker: If may to your question, one of those concerns was that off street parking. So by adding the additional spaces, it was for visitor purposes to try to...

Robin Dube: Right. And just...

David Walker: Yeah.

Robin Dube: If there was space enough to *[inaudible]* [01:04:36]. But like I said, there was nobody here for public hearing, so.

David Walker: So with a recommendation to council, council will hold a public hearing. Correct?

Eric Dube: Yes.

David Walker: It seems redundant for us to have a public hearing and then have the council have a public hearing as well. So I'm in favor of not having a public hearing. I don't know how the board members feel.

Winthrop Winch: I agree.

David Walker: Looks like we got agreement. Yes? No?

Chris Hitchcock: Well, I don't think the neighbors are going to be excited, and I don't know if the council would be upset with us if we didn't do enough diligence to deal with their input now. I wouldn't if we – I wouldn't prefer to have the neighbors have a chance to look at it now. But I just want that.

Winthrop Winch: And that would be down to the roof hatch? Is it a singular issue or we're talking about the demolition issue as well?

Chris Hitchcock: I don't know what the neighbors are going to say. They're going to say what they said last time. And it was more than three here and I'm not sure they're going to be happy with the rooftop looking the way it's at 12, you say, 12 compressors. Big number of compressors. I think, I might take the ugliness of having it on the ground if I was a neighbor, especially if I was looking down from above, because there's a house up beyond and above that property, and I think they look down on that roof. They will. Or they'll certainly see the compressor is nice and clear. So I don't agree.

David Walker: I'm concerned about the height – exceeding the height. That's my biggest concern.

Jeffrey Hinderliter: Here's a thought. If – the recommendation to council, again, you have to vote in favor on all three of those standards in order to provide a favorable recommendation. Kind of what I'm hearing is the planning board might be a little waiving on that. What it sounds like is if the applicant can provide the board with the confidence that addresses the concerns about the dog house off the top, then the board might find more in favor of that particular piece. And I think that confidence would be, here's a hatch compared to the dog house. Here's the language that we're going to put in the contract zone agreement to do the best we possibly can to ensure that stoves aren't on the roof. It doesn't become a sun deck and which is one of my concerns too. And what be – and the planning board can make a recommendation. What we can also do is make a – hold a public hearing on that same date the planning board makes a recommendation. So it could be May 9th. We could have the public hearing. The – that'll give the applicant some time to come around. And the way I figure with timeframe, the applicant would lose about three weeks by taking this and which in the realm of everything, losing three weeks compared to losing a recommendation is a pretty big deal.

David Walker: Yeah.

Jeffrey Hinderliter: So that might be some – it gives the applicant a fair opportunity to address the concerns about the hatch, and then the planning board will also have the opportunity to get public comment. And that actually might help the applicant prepare for the council.

David Walker: Absolutely.

Jeffrey Hinderliter: Council too.

David Walker: Yep. I agree.

Jeffrey Hinderliter: Yeah.

David Walker: So we'll schedule May 9th for a public hearing and we'll make a determination on moving forward at that time with more input from the developer regarding the height restrictions and concerns that were here tonight. So thank you very much. Anybody else?

Marianne Hubert: I have one more question.

David Walker: Yes, Marianne.

Marianne Hubert: Well, going to be the fuel storage for this?

Joe Delaney: What?

Marianne Hubert: The fuel storage for heat, like, natural gas.

Joe Delaney: It's all – well, we know we're going to have the electric for the moment and we haven't...

Marianne Hubert: So it'll be all electric?

Joe Delaney: Well, we haven't – yeah. We may have to consider fuel storage or natural gas piping, but I'm assuming natural gas is available.

Jay Kelley: I don't think it is there.

Joe Delaney: No?

Marianne Hubert: No.

Joe Delaney: So we have to...

Marianne Hubert: And this is why I think that there was less parking spaces, because there was fuel storage.

Jay Kelley: Can I just ask one more also?

David Walker: Yeah. We're not done.

Jay Kelley: And then I promise I'm done. I know it's early, but has there been any talk of rules and regulations for the condominium, like, for the organization itself? I know it's early, but is there any bylaws for the condom?

Joe Delaney: Not at this point.

Fran Pelletier: Not yet.

Jay Kelley: Not yet? Okay. And part of that question is, if I bought of these, can I sublet it to anybody I want?

Fran Pelletier: I think it – if it was thrown to be rented and yeah, we probably do what a lot of the wetland *[inaudible]* [01:10:22] ground areas that have been *[inaudible]* [01:10:24]. So weekly or monthly rentals, they have to be *[inaudible]* [01:10:30] this.

Jay Kelley: But my point is they can be leased.

Fran Pelletier: As of right now, we have *[inaudible]* [01:10:36] bylaws.

Jay Kelley: So I could lease that to three 23-year-olds?

Joe Delaney: If we have that amount of wealth, yeah, so it's...

Jay Kelley: Okay. And a lot of times that comes in a condo doc. They'll say, you can't lease to or you can only lease to yearly or whatever.

Fran Pelletier: Yeah.

Joe Delaney: We have it *[inaudible]* [01:10:57] on our thing. But when we talk with the *[inaudible]* [01:11:00]...

Jay Kelley: I just – the location, the structure itself brand new, I just see wow. Three guys looking up and saying, hey, we can get this place, and guess what, potties on the roof.

Fran Pelletier: Yeah. Now, we're not – like I said, we're not looking to – and we will have *[inaudible]* [01:11:19].

Jay Kelley: Perfect.

Fran Pelletier: And this is – that's not our intent at all. I know the previous owner was trying to do something up here. We've redesigned the building from *[inaudible]* [01:11:33] up there and...

Jay Kelley: Right.

Fran Pelletier: But *[inaudible]* [01:11:43] and fire safety will get up on *[inaudible]* [01:11:47] if one of these heat pumps do happen to have a failure.

Jay Kelley: Right, perfect.

Fran Pelletier: It's on the roof of the building and they are *[inaudible]* [01:11:56].

Jay Kelley: Right.

Joe Delaney: And they can't be carried up if you give someone enough *[inaudible]* *[01:12:01]*.

Fran Pelletier: Yeah.

Joe Delaney: And they can't be hauled up there.

Fran Pelletier: Yeah.

Joe Delaney: But two guys...

Fran Pelletier: *[Inaudible]* *[01:12:05]* is good.

Joe Delaney: Can provide the safety...

Fran Pelletier: Every one of the heat pumps up there through the back is almost impossible, so now *[inaudible]* *[01:12:12]* a special sign in for the whole condo, different one now, should we able to replace any pump to get a crane in there to *[inaudible]* *[01:12:22]*. And I'm just thinking long term for building and...

David Walker: Okay.

Fran Pelletier: Yeah.

David Walker: Yeah. But I'm thinking about the residents who are going to be complaining about the height, so...

Joe Delaney: Yeah.

David Walker: We got to find a way to compromise.

Fran Pelletier: Absolutely. I mean, I totally agree and I almost made the members know that that's not our intent. We will do everything. And even if it's in the contract zone, no roof *[inaudible]* *[01:12:52]* and that right there gets in the contract zone to be *[inaudible]* *[01:12:59]* down so at least everybody else is like hey, *[inaudible]* *[01:13:04]*.

Jay Kelley: Well, that'll be up to a good president of the condo association.

Fran Pelletier: Yep.

David Walker: All right, gentlemen. Thank you very much. We appreciate your time tonight. We'll be – yeah, one more thing.

Joe Delaney: So we're going to have a public meeting May 9th and then have a public meeting subsequent to that?

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Jeffrey Hinderliter: I – we can...

Joe Delaney: Please call me up there.

Jeffrey Hinderliter: Oh...

David Walker: And we'll have a review after that public hearing, right?

Jeffrey Hinderliter: Yes. So the planning board will have – on May 9th, they'll have two things, a public hearing, and then they'll make a recommendation at that meeting too.

David Walker: Yeah.

Eric Dube: Thank you.

David Walker: Thank you.

Joe Delaney: All right. Very good. Very thank you.

David Walker: All right. Here's the point where I got in trouble last month. Other business? Do we have any other business? No? Good and welfare, anything for good and welfare? Larry, you've been here all night.

Larry: Just because I have no *[inaudible]* [01:14:06] to report.

Jeffrey Hinderliter: That's right.

David Walker: Wow.

Larry: *[Inaudible]* [01:14:10].

David Walker: Okay. So a motion to adjourn?

Group: Yes.

Marianne Hubert: Yes. Second.

David Walker: It's unanimous. Good evening, everybody.

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 13 June 2024.

Jeffrey Hinderliter, Town Planner