



Town of Old Orchard Beach

1 Portland Ave, Old Orchard Beach, Maine

Phone: 207.937.5626

www.oobmaine.com

Planning Board Meeting Minutes

I, Jeffrey Hinderliter, Secretary to the Planning Board of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Old Orchard Beach Planning Board.

Prepared By: Jeffrey Hinderliter
Approved By: Old Orchard Beach Planning Board

Respectfully
Submitted,

Jeffrey Hinderliter
Planning Board Secretary

Planning Board Meetings - August 10 2023

David Walker: Public hearing and regular meeting. Today is August 10th. My name is David Walker, and I'll be the chairperson running the meeting tonight. If you would all not mind joining me we will do a quick pledge of allegiance to the flag. Thank you.

All: 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: All right. Great job. All right. We did not receive any minutes, but there is a backlog, and I promise from Jeffrey that that backlog will be addressed shortly. So we'll move on to regular business. Item 1, ordinance amendments, housing opportunity ordinance, affordable unit density and dwelling unit density draft 2, chapter 78, article 6 and 7 housing opportunity ordinance accessory dwelling unit draft to chapter 78, article 7 and 6. Action is scheduled public hearing and discussion. Michael?

Michael: Do you want to do an official roll call first?

David Walker: Sure.

Michael: Mr. Kelly?

Kelly: Yes.

Michael: Ms. Hubert?

Hubert: Present.

Michael: Mr. Winch?

Winch: Yeah.

Michael: Ms. Doobie?

Doobie: Yes.

Michael: Vice chair Hitchcock?

Hitchcock: Here.

Michael: And chair Walker?

David Walker: Here. I just want you to know that this is the first time I forgot to do that, so.

Michael: That's okay. I just wanted to get it.

Planning Board Meetings - August 10 2023

David Walker: Thank you for keeping me honest. We have a full slate tonight, so Jay will be in alternate, and it looks like Sam is going to be absent. So now you can give us information on item number 1, if you would not mind.

Michael: Yes. So included on your desk tonight was the section 78 edits that were emailed earlier in the week and some examples for each part of the housing opportunity, program ordinance, which is some real basic info on each part and then some examples that were previously requested. So the previous housing opportunity program draft was all in one section, but since this is now in two different sections, it's divided into the section 78 dash 1272, housing opportunity program, which contains the affordable housing density bonus and dwelling unit increase allowance, parts of the rule, and then, the other part is the ADU.

So one other update to the ordinance that wasn't previously included were some potential updates to definitions in 78 dash 1, and those were included in your packets. And we'll want to discuss potential definitions and edits because there are some new definition questions. This proposed amendment includes changes in the law and proposed rulemaking that was received from the state DECD on August 2nd. So fairly recently, and we haven't had a whole lot of time to incorporate those.

The multiple dwelling units on a lot, which is referred to as the dwelling unit increase allowance or the affordable housing development density bonuses, which are two different parts, can remain under this proposed conditional use ordinance. And I'll highlight some of the main changes. One was extending the implementation date requirement from July 1, 2023 to January 1, 2024. And another change was the definition of affordable housing development, which is to not exceed a certain level to afford 51% or more of the units, which was changed from the language before, which was more than half of the units.

And then other things to consider. Some questions came up as to how the 4 dwelling units on a lot works in regards to the unit arrangement. And the question came up if this allowed an empty lot meeting the requirements to propose four single family dwellings on one lot. And so this was a question that we asked directly to the DECD because it wasn't clear in the language. And in their response, they said municipalities must allow up to the four dwelling units on an empty lot, in a growth area, or a lot without an existing residential unit if that lot sorry. However, a municipality may choose how it wants the four units to be configured. This will probably take a little bit more time to consider and incorporate into the ordinance.

The updated rules also contain definitions for duplex, triplex, and quadplex. These are terms that aren't in our current ordinance. We may want to incorporate these to differentiate between the multifamily definition and allow other configurations of the four units that isn't for single family units. The newest question is regarding an empty lot or a lot without an existing residential unit? Lot without existing residential unit seems could include commercial properties. What does this really mean? And regarding the

updated guidance document the response from the DECD was that due to the recent LD 1706 and law that came out of that, they had to amend the rule and guidance document.

So they're waiting on comment right now which ends in early September, and then we'll be updating that guidance. They did assure that most of the information in that guidance document isn't going to change. Both the affordable housing density bonus or dwelling unit increase allowance are conditional uses. So planning board review is required with those and applicants would need to meet the conditional use standards. Are there additional conditions that we should include that wouldn't be covered under a multifamily site plan review or the conditional use review requirements? For recommendations, I think this is fairly solid draft now, but there's still some questions as mentioned. The comments on the most recent rulemaking are allowed to the state up until September 11th.

The planning board should discuss potential changes to this draft. And if you want to wait until next month to schedule the public hearing for October, that way we might have answered some of these questions. I'd like to keep this moving forward through review as I know you would, but I think I need to fully understand the implications of this before doing so. And then this also the first item, because it's a separate part of the ordinance is the accessory dwelling unit changes. The biggest change is this new ordinance is under performance standards section of chapter 78 under buildings and structures, which is section 78 dash 1383.

So for this ordinance, the accessory dwelling unit or ADU section was removed from the housing opportunity program because the recently updated state rules don't allow for us to require planning board approval. This will require ADUs be added as permitted use in all districts where housing is allowed and will be reviewed by the code enforcement office officer. Applications will need to include a mortgage survey prepared by a main licensed land surveyor. That's probably the biggest change with the ADU, and it allows that this requirement may be waived by the code enforcement officer if the construction is entirely parts of it can be waived if it's entirely within the principal dwelling structure.

This is one item that we haven't been able to review with codes because the code enforcement officers been out, and we would like to discuss the application procedure with codes before moving this forward. Some other changes were that, the mostly additional performance standards. Constructions of ADU must be in conformity with all federal, state, and local laws, codes, ordinances and regulations. Only one ADU per lot. And if there's more than one dwelling unit on a lot, an ADU is not permitted. And then one other piece that was included because we did get some feedback from the fire department about access. They haven't seen this most recent draft, but we added language that a safe path of travel shall be provided from the ADU to the nearest public side walk or right of way and that's require on that planned application submitted to the code enforcement officer for review.

For recommendations, this draft includes much of what the previous draft contained, but since the review authorities changing from planning board conditional use to CEO

review, the application requirements and additional performance standards were added. It's possible, one question was if this could move through the approval process separate from the housing opportunity ordinance. It's possible it could, but the provisions appear to either allow the dwelling unit increase or ADU. And it seems like separating these through the approval and review process could create confusion and potentially be unfair to applicants who haven't had a chance to decide if they want to do an accessory dwelling unit or take advantage of the dwelling unit allowance.

And as I mentioned, we'd like to run these changes through with the code enforcement officer since they'll be reviewing the applications. We don't recommend scheduling the public hearing yet, but we think we should be ready with the next draft.

David Walker: So, Mike and Jeffrey, if I recall in the past five years, we've only had maybe 3 requests for ADUs. So it's not really a huge, huge thing for a CEO to deal with in my mind because it's not there aren't a lot of them and we're not changing the areas where they're allowed, just changing it from conditional use and board oversight to CEO. Correct?

Michael: They're currently not allowed in all districts where housing allowed are is allowed, and this new ordinance is going to allow ADUs anywhere housing is allowed. And then it also doesn't consider the minimal density requirement for dwelling. So I think there is the potential to see a lot more of these applications where there's some less restrictions than there used to be.

David Walker: All right. Thank you for clarifying. Any members, any comments from board members?

Doobie: Well, this is here. I would just like to say if this...

David Walker: Well, speaking to that mic, please.

Doobie: If this becomes a thing where the planning board is not even to be involved in this, before we spend a lot of time on this, you know, I think we should know that ahead of time, if possible.

Michael: As far...

David Walker: Oh, I'm sorry.

Michael: As far as feedback from the code enforcement officer or?

Doobie: The state. Once the state sets its thing, it says that you're going to, you're going to follow the code, yeah, through code office, planning board's not going to be included in any of this. You know, we shouldn't put a whole lot of big effort into this if you know, until we know for sure whether it's even involves any of us here.

Planning Board Meetings - August 10 2023

Michael: Yeah. I just want to clarify. Which part is it we want to know for sure? Is it the...

Doobie: Whether or not the planning board will be involved in this or not.

Michael: For the accessory dwelling units, it will be the code officer as currently written in the law and our draft ordinance.

Doobie: So we won't be involved in it much. Correct?

Michael: Just the development of the ordinance because it is chapter 78 which is the planning board.

Jeffrey: Yeah. And I was speaking from experience have been on here been through a few ADUs, we basically did what code enforcement will do. It was very little. They had to meet the requirements of a common entrance, single electric meet, you know, all that stuff. All we did was check it off and give them the okay. So I think it makes perfect sense.

Doobie: I'm not saying we don't, but it's up to them whether they're going to put it to us or not, or it's strictly a code.

Michael: No. It's strictly a code. The state mandated that. Because...

Doobie: That's what I'm saying. And I don't imagine you're going to have to be a common entrance into the ADU. Like the ordinances say now.

Michael: Yeah. Yeah. It's...

David Walker: I don't mind offloading some of our oversight.

Michael: No.

Doobie: Yeah, exactly.

David Walker: Right.

Michael: My point was we were more or less doing the code enforcement's job anyways. We were just checking stuff off, so.

David Walker: Anybody else? No. All right. Well, since you've done a great job so far, but since there's still some unanswered questions, I'm going to table this until next week or next month. And then at that point, you should have a finished product, and we can schedule a product hearing. Okay?

Planning Board Meetings - August 10 2023

Michael: Yeah. And then I just wanted to find out because one question was in regards to those new definitions and the planning board's thoughts on incorporating those into the draft. Duplex, triplex and quadplex which would be two units, three units or four units and I think now having a chance a to look at it and better understanding the unit arrangement possibilities that having those definitions might be of value to allow those arrangements and not have it fall under, the direct definition of multifamily potentially.

David Walker: Well, I hear board members saying they agree that you should include it. So why don't you do that? Okay? Thank you. All right. I hope they all go as simply as this.

Michael: And then, do we don't actually need to table this or does it just stay on?

Jeffrey: You can just postpone any decision.

David Walker: All right. We're going to postpone the decision.

Doobie: Second.

David Walker: Rather than the table. All right. Item 2, proposal. Major subdivision. 21 single family house unit, house lots, 3 open space lots, 4 condo lots with a total of 25 condo units. Okay. Pre-application review owner is Mark Barro, location is 139 Portland Ave, MDL 104 dash 2 dash 3 and 23 dash 31, portion of Red Oak Subdivision Zoning Rural and RP.

Jeffrey: So this was before the planning board last month, due to the time that elapsed from when this started from the pre application stage to when it was previously before the planning board in 2021. We're back here. Last month, the planning board had tabled this. It's on this month's agenda because one item the planning board requested was staff comments. We don't have staff comments submitted, but planning staff met with the applicant, project engineer, and the town staff, including wastewater and public works. And staff comments were provided at this meeting, and we've also had the staff development review meeting since this was last before the planning board.

David Walker: Was the applicant at that meeting?

Jeffrey: Yes.

David Walker: Okay.

Jeffrey: Applicant engineers, the applicant's team was there. So at last month's planning board meeting, the items that were discussed were Wright Pierce's comments, waste water comment on sewer, public works comment, fire department, road classification as private or public, solid waste disposal. There are questions about some recommendations about endangered plant species, driveway spacing from Portland Ave and traffic. The Wright Pierce memo from last month's review was included in your packets this month,

Planning Board Meetings - August 10 2023

so you have that. And we did receive response to those Wright Pierce's comments from the applicant today, so we haven't had a chance to review those yet.

With sewer, that was one of the things discussed on the 3 August meeting that we had. So it was just last week. We discussed wastewater and public works questions and comments. A lot of those were comments that were in the Wright Pierce's memo, sewer updates on walnut that need to be completed prior to being connected to public sewer were confirmed to be scheduled for fall. So that shouldn't be an issue anymore. And if it does come up, certificates of occupancy would be conditional upon that being finished. And I don't see that be an issue because that work scheduled.

And then other parts of the discussion with staff were regarding Wright Pierce's comments around the pump station location and requirements and sewer line connections, which are continued to be worked out as we go through this. And public works provided comments which is included in the memo regarding street lighting, road with sidewalks, the pump station, storm drains, stormwater BMPs, culverts, and dead ends. These were fairly basic comments, and I believe most of these were addressed at our meeting. As far as the fire department, they haven't submitted any official comments, written comments to us. But at our July development review meeting we had verbal comments including turning diagrams for their apparatus to know that they could maneuver the development.

And then just the comment, confirmation that the box culvert can hold equipment weight. And then there were some discussion about the roadway as private or public. The plans indicate roads are to remain private. At our meeting with the applicant, it was discussed that roads would be designed to town standards for the option to propose for acceptance in the future. There were some questions regarding earlier phases of construction. We would just need to confirm those meet the requirements if they did decide to do that. Solid waste disposal was discussed. Public works said typically with private roads and agreements made between the owner and the association or association with a waste hauling pickup and that that's fairly popular in town with these projects.

And the response in application materials was that they'll utilize public solid waste disposal once the subdivision is complete. During construction, owner contractor will contract with private waste hauler. And as I mentioned, the planning board had the question about the private waste hauling. And then no. The endangered plant species. Sorry. And then driveway spacing from Portland Ave, I think that was resolved, but we just want to confirm the measurement on the plan that that first driveway from Portland Ave meets the requirements.

And then the planning board previously requested the traffic analysis. We received that this morning as well. It was dated June 30th, but we haven't had a chance to review it yet. So we did just get that in. I know those were some items the planning board was waiting for. So for recommendations, several planning board comments were resolved with the town staff meeting with the applicants on August 3rd. Since submitted today, we still need to review the updated plans, response to comments, and traffic analysis. Regarding determining the application as complete. We should review these most recent submittals

received today. Planning staff believes the bigger items that were holding this up were the items that have been requested, and it looks like we've received them now. We just haven't had a chance to review them.

It looks like the planning board has the option to schedule a public hearing now, but may need to hold another hearing after it's determined complete. It would be good to get feedback on the proposal from the public and planning staff supports the scheduling of a public hearing for Thursday, 14th September. So we'll keep this proposal moving forward.

David Walker: So in order to schedule a public hearing, don't we have to rule that the plan is complete?

Jeffrey: There's a few options for the planning board in the ordinance, and that's why we left it as optional. And some of those options are may schedule a public hearing. So I think at this time, it's optional, but it looks like you would have to again if you did do a preliminary public hearing.

David Walker: So I just feel like we, where we were last month, even though you have the materials today in your office, we don't have them to review them. Consequently, I can't make any decisions personally that I could have made a month ago without that material. And without that, I can't see rolling this as a complete project. So, and I always thought that we had to rule complete before scheduling a public hearing.

Jeffrey: And I believe that site plan is more specific in that and these kind of run through concurrently. 'Cause even though it's a subdivision review, there is site plan as part of that. As I said, it's an option to schedule the public hearing. I think it's a good opportunity to get feedback from the public. That way the applicant has that information as early as possible and then can incorporate that to any changes they need to make.

David Walker: You made that point. I understand.

Jeffrey: And I'd love to hear as I'm sure you would. What, what...

David Walker: Anything from any other members here.

Hubert: Through the chair. First thing I'd like to say is you had last month to answer all of the questions of things that needed to get back last month. Now again this month, you get it to the day it's due. You can't, we can't do you know, keep doing this. It's...

Jason: Let me, let me just correct you here for a little bit. So we can't respond to public words comments if we don't get them. It took us multiple requests to schedule in person meeting because those comments were not coming in written. We've had that meeting a week ago. From that takes us all the time to respond. So, I don't, I don't know even what to do in general to be honest with you. And we would take that we should've just been on September. They're just what's going to happen?

Planning Board Meetings - August 10 2023

David Walker: So, Jason, did you escalate to anybody in the in town office your desire to get responses that you didn't get?

Hubert: Exactly.

David Walker: Okay. And you still got nothing? When I say you escalated, did you escalate outside DPW?

Jason: Absolutely. Okay. All right. Good to know. Okay. All right. Good to know.

Hubert: I think where anybody should go from now on if this is an issue.

David Walker: Anybody else have a comment? All right. Well, I will make a motion to preliminary. We approve the plans conditionally based on information that is in the planning office now and our review next month, and also schedule a public hearing. Since this is not your problem, it's a town problem, I can't see holding you hostage to that. I don't know if anybody wants to second that. But...

Robin: Oh, I second it.

David Walker: All right. Robin seconds that. So I will schedule a public hearing for September 14th, and I don't think we need to do another site walk out there. So we will be fully prepared for you on next month, with all the answers that you provided, and hopefully they're acceptable. And I apologize for any delinquency that that you got in terms of response. So.

Jason: Well, it's not your fault.

David Walker: No. But...

Robin: We represent the town, and I apologize on the opinion. So I got a motion and a second by Robin. You want to call for a vote please?

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Planning Board Meetings - August 10 2023

Jeffrey: Vice chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And chair Walker?

David Walker: Yes. That motion carries 5-0. Thank you, Jason.

Jason: Thanks, sir.

David Walker: Okay.

Robin: Just gone through questioned raised at the public hearing with everybody in we're going to have a meeting with these guys again.

David Walker: Yeah. Yeah.

Robin: Okay.

David Walker: The public hearing will be first, and then he will provide responses to the public hearing the following month. We'll rule on the site plan, not pending any responses, any responses necessary for the panel. Okay? That's exactly the public hearing. Excuse me. All right. Item 3. I don't see them here. Item 3, proposal, contracts on application established. Contracts zone name, contract zone 4. In accordance with the town of Old Orchard Beach code of ordinances, chapter 78, article 9, contract zoning for 60 Saco Ave, MBL 206 dash 10 dash 1.

The purpose of the contract zone is to allow the establishment of a six unit residential condominium building, action council recommendation, applicant is land matters LLC. Location is 60 Saco Ave, MBL 206 dash 10 dash 1. Zoning in the GV2.

Robin: We have somebody here for it.

David Walker: Okay. Just a second. I don't recognize you, but...

Winch: You're right. Well, I was here, though, with the outcome in May. I actually did it.

David Walker: Okay. It's been two years.

Winch: I submitted the most recent amendment to this contract zone application which is before the amendment or this evening. It's incorporated the public comments but it already made but it also incorporated [Indiscernible] to consider this, application proposed.

David Walker: Okay. Thank you for that. We'll first hear from the planning office and then go from there.

Jeffrey: Okay. Thank you. So, yeah. The planning board's been reviewing this since November 2021, actually. And the review on staff level has been before that. I can say that really the one of the reasons that we're here today is due to, the attorney Greg's work, but just a little bit of history briefly is during 2022, the proposal was originally an eight unit condo type complex. The, the planning board recommended council approve that. The proposal then went through council review spring, summer, and fall of last year, and, it concluded with the council, I think throwing up their hands and saying, hey, you know, you got to get your act together. We're shipping this back to the planning board. You have to get your site plan subdivision review, and then come back to us.

So, also, what the council said was we would most likely support a six unit proposal. And they were pretty clear with that. So, fast forward to the beginning of this year, the applicant brought forward a 15 unit elderly housing proposal which was certainly different than the, the council's proposal. And there were then two contract zoning agreements running kind of concurrently, but with more of the focus on the 15 unit proposal.

The applicant was at the planning board during April, received some comments, not necessarily favorable comments and then the proposal was amended to 14 units and, I think the, the planning board kind of was getting sick and tired of it too. And they and so they gave some pretty tough instructions for the applicant to, to meet in order to come back. Greg got involved, Gregory got involved around that time, and, we had a good conversation about this proposal. And, it was very good to see that the applicant heard what everyone was saying and reduced this proposal to a six unit condominium. And that's what you have in front of you. There's a very good contract zone agreement that Gregory has presented to you. As he said, they address a number of the concerns.

Some of the concerns they really to be fair, they really can't address yet, or would be difficult because that will come more into if the contract zone is approved, when the planning board actually begins to review the project. We'll get into some of those details. But really, the big one was the density and all the potential issues surrounding the density. And with the change to six units, it seems to now agree with what the council and the planning board is looking for. So at this point, the planning board has the option to make a vote on a recommendation to the council tonight. That recommendation can be a favorable one for the council to support the contract zone or, one that is not favorable where it's negative.

In contract zone, really, there's a number of different standards that the planning board needs to be aware of. But there's the three primary criteria, consistency with the comp plan. Consistency with existing uses and the uses within the base zoning district and then the third criteria is achieved the purpose of contract zone which can be tied to public benefit. So, what the planning board needs to do is to vote individually on each of those three criteria. If the planning board finds that the contract zone is not in favor of one or more, then the final vote must be negative. If the planning board finds in favor of all three criteria, then the final vote must be supportive for recommendation.

And so one last thing I'd just like to remind everyone and the board. The board's recommendation is just a recommendation for the contract zone for the, to the council with the support of the planning board. It doesn't approve a project. It doesn't approve the contract zone. Council will need to review this once again. Ultimately, it's the Council who is responsible for the decision of the contract zone. And then if the contract zone is adopted by the council, then the applicant must come back to the planning board for their more formal review. And a butters will have the opportunity to be involved in that process.

David Walker: So, Jeffrey, we're moving ahead without a site plan review even though Council recommended that they do a site plan when they come back to Council.

Jeffrey: I, in my opinion, I think that the planning board does certainly you work, still work independently of the council. So even if they came back and proposed 25 units or 50, you can still make your recommendation. You're not necessarily bound to what the council stated, but the council, when this goes back to the council, the council then may in turn say, well, you know what, we still want you to go and get site plan review. Or they may look at it in a more favorable like where the applicant heard the council and amended the contract zone down to six units.

David Walker: Could they conditionally approve the contract zone depend upon site plan approval?

Jeffrey: Uh-hum.

David Walker: Okay. So, they have options too?

Jeffrey: Yes. Yeah.

David Walker: All right.

Robin: Chair, I have one quick question for you. If of this was taking place now and the ADU, things get passed, will there be more buildings that could go on that property legally? Not that I want to give Tom, any ideas, but.

Jeffrey: What do you think, Mike? I think it's possible.

Michael: I think the density will be maxed out, and it won't be a single family unit. So I couldn't use the ADU. Someone would have to be proposing true actual affordable housing to get the affordable housing bonus density. I don't see how it could apply.

Jeffrey: And one of the keys is right now, it's a commercial building. It's not a residential. And ADU can't be in a commercial building. It has to piggyback on the residential.

Michael: Okay. Thanks, Rob.

Robin: Give him the six now...

David Walker: So your turn now. Thank you.

Greg: Well, I think Trevor did a good job of summarizing the history just to touch on it very quickly. Obviously, we've been earnestly and with, you know, good intent, make these multiple, applications believing that all of them would be a benefit to the community and a good and best use of the program. Obviously, to go back to, you know, A to get to where we are now at C. The council, despite the planning boards prior, a photo approval for an eight unit, believed that six was really the maximum, that should be placed on that. Six units is the maximum that should be placed on that property. And I think, again, speaking to what we heard, and have listened to from the public hearing as it relates to concerns about congestion and traffic, and the additional drain on resources right there at that location.

And so taking that positive feedback into consideration which is back to where we are now which affectively is initial proposal modestly scaled back to 6 units. I tried at modest length, I will say, in my narrative that was submitted with this amended contract zone agreement, and contract zone to outline each of the ways in which I believe this plan is consistent with the comprehensive plan, consistent but not limited to the existing uses, within this zone, and then also why it is necessary and it helps to achieve, you know, the best interest of the property owner, the surrounding community, and, again, it's consistent with the comprehensive plan. To the extent that members would like me to restate those, here for you or to answer any specific questions about how it meets those goals and objectives.

Again, we're talking about the three-point criteria that that Jeffrey identified at section 78, 2136. I'm happy to do so. I will otherwise just, rely on and refer you to that narrative in the terms of the contract zone agreement itself. What I would want to do though, and I would take a moment now to do it is Jeffrey and I had some positive discussions and back and forth in in developing this most recent proposal. And after he and town actors had an opportunity to review it, they did make what I count to be eight points of I think concern is probably overstated, but point it's, eight points of comment on this application. And those are found in the memorandum from today. And none of which, as Jeffrey pointed out in his memo, seek to rise to a level that might prohibit the board from approving or at least acting on this application tonight.

The first was an indication, that we'll need to change the address that is referenced in this because we're intending and expecting that the entry point for the property is going to change, from, Saco Ave to Fern Park. That's easy to do. There was a request for more explanation as it related to private parting service for solid waste. I think it is Jeffrey just indicated that is issue that can be more fully addressed and flushed out to the extent the landlord needs to at the site plan review stage of this process. But effectively what we're

saying is similar to snow, calabrio, it's anticipated and expected that any and all solid waste removal in the form of trash is going to be privately outsourced.

And so the point we're making and want to impress upon the planning board is that that is not an extra cost or an extra service that this property is going to look to the town to provide for it. Similarly, again, something that I think could be flushed out more fully at the site plan view stage is a consideration of snow removal and where the dumpster might be placed. And I'll hop down to it because it, it's one of the things they pointed out, and I'll read the language. It says because the site plan will likely change which is true. Again, this is the first step of it.

During the review, it's important that the contract zone agreement language recognize the plan approved through the site plan process will supersede the plan submitted with the contract zone agreement. And what that speaks to is that in each of your packets in the submission we made, we included exhibit A, which was a Franklin contract zone, oh, excuse me. The Trillium Engineering Group site plan which was proposed and existing. So it effectively showed the layout of the property currently and then what is contemplated or proposed. This is not set in stone. It is something that is, really is used as informative or instructional aid at this point.

However, in conformity with the notes, and then speaking to the planning board of the town council's authority, I would note that on page 2, note 3 of the agreement, we actually indicate that, you know, what we'll do and what we're asking for and the idea that the site plan review in the end is going to give is something that's substantially conforming to substantially conforming to this Trillium Engineering proposed site plan group, but, will also be subject to planning board changes that they might make or amend. And so that's to say that the, the site plan, that we've submitted is more of an aid to understand what the anticipated or expected use and layout of the building is to be, but certainly it's not definitive or concrete as to what the final outcome might be.

Some of the other documents that he asked for, again, generally indicates in the, memorandum that there are things that can come later. That relates to things like condominium docs because we do anticipate this being a condominium association, and we would submit those and create the condominium as we went forward with the site plan process. Jeffrey noted in the planning board, I think in response what I was here for, in response to the public hearing's input suggested that a traffic study would be necessary as any part of a site plan review process for this application.

I would note that the planning were previously approved and granted or gave approval to this contract zone proposal when it was eight units, without that being something that was a consideration. And here we are back at something that's smaller than that. But those comments were made in connection with the public response to a suggestion building a 14 unit condominium on the property. I would argue it's going to be corrected, but I think that's something that we don't need to make a request for a waiver at this time of, I think that's something that would come later at the formal site plan review process. But it is something that, was pointed out in the memo, so I wanted to touch on.

David Walker: So, Greg, you're correct. That would be part of the site plan review and not part actually, this contract zone that we approved was really based on density and nothing more, nothing less. So, everything else was to follow with the site plan review.

Greg: Yes, sir.

David Walker: Okay.

Greg: Okay. Good. And then and finally, I guess it's kind of the, you know, elephant in the room, but the question that, you know, is on Jeffrey's mind and certainly, Mr. Gilles' as well, is the council had suggested that, he complete a complete site plan review process and he have effectively an entire final product to submit to the town council before he came back. They may still require that. However, we also are hopeful that given the reduction in the pro in the in the project in the passage of time that they may not require him to go through every single one of the stages of approval prior to coming back to them.

What I would say to the planning board again, I stand corrected. But the contract's own approval, or approval by the planning board is a necessary step. And so simply, approving it today doesn't prohibit Mr. Gilles and land managers from going back to the town council. It certainly doesn't require them to hear it. And if they, again, would refuse to hear it, then we would come back here for the next step of this process. And so I would just say that, you know, in conformity with Jeffrey's suggestions in the memo, I think that, you know, it is ripe and complete, and at a stage where the planning board could vote to, to recommend this, if you were so inclined to do so.

David Walker: So, in bullet number eight on that memo is parking, and I know the very concerned about parking. So we should be prepared for that as well.

Ralph: Certainly. I don't know the, maybe I missed, I'm just overlooking it or it's not standing out here.

David Walker: On-site parking will be provided for residents and guests consistent with policy A42.

Ralph: Are you zone itself or the, the memory?

David Walker: I'm reading consistent with comprehensive plan.

Robin: What page are you wanting to do?

David Walker: Pages aren't numbered, but it's page 3. And it was signed by you.

Ralph: Oh, I see. So it's the narrative.

David Walker: Yeah.

Ralph: Yes, sir. Note 8. That's page 3 of the narrative cover letter. Yes. And where we indicate so exactly. So we will consistent with the with comprehensive plan and, town ordinances. There would be on-site parking established, sufficient to meet the needs of the residents and guests in conformity with the existing requirements of the town.

David Walker: Okay. I just know the council's going to be all over that.

Ralph: Yes sir. Well and again, I stand corrected, but I believe that the current plan before the board, certainly meets those requirements as far as the number of spaces and the size of spaces. It might actually exceed what's required by the town because the parking was originally created, for the eight unit, project.

David Walker: Correct. Okay. Any questions from board members?

Robin: No.

Ralph: Well, I was just curiosity factor. The lot shrunk. Right? It's been subdivided yet?

Jeffrey: I'm unaware of it. No, sir.

Ralph: I'm saying when you're doing a contract you applied for a specific lot. Right? Am I wrong? And so he's you know, the lot was the original thing is shrunk.

David Walker: All right. Are you thinking...

Ralph: Yeah.

David Walker: Are you thinking of the easement that runs across? Because the lot the lot, the lot size will not change from what has existed over the years as a result of the contract.

Jeffrey: He's looking at a diagram in the packet.

Ralph: Yeah. I noticed that, you know, the, what was going to be the parking lot before it's gone, the parking now and yeah. The parking lot originally was out over here.

Robin: It can't go anywhere. It's been there for 50 years.

Jeffrey: What I can say in in as best of an answer as I can give to that is that the intention, and I believe the preliminary, working copy here of the site plan is to use the existing footprint of the building. Right? To not extend it, substantially at all from what it currently is. And I think that necessitates that the area that's currently used for parking will continue to be used for parking. And I think that's as much as I can give as any further explanation at this stage.

David Walker: Thank you, Ralph. All right. We have three factors to consider. So is this contract zone consistent with the comprehensive plan? So anybody want to make a motion?

Mary Anne: I'll make a motion.

David Walker: Okay.

Mary Anne: I'll make a motion to find the contract zone agreement between Land Matters LLC in the town of Old Orchard Beach to allow the establishment of a six unit condominium building for the property located 60 Saco Ave and it is consistent with the comprehensive plan.

David Walker: Motion by Mary Anne.

Chris: Second.

David Walker: Second by Chris. Want to call for the vote, please?

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: Vice chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And chair Walker?

David Walker: Yes. That motion carries 5-0.

Robin: Thank you.

David Walker: Is this contract zone consistent with but not limited to existing uses and allowed uses within the original zone?

Planning Board Meetings - August 10 2023

Chris: I would make a motion to find the contract zone agreement between Land Matters LLC and the town of Old Orchard Beach to allow the establishment of a 6 unit condominium building for the property located at 60 Saco Ave is consistent with the existing uses and allowed uses within the original zone.

David Walker: Motion by Chris.

Robin: Second.

David Walker: Second by Robin. Would you call for the vote, please?

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: Vice chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And chair Walker?

David Walker: Yes. That motion carries 5-0. Is subject is this consist, is this condition sufficient to achieve the purpose described in section 78 dash 2131 of the contract zoning ordinance.

Robin: I'll make a motion. I make a motion to find a contract zone agreement between Lamb Headers LLC and the town of Old Audre Beach to allow the establishment of a six unit condominium building for the property is located at 60 Saco Ave is subject to conditions sufficient to achieve the purposes described in section 78, 2131 of the contract sewing ordinance.

Chris: Second.

David Walker: Motion by Robin, second by Chris. Would you call for the vote, please?

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: Vice chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And chair Walker?

David Walker: Yes. That motion also carries 5-0. Final vote.

Robin: I'll also make a motion there, unless you want to read the first paragraph.

David Walker: No. Go right ahead.

Robin: I make a motion to recommend the council approve a contract zone agreement between Land Matters LLC and the Town of Old Orchard Beach for the property located at 60 Saco Avenue, Matt 206, block 10, block 1 in the GB2 district, pursuant to 30 AMRSA, section 4352 in chapter 78 article 4. Correct? No, 9.

David Walker: No.

Robin: Of the old Orchard Beach code of ordinance to allow the establishment of a 6 unit residential condominium building.

David Walker: There are no conditions.

Chris: I second the motion.

David Walker: Motion by Robin, second by Chris. Call for the vote, please.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: Vice chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And chair Walker?

David Walker: Yes. That motion also carries 5-0. And you're on your way to Council.

Chris: Yes, sir.

David Walker: Thank you for getting for your involvement.

Robin: I am going to want to see drawing zone at six unit. I know that in council.

David Walker: All right. That kind of, yeah, I assuming all this other people that gave you their own agenda. Item 4, proposal contract zoning application, establishing contract zone named contract zone 5 in accordance with the town of Old Orchard Beach code of ordinances chapter 78 article 9, contract zoning for 63 dash 91 East Emerson Cummings Boulevard, MBL 207 dash 1 dash 2. The purpose of the contract zone is to allow the development of 60 unit single family condominium project. Tonight's action is a discussion, and schedule a public hearing. The applicant is Seacoast Land Acquisitions LLC, care of Jason Levante. Location is 63 dash 91 East Emerson Cummings Boulevard, MBL 207dashonedash 2, zoning in the PMUD District.

Jason: Okay. Thank you.

David Walker: You're welcome.

Jason Levante: A 60 unit proposal on 19 acres of land across from the high school. And, it's a very good first submission. I'm almost 100% certain this won't take two years. And, I think, I commend the applicant on the documentation that was submitted and very well prepared. And what that allowed us to do is really dive right into the big primary issues as opposed to meeting after meeting of trying to sort out all kinds little things. So although we're at the beginning of the contract zone process, because the applicant is so well prepared, I would say, more when compared to other contract zones we've recently seen were in in good shape even at the at the beginning.

So, the, I've actually been working with Jason and the folks here for some time now. Winn is one of our, our veterans on the planning board. He may recognize this property from the early 2000s when there was a proposal out here for a multiunit development and just went through the planning board. One of the reasons why never went through the planning board is never secured approval. One of the reasons for that is there was always this sewer issue, sewer concerns out here. So things quieted down for a while, and a

couple of years ago, some people were interested in this proposal again. Digging through researching, we found that that sewer issue, and then that they dug into it even deeper and they found that sewer issue was just completely cost prohibitive for any type of project out here considering the zoning too. They just could not get to units to justify the costs.

Then we had another person who took it a step further, they kind of encountered the same thing. And then we had, then along came about a year ago, maybe even a little longer the current applicants who we encountered the same thing at first, but, I commend them for their resilience. They wanted to dig a little deeper. So we all dug a little deeper into that, got our engineers more involved. And we found that a couple things. Number one, the sewer issues weren't as severe as it was thought they were. We did much more camera work. Well, I don't know exactly what was done 15, 20 years ago, but we did, cam, cammed the lines, did a lot more work so we had a better understanding of the sewer issue.

Also, what the town was planning through its capital improvements program that wasn't on board 10, 15 years ago were improvements to the Saco Ave, MacArthur Ave line, sewer line, which is where this will connect. And, so that resolved one of the big sewer issues because the plan had already included this in a capital improvement. So, after we found that the sewer issues were pretty much resolved, then that allowed us to focus more on the zoning. When we looked into the zoning which is the current currently it's the PMUD district. The PMUD district is a great district, but it's really great for a parcel that's as big as dune grass. You know a 150 acres. It's I like that ordinance, but I think when we get to the comprehensive plan, we're going to see, like, another version of the PMUD, but more for stuff this size.

So when we were looking at the PMUD and an analysis of the zoning, the applicant could get about 20 total units out there. So even with all the sewer, all, you know, all the, changes from 20 years ago, it still did not make this project cost effective. So what was decided was, you know, we were batting around different zoning options, and this seemed like a real good example for a contract zone. So, the applicant worked with the engineer, put a contract zoning agreement together, and here we are starting the process.

So the primary reason this contract zone was developed originally was to tackle the density, the density matter. And, what you'll see in the contract zone agreement is there's a number of other waivers requested. And remember, if the app and I recommend this to applicants too. If you're looking to try to get anything waived, request whatever you want, and try that early on, and see if, see if there's anyone, you know, bites on that. Anyone says, yeah, that makes sense.

So the applicant has a number of waiver requests. Road design modifications, no internal sidewalks, reduce the setbacks, a single use that will exceed 75% of the project's total building square footage. And that's of one of those funky PMUD requirements where if you remember PMUD, the M is for mix. The U is for use. So the intent with the PMUD district was to create mixed use projects, where this project will be really exclusively

residential more than 75% of the land, of the building square footage will be devote to residential usage.

And then the final waiver is indoor recreation amenity not included. So of the 6, of the 6 waivers, we're comfortable both us, me, Mike, staff. We've met with, staff separately and you have some comments in in your memo so which is good. We're all comfortable. Sidewalks, no problem. Density, we're completely comfortable with density. It's there's a lot of high density projects right next door. It's higher density, really. But what it seemed to come down to for the waiver request was the sidewalks and the road design modifications.

So, by now the planning board's familiar with the three criteria, and we always begin our internal review to see how a contract zone can meet those three criteria that we just voted on, for the previous project at 60 Saco Ave. And, in the memo, you'll see that we're completely fine with criteria number 2. That criteria, it deals with existing uses and uses consistent with the base zoning district which it is. Regarding criteria number 1, consistency with the comp plan, we felt that there just needs to be a little more language inside the comp, inside the zone, contract zone agreement to get that point really across, there will be no problem with meeting number 1.

The one thing that I think that we'll all need to work on a bit is criteria number 3, to conditions sufficient to achieve the purpose of the contract zone. And, what I often relate this to is the desirable development piece that's in the purpose of the contract zone relates to providing some sort of public benefits. And I usually look at public benefits as those of the general public of, you know, anyone of the public, and also of those of the citizens of Old Orchard Beach. So you'll see that we have a couple suggestions for criteria 2.

One is making a percentage of the homes affordable. And then to have that language carried over in deeds. And also to allow the recreation trails to be open to the public. So that's it for now. We recommend the planning board provides some guidance to the applicant, to the applicant to address the comments received and think about what we're saying here, what the planning board discusses. And then if they wish, the applicant always has the right to continue with the contract zone as submitted. But if they wish to resubmit the contract zone to address some of our comments. And then I don't know why I have a public hearing caught me. I don't know what I what I did there.

David Walker: This is just preliminary hearing, isn't it?

Jason Levante: I meant to put in their schedule a sidewalk. You have the option to schedule a sidewalk. Public hearing will come after the next meeting. But, the planning board can schedule a site walk or wait for a later date. And, ultimately, this is really, I think, a very good example of why a municipality has contract zoning. And that's all. Thank you.

David Walker: So, Jeffrey, ancient Old Orchard Road, is that just a paper road?

Jeffrey: It's a paper road, and it's not even a paper road that's recognized by the town. So it's like, it's not a paper street for town, where the town reserved the rights. So it's a bit of a different type of paper street.

David Walker: Could the applicant develop that as a second means of access?

Jeffrey: I don't know if anyone else has rights to that. But...

Robin: I don't think it's included in this property.

David Walker: My first concern even without you speaking is that you've stranded 27 units from 30 from 10 down to 30. Maybe not 10, but, these unit 11 to 36, give stranded down kind of on a cul de sac without a second means of egress. That's a safety issue for us. It always has been. We've always wanted a second means of egress. I know you provided it in the front, but this is essentially like a 27 unit subdivision off of your off of your development. And so the only, I was looking for ways that you could get out. I'm wondering where you have that turnaround, that camera head turn around why you couldn't just come out to H and O Road, make that an egress. So that was just one thing that popped in my mind along with another bunch of other things, but, I'm going to let my fellow board members speak first. So anybody want to...

Kendra Ramzel: So I have a question.

David Walker: Go ahead.

Kendra Ramzel: So all the light blue in our picture is that wetlands?

Doobie: Yes.

Kendra Ramzel: Yeah.

Doobie: So there are a lot of new plants.

Kendra Ramzel: So, you can't, you know, cut the road further up. Yeah.

Doobie: No. So, there's about 10 acres of wetlands on the, on this 20 acre site. We have tried very hard to put all of the development in upland areas and minimize the impact swells as much as possible. That's why we chose locations of the two entrances off of the Emerson Cummings Boulevard. We did design the hammerhead turnaround at the end there on the southern portion of the parcel for emergency access. So a 45 plus foot motor truck can turn around in that, in the hammerhead that's been designed. But there is no other means off the property from that end. No. And I don't believe that you have a price.

Kendra Ramzel: So the two...

Doobie: We do have two entrances. Paper Street that's adjacent.

David Walker: So I'm sorry. Could you just identify yourself so that because this is being recorded and...

Kendra Ramzel: Yeah. Of course. Kendra Ramzel. I'm with Spago Technis Civil Engineering.

David Walker: Kendra?

Kendra: Yeah.

David Walker: All right. Anyone else?

Jason: What? I'm not sure I heard correctly that have they considered moving this back a little bit that would leave that would shorten up the, the number of houses with the one means of ingress, moving this back to perhaps I don't know what the topography is. Moving it back to here.

Kendra: It's wetlands.

Doobie: Yeah. We have wetlands on, there's significantly more wetlands in the area that's not being developed, but there are also a number of wet large area of...

Jason: Grass, okay.

Doobie: To the north as well.

Jason: Yeah.

Doobie: We've already met with DEB on this project, and we had the site laid out in a little bit of a different way. We were trying to use as much upland as possible, but they really hammered us on the impacts. We really had to reduce it as much as possible. You know, we always try to do, but, we significant, we lowered the number of units from 84 to 60 already. Under the density we are asking for, we would be allowed 78. But because of the constraints on the site, we're only able to get 60 in, and that's at maximum.

Doobie: What is the size of the units?

Kendra: I think they're 86860 square feet. Per floor. Yeah.

David Walker: So it's 1600 square feet?

Kendra: Of living. Yes.

David Walker: For living area. And what's the lot size?

Kendra: They they're not individual lots. There's condominium units.

David Walker: Okay.

Kendra: So there'd be a combo plat plan. And that's something that I wanted to talk a little bit about. What we're proposing is a private road. There's no intention of this being accepted as a public street. As I understand it in the ordinance, there isn't really a difference in the design standards of private versus public, but they are classified as either collector, minor, or material. Because this serves greater than 15 units, I believe we would be considered a collector street, and the design standard, the standard width for that is 24 feet, which is what we proposed. So there was a couple comments on the width of the road not being adequate and we have proposed it at 24 feet. So I just wanted to clarify that. We are asking for waiver from the sidewalk standard, or requirement.

The PMU district requires the sidewalks. So that's why we we're asking to include that in the contract zone, but also under subdivision ordinance we would be required to have sidewalks. Again, the wetlands on either side of us push the everything that you're seeing out five feet along the entire length of roadway if we are to add sidewalks. So after reading Jeffrey's comments that we received last week, our proposal would be if we could get a variance in the road width which is required at 24, we could minimize that to 20, 210 foot travel lanes, and then we could add a four-foot wide pedestrian painted, like, striped path.

David Walker: In the roadway?

Kendra: In the road.

David Walker: Like a, like a bike path?

Kendra: Yeah. So we would have a 24 foot wide paved area, four foot of that being reserved for pedestrians, and 210 foot lanes for traveling. And then in the event of an emergency, a fire truck would still have a 24 foot width travel way, to maneuver about the site.

David Walker: So, Kendra, what about guest parking?

Kendra: So guest parking. So that was another thing. It's really difficult to tell because this is a large scale or small scale plan. We actually have two parking spaces proposed for each driveway. They're 18 by 18, so 29 by 18 foot spaces. And then there's a one car garage in each unit. So there's actually three parking spaces per unit proposed.

David Walker: And those would be off of that 24-foot roadway with the 4-foot ridden bike path...

Kendra: That's correct.

David Walker: Pedestrian path. We'll call it pedestrian path.

Kendra: Yeah. You can see the little driveways. Again, very small on this plan, but they are 18 feet wide for two cars.

David Walker: Condo docks, would there be short term rentals allowed?

Kendra: No. These would be condos for sale.

David Walker: But condos for sale?

Kendra: Yes.

David Walker: But the owner could rent their unit. So we need a stipulation in the docks, no rental, short term rentals. Okay.

Dave: Dave Catele with Seacoast Land.

David Walker: Hey, Dave. Basically, we're trying to hold this thing. This is something we were in some of the, I go to so many meetings. Basically, when we were in the meetings with the sewer department, and one of the foremen was saying to us, you know, there's no place they can really afford, like, the truck drivers and guys like that, or team shoots, who firefighting, whatever. It goes on the list goes on and on. So I mean, we're not trying to sell these with 700,000. And that's basically what's out there. Dollars, and that's basically what's out there. So it's going to be more cost effective type of housing.

David Walker: So I think the term is market rate?

Dave: No. \$700,000. He's the market guy.

David Walker: Okay. All right.

Dave: So that's how we roll with this. I mean, we talked about it. There's a need for it, and we're trying to fulfill our needs.

David Walker: I still have a concern about those 27 units being stranded in the back. And I think that came up at your staff meeting, did it not?

Dave: Yes.

David Walker: Yeah. And just so you know, I mean, we're not trying to be difficult with you. This has been a standard that we've applied in a number of cases consistently, all right, for a second means of access, even in much smaller developments. So, if it comes to a waiver, I'm not really going to approve or vote for a waiver. No. Council will weigh in. I can give a negative opinion, but Council will weigh in on that if when if and when the time comes. But I just I want you to know that's just how I feel.

Kendra: Yeah. I understand. I will just mention that we do have two means of access to the site, but I understand that you have concerns about the tail there on the southern end. That's also that's about 600 feet of road. So in the grand scheme how much road we're not using? It's not too long. And there is a turnaround point.

David Walker: Yeah. Okay. Anybody else?

Doobie: Is this going to be a paved road? You said it's not going to be town owned. Is it going to be paved? This is not going to be, like, cold weights up because it's all dirt.

David Walker: It's going to be the built standards.

Kendra: It will be built to the standards. The only thing we're asking for is a variance on the width and a little bit of an untraditional sidewalk. But, yes, the gravel buildup and the pavement.

David Walker: And, Kendra, what about street lights? Did that come up?

Kendra: It did come up, and we will be proposing lighting which I believe will be reviewed during site plan review and subdivision.

David Walker: So, Jeffrey, they'll have to submit waiver requests for the next meeting?

Jeffrey: No formal waiver request. They can in, they're essentially included with the contract zone. So if you approve the contract zone, the waiver agreement, the waivers are built into that.

David Walker: Okay.

Marianne: I have a comment, Mr. chair. Can I say something?

David Walker: Yes, please, Marianne. Yes.

Marianne: We had a project of Ross Road where they did a land swap with the town, and, if you remember correctly. And in this situation, the neighbor to the south of the project is the town of Old Orchard Beach, and the, I assume that the ancient Old Orchard Road is owned by the town. What if they were to swap and use that as an egress road? You know, all this wetland land could go to the town, create a bigger area of town, and then use the road for the egress. Is it that would be something to think about.

Jeffrey: It's that I like that thought, but unfortunately I'm almost certain the ancient Old Orchard Road is just named the ancient Old Orchard Road because it's old. The town no longer has rights to that, to that, the land underneath that. They did not reserve that through any sort of paper street process that's required through statutes.

Marianne: So would it be owned then by the property north there?

Jeffrey: It would appear to me that it's probably part of Sider Hill.

Marianne: Sider Hill. Yeah. Be worth checking. Which Sider Hill is owned by Weinstein, which he's the seller of the property, I believe upon by the school you're looking at. Is he the realtor? King isn't.

David Walker: So Jeffrey, you guys recommend we have a public hearing on this next month?

Jeffrey: I would say once we, there's, first, there is nothing that says that you can't have a public hearing next month. So we certainly could do that. I, the way I typically like to work with the contract zone agreements is that the applicant does what we are doing right now listens the feedback from the planning board, planning board gives the feedback, then the applicant comes back to address that feedback. Then at that meeting, which would be assuming next month that meeting, then we schedule the public hearing for October. And we could also have the recommendation too that same month in October. And begin council review during October too.

David Walker: I mean, I don't see that if this is just contract song language, it's not a site plan review. So I don't see hold in a month anymore. Let's just have a public hearing, next month, and we'll see if they modify what was put in based on our recommendations.

Jeffrey: Sure. Okay.

Marianne: We need a public hearing on a contract zone?

David Walker: Yes.

Jeffrey: Yeah.

Marianne: We do.

David Walker: Don't you remember around 60 times?

Marianne: Like you said that's going on forever.

David Walker: Yeah. Yeah.

Hubert: Can you just discuss the, so the biggest issue I'm hearing is the southern end of the road having 70 units that...

Marianne: Ending.

Hubert: And no connection or other means of you guys on the site.

David Walker: Right. Correct.

Hubert: With those impacting five vehicles, if we can't get access to ancient Old Orchard Road, all those units are gone. And we're essentially back to 20 units and a non-viable project. So I just would like to make a point that this is not a public road that we're proposing. It's almost like internal driveways that would be private roads. There's no right of way proposed on this plan. Like, a typical subdivision would have a 50 foot right of way with lots off of it. All of my graphics is on.

David Walker: It's on. You don't even have to turn it on. It's on.

Hubert: All of so this is land that is included within the space area. It's 10 acres, which the applicant is hoping to convey to the town, because of its proximity to the school. So it'll be an added benefit. All of this land that's within this area, not with an open space is just common land outside of the condominium plat. So my argument is that it's a little bit different than the typical roadway standard being met.

David Walker: But it's a safety issue for us.

Jason: That's the issue. Well, somebody's got to get into that last unit if the road's blocked. How do you do it?

Jeffrey: Here's it's, here's a possible thought since it they are and just like you the chair said, it's, it consistently comes up. Oh, since it's a safety issue, what if the applicant sits down with the fire department and police department since public works won't be involved because it'll be a private road, and see what sort maybe there's something innovative, something that they can come up with where they'll support this or something similar to what's proposed?

David Walker: Well, even, like, what we did down for those 21 units down off of the 10th hole at Dune Grass, we did put in in a safety gate with a name of, with access to a road, but it wasn't something that was going to be traveled all the time. If they, yeah, if they can sit down with police and fire, it's fine.

Jeffrey: Yeah. Yeah. There could be a way to do something to make a, an emergency access only, like a modified heavily based compacted road surface to back. There may be some if we think outside of the box, I think there's some options out there.

David Walker: Thank you, Jeffrey, for that.

Jeffrey: You're welcome. Yeah. Thank you.

David Walker: So was anybody else has anything else?

Kendra: Page number 24, is this like a empty spot? Is that what it's saying?

David Walker: It's a hammerhead that's turning around.

Kendra: This, so people can't just I can see a designed hammerhead for, yes, for a fire truck to be able to turn around.

Doobie: Right. No. It's not an exit, but you can't go through, this is going to go to work.

David Walker: Jeffrey, the other thing when you're talking to police and fire is the width of the road. Is that acceptable with their equipment? Okay?

Jeffrey: Yeah. Well, the way they're describing it's 24 feet, period.

Kendra: I'm trying to go down to 20.

Jeffrey: No. That's only to provide four for walking. So she said that the fire truck gets the full 24.

David Walker: All right.

Kendra: I'm sorry. The last question that I have just to make sure that we're good for the next time we come back. In order to meet criteria three, it's been suggested that some of this housing be affordable. I just like to hear the board's thoughts on that.

David Walker: Yeah. Absolutely. I had it down, but Jeffrey said that you were going to include that already. So I had it down. Was there availability for low income housing?

Kendra: Yeah. So...

David Walker: And you said earlier something about a percentage was going to be applied to that.

Kendra: Oh, I don't think I have to I don't think I have to do that yet. But, yeah, we're proposing 10%. 10%.

David Walker: 10%.

Kendra: So six units.

David Walker: Okay. That would be six units.

Kendra: If we end up with 60 by the end of...

David Walker: Right. Right. Well, as it stands today.

Kendra: Right.

David Walker: Yeah. Okay.

Kendra: And, yeah, after full design.

David Walker: So if, if you end up with 59, will it still be six units? Do you round up or do you round up?

Kendra: Yes.

David Walker: I just want to clarify. Okay. All right. All right. Good. Thank you very much. All right. Anyone else? No? Thank you, Kendra.

Kendra: Thank you. Nice job. Thank you.

Jason Lavonte: Jason Lavonte. I'm the developer and builder.

David Walker: Hi, Jason.

Jason Lavonte: So one of the things that we're just trying to keep in mind as we're kind of designing this out is because we're trying to keep this as a private road. So everybody that's going to be living there will be maintaining this road. So one of the reasons why we've kind of tried to minimize, basically, not so much the width of the road or the sidewalks and trying to make them in conjunction with the road is for purely a lot of it's mostly for maintenance. You know? So, like, a lot of projects that we design so, like, town of wells, they won't take over any roads. Every road that we build always ends up being private.

So, you know, when you start introducing curbing in sidewalks and espionage and stuff like that, it's a huge burden on the individual homeowners trying to maintain or trying to plow. So by trying to keep, like, a 24 foot wide road and doing a pedestrian strike, we've done a bunch of those down in benefit, and they're really beneficial because then you can just have a plow guy go down. He's not only plow on the road, but he's plow on the sidewalk. Very easy, very simple. Simple maintenance keeps the cost of maintenance down dramatically for the homeowners, when they're on these private roads and private associations.

David Walker: So what kind of curbing you're going to use?

Jason Lavonte: We're not going to do any curbing. We're going to do a ditch. So this right here, the snow has a place to go. That simplifies everything with all the drainage. We're not dealing with, you know, extra piping and stuff like that and storm drains and all that stuff. So, you know, trying to keep the density up with the number of houses and trying to keep the infrastructure cost down and trying to keep all the maintenance cost is really what we're trying to do. We're really trying to build these houses, you know, not for the. We're trying to build them for our local people. You know, my, I got my kids

now. They're becoming teenagers, and they sit back and say, oh, my kid's going to be able to afford a house. So this is what we're trying to build. You know? We're trying to build something that's, more affordable for the community.

So this was a year. You know, there's plenty of builders doing \$700,000 houses, but, we don't have anybody that's building a nice 16, 1700 square foot home, you know, that's down into the low fives. Hopefully, if we get the 60 units, you know, maybe even touching the fours. But that's really what we're trying to do. You know, it's just trying to build a nice affordable community, but a nice one. You know, we just don't want to build a trailer park either. Nothing's there's anything wrong with trailer parks. But, you know, we're just trying to build a really nice community that's really affordable to all local people.

David Walker: Yeah. And just so you know, we don't have the final say in this. Whether we make a recommendation for approval or not, council has the final say. So, we're just trying to, I watch every council meeting, and I've seen how they behave. And we have a former council on the on the board here. So, all I'm trying to do is protect you from jumping through those hoops when you get there versus here.

Jason Lavonte: Yeah. This is great feedback. Really appreciate your time. Give us that feedback. We can kind of go back to the drawing board and see when we can come up with some ideas and brainstorm some ideas and, be a little more prepared for our human Council in the next meetings.

David Walker: Yeah. Fingers crossed. We love the tax revenue. You know what I mean? So 60 units would add a lot to the revenue stream in the town. So thank you very much.

Jason Lavonte: Thank you.

David Walker: Okay. All right. We're not done yet.

Kendra: Oh, we're not done?

David Walker: We'll just let them clear out. Oh, you take it out in hall, please, Kendra. Please. We have out of business. Take it in the hall. You can go in the hall and discuss if you want. All right. Jeffrey, when you're ready.

Jeffrey: Yes.

David Walker: All right. I wanted to discuss the, the stipend ordinance as it stands today. And, I've been, it's been weighing on me heavily that the alternates are not included in stipend when they attend the meetings. And I also think it's advantageous to have that for them because it's an enticement to get guys like Sam here and include their input. I don't know that \$30 or \$25 is enough for that, but it just seems if they're putting in a time like anybody else just because they're not voting, that they should be included in the audience. So can it, with a recommendation and board vote, could we amend that?

Planning Board Meetings - August 10 2023

Jeffrey: Sure. Yeah. The board because that ordinance doesn't fall under as you know, it's for the planning board, but that ordinance is falls under a separate section of our book of ordinances that doesn't require planning board section of our book of ordinances that doesn't require planning board review. You can suggest it. You could do whatever you'd like. You can review the ordinance if you want, but the only person that needs to is required to review and approve would be the council.

David Walker: Okay.

Jeffrey: So I can make the changes and say, hey. I heard you all. Here are the changes, and, we're moving forward to council. Would you like me to do that?

David Walker: that's my feeling. I don't know how the other board members do.

Miriam: I make a motion that we do move forward with this.

Wayne: I'll second that.

David Walker: Thanks, Miriam. Thanks, Wayne. Put you in David.

David: Sure.

David Walker: Robin?

Robin: Yeah. That'd be great.

David Walker: Robin says they can have her money.

Robin: I haven't even signed a thing yet. So that's a big.

David Walker: So I didn't mean to chase Jason out, but I wanted to get that on the record.

Jason Lavonte: Yeah. Yeah. Thank you.

David Walker: All right. Anything else?

Robin: With back pay. Then you got to look and see...

David Walker: Yeah.

Robin: He's been in here. Who's not been...

David Walker: All right. Motion will adjourn.

Jeffrey: Thank you.

Planning Board Meetings - August 10 2023

Robin: Thank you.

David Walker: Unanimous. Thank you very much.

Jeffrey: Thank you.

David Walker: Okay.

Dave: See, this is, this is Dave. This is...

Planning Board Meetings - August 10 2023

Robin: Thank you.

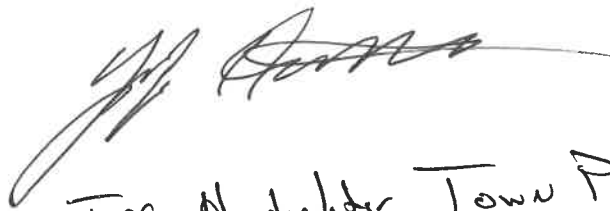
David Walker: Unanimous. Thank you very much.

Jeffrey: Thank you.

David Walker: Okay.

Dave: See, this is, this is Dave. This is...

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 13 June 2024 with the following correction - "Doobie" deleted & Replaced with "Dobe" throughout the minutes.



Jeffrey Andrich, Town Planner