

NOTICE OF PUBLIC HEARING
MUNICIPAL OFFICERS OF THE TOWN OF
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on June 18th, 2024, at 6:30 p.m. to consider the following:

Shall the Town Council consider whether to approve amendments to a Contract Zone Agreement between MAKKA Builders LLC and the Town of Old Orchard Beach, for the property located at 60 Saco Ave, MBL: 206-10-1, in the GB2 district, pursuant to 30A M.R.S.A., Section 4352 (8), Chapter 78, Section 78-31 and Chapter 78, Article IX of the Old Orchard Beach Zoning Ordinance, and Section 410 of the Old Orchard Beach Charter. The purpose of the Contract Zone is to amend an approved Contract Zoning Agreement for a 6-unit residential condominium building by allowing removal of the brick portion of the existing building.

Per Order of the Municipal Officers this 4th day of June, 2024.

A True Copy

Attest:

s/Kim M. McLaughlin
Kim M. McLaughlin, Town Clerk

THE SEASHORE CONDOMINIUM CONTRACT ZONE

CONTRACT ZONING AGREEMENT
BETWEEN MAKA BUILDERS LLC and THE TOWN OF OLD ORCHARD BEACH

This Contract Zoning Agreement amends and restates in its entirety the Franklin Contract Zone Agreement, dated December 12, 2023, and recorded in the York County Registry of Deeds in Book 19362, Page 256.

This Contract Zoning Agreement is made this ____ day of _____, 2024 by and between the **TOWN OF OLD ORCHARD BEACH**, a body corporate and politic located in the County of York and State of Maine (hereinafter the "Town") and **MAKA BUILDERS LLC**, a Maine limited liability company with a principal place of business in Saco, Maine, (hereinafter "Property Owner").

WHEREAS, by virtue of the deed given by Clifton E. Temm II and Suzanne M. Temm, Maka Builders LLC is the owner of the parcel of real estate located at 60 Saco Avenue, Town of Old Orchard Beach, Maine (Tax Map 206, Block 10, Lot 1) and which address shall be changed to 9 Fern Park Avenue, Town of Old Orchard Beach, Maine, as depicted on the *Trillium Engineering Group boundary survey (the "Boundary Survey")* and attached hereto as **Exhibit A** and incorporated herewith (hereinafter the "Property").

WHEREAS, the Property is currently located in the General Business District 2 (GB-2) ("GB-2"), under the Old Orchard Beach Zoning Ordinance ("OOBZO").

WHEREAS, the Property consists of approximately **0.325 acres (14,176 sq/ft)** and is located at the corner of Saco Avenue and Fern Park Avenue.

WHEREAS, the Property is not currently in use having previously housed a branch of the U.S. Post Office and is built in the style of a commercial office building.

WHEREAS, Property Owner wishes to further develop and make use of the Property as a six (6) unit residential condominium so as to revitalize the Property and make use of it in conformity with the Town of Old Orchard Beach Comprehensive Plan ("OOB Comp Plan").

WHEREAS, Property Owner and the Town wish to create a separate zone known as The Seashore Condominium Contract Zone which will enable above-described uses to exist on the Property.

WHEREAS, the Town has the authority to enter into a contract re-zoning for the Property pursuant to 30-A M.R.S.A. §4352 and Article IX "Contract Zoning", et seq., of the OOBZO.

WHEREAS, after notice and hearing and due deliberation on the re-zoning phase, the Old Orchard Beach Planning Board recommended re-zoning of the Property.

WHEREAS, pursuant to Section 78-2138 and 30-A M.R.S.A. § 4352(8), the Planning Board and the Town Council have determined that: the re-zoning is consistent with the Town's Comprehensive Plan; and, that the re-zoning is consistent with existing uses and allowed uses within the original zone; and, that the conditions described in this Agreement and in the Seashore Condominium Contract Zone are sufficient to achieve the purposes described in Section 78-2131.

WHEREAS, the re-zoning has been adopted by the Town Council.

NOW THEREFORE, in consideration of the mutual promises made to each other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Ordinance and map to create and make reference to this Agreement and the Seashore Condominium Contract Zone as depicted on Exhibit A.

2. Subject to final Planning Board approval and after public hearing, of the Site Plan, the Property Owner and/or its heirs, successors and assigns shall be authorized to use the Property for any of the uses set forth in the description of The Seashore Condominium Contract Zone attached hereto as **Exhibit B** and incorporated herewith.

3. In reviewing the Site Plan, the Planning Board will apply the standards set forth in the Old Orchard Beach Ordinance except as modified by the description of the Seashore Condominium Contract Zone attached hereto as Exhibit B and incorporated herewith. The project shall be developed substantially conforming with the layout shown on the Site Plan, Exhibit A. The Planning Board may make modifications of the Site Plan without amendment of this Agreement.

4. Property Owner shall record the Contract Zoning Amendment in the York County Registry of Deeds and shall submit proof of recording to the Town's Code Enforcement Officer and Planner.

5. The provisions of this Contract Zoning Agreement shall be deemed restrictions on the use of the Property and shall be amended only upon further written agreement of the Town and Property Owner and/or its heirs, successors and assigns to the Property.

6. The above restrictions, provisions and conditions are an essential part of the re-zoning, shall run with the Property and shall bind Property Owner and/or its heirs, successors and assigns of the Property or any party in possession or occupancy of the Property or any part thereof and shall inure to the benefit of and be enforceable by the Town.

7. If any of the restrictions, provisions, conditions or portions of this Agreement is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portions shall be deemed as separate, distinct and independent provisions and such determination shall not affect the validity of the remaining portions hereof.

8. Except as expressly modified herein, the use and occupancy of the Property shall be governed by and comply with the provisions of the Town of Old Orchard Beach Zoning Ordinance.

9. In the event that Property Owner and/or its successors and assigns fail to develop or operate the Property in accordance with this Agreement or in the event of any other breach of any conditions set forth in this Agreement, the Town Council shall have the authority, after written notice to Property Owner and/or its successors and assigns, and reasonable opportunity to cure, to terminate this Agreement or to re-zone the Property to the current zone or any successor zone. In the event of such a re-zoning, the Property shall then be used for only such uses or otherwise allowed by law. The Town shall also have the ability to enforce any breach of this Agreement or any other violation of the Zoning Ordinance through the provisions of 30-A M.R.S .A. § 4452.

(Signature Blocks on Next Page.)

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the ____ day of _____ 2024.

TOWN OF OLD ORCHARD BEACH

Witness

By: _____
Connor Rague, Town Council

Witness

By: _____
Michael Tousignant, Town Council

Witness

By: _____
Shawn O’Neill, Town Council

Witness

By: _____
V. Louise Reid, Town Council

Witness

By: _____
Kenneth Blow, Town Council

MAKA BUILDERS, LLC

Witness

By: _____
Fran Pelletier, Member
Thereunto duly authorized

STATE OF MAINE
YORK, ss. _____, 2024

Personally appeared the above-named Connor Rague, Councilor, Michael Tousignant, Councilor, Shawn O’Neill, Councilor, V. Louise Reid, Councilor, Kenneth Blow, Councilor, of the Town of Old Orchard Beach and acknowledged the foregoing instrument to be their free act and deed in said capacity on behalf of said Town.

Before me, _____
Notary Public

STATE OF MAINE
YORK, ss. _____, 2024

Personally appeared the above-named Fran Pelletier as Member of Maka Builders, LLC, and acknowledged the foregoing instrument to be his free act and deed in said capacity on behalf of said Maka Builders, LLC.

Before me, _____
Notary Public

EXHIBIT A

EXHIBIT B

THE SEASHORE CONDOMINIUM CONTRACT ZONE

A. Purpose

The Seashore Condominium Contract Zone ("SCCZ") shall be located at 9 Fern Park Avenue, Town of Old Orchard Beach, Maine (Tax Map 206, Block 10, Lot 1)(the "Property").

The purpose of the SCCZ is to allow for the demolition of the current structure(s) located on the Property and the development and construction of a new residential condominium with up to six (6) units, each unit to have a maximum of three (3) bedrooms.

The Seashore Condominium Contract Zone is consistent with the Old Orchard Beach Comprehensive Plan ("Comprehensive Plan") goal of encouraging private property owners to upgrade the physical condition and appearance of their property, through the demolition of the structurally unsound brick commercial office building and the construction of a new residential building. The improvement of the Property with a new building and landscaping will enhance the aesthetics to the surrounding community, consistent with Policy A.26 and B4 of the Comprehensive Plan. The design and architectural futures of the new building will be harmonious with neighboring properties and will remove the blight of the former U.S. Post Office, an unsightly brick commercial office building which has fallen into disrepair. The footprint of the existing structure shall not be enlarged and the building height will be no taller than thirty-five (35') feet.

Consistent with the Comprehensive Plan, The Seashore Condominium Contract Zone includes the installation of an additional five (5') foot wide sidewalk, landscaping, and seating, along the southwesterly side of Fern Park Avenue, which shall improve pedestrian safety.

Consistent with the Comprehensive Plan, Policy A.3, The Seashore Condominium Contract Zone conforms to the predominately residential nature of the GB-2 District and the surrounding neighborhood and will add up to six (6) moderately priced residential condominium units, with rental term(s) of less than thirty (30) days prohibited, to the Town's housing stock, which is in conformity with the Comprehensive Plan Policy A.3 to assure opportunities for affordable housing while allowing the proper workings of the real estate marketplace.

Consistent with the Comprehensive Plan, The Seashore Condominium Contract Zone will improve the visual character of the Property which is prominently situated on Saco Avenue, the major gateway to the Town center. It will have no negative impact on traffic on Saco Avenue nor will it add any additional traffic to Fern Park Avenue.

Consistent with the Comprehensive Plan, the Seashore Condominium Contract Zone will not place additional burden upon the Town to provide municipal services as electric, telecommunication, water and sewer services already exist upon the Property, and the Seashore Condominium Contract Zone shall provide private carting services for trash removal and the removal of waste. Snow removal within the Seashore Condominium Contract Zone will be effectuated by private contractor.

Consistent with the Comprehensive Plan, Policy A.42, ample on-site parking will be provided for residents and guests consistent with Policy A 42 and in conformity with the existing on- site requirements of the Town.

B. Permitted Uses

The following uses shall be permitted in The Seashore Condominium Contract Zone (SCCZ):

- (1) Single-family detached, two-family, and multifamily dwellings;
- (2) Accessory buildings, structures, or uses.
- (3) Business, professional, and governmental offices.
- (4) Retail uses of less than 5,000 square feet of gross leasable area.
- (5) Artist and craftsman studios.
- (6) Lodges and fraternal organizations.
- (7) Lodging establishments.
- (8) Municipal uses.
- (9) Community living arrangements.
- (10) Residential Condominium. For purposes of the SCCZ "Residential Condominium" shall mean a residential condominium project, which units are individually owned, one hundred (100%) percent of which are used for residential purposes and not for transient use as short-term rentals.

C. Conditional Uses

The planning board may authorize the following uses in the SCCZ provided that the conditions of Article VII, Chapter 78, OOBZO are met:

- (1) Automotive service and/or repair.
- (2) Retail uses in excess of 5,000 square feet of gross leasable area.
- (3) Public/private utility facility.

- (4) Wireless telecommunication facilities: architectural siting only
- (5) Home occupations.
- (6) Cafes.

D. Prohibited Uses

Prohibited uses in the SCCZ are as follows:

- (1) Truck terminals/motor freight business.
- (2) Drinking establishments.
- (3) Mobile homes.
- (4) Contractor storage yard 1 and 2.

E. Space and Bulk Requirements

Space and bulk requirements for the SCCZ are as follows:

Standard	Residential Uses	Nonresidential Uses
<u>Minimum lot area</u>	2,300 sq. ft. NDD*	<u>5,000</u> sq. ft. NDD*
Minimum lot area per unit	<u>2,300 sq. ft.</u>	<u>5,000sqft</u> _____
Minimum lot frontage	60 feet	60 feet
Minimum lot width	50 feet	<u>50</u> feet
Minimum front yard setback, all structures	15 feet	15 feet
<u>Minimum side yard setback, all structures</u>	10 feet	10 feet
Minimum rear yard setback, all structures	15 feet	15 feet
Commercial use abutting a residential property	NA	25 feet
Maximum building coverage	35%	<u>50%</u>
Maximum building height	35 feet	35 feet

*NDD = Net development density

F. Performance Standards

(a) *Parking*. In addition to parking standards specified in Division 4, Article VIII, Chapter 78, OOBZO, all uses in the SCCZ shall conform to the following parking requirements:

- (1) Where the town establishes parallel parking on Saco Avenue, properties fronting such facilities may reduce the required amount of on-site parking, specified under

Division 4, Article VIII, Chapter, OOBZO, in the following manner:

Use Size	Required Off-Street Parking
<500 square feet net leasable area	None
500-1,500 square feet net leasable area	50% of required
1,500+ square feet net leasable area	100% of required

(2) All required off-street parking shall be located in the side or rear yards of a property and not in the front yard fronting Saco Avenue.

(b) *Driveway locations.* Notwithstanding driveway location standards specified in Division 4, Article VIII, Chapter 78, OOBZO, corner lots with less than 100 feet of frontage on Saco Avenue shall establish driveways on side streets and not access Saco Avenue directly. The combined frontage of two adjacent parcels shall be applied to the 100-foot frontage requirement, provided that the parcels share a single curb cut and driveway.

(c) *Site improvements.* Site improvements are as follows:

(1) *Curbs and sidewalks.* Where nonresidential development or multifamily residential development or apartment houses in excess of five units fronts a public street, the property owner shall construct a public sidewalk and street curb within the street right-of-way for the length of the property frontage. All sidewalks and curb designs shall conform to specifications as established by the Planning Board.

(2) *Lighting.* Notwithstanding the standards for parking lot lighting specified in Division 4, Article VIII, Chapter 78, OOBZO, all freestanding site lighting shall:

a. Not exceed the height of the principal building or 14 feet, whichever is less.

b. From a nonresidential use, not shed more than 0.5 footcandle onto surrounding residential or nonresidential properties.

c. Be shielded to prevent point source glare.

(3) *Street trees.* Where nonresidential development or multifamily residential development in excess of five units fronts a public street, the property owner shall install street trees within the highway right-of-way or within a conservation easement fronting the property as specified by the planning board.

(d) *Signage.* All signs in the SCCA must conform to the following standards in addition to those of Division 5, Article VIII, Chapter 78, OOBZO:

(1) *Materials.* All proposed signage shall be constructed of either wood, metal, or fabric.

(2) *Lighting.* All proposed signs may be illuminated by one or more shielded external

light fixtures affixed to the building, the sign, or uplights emanating from the ground. Internally illuminated signs shall be permitted.

(3) *Area and dimensions.* Area and dimensions are as follows:

- a. Total aggregate signage located on the site, displayed on retractable awnings, affixed to the building, and displayed in the windows shall not exceed one square foot of signage for every two linear feet of building or storefront frontage on a public street.
- b. Maximum aggregate signage for any business shall not exceed 40 square feet. Freestanding signs shall not exceed 15 feet in height and shall not exceed the allowable square footage. Square footage of signage allocated for the freestanding sign shall be subtracted from the maximum allowable square footage.
- c. Permitted sign area is not transferable between sides of the building located on a corner lot.

G. **Flood Plains**

Any construction or development within a flood plain, as defined by the Old Orchard Beach Flood Plain Management Ordinance, shall additionally comply with the terms of that Ordinance.

H. **Site Plan Review**

Any proposals as described in Chapter 78, Article IV (Site Plans), of the OOBZO shall be subject to site plan review and approval by the Planning Board prior to receipt of a building permit or plumbing permit.



NORTH

	REQUIRED	PROPOSED
ZONE: OB-2		
MIN. FRONTAGE	60'	115.0'
MIN. LOT SIZE (SF)	5,000	14,331
FRONT SETBACK	15'	3.23'
SIDE SETBACK	10'	18.32'
REAR SETBACK	15'	60.0'
MAX. BUILDING COVERAGE	50%	35%
MAX. BUILDING HEIGHT	35'	35'

OFF STREET PARKING REQUIREMENTS:
 1 SPACE PER BEDROOM TO A MAXIMUM OF 2 SPACES PER UNIT
 6 UNITS ARE PLANNED FOR THIS DEVELOPMENT = 12 SPACES REQUIRED
 PARKING SPACES PROVIDED = 15 SPACES

- NOTES:
 1. THE PROPOSED SITE PLAN IS FOR A 6 UNIT RESIDENTIAL PLAN.
 2. EXISTING UTILITIES TO BE REUSED FOR THE PROPOSED PROJECT.

TOWN OF OLD ORCHARD BEACH, ME
 PLANNING BOARD APPROVAL:

CHAR: _____ DATE: _____

TYPE OF COVER	EXISTING IMP. AREA (SF)	PROPOSED IMP. AREA (SF)
BUILDING	5,090	5,017
PAVEMENT	5,470	5,578
TOTAL	10,560	10,595
CHANGE FROM EXISTING (+/-)		35
PERCENT CHANGE (+/-)		0.33%

LEGEND		
EXISTING	DESCRIPTION	PROPOSED
□	GRANITE MONUMENT - 3" OFFSET	■
○	IRON PIN FOUND/SET	○
○	IRON ROD FOUND	○
○	CAPED IRON ROD FOUND	○
○	DRILL HOLE FOUND	○
○	GRANITE MONUMENT FOUND	○
---	STREET LINE	---
---	LOT SETBACKS	---
---	PROPERTY LINE	---
---	ADJUTOR LINE	---
---	"NO CUT" BUFFER	---
---	WETLANDS	---
---	EDGE OF ROAD/TRAVELLED WAY	---
○	SOIL TEST PIT	○
---	CONTOUR	---
---	SPOT GRADE	---
---	GAS SHUT-OFF	---
---	UTILITY POLE	---
---	OVERHEAD ELECTRICAL	---
---	UNDERGROUND ELECTRICAL	---
---	ELECTRICAL TRANSFORMER	---
---	FIRE HYDRANT	---
---	WATER LINE	---
---	WATER GATE	---
---	SEWER LINE	---
---	SEWER MANHOLE	---
---	DEBRIS MANHOLE	---
---	CATCH BASIN	---
---	UNDERDRAIN/STORMDRAIN	---
---	UNDERDRAIN	---
---	SILT FENCE	---
---	TEMP. STONE CHECK DAM	---
---	GRADING AND FLOW DIRECTION	---
---	HAY BALES	---
---	EROSION CONTROL BLANKET	---
---	STORMWATER BOUNDARY	---
---	STORMWATER FLOW (1c)	---
---	FACE OF LEDGE OUTCROP	---
---	BIRCH	---
---	MAPLE	---
---	TREE LINE	---
---	SITE LIGHTING (BAYSIDE FIXTURE)	---
---	STONE WALL	---



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



CLIENT: MAKA BUILDERS, LLC.

3 BLUE WAVE LANE, SACO, MAINE 04072

SEASHORE CONDOMINIUMS, 60 SACO AVENUE, OLD ORCHARD BEACH MAINE

PROPOSED RENOVATION

NO.	DESCRIPTION	DR.	CHK.	DATE
1	ISSUED FOR PLANNING PERMIT	ED	ED	05-23-24

SHEET TITLE:

PROPOSED SITE PLAN

DESIGNED: ED
 DRAWN: BYD
 DATE: 07-9-22
 PROJECT NUMBER: 22-231

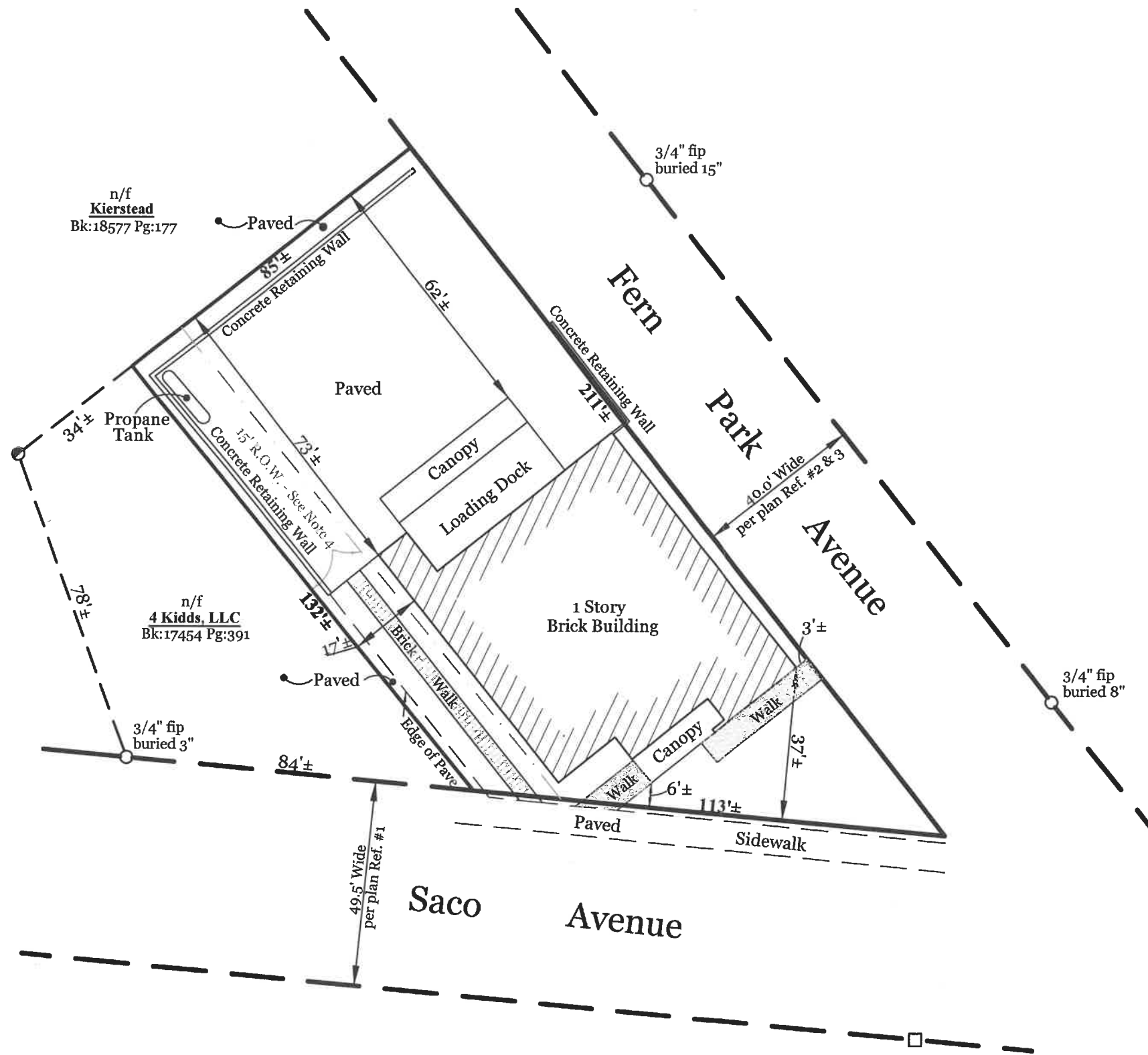
C101

Magnetic North
Observed 2022



n/f
Kierstead
Bk:18577 Pg:177

n/f
4 Kidds, LLC
Bk:17454 Pg:391



General Notes:

1. The parcel shown is depicted as lot 1 in block 10 on the Town of Old Orchard Beach Assessor's Map 206.
2. This is not a boundary survey. No in depth records research or field work was performed by the office.
3. The boundaries shown hereon were derived from existing monumentation shown and current deed information.
4. The locus parcel appears to be subject to a 15' wide right way to be used in common by the owners of the abutting property.

Locus Deed Reference:

Loren R. Hilf and Edmundo C. Pavares Co-Trustees
of The Hilf Family Trust, a/k/a/ The Wayne R. Hilf Family Trust
To
Clifton E. Temm, II and Suzanne M. Temm
Recorded at the York County Registry of Deeds in Bk:10350, Pg:238

Plan References:

1. "Maine State Highway Commission Right Of Way Map State Highway 9", Old Orchard Beach, York County, dated January 1956, and recorded at the York County Registry of Deeds in Plan Book 29, Page 25.
2. "Plan of Fern Park Old Orchard Beach Maine", dated March 1911, by Dudley & Sawyer, C.E., and recorded at the York County Registry of Deeds in Plan Book 7, Page 23.
3. "Plan Of Lands Of Fern Park Land Corporation, Old Orchard Beach-Maine", dated July 1930 by Libby & Dow-Engr's, and recorded at the York County Registry of Deeds in Plan Book 11, Page 43, Revised March 1961 and recorded in Plan Book 31, Page 41.

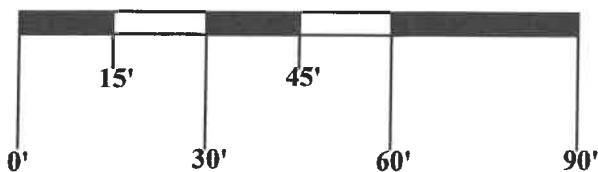
Legend:

- Found #5 steel rebar with survey cap #2190
- Found iron pipe
- Found Highway Monument

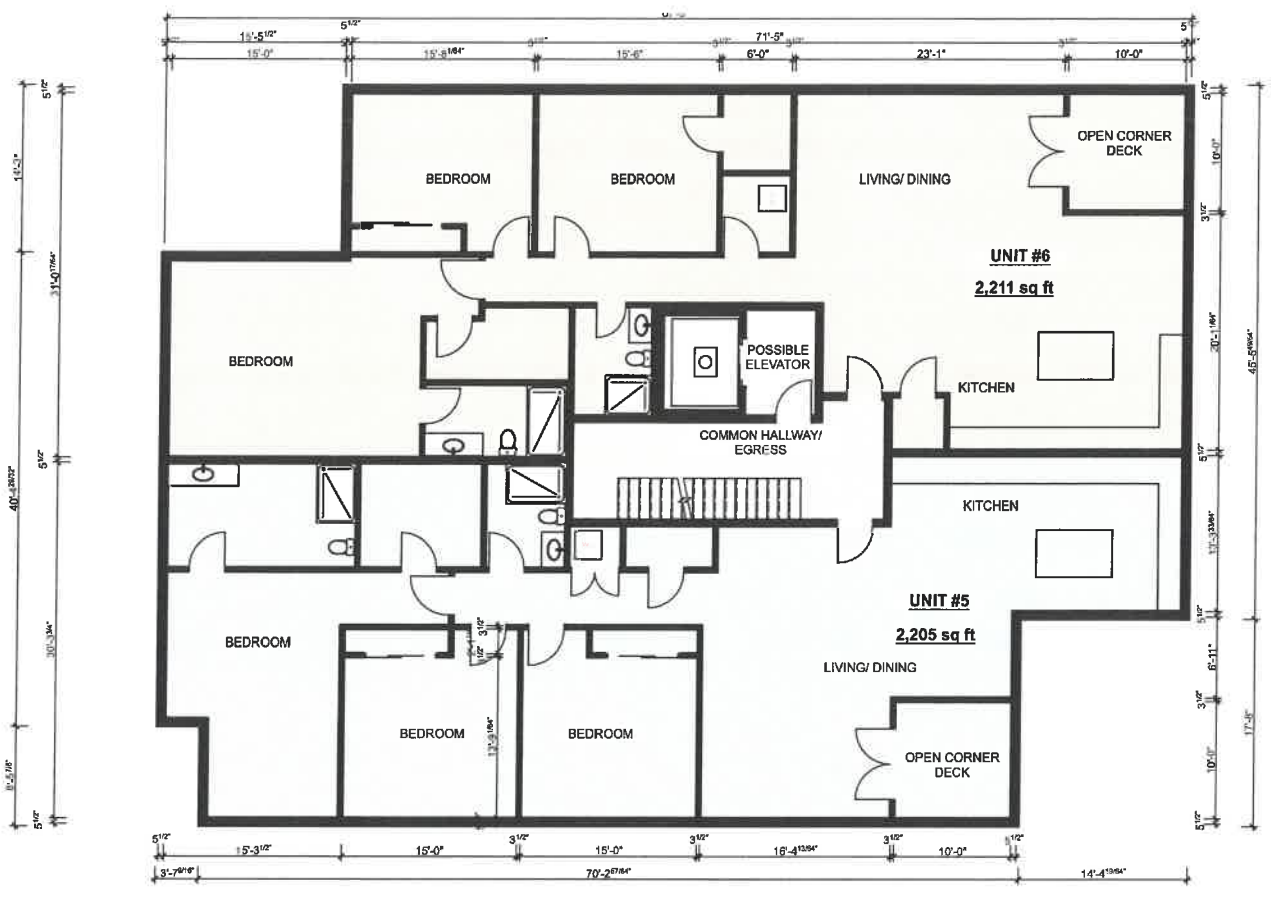
Sketch Showing Existing Improvements
Located At
60 Saco Avenue Old Orchard Beach, Maine
Prepared for
Land Matters, LLC

MIDDLE BRANCH, LLC
Professional Land Surveyors
1A Depot Street, P.O. Box 618
Alfred, Maine 04002-0618
Tel(207) 324-8712 Fax(207)324-6100

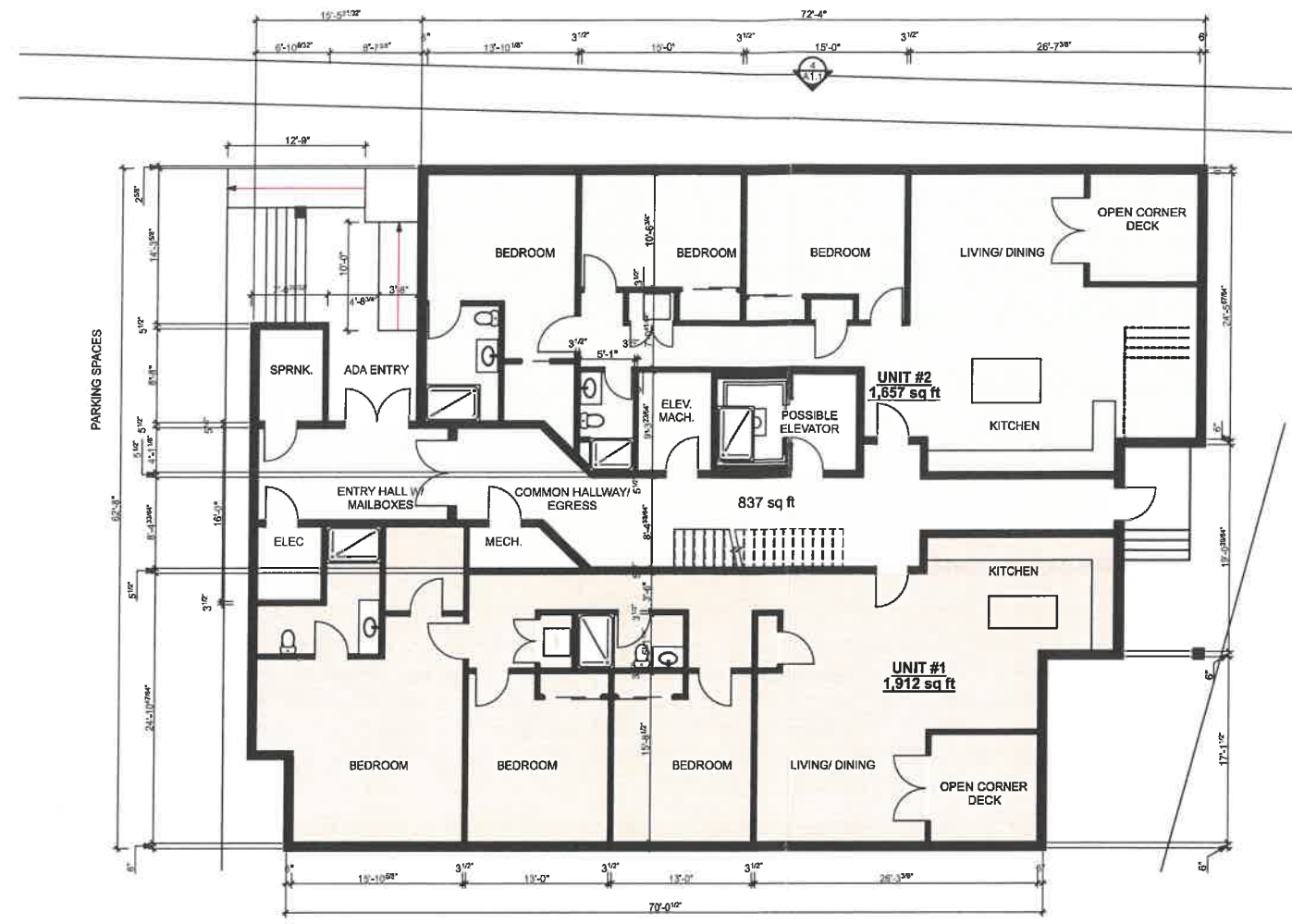
Graphic Scale:



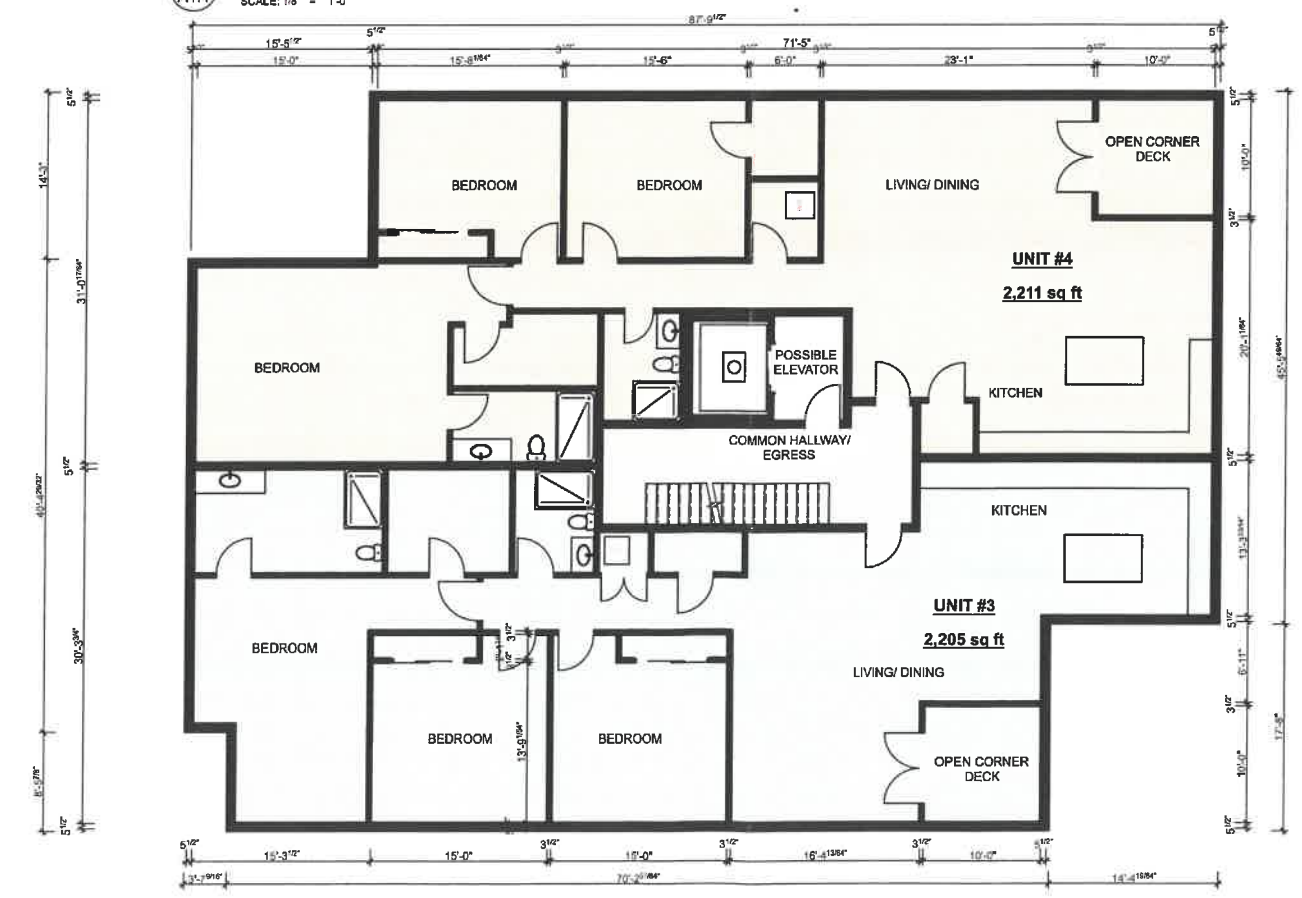
Client: Land Matters, LLC P.O. Box 468 Old Orchard Beach, Me 04064	Drawn By: MRL	Survey Date: April 5, 2022
	Chkd. By: BRL/MRL	Plan Date: April, 7, 2022
Book No. 468-22	Job No. 2222089	Scale: 1" = 30'
		Sheet No. 1 of 1



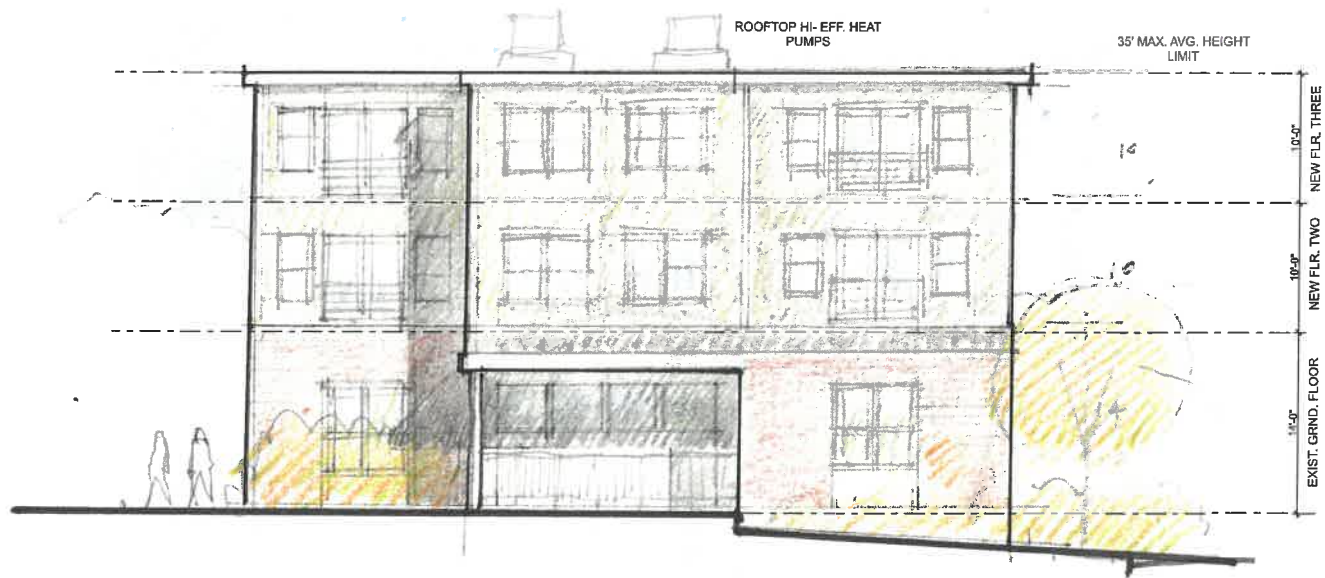
3
A1.1 **THIRD FLOOR PLAN**
SCALE: 1/8" = 1'-0"



1
A1.1 **FIRST FLOOR PLAN**
SCALE: 1/8" = 1'-0"



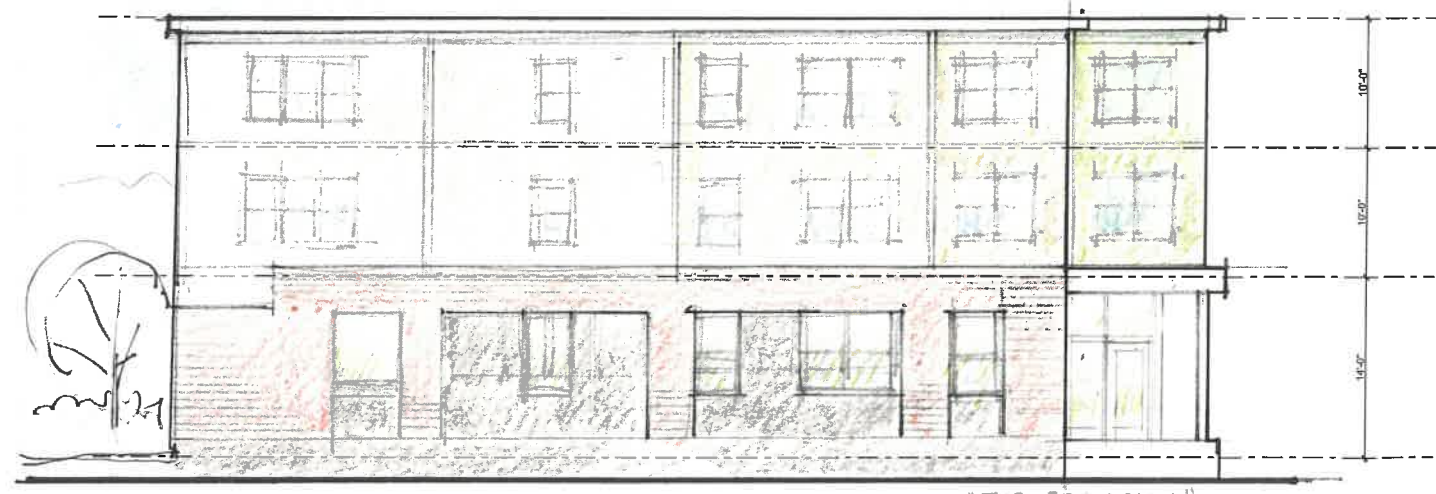
2
A1.1 **SECOND FLOOR PLAN**
SCALE: 1/8" = 1'-0"



2
A2.1 PREVIOUS SACO AVE ELEVATION
SCALE: 1/8" = 1'-0"



9
A2.1 SACO AVE. ELEVATION
SCALE: 1/8" = 1'-0"



4
A2.1 PREVIOUS FERN PARK AVE. ELEVATION
SCALE: 1/8" = 1'-0"



10
A2.1 FERN PARK AVE. ELEVATION
SCALE: 1/8" = 1'-0"

