



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 Meeting Sep, 14 2023

David Walker: A regular hearing, regular meeting and public hearing on September 14, 2023. My name is David Walker, and I will be your chair tonight. Please join me for a brief pledge of allegiance to the flag.

All: I pledge allegiance to the Flag of the United States and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all

David Walker: Thank you very much. Jeffrey, you want to do the roll call, please?

Jeffrey: Sure. Ms. Doobie?

Doobie: Yeah.

Jeffrey: Ms. Hubert?

Hubert: Present.

Jeffrey: Mr. Winch?

Winch: Yeah.

Jeffrey: Vice chair, Hitchcock?

Hitchcock: Here.

Jeffrey: And chair Walker?

David Walker: Present. All regular members are present tonight. Let it be noted that, Sam Dupree and Jay Kelly have excused absences as alternates. I'm going to move up the minutes, approved, approval of the minutes to just before the public hearing, to give people a chance to arrive, in case they're a little bit behind, we have February 9th minutes. Any motions or...

Robin: Make a motion to accept.

Chris: Second.

David Walker: Motion by Robin. Seconded by Chris for approval. And it looks like it's unanimous. 5-0. Minutes for March 9.

Winn: I'll move approval.

Mary Anne: Second.

David Walker: All right. Approved by Winn and second by Mary Anne. And it looks like that's unanimous as well. So that passes by. It is 6:32 and we will start public hearing

1. A proposal for a major subdivision, 21 single family house lots, three open space lots, four condo lots, with a total of 25 units. The owner is Mark Burrow. The location is 139 Portland Ave, MDL 104 dash 2 dash 3 and 23 dash 31 portion of Red Oak Subdivision.

Zoning Rural, RP. And if you wish to speak on this, please approach the podium and identify yourself by your first and last name and your address, please.

Jason, you'll have time when we do the regular meeting. Okay? Yep. Thanks. Did I say 7:30 at 7:30? I meant 6:30.

Doobie: You said 6:30.

David Walker: Okay. Okay. Doesn't look like anybody wants to speak. Oh, yep.

Bob Gourbille: My name is Bob Gourbille.

David Walker: Bob Gourbille?

Bob Gourbille: Yes. G-O-U-R-B-I-L-L-E. 135 Portland Ave...

David Walker: Okay.

Bob Gourbille: Beachwood Condos.

David Walker: Okay.

Bob Gourbille: And we're really here representing the board of directors and here just to see if there's an environmental impact study done. As we a budding property, we have a stream that runs through our property and is during the spring, it's right close to flood state. It feeds a wetland area to our east. So that's why we're here.

David Walker: Okay. We won't provide you with any answers, but I would advise you to contact the planning office, and they'll have an update for you. There was an impact study done.

Bob Gourbille: Yes.

David Walker: And there are culverts on that stream. If you want to have a copy of the plans, you can get a copy of the plans from our planning office as well. Thank you for your comments. Anyone else? Yes. Come on forward. Hi.

Ann Watters: I'm Ann Waters, and that's Watters with 2 t's, Anne with no e. I live at 129 Portland Avenue, the Beaver Brook, Beaver Creek, Condos. And, I'm here to in support of this neighborhood. I've been looking to upsize since I've moved here to old Orchard Beach, and I'm kind of excited about it. The market right now is very, very little to in my price range to even consider. So, if I have questions do I ask them now or wait?

David Walker: Well, I can't tell you what the price of the units are going to be you'd have to talk to the developer about that. So...

Ann Watters: Okay.

David Walker: Yeah, but...

Ann Watters: Do you know how big the lots will be or anything like that? Is that something.

David Walker: They're different sized lots.

Ann Watters: Okay.

David Walker: Yeah.

Ann Watters: They'll all be different sized?

David Walker: Yeah.

Ann Watters: All right. That's pretty much all I have.

David Walker: Okay.

Ann Watters: All righty.

David Walker: Yeah. And if you want a copy again, if you want a copy of the plans, you can go to the planning office, and they'll provide them for you, and then you can see everything we've seen. Okay?

Ann Watters: Great.

Jeffrey: Great. We can email to you in a PDF too, so you'll have a full plan set.

Ann Watters: Great. How will I be informed?

David Walker: Okay. Yep. All right. Thank you for your comments. Yep. Anyone else? All right. I'll close this public hearing at 6:35 PM. All right. Public hearing number 2, contract zone application. Establish a contract zone named contract zone 5 in accordance with the town of Old Orchard Beach code of ordinance 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 a 61 unit single family condominium project. The applicant is Seacoast Land Acquisitions LLC, care of Jason Levante, and the location is 63 Dash 91 East Emerson Cummings Boulevard, MDL 207 Dash 1 Dash 2, zoning in the PMUD.

And I will open this public hearing at 6:36. Same rules apply, name, first and last, and address, and just step up to the mic and speak if you have anything you want to say. Great. How are you tonight?

Jerome Beggart: Evening. Jerome Beggart, 4 Gables Way. I just sense that your protocol is not to answer questions, so I would just say planning director Jeffrey, if you could make a print copy. I'm not connected to the Internet. Print copy of the prospectus for this, to what extent it has been developed on paper, including, traffic impact study, if that's been done, and the BMP stormwater runoff management plan, if that's been done. Just the prospectus as it exists now.

Jeffrey: Sure. And if I may real quick.

Jerome Beggart: Yes.

Jeffrey: Thank you. So right now it's just the contract zone. We haven't got into the traffic study, which all which the BMPs, the environmental stuff, which all will be done if this continues to move forward. But, Jerome, if you email me tomorrow, I'll...

Jerome Beggart: No internet.

Jeffrey: Yeah. Okay. I can send you still. I can give you the whole packet, and it'll give you a good idea of what's proposed. But it doesn't have those details. Not yet.

Jerome Beggart: So I could stop by your office and get a...

Jeffrey: Oh, sure. Yep. That's it.

Jerome Beggart: And is there an idea of when the next meeting, the next decision is as to moving forward beyond contract zone decision?

Jeffrey: Well, we'll make a decision tonight whether or not to approve or not approve the contract zone, and that's just a recommendation, and it'll go to the council with our recommendation, either for or against, and they'll have another public hearing, so you can speak at that.

Jerome Beggart: Well, I don't have any concerns because I don't know any specifics. I was just saying, is the next step forward for this development in a month, in 6 months, or a year?

Jeffrey: So next month, it'll be on council.

David Walker: Yeah. I would say one items. One for the zone, my guess is October. Two for the details that you're looking at, the actual subdivision plan. It'll probably I'm sure

they're working on that right now, but, I would be surprised if I see it before the end of this year, but definitely during the winter.

Jerome Beggart: All right. Thank you. So...

David Walker: Yeah. You're welcome. But they, just so you know, they do plan to deed the wetlands portion of this project, the 19 acres back to the town as a conservatory for people to walk through paths, and they're going to maintain the wetlands portion and build on just the, the dry portion of the, acreage. So but you'll see that when you see the proposal. All right? Anyone else?

Bob Greenboatt: Yes, sir. Bob Greenwood, 72 Capnol Road [sic].

David Walker: Bob, what was your last name?

Bob Greenboatt: Greenboatt.

David Walker: Greenboatt. Okay. Yeah.

Bob Greenbloatt: G-R-E-E-N-B-O-A-T-T.

David Walker: Okay. Thank you.

Bob Greenbloatt: So the only couple questions I have is, I live in the bordering community, Cider Hill. And in the contract zone, I think the developers are asking for a, a change to the setbacks.

David Walker: Yes.

Bob Greenboatt: And then 15.

David Walker: Yeah.

Bob Greenboatt: For this, it listed as in the southern area. What about [Indiscernible] Okay. And the only other thing that I've noticed in the documentation this is really, heavy, but couple places, it's mentioned a 60 unit enrollment or a 61 unit enrollment. So you might want to just kind of check to see if somebody's signing this and saying it's a 60 unit versus a 61, you might want to make sure it's correct.

David Walker: You could, you have to speak into the mic. I, something about how many units?

Bob Greenboatt: Oh, yeah. In the paperwork, I've seen in different...

David Walker: They originally were 60 units, but it changed because we sent them back, with the fire department and the police department to reconfigure the roadway, and they

were able to dig out another unit. So they get 61 units with the reconfiguration. Yeah. 61. Okay?

Bob Greenboatt: Right. Thank you.

David Walker: Yeah. Thank you, Bob.

John Tebow: Hi. John Tebow. I'm at 687 McIntosh Lane, which I think is going to a butt that definitely land. Now I didn't hear what the gentleman said about the, yeah, for some, I'm new to this contract zone change or whatever. So I realized I heard now that there's no definite plans out. This is just the process that's being worked through. I can only say that where I live, when they built where the church was, that whole development, what we've experienced out there in our backyard is backup of water, because of that, because it had affected the drainage on that side. Now I don't know at what stage this whole you know, when we get to express that or whether environmental impact statement is what, you know, is going to evaluate that.

But, that is one of the concerns that we have and I didn't hear the answer relative to what was asked relative to the trees and the buffers or buffer zone. I all I'm trying to do is figure out what at what stage the process is at, and how do we, in that community, stay abreast of what is going on.

David Walker: Just like you did tonight, and I'll just try to explain what the contract zone does. So we have specifications in town for building subdivisions, houses. And if you can't fit your development in the realm of that, those constraints that are built in, like the setbacks. It's supposed to be 20, and they're looking for a 15 foot setback, for instance. But you have a great plan. You're going to put in 61 homes that people can live in, and they'll be accessing our schools. And, you know, it just makes sense for us in terms of development, but it doesn't meet the requirements by ordinance, you can request an exception to that sense for every development that's going on. That's why we have a contract zone, and that's what they're applying under. Okay.

John Tebow: And can you...

David Walker: Okay. So the process is for us to make a recommendation to counsel. Counsel will review does it make sense for us in this case to step outside of the ordinances? And, Jeffrey, correct me if I'm wrong, okay, or does this make sense given the constraints to allow them to move forward. And then they come to us with a complete complete set of plans, you know, DEP, environmental impact, traffic studies, the whole 9 yards. I mean, you don't want to put the, the cart before the horse. This is just to see if they can begin the process given the constraints of our ordinances. Does that make sense to you?

John Tebow: Yes. It does. Okay. Good. Could you just clarify also what you mean by setbacks? I think I understand it, but what is...

David Walker: From the back so that from the back of the home to the boundary line, 20 feet is the ordinance requirement, and they're looking for 15 feet so they can fit it within the constraints of the wetlands. Okay?

John Tebow: All right. Thank you.

David Walker: You're welcome. He's back.

Jeffrey: Just off of when you said access to schools, does that mean this is not age restricted, 55 and over?

David Walker: No. It's not. No. But there are, 10% of the units will be affordable, homes by the contract agreement. Anyone else? All right. I have a letter here from, mister, let's see what his name is, Mr. Hanifin, who lives at 53 McIntosh Lane. And he writes, recently, I received a postcard regarding a meeting on September 14th at 6:30 PM pertaining to the proposal of a condominium development at 63 Dash 91 East Emerson, Cummings Boulevard. The applicant is Seacoast Land Acquisition LLC. My residence at Cedar Hill makes me in a butter, and I was permitted to give comments to the planning board related to said proposal.

Unfortunately, a prior commitment prevents me from attending personally, but I am expressing my concerns in this letter hoping you will share it with the board. I'm sharing it with the public record right now. My primary focus is traffic and safety. Starting at Saco Ave, you have a fire station ranger school, 2 baseball fields, a ballpark, high school athletic fields, high school itself, Durango Ave, Cider Hill, and continuing the Smith Wheel, Old Orchard Village Public Works and BBI.

During the summer season, traffic is very heavy. Police, fire, are consistently responding to calls. Little league and girls softball use baseball fields. There are events and concerts at the ballpark, public works, and BBI trucks are coming and going. Tourists use, Cummings and Smith wheel as a shortcut, to the highway, thus avoiding congestion at the 711 Rotary. Many golfers head down, Durigo to get to the Dune Grass course. In the fall, school buses are dropping off. Students at the high school and ranger, parents are doing likewise. Morning and afternoon, a good number of students walk to both schools crossing the boulevard.

LaRanger students frequently asset, access the high school athletic field for physical education classes, and the high school also resumes its fall sports schedule along with the marching band. The speed limit on Cummings Boulevard is 30 miles an hour, 15 miles an hour when school is in session, but I have often seen vehicles traveling much faster. The addition of a 61 unit development is a potential disaster waiting to happen. The increase in traffic volume will heighten the likelihood of accidents and put the students at risk. Has an independent of this factor been done?

I think he wants meant to say study, not by sea coast, but by the town. We need to balance the economics of expansion against the requirements of public safety. Also, this

land appears to be some sort of wetlands. It is often flooded after rain fall. Has an environmental study been conducted to assess the impact of construction on the water table and surrounding properties? Thank you for your time and consideration in meeting this letter. Please feel free to contact me at any time if the need arises. Okay. So if there's nobody else that wishes to speaking, seeing none, I will close this public hearing at 6:49. All right. Let me get my wits about me here for a minute.

All right. Regular business. Item 1, proposal, ordinance, housing opportunity ordinance, affordable unit density and dwelling unit density, draft 2, chapter 78, article 6 out of and 7, housing opportunity ordinance accessory dwelling unit draft 2, chapter 78, article 1, article 7, article no article 6, article 8. Action tonight is discussion schedule public hearing, and the applicant is Town of Old Orchard. Jeffrey or Michael? Michael, I know this is yours.

Michael: Yes. Thank you. Good evening. This is the housing Opportunity Program draft ordinance that's been under review and was before the planning board last month. These draft ordinances are based on the state law that was passed through LD 2003 and more recently, LD 1706, which changed the implementation date requirement. And the state law includes the following requirements. To allow accessory dwelling units or ADUs where single family homes are permitted, allowing for more than one dwelling unit on a lot, which essentially prohibits single family only adjoining districts and have an affordable housing density bonus for affordable housing to be developed in growth areas or areas with sewer and water where multifamily dwellings are permitted.

And these were drafted in the two different draft ordinance sections based on the state law requirements and the guidance that was provided. The first, under section 781272, contains two parts, the affordable housing density bonus and the dwelling unit increase allowance. And under this, these would be reviewed as conditional uses by the planning board. The second, section 78 dash 1383, is for accessory dwelling units, which would be reviewed through code enforcement building permitting. With the potential for some dwelling units and ADUs created under these ordinances to be used for short term rentals, we did include restrictions that don't allow, for short rentals under both sections. And that's because other than business licensing, we don't currently have a short term rental ordinance.

Amendments to the draft ordinance for the affordable housing density bonus or dwelling unit increase allowance, since this was last presented are with added definitions for duplex, triplex, and quadplex. This is to allow structure configurations up to 4 units on vacant, on a vacant lot in a growth area while keeping the existing definition of single family, which allows for only on single family structure on a lot. And this will reduce the number of separated dwelling structures that can be on a lot while still meeting the state law requirements. And we also amended the definition for single family dwelling units that was proposed to match our existing definition, which references that only one such single family dwelling shall be permitted per lot.

We also added the applicability requirements for dwelling units created under the dwelling unit increase allowance to meet the same performance standards as multifamily would be required to. And then we also added the language to reference the duplex, triplex, and quadplex language. And then under the housing opportunity program is the accessory dwelling unit.

As I mentioned, this is in a different section, and this section is for the ADUs, which can be permitted on a lot containing 1 single family dwelling unit in any area where housing is permitted. And this section is separate from the other parts of the ordinance because we can't require planning board review for an ADU under the state law. So as I mentioned, these will be, reviewed through code's building permitting process. And the main changes to the ADU draft ordinance are we added definitions for certificate of occupancy, short term rental, and single family dwelling unit because these terms are used in this section, and we wanted it to match.

We removed the performance standard that prevented a building facade from being modified to build an ADU. This standard was removed because staff determined it could be too restrictive, and the last standard related to design would cover the intention to keep the design compatible with the neighborhood. And then added the terms should not instead of shall in regards to the location of mechanical and utility equipment being located with within any required structure setbacks, Some utilities are have different setbacks than structures, and we didn't want to restrict it by that. And then just added language to clarify that rooftop decks are not permitted on detached ADUs only.

And the main reason for this was in some districts, accessory structures have reduced setback requirements compared to principal structures. So for recommendation, these draft ordinances have been before the planning board several times now with the introduction back in May. And there have been 2 workshops in June, and the first public hearing was held, on 13th July. So staff recommends a public hearing on the updated ordinance amendments be scheduled for 12, October, and this should keep us on track for the January, 1, 2024 deadline.

David Walker: Okay. Thank you, Michael. I'd just like to say that we appreciate the work that you're doing on this. I know that this has changed many times over, and we appreciate you keeping us informed. Okay?

Michael: Thank you.

David Walker: Yeah. Any comments from the board? All right. Then, I'll direct you to have a public hearing scheduled for October 12 based on this rewrite. Okay? Right. Thank you. All right. Item 2. Major division, 21 single family house lots, 3 open space lots, 4 condo lots with a total of 25 condo units, Preliminary plan review and determination of completeness. Owner is Mark Burrow. The location is 309 Portland Avenue, MBL 104 dash 2 dash 3 and 23 dash 31 portion of Red Oak Subdivision. Zoning Rural and the RP District. So I'd like to make a clarification because I made a

motion last month that we determined complete pending answers from the applicant to write peers, and that was a conditional motion.

Those conditions have not been met yet. There's still a lot of outstanding Wright Pierce. So I will retract that motion at this time, and we'll just move forward. Okay? Jeffrey?

Jeffrey: Okay.

David Walker: Mike?

Mike: Yes. So this proposes to extend the existing Red Oak Drive into a loop road with new access, Berto Drive, to make a second connection to Portland Ave. This was lost before the planning board in August, and the public hearing was held tonight. For September, your packets included responses to Wright Pierce comments, updated plans, the stormwater management report and the previously requested traffic impact study. Ray Pearce did indicate several comments still have not been addressed or fully writing of the memo, we had no additional or new comments from public works, and previous comments had been addressed in the responses.

Turning diagrams for the fire department were submitted, but it appeared the wrong model apparatus was used. Updated turning data has been provided to the applicant. Updated turning diagrams will need to be reviewed by the fire department. There's just a comment on driveway spacing from Portland Ave. It's supposed to be 50 feet, and that's been an ongoing comment. That should just be confirmed. Wright Pierce did review the traffic impact study and highlighted some items, that a capacity analysis was performed, and the subdivision is expected to create very little delay for the level of service at intersections of Portland Ave and Red Oak Drive and Bordeaux Drive.

The proposed sight distances exceeded the recommended sight distances for the speed limit on Portland Ave. And it's just a recommendation that no signage or landscaping be located in the driveway site triangles, which could obscure or limit site distances in the future. And they're highlighting comments that were in the traffic study report. Well, this is a proposed cluster development. The ordinance requires green perimeter strips. They are on the plan, and the note's been added. One thing that's come up with other approvals is what the green perimeter strip is supposed to contain. The planning board should specify if they want something other than grass.

The ordinance does allow for grass. It just says maintained with grass, bushes, flowers, or trees. So if, a green perimeter strip with grass is fine, especially you shouldn't make any, changes or suggestions unless you want to see something different. Also, stormwater culverts and ditches are proposed within the green strip. This seems fairly common with development, but if the green strip's being maintained with something other than grass, it might not be acceptable. So just as I mentioned, if you wanted to see something different, you should highlight that.

And we did receive some staff comments at our August development review meeting. Just that it would be best if the deeds created and recorded to define the condo parcel before the condo declaration documents are created. And a couple questions is how these would operate with regards to maintenance, between the condo units and single family units, units, if there would be separate HOAs or not. And then as how maintenance would be shared with stormwater systems, solid waste pick up in the roadway.

So for recommendations, just a couple of things to highlight, because there's time lines associated with determination of completeness in public hearing. So for the preliminary plan application, the approval needs to be within 30 days of a public hearing, and that's for the preliminary plan. So the public hearing was held tonight. Then within 60 days of receiving a completed application the planning board shall approve, modify and approve or disapprove the final point. This proposal has been before the planning board for a while, and the applicant has adjusted the plan to respond to previous comments.

Considering the changes, a number of comments and new comments from review are expected. Just one concern is ongoing comments and if they can be resolved in the time frame allowed once this is determined complete. If the planning board is acceptable to the number of Wright Pierce's comments, we recommend it being determined as complete tonight. We just want to highlight that these would need to be resolved before any final decision should be made. And there is a recommendation on page 4 of your memo to consider.

David Walker: Page 4. Page 19. All right.

Mike: Oh, sorry. That was not...

David Walker: Page 19.

Mike: That was the wrong page.

David Walker: Okay. Yeah. Thanks, Michael. So we can resolve the green script, right now if you want to. Do you care, does anyone care if there's shrubs or grass? I mean, grass is going to be easier to maintain culverts, if we just keep it grass.

Doobie: Okay. Grass is clean. Grass.

Jeffrey: Is the grass maintained, or is it just let the, it's going to grow there. Right? The grass would have to be maintained by the, homeowners association, right?

Mike: Correct. So this and there would be a because there's going to be condo associations within the overall homeowners associations, then I can answer that question. So every unit will be part of the overall homeowners association, but there will be individual condo associations for each parcel.

David Walker: So Mike, that's going to be grasped then for the board. Okay?

Mike: Thank you.

David Walker: That resolves that. All right. Would you like to go? Would you like to hear from the board?

Mike: So, yeah, I guess I'd just add a couple of things. So, yeah, we, we got an updated vehicle very late in the process from we did our analysis based on the biggest vehicle, that we had in our system. The one actually that Jeffrey sent me over later after he submitted it. It actually has a tighter turning radius. It was not as long. So it works fine, and that went back in. So, that was not a worry. And as far as, you know, we're finding I don't want to hear dirty laundry here publicly, but so we're having some frustrations with your peer with new engineer. It's across multiple applications.

I'm actually going to actually recommend that Jeffrey that we start scheduling meetings with them in the same room, so that when we resubmit, we can go over that with them together because there seems to be a little bit of disconnect over what we're saying and what they're saying. So I think that with a meeting, it gets resolved a lot faster, which and I apologize to you guys, but you keep getting you feel like you keep seeing the same comments, and we feel like we keep addressing them. Then the comment comes back just a little bit different.

David Walker: And so just so you know, we're responsible for the public and the public safety. And so what you bring to us or what departments, what the municipality provides us is what we defend the public. So we need to have full information before we can give any approvals or...

Mike: Oh, absolutely.

Jeffrey: Move forward. So I you know, it and it really is commendable that you want to get together with Jeffrey and Wright Pierce there so you can sit down and get everything resolved because that's the only way that it's going to happen. Yeah. Because you otherwise, you're going to just be firing bullets back and forth at each other. So, I'm going to make a recommendation that we table this until you get that resolved. All right? So I apologize for that, but I think that that's in the best interest of the public.

Mike: Yeah. And I just I'd push back a little bit and just say that the plans that we provided, I would be you'd be hard pressed if you went to 20 different other firms, that one of those firms would say that what we're providing is not safe for the public or safe even under your ordinance.

David Walker: Okay.

Hubertt: To the chair, just a quick comment as...

David Walker: Go ahead, ma'am.

Hubertt: This has been going on and on and on for months, and we have to keep taping them up holding it because you guys haven't got everything t's and, you know, dotted, t's crossed until you do.

David Walker: Well, then this keeps the clock from checking on you too. It's more.

Mike: Oh, no. No. I understand that. I agree with the process. I'm just...

David Walker: Yeah. You're frustrated.

Mike: And that's I'm here on behalf of my clients, and I'm expressing their frustration. You know? We don't like doing them anymore. We have to. Yeah. So if the chair made a motion.

David Walker: I did make a motion to table. You seconded.

Mike: Yeah.

David Walker: And you want to call for the vote, please, Jeffrey, Michael? Jeffrey?

Jeffrey: Sure. 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. I have motion to table carries 5-0. Thank you. All right. Okay. All right. All right. Item 3, proposal. Contract zoning application. Establish 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, and I'm going to say it's 63 through 91 East Cummings, Emerson Boulevard, MBL 207dash 1dash 2. The purpose of the contract zone is to allow the development of a 61 unit single family condominium project. The discussion is a council recommend the action is council recommendation.

The applicant is Sealand Seacoast Land Acquisitions LLC, care of Jason Labonte, 60 3 through 91 East Emerson Cummings Boulevard, MDL dash, MDL 207 dash 1 dash 2, zoning in the PMUD. And this is Jeffrey.

Jeffrey: Yeah. Thank you. And this is actually a good example of something that was just requested where there were some concerns out there, regarding, in this particular case, the second access that we figured out. And as well as the planning board, the best way to sort it out was just to have an internal meeting with the applicants or engineers and all that sorted out and come up with a solution that we all feel comfortable with before moving forward with the planning board's next step, which is exactly what we did. And really one of the big reasons why we are recommending a favorable, recommendation to the council tonight.

But, just to back up the, it's now a 61 unit proposal. It was a 60 unit proposal, when it began. It's 19 acres the total lot. A large, approximately 50% is, wetlands land that's intermixed with wetlands that really doesn't have that much of a development potential except for passive recreation types of uses, and it's directly across from the high school. It's been a vacant parcel for some time. There's been various development proposals that have, come forward, but, Jason and his team has really been the first people to take it, this proposal to the extra step and do a lot of the leg work that stalled the prior proposals out.

So density is a big reason we're here, and the big reason for the contract zone. Contract zones, you explained it well, Mr. chairman, during the public hearing. Contract zones are kind of like zoning, zoning map changes, but like on steroids. Because usually with zoning map changes, you just get a map change and you get a potential for any kind of development. With contract zone, one of the reasons why I like contract zones for particular projects is that you get the zone change, but what you also do and what people also become familiar with is why the zone is changing. They're not left with some open end zoning question. They have a more specific idea as to why the zone is changing and what it's going to change into.

But with contract zone, just like regular zoning amendments, zoning map amendments, you don't get into all the DEP requirements, which this will be part of. You don't get into the storm water management, the traffic analysis and assessment, all that stuff comes after the contract zone, and during continued planning board review, in this case through the subdivision process. So in addition to the density the applicant is requesting a few other ordinance waivers. The, some slight road design modifications, not as excessive as they were at the beginning. Some reduced setbacks. Buffers will still be maintained. In fact, they'll be required to the Cider Hill development.

This one's kind of a weird one. A single use that will not exceed 75% of the total project building area. Since this is exclusively a residential project, there's no other mixed use commercial type of component to it. So that is a modification where 100, essentially, 100% of the building area will be for a single use being single family residential. And indoor recreation amenity not included. I don't believe it's required to be included. It

wasn't included in the contract zone language, but, they are providing a outdoor recreation for the public too, which was part of our negotiation of the contract zone.

So at the August meeting, one of the primary concerns was the secondary access for the rear lots. And as I said when I opened up this agenda item. The, we met with public safety, where this is primarily geared to, both fire and police. We met with the applicants, and, we had a very good meeting. We came up with a solution that everyone agreed to, and the applicant wound up getting an extra unit out of that solution too.

So public safety is entirely comfortable with this. Something else that happened to be addressed, which I think was a good piece of that meeting, was we now have visitor parking spaces. So there's a total of 13 visitor parking spaces before there were none. Another good change is there's now a internal sidewalk, 4 foot sidewalk at grade with, the road, which is something that we recommended. And contract zone agreement has been revised to include the recommendations that we had in our memo to beef it up to ensure its consistency with the comprehensive plan and the other three factors that are associated with contract zones.

And then finally, I think it's or two more, I'm sorry. Conveyance of open space to the old Orchard Beach. I think it's commendable to the planning board that over the past number of projects, we have secured more and more open space available to the public than what has ever been done in the past. This continues that effort, and, it will be approximately 50% of the land. It may be wetlands, but it's not all wetlands. And wetlands, because they're wetlands, doesn't mean that they're throwaway land. I mean, that's a functioning habitat for birds, for fish, for all kinds of things. So our ability to preserve that is really important for the health of our community.

And then finally, another good piece of what you wouldn't normally get through a, a zoning ordinance, a regular zoning map amendment, like, we wouldn't be able to get any of this stuff, only through a contract zone, but is, and also through a good applicant, an applicant who's willing to work with the town. 10% of the homes will be affordable. So that when you look at 61, that may not seem like much, but seven, eight homes that are affordable houses are better than 0 homes that are affordable houses. Plus, it's the applicant's intent, as he's told with all the work that he's done even before getting to this step, he's always wanted to make this an affordable project.

So something within reach of the common person. But these 10% of these units are more of the market rate affordability that would meet other requirements. But he still has the overall project is more geared to being affordable. So, you know, everything that we've requested has been met. There's no question about it. I had two recommendations just to ensure that, we have that this in the contract zone and in documents going forward, is that the, we ensure that these units don't become investment properties for people for short term rentals. That these truly do remain housing units, which is something the town and many towns desperately need.

And adding language to the agreement and any future plans that ensures that these roads remain private. It was one of the pieces, the important pieces to allowing the modifications to these roads. So in conclusion, the contract zone meets the contract zone requirements. I didn't have to even go into much detail, as you could see with my comments on this. So we recommend that the, if on page 28, you'll find, of your memo, you'll find the vote. We recommend that you make positive findings for each of the three criteria, and then your final vote is, a favorable recommendation to counsel. So, thank you.

David Walker: Great sales pitch, Jeffrey. No, actually, you know, when you think about the last contract zone we had, it took two years. This is flying through. You know? So and I commend the applicant for their work last month to address our concerns. Great job. So, anybody from the board have anything they want to add? No? Does the applicant wish to speak? I wouldn't either. Looks like a done deal to me. All right. We have to vote on the three factors. Number 1, it is consistent with the comprehensive plan. Does anyone want to make a motion?

Chris: I'll make a motion.

David Walker: Yeah.

Chris: I make a motion to find the contract zone agreement between Seacoast Land Acquisitions LLC and the town of Old Orchard Beach to allow 61 unit single family condominium development for the property located at 63 through 91 East Emerson, Cummings Boulevard is consistent with a comprehensive plan.

Robin: Second.

David Walker: Motion by Chris, second by Robin. Want to call for the vote, Jeffrey?

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. Then that motion carries 5-0. Is this contract zone consistent with, but not limited to the existing uses and allowed uses within the original zone?

Robin: I'll make a motion.

David Walker: Okay.

Robin: I'll make a motion to find the contract zone agreement between Seacoast Land Acquisitions LLC and the town of Old Orchard Beach to allow the establishment of a 61 unit single family condominium development for the property located at 63 to 91 E. Emerson Cummins Boulevard as consistent with the existing uses and allowed uses within the original zone.

Winn: I'll second.

David Walker: Motion by Robin, second by Winn. You want to call for a vote, please, Jeffrey.

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: That motion carry yes. That motion carries 5-0. And lastly, is this contract zone subject to conditions sufficient enough to achieve the purpose described in section 78 dash 2131 of the contract zone ordinance.

Mary Anne: I'll make the motion.

David Walker: Yes.

Mary Anne: I'll make a motion to find the contract zone agreement between Seacoast Land Acquisition LLC and the Town of Old Orchard Beach to allow the establishment of a 61 unit single family condominium development for the property located at 63291 East Emerson Cummings Boulevard. Is subject to the condition sufficient to achieve the purposes described in section 78 dash 2131 of the contract zoning ordinance?

David Walker: Motion by Mary Anne.

Chris Hitchcock: I second.

David Walker: Second by Chris Hitchcock. You want to call for the vote, please?

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Vice Chair, I'm sorry Mr. Winch?

Winch: Yes.

Jeffrey: And vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yeah, that motion carries 5-0. Final vote. Since we agree that all factors are, positive, I think the final vote will be positive, but I think that it should also be conditional on, suggested short term rental language added to the contract zone agreement and private road language added to that contract zone agreement as well. Anybody want to make a motion?

Chris: I'd make a motion.

David Walker: Chris?

Chris: I make a motion to recommend the council approve a contract zone agreement between Seacoast Land Acquisitions LLC and the town of Old Orchard Beach for the property located at 63 through 91 East Emerson Cummings Boulevard, map 207 Block 1, lot 2 in the PMUD, pursuant to 308 M-R-S-A, M-R-S-A. Section 43 dash 4352N8 and chapter 78 article 9 of the old Orchard Beach code of ordinance to allow the establishment of a 61 unit single family condominium development...

David Walker: And, again, that's...

Chris: With the conditions...

David Walker: Yeah. That's with those conditions. That the concept of...

Chris: Short term rentals.

David Walker: No short term rentals and the...

Chris: Private road language.

David Walker: Private road language being included it in the contract.

Chris: Motion by Chris.

Robin: Second.

David Walker: Second by Robin. Call for the vote, please.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: And vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yes. That motion carries 5-0, which means this will be on the added to the council agenda. Thank you very much. All right. Item 4, conditional use, home occupation, 120 square foot building for [Indiscernible] shop, determination of complete list schedule say works schedule public hearing. Applicant here is lorry Lodge, and the location is 15 Ross Road, MDL, 102 dash 3 dash 6 zoning in the rural district.

Lorry Lodge: Yes. This is a new conditional use application proposing a home occupation at 15 Ross Road for art gallery shop to be located in a proposed shed. The lot currently has a single family dwelling, and this lot abuts the Seacoast RV Resort. And the location was highlighted in a GIS map image in your memo on page 34. And the proposal is to place a 10 by 12 shed for a gallery shop and to use the existing driveway for parking and included in your packet is the conditional use application, a sketch survey showing the proposed location, and responses to the home occupation conditions and conditional use standards.

You haven't reviewed our home occupation in some time, so we'll highlight some main requirements. Home occupation has a specific definition in our ordinance that needs to be met, and I'll go over that quickly. Home occupation means an occupation or profession, which is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit carried on by household members occupying the dwelling unit. Clearly incidental and secondary to the use of the dwelling unit for residential purposes which can be conducted within a residential dwelling without changing the appearance or conditions of the residents or such restructures, and which conforms to requirements of section 78 dash 1267.

So a home occupation needs to meet specific conditions as well as the conditional use standards. The applicant has provided responses to both sets of standards. All conditions and standards are relevant, but a few are important to consider in regards to the home occupation. The traffic generated by a home occupation cannot increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood. Parking cannot be located in a front yard setback, which is 50 feet in the rural district, or exceed two parking spaces serving the home occupation, no retail sales shall be permitted except those sales which are accidental to the services provided by the home occupation. This condition important since its proposals for a gallery or shop. The on-site retail sales can only be a minor piece of its operations.

The planning board needs to determine that this meets the standards and conditions, but the applicant response included does indicate the sales from the art shed will be a small part of what they do overall. So for recommendations, this appears to be a complete application and straightforward proposal. As I mentioned, the biggest thing with review of a home occupation is to ensure a proposal doesn't impact the neighborhood and meets the criteria and standards. And based on the applicant's responses, it seems this would meet that. The conditional use ordinance allows that at any time during the review of the application, the planning board may conduct a site walk.

A site walk could be beneficial for the planning board to determine this proposal can meet the standards, including verifying the wooded areas shown on the sketch or screen.

David Walker: Excuse me for a minute. You guys want to take it outside, please?

Lory Lodge: Okay. Sorry. A site lock could be beneficial for the planning board just to verify the, wooded areas shown will meet buffering requirement for abutting properties.

But it is optional. And staff recommends the planning board consider the motion on page 35 to determine the application as complete and schedule a public hearing for 12 October. So, Jeffrey, should I read the standards into the record, or can we just accept them as submitted?

Jeffrey: You can accept as submitted and, schedule a sidewalk and a public hearing.

David Walker: Okay.

Jeffrey: Yes.

David Walker: All right. Anything from the board members, Mary Anne?

Mary Anne: No. I was going to make a motion.

David Walker: Well, maybe the maybe the applicant wants to speak.

Mary Anne: Yeah.

David Walker: No. Okay. Winn, anything?

Winn: No. Just a second. No.

David Walker: Okay. Do we need a site visit?

Mary Anne: Yes. It's completely true.

David Walker: Okay.

Winn: I think they have to verify?

Mary Anne: Yeah.

David Walker: Okay. So we'll schedule a site visit. It's getting dark early now. So is 5 o'clock okay?

Mary Anne: Yep.

David Walker: All right. Site visit for, five at Ross Grove, 15 Ross Grove on 12th.

Winn: No. No. Not 5th. 5th. 5th.

Jeffrey: I think it's the 5th. Yeah.

David Walker: Okay. Did you say you have a question? Sorry.

Mary Anne: Okay. I'll make a motion to determine the application complete for conditional use home occupation for an art gallery and shop to be located at 15 Ross Road, MBL 102 dash 3 dash 6. Zoning rural district, applicant, Lory Lodge subject to the following. Update surveys sketches need to be showing parking that is not within 50 feet front from the front yard area. Update survey sketch to show only 2 parking space for home occupation and to schedule a sidewalk.

Nguyen: I'll second.

David Walker: Motion by Mary Anne, second by Nguyen. Want to call for the vote, please.

Jeffrey: Ms. Doobie?

Doobie: Yes.

David Walker: This is only item 4, come on.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: And vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yes. That motion carries 5-0 and there will be a site visit on 5th at 5 PM.

Hubert: David, can I do a quick question?

David Walker: Yes.

Hubert: I know it says in the shop what actually are you selling?

Doobie: Thanks for asking. I'm selling little dishes, jewelry, all made out of glass. All different kinds of dishes, art for the walls.

Hubert: I mean, these are things that you make yourself?

Doobie: Uh-huh.

Hubert: Thank you.

David Walker: Where were you selling the your product before? Was it out of the house?

Doobie: David, yeah, all right. It was through online, through [Indiscernible].

David Walker: All right. So, we will see you on the 5th, okay? Item 5, proposal, conditional use, shoreland nonconformity, remove building, 30% extension, garage and coaches. Action determination of complete schedule of sidewalk schedule public hearing. The applicant is Mark and Anne DeBell, and they're at 16 Sanpiper Road, MBL 324 dash 11 dash 15, zoning in the R3, RA, and Hat District.

Jeffrey: All right. Shoreland zone. We're all kind of used to that in this particular area of town. But this one's a little different. Where we're, what we're used to are much more complex projects where it's, usually a single family that's removed and rebuilt, and then the 30% expansion is applied. With this one, it's a garage on the property. Still the same standards as what we review, what we use when we review the single family, but it's like a light version of that. And the reason we're reviewing it is the garage is within 100 feet of the highest annual tide, so it's a nonconforming structure.

Whenever you're looking at doing any sort of work to a nonconforming structure in the shoreland zone, there are a number of requirements that any proposal needs to meet. And, first, you must meet the criteria of the conditional use and the standard conditions in the shoreland zone. Second, it must be relocated away from the HAT to the greatest practical extent. Third, it cannot be any more nonconforming than the existing structure. And then fourth is it cannot expand in volume and square footage by more than 30% over the existing structures' volume and square footage. You all kind of know this.

We've worked through that enough times. And, so there's that. So I've worked with the applicant for some time, actually, on this. Mark's here tonight. And after looking at a number of different proposals, this is a good solid proposal. I wouldn't have recommended to Mark to move forward with this proposal if he thought if I thought he was going to get a denial. So if I could approve it, I would. But, so we have a solid proposal with this. There's a couple of items. DEP coastal doom permit will be required with this. The applicant is aware of that and is either in the process of securing that or will be in the process during building permit time.

So it has more validity. The DEP permits have their own expiration aside from our permits. This one is just a simple permit by rule 2 through the, through DEP. Also, flood plain compliance is required. Now that was a tricky one with this. And, but a minor permit will be required for this proposal, which is compared to substantial construction, or new construction is a completely different set of rules. It's a very simple form. And so that won't affect this proposal at all. So we recommend the planning board determine complete, schedule A public hearing for the 12th October. Site walk is optional, so you can drive by it, I'm sure, or schedule a site walk if you want. That's all. Thank you.

David Walker: Thank you, Jeffrey. And I will propose that this conditional use standards and the shoreline standards that were submitted be included as part of the record so that I don't have to read them in. And with that, Mark, would you have anything you want to say?

Mark: I think everything's pretty much nailed it.

David Walker: Okay. Thank you. All right. Do we need a site visit?

Mary Anne: Yes.

David Walker: Yes. For Mary Anne.

Jeffrey: Just a garage?

Mary Anne: I don't know. Maybe I'll go by myself.

David Walker: All right. Well, you know what?

Mary Anne: I'll go and look.

David Walker: Call me and I'll walk over with you because I'm only two blocks away. Yeah. Just give me a call. All right? So, Mark, we'll just come by, and if you see strange people walking around your yard, you're going to know it's us. Okay? Right? All right. And then I'll schedule a public hearing for 12th. And does anybody have a motion they want to make?

Chris: I'd make one.

David Walker: Good. Thank you, Chris.

Chris: I'd make a motion to determine Mark and Anne Duvall's preliminary plan application proposing a tear down, new construction, and 30 percent expansion of a nonconforming structure in the shoreland zone located at 16 Sandpiper Road, MBL 324 dash 11 dash 15 as complete.

David Walker: Motion by Chris.

Winn: Second.

David Walker: Second by Winn. Call for the vote, Jeffrey.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Ms. Hubert?

Hubert: Yes.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: And vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yes. Robin, that was a much better yes this morning. Thank you.

Robin: Yeah. It was a it wasn't a, it was a rebuttal to the heart.

David Walker: That motion carries 5-0. Thank you. I'm assuming, Mark, if I knock on the door, I'll get a cup of coffee too. Right? All right. Item 6. Proposal site plan, remove 6 unit apartment building and build 3 unit apartment building. Application is pre-application review. Applicant is Cocknell Associates. Location is 38 Waveland Street, MBL 301 dash 5 dash 2, zoning in the BRD slash LC district.

Jeffrey: Okay. We've had some real good proposals, I think. It's a lengthy agenda, but we've had some good proposals that, although it is development, you know, it depends how you view development. The development that we're seeing is yeah, mindful, I guess, if you'd like to use that word, but mindful of the environment that, you know, of what we're all dealing with in the Old Orchard Beach and the world today. So I think this is another example of that, although this is really just a conceptual preliminary plan type of review, right now. No formal decisions need to be made by the planning board. They reached up, the applicant reached a point where, it seemed appropriate to and what is this?

So what this is, as chair mentioned, currently, there's a 6 unit apartment building on this property, 38 wavelet. They're proposing to entirely remove that and, put a 3 unit, building. You don't always hear about town sizes. But also, I think what's particularly good about this project is, again, another environmental benefit where they're adding more green space, pervious surfaces, and also pulling it a little further away from the, from the highest annual tide and far enough so it actually meets the setback, and it becomes a conforming structure, which is something that you don't really see that much.

So it's really good. A new building too, which will have new fire, meet fire codes, building codes. So overall, I would say it's a big improvement from the environmental and encode perspective. In the September memo, there's a number of items that we've

mentioned that we'd like the applicant to consider as the project moves forward in the process. But two particular ones that I'd just like to mention tonight, one is a flood plain. And the flood plain one's a kind of a weird one because what the applicant shows, the applicant provided a copy of the hard copy map, which is the official map, the map that you are supposed to use when you are plotting floodplain. And it according to the applicant scaling it, it's out of the regulated flood hazard zone.

But when you look at the, our GIS, our GIS paints a completely different story. I mean, both the existing floodplain and the floodplain that's on the proposed maps, it just shows no matter what the entire lot's basically consumed. You can't put that structure anywhere. And, not be in the flood point and it's not only just like a regular floodplain, it's the velocity zone, the V2 zone, which is a much more restrictive floodplain. So since but again, the applicant used exactly what they're supposed to use. You don't make your floodplain determination based on what GIS shows. You're required to make your determination based on those old 1984 hard copy maps. And they can be difficult. They can be very difficult to do.

But something that I think looks to protect the town and also the applicant is there's such a discrepancy between what GIS shows and what the official map shows that it would be worth the applicant's time and money. It's not my money, but it would certainly be worth to get that determination nailed by a professional, who is familiar with floodplain delineation, and to get that done. Be, and, and so that's one comment that I just wanted to bring up.

David Walker: You're making that comment to us. You should be making it to the applicant.

Jeffrey: I made it to yeah. Yeah. To the applicant. Yeah. So, the other one is parking. If you, if you notice on the plan, there is underground parking, which is different.

David Walker: I was going to ask, how many vehicles in the underground parking?

Jeffrey: It's look, it can fit two. 1 being a handicap spot.

David Walker: Okay. So the other four, you were saying, are going to be in an adjacent property?

Jeffrey: Nope. That's one of the options they have because I know that the owner owns, adjacent property. But they may not even need to do that because you need two spaces per, per unit and that they meet that on-site. But the one concern is the spaces that run perpendicular to wavelet and departments, both police and fire, this was their comments on this project where the concern about the backing up. Is there another option that you can look at to ensure that, to improve the safety of, vehicles on wavelets? So, that's something that, is requested. Those are the only two items that I have, and no formal vote. It's just a pre application sketch plan right now.

David Walker: So my concern with parking in an adjacent property, even though it's owned by the current applicant and the owner, he's shaking his head no.

Jeffrey: Yeah. So we don't even have to worry about that. Yeah.

David Walker: What if they sell that property? Then you have four spaces that are, like, in limbo now, unless it's part of it, because unless it's deeded.

Jeffrey: Yeah. I believe the standard requires it to be deeded. As an easement though. You know, not as like, like a full land title.

David Walker: Yeah. And I apologize. I had to shush you because I have a hearing aid, and it's turned up loud. And you were talking. It was coming in this ear, and he was talking. I was coming in that ear. okay. So you know my pain then. All right. Does anybody on the board have any questions? I'm a straightforward. Pretty straight straightforward.

Doobie: I do have a quick question for King. Is this mom's own property?

King: Yes. Wow. It's one of us.

Doobie: And did it go to all you boys or just it did?

King: Yep.

Doobie: And are they all involved with this too, or I mean it's like you are taking on this?

King: Yes, we are all.

Doobie: Just proposal.

King: Basically like they would what they would have it to.

Doobie: Now is this down by Allen's place? Is it closed?

King: Yeah. But it's the very almost to the end by SunSprite, Seasprite. High rise. It's two away from there.

Doobie: Okay. Thank you.

Hubert: I have a question. How many parking spaces right now?

Doobie: There's 6.

Hubert: Okay.

David Walker: All right. I don't think we have much to recommend. Looks like a pretty good plan. We appreciate you coming to us tonight. We'll look forward to you coming to us with a final plan and proposal. So thank you very much. Have a good night. All right. Everybody, thank you for your patience tonight. We have a long agenda. Item 7, proposal site plan, 4 dwelling unit residential building. Action, one year extension on approval. The applicant is Coastal Real Estate Holdings LLC. The location is 58 Portland Ave, MBL 205 Dash 1 Dash 30, zoning in the GB 1. So who's responsible for this?

Jeffrey: This one's me.

David Walker: We toss it in. Yeah. No? Exactly. All right.

Jeffrey: I think yeah. You all were on the board last year, November of last year, so you'll recall this proposal. It's pretty fresh in your mind. Right up the road from here, planning board approved a 4 unit building, and the applicant just does not start a construction. So you may...

David Walker: I think they sold the property. Didn't they sell the property?

Jeffrey: It's for sale, but it's as far as I'm aware, it has not been sold. So the applicant's doing the right thing, and looking to protect that that approval and protect that their rights to construct and, are looking to extend the start of construction date and also the start of construction needs to be within 1 year of the date of approval. Substantial completion needs to be within 2 years of the date of approval. So the applicant's looking to extend both of those by one year. The planning board has the authority to extend that. And the motion on...

David Walker: Page 40.

Jeffrey: Thank you. Page 40. The motion on page 40 has the specific dates for.

David Walker: So if I recall, our concern was, traffic congestion at that intersection, and the applicant actually did a traffic study that said there should be no concerns. And then there was an adjacent driveway as well that played in, but we couldn't utilize that. So I pretty much remember that. Yeah. Anybody from the board have anything to say?

Doobie: Well, there seems to be some condition that have not yet been met for this approval when the original approval. So should we request this to be done before we move forward with an extension?

Jeffrey: No. I think those, in my opinion, those conditions will be, worked on before actual construction begins. So it will carry forward through before the building permits are actually secured. So they won't be able to start construction until they have their building permits secured. They'll still t they'll continue.

David Walker: Do you have our voting record on the approval by any chance?

Jeffrey: I don't.

David Walker: No?

Jeffrey: Yeah. I don't.

Doobie: I believe it's final.

David Walker: Final?

Doobie: Over here.

David Walker: All right.

Doobie: I do have one quick question.

David Walker: Yeah. Speak to the mic though.

Doobie: This is actually like David said, the property is up for sale. Now extending this for another year, I have no problem with that, but if this property is sold, this does not go with it. Correct? The approval will not go doesn't.

Jeffrey: Oh, it does.

Doobie: Start over again?

Jeffrey: No. No. Approval runs with the land. So, the approval is not for a specific owner.

Doobie: Okay. So this is just for another extended for another year. Correct?

Jeffrey: Right.

David Walker: I have a question for the applicant. Did you seek this approval, this development, so you could enhance the sale of the property? No. Okay. All right. Anybody else?

Chris: I'd make a motion.

David Walker: Yeah. Go ahead. I motion to approve Coastal Real Estate Holdings LLC request to grant extension of site plan review approval for the 4 unit residential building project located at 58 Portland Ave, MBL 205 dash 1 dash 30. Expiration for construction to start now is 15 November 2024 and substantially complete on or before 15 November 2025.

David Walker: Yes. I'd like to add, if I could amend that, that no new extensions be granted beyond this.

Chris: I don't accept that as an amendment.

David Walker: All right. We got a motion by Chris and second by Robin. You want to call a vote please.

Jeffrey: Ms. Doobie?

Doobie: Yes.

Jeffrey: Ms. Hubert?

Hubert: No.

Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: Mr. Hitchcock?

Hitchcock: Yes.

Jeffrey: I'm sorry V. Chair Hitchcock and Chair Walker?

David Walker: No. So that motion carries 3 to 2.

Hubert: 3 to 2. You got it.

David Walker: All right. Item 8, proposal.

Jeffrey: That was 7.

Winn: There was 7.

Doobie: Yeah. Well, 8.

David Walker: Okay. All right. Good. Item 8, proposal, subdivision amendment. Extend Long Cove Drive, create 4 residential lots. Action, preliminary plan determination of completeness. Schedule public hearing. Applicant is the Atlantic Resource Consultants, Owner is Dominator Golf LLC, and the location is Long Cove Drive, adjacent to holes 5 and 6 at Doongrass, MVO 105A Dash 1 Dash 200 Zoning in the PMD.

Jeffrey: Yes. So this was last before the planning board in May of this year. The planning board held a site walk on the 1st June. A couple ongoing questions include how the dead end turnaround meets the ordinance and if it meets the needs of public safety and public works. And, without the road connection completed, where there's two sections of Long Cove Drive slash Road on the map, how will these lots be addressed? And the Wright Pierce review memo was included in your packets.

There was a note that some of the comments weren't addressed, specifically the stormwater management, hydro CAD model questions. And for staff comments, front setbacks on the plan are shown as 10 feet. There was reference to a note of parking of vehicles outside of the garage, to make sure there's no encroachment from the face of the garage in the property line. That note just couldn't be located, so that should be added. As with other dune grass, proposals outside of previously approved areas, open space calculations should be included. Addressing on this, there are some updates.

I discussed it with the town clerk, and it sounds like where the road segments aren't connected, that the applicant would just need to propose an alternative road name to be approved, and then that section would go by that name and in theory be addressed at higher numbers. So if the roads connected in the future, it could revert back to Long Creek. There were questions about feedback from public works. I know they mentioned consulting with them regarding snow plowing and the proposed turnaround. That may or may not have happened since the memo.

Planning board should consider the turnaround, and if it's acceptable, where it doesn't meet the ordinance exactly as it needs to. This was also a Wright Pierce comment and questions about, emergency use and, public works use. And then there was just some comments with stormwater management. There was questions about inclusion of the proposed roadway versus existing acceptance, and it just looked like the response was left off on page 7 of the last memo. And then just some other notes on the fire hydrant being located on the plans, updated responses to subdivision criteria, sidewalk details, updated turning diagrams. This was a similar situation where they just had the wrong size apparatus, and it has since been updated. So they can run those.

There were some comments about stormwater BMPs being in the right of way and how that would work, and then how it works in the future when the rest of the roadway is constructed. How will maintenance responsibilities be handled between the stormwater BMPs in the units proposed, as well as maintenance of bio retention filters on the individual lots. For recommendations where there's still a fewer bigger items that need to be resolved including the turnaround, storm water, and addressing street name, although we now have more information on that. And based on the right Pierce review, there's still, some outstanding comments. So we don't recommend a determination of completeness at this time.

David Walker: Comment from the boy.

Winn: Not really.

Hubert: Through the chair, the only thing I've got to comment about is supposedly this can't be completed until the section of that road is actually added to it for a turnaround.

Jeffrey: So, yeah, so that's something we should discuss. We'll start off right off of that. So and, Mike, correct me if I'm wrong. So the ordinance is, typically, you'd see you'd see a cul de sac on a dead end road. Correct. And so, where this road is eventually going to be completed, I honestly can't tell you when because we don't control the properties other than oh, the town has Dominic's land ends at the end of the edge of this plan. So that I guess that's a discussion for the board. Is the board supportive of, like, we show a temporary turnaround that does work for the fire apparatus. But when the road is completed, we just tear that out, put the replace the sidewalk right through there.

And then, so it works under NFPA guidelines for a turnaround for a fire truck. And we did run the new template. Everything works fine there. I think Mike is indicating that this is something the board should weigh in on as to whether what do you think is appropriate in this particular situation?

Mike: Well, we got to get a fire truck out of there if there's a fire. So...

Jeffrey: Which works?

Mike: Yeah. It does work. So the hammerhead's probably going to work until such time that that road is further developed, I would say.

Jeffrey: That's what we're proposing, but, you no comment does keep coming back.

Mike: Through the Chair.

David Walker: Yeah.

Mike: The chief had some comments while we were on the site back in May, and I presume he's opined since then to you about your plan?

Jeffrey: So his comments were, the dressing, which we'll hit right after this. And then as long as I can get a truck in here and turn it around and turn it around and get it out, he was fine.

Mike: We would just, have you talked with him since?

Jeffrey: I believe this was submitted back. So we'll follow-up with him again because we also just he hasn't seen the new his truck on that turning template. So but I'm assuming that, yeah, that's all going to work out fine when he gets this. And I, we, I think we had 3 things going in and something that left out of the submission that I saw later. That one's on me. You can kick me on that one. So but we'll actually just talk with Diane. We're actually going to have a full, probably a half day meeting with Raytheon over all

our projects so that we don't have to keep I heard a different story from her, and maybe I misunderstood, Mike, was that we're going to keep the road the same name, but on the sign they're going to put, we're going to put, like, 200 through 300.

So it'll be Long Cove Road, but in a series of 200, they'll know it's the top end. And then that leaves enough addresses between the unfinished portions. So I'll verify that because that's not something that needs to get fixed tonight. But, that was what it was. Because I don't think she had said we can't make it a different road name and then go back. That would be confusing.

Jeffrey: Okay. We can double check. So the other end of the road is called the drive. So why is why are you saying it's road?

Mike: So I think as it was recorded, it was long over road that the deep in the original recording plans, it was, we might have one in there. I think we have to be sure of that because I've lived in that neighborhood for almost 10 years, and I drive on Long Cove Drive a couple times a day. So I was involved in the project when that one got built, but I think on the record, it's Long Cove Road.

Jeffrey: Yeah. So it is confusing because I think GIS shows it as both Long Cove Drive on the Long Cove Drive side and then Long Cove Road on the other side. But it was accepted as Long Cove Drive, and it references as shown on the dune grass plan, the original dune grass plan.

David Walker: Well, that's, yeah. So we're, there should there should be clarity.

Jeffrey: Yeah. So we'll have assessment because she was weighing in on that at the sidewalk as well. And she said that she was going to go through. But we already have addresses at drive. It should just be drive, and then we'll pull the road off.

Hubert: And I think, like, yep. The storm has to change their records. Did they change it.

David Walker: Yeah. That's the thing. We can't we can't have people change their drafts once they...

Jeffrey: Oh, yeah. Sure.

Hubert: Through the chair can't get mail. I heard yeah. You can't get in anyway. I got one more quick question. Who owns the property after the end of that road?

Jeffrey: So the town owns the sewer the fact that there's a sewer district. And so, then the original developer's family still owns everything else in between. So, that would have been Barbara who's still alive. Still on it. I mean, I'm not. They've actually reached out to me about finishing it off, which I think would be a great idea. Yeah. That's true. None of us are getting any younger. Right?

Winn: So, well, they've cleared some lots back there, so it looks to me like they want to continue it on. That would probably be too soon.

David Walker: Okay.

Winn: I haven't heard anything.

Jeffrey: Yeah. They probably shouldn't be. Yeah.

Hubert: So you'll just be looking for a right away to cross that from the town? I mean, the town hates to sell properties. So...

Jeffrey: No. The town, the town has to keep it. It's a...

Hubert: So you're just looking for a parry right away to be able to cross into that section?

Jeffrey: No, it just the, the rest of the development tarn of the big development. It's on both sides of the section M and section Q and then the road the bisects M and Q on both sides so it's basically it's a paper street that's unfinished, that has land that people own. And then like Dawn's doing here, if they want to develop their parcel, they would have to come up with the money to build the road. You went to town standards like we're doing to develop their parcels.

David Walker: So you're already down there. Makes sense to just keep falling forward.

Jeffrey: I want to just as a feather in the gap. So the tissue test finish it off.

David Walker: One more thing. Oh, Dom was here. He had to go, but he did raise a good point. I'd like to ask a favor on his behalf and mine. Sort of like we did with Red Oak. He was wondering if you could at least schedule a public hearing for next month be only because people start to leave the golf course as the weather starts to turn. And he and he understands that we're not getting completeness tonight, but that if people had the opportunity to speak, it might be a good idea before November. So I then I don't know. It seems like we're okay with.

Jeffrey: The few that speak the better in my opinion, but, okay, we could do that. Well, let's We'll schedule a, a public hearing on Long Cove...

Hubert: The 12th Street Drive.

Jeffrey: Drive Road. On item 8 for 12th.

David Walker: Okay.

Jeffrey: All right? So that's your third thing?

David Walker: Yep. You got me one more time. I'm sorry. All right. Good. Thank you. Unless any board members have anything else? No. All right. So we'll table this until next month when we have a public hearing. All right. So that was number 8.

Doobie: 9.

David Walker: Let's move on to number 9. Thank you, Jason. All right. Item number 9, proposal subdivision amendment. 2 additional infill lots with shared driveway access from Ross Road. Oh, I know this one. Preliminary plan, determination of completeness, scheduled public hearing, Atlantic Coast Resource Consultants, Owner, Dominator Golf LLC, location, Ross Road, MBL 105A dash 1 dash 200 zoning in the PMED. Okay. This is pretty much the same thing as the last one. So...

Jeffrey: If we could just do the public hearing.

David Walker: We'll have. we'll schedule a public hearing for the, 12th and table this until then. Okay?

Mike: Yeah. Do you want any updates sir?

Doobie: Yes.

David Walker: Is there anything different than what you submitted? Or else I'm looking

Mike: Yeah. No. We'll update everything because that one really had some bad news in it.

David Walker: Okay. Yeah. I'm good with that. I know you want to speak, Mike. Go ahead.

Mike: Well, I was just going to say, I think there's some of butters here who haven't heard any recent updates, so there maybe should be some discussion or updates even if the applicant wants to respond.

David Walker: Sure. Go ahead. Yeah.

Mike: Yeah. So last before the planning board in October 2022, there was a site walk conducted in September 2022, and this review was last tabled. Applicants aware of that. We were looking for 4 things at the time, satisfactory responses to the comments, concerns, and questions in the Wright Pierce memo, written verification from DEP on required buffering and setbacks, written verification from DEP on the site location of development exemption, and then the E911 addressing.

We do recognize with DEP that getting that information is very difficult and usually more a part of the actual permitting. So that might be worth some discussion. We did get responses to the right Pierce review memo. That was included in your packets. It seems

like it's recommended that we meet now to discuss those comments and get some of those, straightened out. It's still referenced as two units on Ross Road.

So there's ongoing questions about addressing. It just needs to be straightened out with the assessor. Same deal with the sewer comments and then staff comment, completion responses to those. And then there is one new comment that wasn't discussed previously. It should just be discussed is there has been discussions of a path or a sidewalk being installed along Ross Road, but I'm not completely sure of the status and where is that is at. It should probably be determined if it would be on that side of Ross Road, if the town even knows that, and if it could be accommodated with along the frontage of these homes. Kind of just a up in the air comment, but it has been something that was discussed and should be considered.

And then as with other proposals in Dune Grass, the open space calculations, so we just recommend responses to those items and clarifying on those previously tabled items. Thank you.

David Walker: Yeah. And I actually can give you updates on that. So the DEP, I think when those comments were issued, we were going for the exemption, which wouldn't have and then they said, well, this doesn't comply with the original permit. You need to get verification. So we're actually getting a full amend, an amendment to this so that they'll make those findings when they write the permit, Mike. But my understanding is that the setback is fine at 50 due to due to the precedent that DEP no longer looks at setbacks. And so that setback does not serve in a, a stormwater component. And so that the setback can be reduced to 50 in this permit. And then, so there's no so that and then the exemption thing goes away because we're not going under the exemption.

And these units will have a while no. There's a Ross Road address, and it'll be A and D, I believe, is how assessment is going to do it. And I'll make sure those are going to go in.

Jason: Yeah. The recommendation, I believe, was to name it its own, like, street name as a private driveway and give it a separate name for addressing, which I think you'll find out if you talk to them. This was just recent comment, so I didn't get it in the memo.

David Walker: Nope. Okay. That's good. Because the last time I talked to her, Okay. That's fine.

Jason: Sorry. Thank you.

David Walker: I'll see if she's happy.

Robin: Through chair, Jason, we need all of these things answered before the next meeting, not the hour before or the day before. You know what I mean? It, I just...

Jason: You're going to meet with everything.

David Walker: So the Wright Pierce comments. Yeah. I, as far as I don't know that the DEP will give me anything. They might give me an email that says that the setbacks are

Robin: As long as we can see something or they can see something I mean, it's been over a year, so you should've heard from them.

David Walker: No. So we definitely can give you an answer to two based on the submission in there. So three, you don't need an answer for because there is an exemption. So that that's off the table. So, yeah. And then the assessing thing, I think, we got we got to figure it out.

Robin: Thank you.

Jason: Through the chair.

David Walker: Yes.

Jason: I'd like to understand that setback another minute. Maybe I didn't listen close enough. So when you originally proposed this, I don't remember the number, but it was fairly low. Then there was a comment about that it should be a 100, which was the setback for the whole project for the whole of Dune Grass?

David Walker: Yeah.

Jason: So the exterior wall. For the edges. Yeah. The outer edges. So whether DEP changes the way they approach setbacks or not, why is that not the 100 foot?

David Walker: There's a lot of history with that, so I'd have to go back and sense.

Jason: I didn't think...

David Walker: I'm sorry.

Jason: Why is not the 100 foot the dictating number?

David Walker: Yeah. So there is a lot of history with dune grass, and I'd have to go back. But if I recall, that 100 foot setback that was referenced was like a buffering setback from the roadway. But using their example, I believe it was locasta, yeah, the first section when you turned in that is one of the ones that has that reduced setback, which was previously approved. I tried to do some research, but it was unclear where that was approved and how it was spelled though in the DEP permit.

Jason: Or whether it was appropriate to approve it that way.

Jeffrey: But there's a precedent. Sorry, that is what you're saying.

David Walker: So actually, I could give you a little more information that might help you. Please. So the 100 foot setback is not a town setback. So this is in the PMUD, and I believe the PMUD just as going to use on top of that the town ordinance is 50 from or maybe it's 35. I'll have to go back and look at that. But then so your town ordinance, like, if this didn't have a DD permit and we came in under the PMUV, there's a setback. It's I believe it's 35 because that's what we have on the meeting from exterior property lines. Interior property line setback is not required.

So when we, there's a DEP permit that had a 100 foot buffer in the original 1981 approval, and that was for public roadways. DEP has since no longer has a buffer requirement in their review, so they changed site walk.

Jason: Yeah. I heard you say that, but I'm wondering why that trumps, the original approval.

David Walker: The original DEP approval?

Jason: The original plan for the overall project.

David Walker: Well, I guess that's your personal decision to make in this particular situation. But previously, those so the town doesn't have a requirement other than if you want to say the original plan, you'll hold to the original plan, but you'd like to see that honored, which is fine. Yeah. But these lots would not be able to be built with that setback. So the would be off the table if that's the board's direction.

Jason: But the state trumps the town anyways, right, in terms of.

David Walker: Not for local zone.

Jason: Yeah, okay.

David Walker: So the state does not actually look at zoning. They look at land cover. So your it's all your ordinances and your approvals that regulates that.

Jason: I'm still confused.

David Walker: Well, I feel like there...

Jason: I feel like there ought to be some authority above us that that opines on whether it should be 50 or a100 because it feels to me like it ought to be a 100. And that so you approve in our initial project, and it ought to be honored.

David Walker: So you just want to see that come back on and that's the direction you're giving it?

Jason: The 100 foot.

David Walker: Yeah. I mean it. Well, you want their determination because it...

Jason: Yeah. I think somebody ought to a 100 feet. Other than us.

David Walker: We're not here.

Robin: Yeah. I also have a comment, Mr. chair.

David Walker: Yes.

Robin: If the town is deciding to do sidewalks on the crossroad, it's going to take land from the homeowners, and that setback is could be reduced because right now, it's very narrow, and there's no room for sidewalk with the ditches and stuff.

David Walker: Yeah.

Robin: So that's going to reduce set, 50 foot setback. How would the town make a decision on that?

Jeffrey: So the sidewalk slash walking path comment was kind of just based on previous discussions that have gone on just for it to be considered. But I believe there's a 50 foot right of way out there, and their current road width isn't taking that up, but I'd have to double check.

David Walker: Yeah. So, Michael, do you know if the sign if they're going to enclose the drainage and put a curve up or if they want it like a trail separate.

Mike: I don't believe discussions or there's anything that far, but I'm not a 100 percent. I just like I said, I had heard it come up before and wanted to mention it because I didn't want any surprises during the review to come up where all of a sudden there's a public works comment about a sidewalk that no one was aware of.

David Walker: Well, we can we can do an easement.

Robin: Yeah. Because there is some very big ditches there that's probably taking the 50 foot right away. And but then the easement, if it's in the within 50 feet of your setback, can we do this? They put a sidewalk within that 50 foot setback.

Jeffrey: Yeah. I can look and see what the original approvals were and what's been decided since then. And if the board wants, the applicant can probably try to get some sort of response from DEP that either the setbacks would be confirmed through permitting or something more concrete prior to.

Mike: So we have a town attorney. Correct?

Jeffrey: Yes.

Mike: Could we have the town attorney look at this issue in terms of the 100 foot versus the 50 foot?

Jeffrey: Yes.

Mike: And that would be a high order.

Jeffrey: Yes. For sure.

David Walker: That would be wiser. Yeah. Because DEP is going to say, well, we don't do local zones.

Mike: Yeah.

Robin: There are homes that were recently built that are not and perhaps you know, they are within a 100 foot. There's, like, one right next door. It's like...

Mike: Well, I was going to raise that question.

Jeffrey: Different zone.

Robin: Oh, it's a different zone, but it doesn't it's on the same road.

David Walker: So, Jeffrey, you'll, you'll see that that that gets to the town attorney for a review?

Jeffrey: Yeah. What we try to do is minimize costs, and, when we do that, we'll put together Mike will do some, research, and then we'll put, we'll have, we'll get that packet to the, town attorney for comment.

David Walker: All right. Thank you very much.

Robin: Do we have any of the decisions in all of those things that we did back in, 2022 or whenever this was brought up? Is there already paperwork from prior?

David Walker: I'd have to look at what we have in the file for the permits and what it spells out.

Robin: Do you know what I mean there must be something was discussion. Prior to week...

Jeffrey: We discussed it on the sidewalk, and that's how this.

Robin: And that's all fair.

David Walker: So we remember, we did originally propose 35. And then at the site walk, we agreed to make it 50.

Robin: 50. Yeah.

David Walker: Well, we agreed to look into it because I thought we got some feedback, we got some feedback there butters had a 100 foot.

Mike: Correct.

David Walker: And we said, what you know, we can't do the 100, but we can do the 50, which was what Macosta had created.

Jeffrey: But we didn't know all that that.

David Walker: Yeah. Yes. Correct.

Jeffrey: Okay.

Robin: Did you just say the abutters are in a different zone?

David Walker: Yes. I think they're in the heart. Oh, that would Nice week at all.

Jeffrey: Yeah. Sure. Go ahead. This is kind of informal anyway. So..

Winn: All I need is just...

David Walker: Just identify yourself when you approach the mic. I kind of know who you live in the yellow house. The infamous yellow house.

Winn: [Indiscernible] 73 Ross Road.

David Walker: Yeah.

Winn: So, you know, I get a bit of a story where there's a point to it. So we purchased this lot from town councilor across the street. We were told by the councilor before we purchased there was an RV zone. We went to town. I asked a code for our officer what zone that was. They said it was an RV zone. I asked they said go to the tax records. I went and talked to their selling tax office. They said it was not his own. He purchased the law. We went to get a permit. We denied the permit because we found out that it was actually part of the PMED line.

So we spent a year trying to be able to build a house there. And so we worked with a planner and basically determined that we had a lease on this this law, so it took us a year to delay to do all that stuff. I'm just looking for people to follow the rules just like we

had to do. So whatever that is, you know, it is a 100 foot setback from the original plan is what I understand. There's nothing on that original plan that says that this is a setback.

David Walker: And yours is a 100 foot?

Winn: Mine's a 50 foot. I got my zone to an RV zone.

David Walker: Okay.

Winn: So I mean, you know, maybe that's an avenue they could look at is rezone it like we had to do into an RV zone, or else we would recommend buying that 100 foot even though we were told by three different town officials.

David Walker: Well, we thank you for sharing that information.

Winn: Yeah. It clarifies sometimes.

David Walker: All right. So for something that we were going to move forward on, we really hammered the hell out of that, didn't we?

Jeffrey: Yeah.

David Walker: I think and just to an add, and the attorney is going to tell you this, that plans can be amended, but zoning can't be amended. Right? So you have to go through a zoning change. So whatever the underlying zoning is, I'm assuming the attorney is going to say, as long as you meet underlying zoning, zoning, you're fine. So but she might opine on whether a previous approval can enforce her. I mean, you're right. You were buying a property that has a 50 foot checkbook back. It makes sense to me that it would be 50 feet, but I'm never been accused of being a sensible person in any way. So we'll take a listen. So next month, with, with the public hand phone here.

Jeffrey: Perfect. Thanks, sir.

David Walker: All right. Thank you. All right. We're getting closed. Item 10, proposal, subdivision amendment. Amend monumentation requirements for right of ways. Action is a discussion and final vote. The applicant is Apnea Development, and the location is, Village at Pond View Woods, Casey Lane, Page Ave, Boucher Court, and zoning is the RD district. So it's pretty simple?

Jeffrey: Yeah. Yeah. It's real simple. In fact, I think whenever we get a chance to clean up the ordinance, this is a requirement that needs to be removed. And what that requirement is for when you have a right of way in a subdivision, there are points of curvature, not actually boundary lines for individual properties, but certain points along the right of way that, only serve for the purpose of identifying where that right of way exists. And our ordinance requires those points to be marked in either stone or, monument or granite. That's, that's great and it could look very attractive, but then the

ordinance goes on to say that those must be flushed with the ground. So it does away with all of that...

David Walker: Four-foot deep too. Right?

Jeffrey: Well, yeah. Yeah. And when you're talking about a ledge area, it's tough. And so, the planning board has the ability to waive this standard. And as I won't go into all the detail, but I gave you, like, my survey. Given this is really old, you know, I'm sure Jeff here knows way more than I do, but having done, you know, tried to put in granite compared to cast rebar, which is way better, it can be picked up by a metal detector, you know, it's just a better way to mark this kind of stuff. It makes sense to make that change. Then you add in that, you know, is a granite monument required for public health, safety, and welfare? Absolutely not.

There's no question about that, in my opinion. So, I think the planning board should grant the waiver, approve this request and there is just one change in the motion the could act the development, the name should actually be The Village at Pond View Woods LLC. So if you choose to make that motion please replace Acnea Development with The Village at Pond View Woods LLC.

David Walker: My guess is the original writer of this ordinance had a brother that owned a quarry somewhere. Just to say. Anybody from the board want to make any comments?

Mary Anne: No.

Mike: No?

Jaffrey: Makes sense.

David Walker: Okay.

Hubert: I'd like to do more waiver.

Mary Anne: I'll make a motion.

David Walker: Okay. Please.

Mary Anne: I'll make a motion that Village at Pond View Woods Development...

David Walker: LLC.

Mary Anne: LLC received their request to replace granite monuments with capped rebar by finding granite's monument is not requisite in the interest of public health safety and general welfare.

Robin: Second.

David Walker: Motion by Mary Anne and second by Robin. You 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: No. So that motion carries 5-0. Thanks for waiting so long, you guys. But we had to get through an order, and that's what we did. So thank you very much.

Peter Bouchard: Yes, sir. My name is Peter Bouchard. I'm the developer. I live on 7 Page Avenue, which would be within this sub-development. If you haven't been there, come drive through place. I'm proud of it. I named the streets after my children, Casey Lane, who Casey was murdered, a year ago March down Florida. So I'll be moving. It's too difficult for me to be there. The second street is Page and the third street, of course, is our last name. But let's say all this to say that I've worked with Jeffrey since 2015. He's a gem. You folks are lucky to have him. He's a real good guy. He tries to balance the public safety, what's best for the town with good common sense. So thank you all.

David Walker: Thank you for saying that. In fact, the, the town manager's in the back room listening as we go along. So good timing. Yeah. Great job, though. We agree with you. Thank you.

Jeffrey: That was nice.

David Walker: All right. Other business, just a reminder that we have some plans to sign tonight before you leave, gang. Okay? And I have one special well, I have two things. First, I got to say that the developer at that storage unit has done a magnificent job. It is the most beautiful project I think I've seen in this town in a long, long time.

Winn: Is there a fence coming up? I don't know.

David Walker: The fence is up, and it has slats in it, black slats. It's beautiful. Really beautiful. So I don't know if you've been buying them.

Jeffrey: Yeah. It really does look great.

David Walker: It's nice when you see a project come to fruition like that. You know?

Mary Anne: Something that really cares. Yeah. You know? I would like to also say that the rewording of the, of the affordable housing development mandate there for from multifamily to saying that, no single lots, multiple housing will be allowed in everywhere single lots are or whatever you say. It made all the difference for me.

David Walker: It's the contract zone you're talking about?

Mary Anne: Yeah. The ordinance amendment. I mean, the ordinance amendment and that, the prohibiting single family, only zoning district. This is that made a whole difference. That's all we were needing. Right?

Jeffrey: Yeah. It's just the way the wording.

Mary Anne: You know, for the multi-family, you had a multi-family thing there. And that's all that's needed is to say that single family only is prohibited. This is pretty cool.

Jeffrey: And that's essentially what the state law's doing so.

Mary Anne: Yeah. But, I mean it made a whole difference.

David Walker: Okay, Mary. Thank you.

Mary Anne: Yeah.

David Walker: And I had one other thing I wanted to mention is if you're not going to be present, would you let either the planner know or me know? Because, Jay will definitely come to the meeting if he's going to be needed to fill a seat, as I'm sure Sam Dupree will as well. So it's important that we find out really enough so we can reach out to them. Okay? So just a text or a phone call is all that I need.

Mary Anne: So I won't be here in November.

David Walker: November. Okay. All right. Thank you. But you'll be here in October. Good. Good. Good. Good. All right.

Jeffrey: Great, great job. I have 45-page memo and a huge packet. You really, you really did a nice job on this. Well, thank you.

Planning Board Meeting Sep, 14 2023

David Walker: I can't believe you guys put this product together month after month after month in addition to all the other work that you do. So...

Mary Anne: Absolutely.

David Walker: It's unbelievable. So...

Mary Anne: This, yeah. This is like the Bible. Make a difference, it really does.

David Walker: Yeah.

Mary Anne: It's yeah. We appreciate it.

Winn: We adjourn. Yeah.

David Walker: Yeah. Motion to adjourn by Winn...

Chris: Second.

David Walker: Second by Chris. Looks like it's anonymous, thank you everybody, have a good night.

Mary Anne: Thank you...

Planning Board Meeting Sep, 14 2023

David Walker: I can't believe you guys put this product together month after month after month in addition to all the other work that you do. So...

Mary Anne: Absolutely.

David Walker: It's unbelievable. So...

Mary Anne: This, yeah. This is like the Bible. Make a difference, it really does.

David Walker: Yeah.

Mary Anne: It's yeah. We appreciate it.

Winn: We adjourn. Yeah.

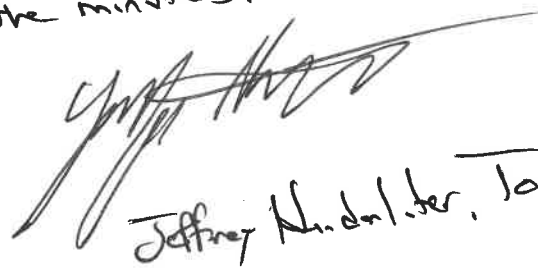
David Walker: Yeah. Motion to adjourn by Winn...

Chris: Second.

David Walker: Second by Chris. Looks like it's anonymous, thank you everybody, have a good night.

Mary Anne: Thank you...

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


Jeffrey Nudaliter, Town Planner