

Planning Board Minutes 9.12.2024

Chris Hitchcock: Welcome to the Old Orchard Beach Planning Board regular meeting and public hearing for September 12th, 2024. I'd like to call the meeting to order. My name is Chris Hitchcock. And I'd ask you to join me in the pledge to the flag.

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

Chris Hitchcock: Jeffrey, could you call the roll, please?

Jeffrey: Mr. Hitchcock?

Chris Hitchcock: Here.

Jeffrey: Ms. Dube?

Robin Dube: Here.

Jeffrey: Mr. Kelley?

Jay Kelley: Here.

Jeffrey: And Mr. Winch?

Winthrop Winch: Here.

Chris Hitchcock: Note that David Walker, the normal chair, is not here tonight, so I'll be the acting chair in David's absence. And Mary Anne Hubert is not here as well. They're both out of town. So Jay Kelley will be an active participating member for this evening.

We're going to start with the public hearing. The start time is 6:32. The proposal is a Major Subdivision and Site Plan, 61 Unit Single Family Condominium Development known as The Forest. The applicant is Atlantic Resource Consultants. Location is 63 to 91 E Emerson Cummings Boulevard, MBL 207-1-2, Zoning, contract zone at PMUD.

Anyone interested in talking about this proposal, either in favor or not, please come to the podium. Give us your first and last name and your address, and make sure the mic is aimed at your mouth.

Silas Canavan: Hello. Silas Canavan. Someone here for the project with Atlantic Resource Consultants. I'm just going to put a plan up here. So I'll do the reference if necessary.

Chris Hitchcock: Okay. Thanks. Anyone interested in talking about this proposal? Any of others that are interested in expressing their opinions? Hearing none. We'll close the hearing at 6:33. We have minutes from August. Someone showed up. I reopened the public hearing. Yes, sir.

Gayton Turgeon: Yes. My name is Gayton Turgeon. I live in Cider Hill Condominiums [indiscernible] [00:03:46] one project. And we've been through various conversations with the developers and its all positive for the most part that we see our only that going forward. And we've addressed this with Jeffrey and the town planning board. Is possible water overflow on the far end of the construction, the far end towards [inaudible] [00:04:30] Road. And there's been water problems there in the past that our community has dealt with even without excessive building.

Our only concern is that with the added buildings, water flow based from any severe rains or extra rain that may flow from the rooftops and have improper flow to impede the back end of our units because we have had problems in the past and had to irrigate, change the water flow and change topography and land back there. And our main concern is that if this construction does increase that water flow, is that going to impede the back ends of those 10 units? And that's our only concern that we want to bring forward.

Chris Hitchcock: Okay.

Gayton Turgeon: Other than that, the project looks exceptionally well planned.

Chris Hitchcock: All right. Thank you for your comments.

Gayton Turgeon: Thank you.

Chris Hitchcock: Anyone else? Don't be nervous. All right. Now, I'll try to close it at 6:37. We have minutes from August 8th. Are there any changes, additions, deletions? Any motions?

Robin Dube: Motion to accept as written.

Winthrop Winch: I'll second.

Chris Hitchcock: Motion is seconded. Call for the vote, please, Jeffrey.

Jeffrey: Mr. Hitchcock?

Chris Hitchcock: Yes.

Jeffrey: Ms. Dube?

Robin Dube: Yes.

Jeffrey: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey: And Mr. Winch?

Winthrop Winch: Yes.

Chris Hitchcock: That passes 4-0. We'll now proceed to the regular business. Item 2 is a proposal for conditional use, Adult Use Marijuana Store. Action, conditional use review ruling. Applicant, Theory Wellness of Maine 4 LLC. Location, 11 Ocean Park Road, MBL 210-10-2, zoning in the GB1. Jeffrey, can you cover this for us?

Jeffrey: Sure. And thank you. And one thing that I'd like to note is that it's an interesting agenda as a whole this month. If you look at it, we have almost 300 new dwelling units that are proposed in some manner. And what's good about this is that almost every single one of these applicants is proposing some sort of affordability aspect to those units. So that increases something that we desperately need in town and something that Mike and I have been working on. Also, for the applicants that do have some extra land, they are looking to conserve that land, build recreational trails for the public. And that is something as the planning board knows too that we've also been working on.

So, it's just good to see some of our plans actually coming into a reality. And that only happens when we have good applicants to work with. And I think we're very fortunate with that. So with that opening, our first item is a marijuana store. And as the planning board knows, we have been reviewing this in some manner for quite a while as well as the town. And this particular proposal right now is for the actual application approval of the one store that is allowed in the town. And that particular location is at 11 Ocean Park Road.

So at the August planning board meeting, the board determined that the application is complete. And as you know, the determination of completeness does not approve or deny a proposal. It does not determine if it complies or does not comply with the standards. What it is it just means that the planning board said we have the information we need in order to perform that technical review now. So we began that review, actually this month, in some respects, you can say that. So for our September meetings, the planning board was scheduled to hold a public hearing which was held last Thursday night. And tonight you're scheduled to make a final decision.

So at the public hearing, I certainly expected more folks to come out and talk about the proposal. But the only folks that we had there were the other lessees of the same building and their comments were directly related to right title and interest matters, including if the applicant has possession of the building. I'll hit back on this in a moment. So that was pretty much it.

You know, we received a number of comments. And as I understand you received an email that I have not yet viewed later this afternoon from the same folks that commented at the public hearing. It'll be important that our town attorney takes a look at that information so we can advise you and out of respect and recognizing the applicant's

rights too, they need to be aware of that too. I just haven't gone through that. So that needs to happen.

So the final decision is scheduled for tonight. Planning board responsibility is to determine if the applicant has met the 12 conditional use criteria and also the adult use marijuana store ordinance, which has a bunch of its own criteria. And I'm going to get right to the point without really dwelling on a lot with this because we could be here all night with this one proposal.

So during my review, when I was trying to develop the findings of fact, which you're required to approve or deny the same night that you make a final decision. It was my opinion that the applicant, they may have in some manner addressed something. But I could not find a fully positive or a fully negative manner language to support a findings of fact which then leads me right to a fully negative finding. So because I felt that the applicant did not demonstrate clear compliance with all the conditional use standards and the adult use marijuana ordinance standards, I was kind of stuck writing those findings of fact.

And the areas that I was stuck on were related to traffic, parking, buffering, and signage. I go into detail in each of these in your memo. So trying to create this, I was trying to figure out what the next step is, and really what the next step is, and especially considering some of the information that was discussed at the public hearing that we have two voting members that are present tonight. While that reinforces what I already decided in my mind to recommend is I really do highly recommend that the planning board postpone their vote until the applicant has an opportunity to respond to the items in the memo.

And given the concerns from the other lessees of this building that we received at the public hearing, I also believe that the applicant should have the opportunity to address those concerns from those lessees, so the planning board can have both sides of this story. I think that's really important. It's important to hear the other lessees and recognize their comments. And also to be fair to the applicant, it's important that they have an opportunity to respond to those comments. Responses to those comments as well as to the comments in the memo should be in writing. I highly recommend that they're in writing and that the applicant provide that to us so we can then have the full picture to make that final decision.

If I were to recommend a final decision tonight, unfortunately, I can't find that this proposal is in compliance. So I think that the applicant needs to have that opportunity to respond to those outstanding items. And then, I can review it again and maybe I'll have a different recommendation.

Two updates. One is associated with parking. As you'll see in the memo, what I requested from the actual property owner is that they provide a letter to me is to clarify the use of one of the buildings that's on the property. One of the buildings was approved for a retail slash office use. Retail requires more parking than an office use. At the time of

writing the memo, I did not have that letter from the property owner. The property owner provided me that letter earlier this week. I now have that letter and I'm confident that letter is acceptable. So I think the parking space matter can be entirely removed.

So really, what it comes down to is responses to the traffic, the buffer and the signage, and also some kind of response to the other lessee's comments regarding right title and interest.

The second item that I have here, I just actually discussed was out of respect for the other lessee, I really think those are important comments for the planning board to consider. And again, I recommend that the applicant provide a response to that. So I recommend that you postpone this vote until we receive that information from the applicant and we can then move forward with the final meeting. The clock is ticking on this proposal. I believe it's November 3rd or November 4th when a final decision must be made. So no matter what, a final decision must be made by that date. You'll find a motion on page 6 of the memo. Thank you.

Chris Hitchcock: Should we probably have the applicant here. Should we give them an opportunity to speak if they'd like or not if they don't?

Brandon Pollock: Yeah, I will. Good evening. Brandon Pollock, Theory Wellness Main 4 LLC. Hope everyone's doing good. I can keep it brief. You guys have a decent agenda tonight. We received the information from Jeffrey, the request. It all makes sense and we'll respond in writing as requested and appreciate the opportunity to postpone. Thank you.

Chris Hitchcock: Great. Thank you. Would anyone like to make a motion?

Winthrop Winch: I'll make a motion, Mr. Chairman. Let me postpone this...

Jeffrey: If I may, Win, no vote from Win. And I apologize, Win, because Win was not present at the public hearing for this, so.

Winthrop Winch: I was at the public hearing.

Jeffrey: I'm sorry?

Winthrop Winch: I was here at the public hearing.

Jeffrey: I'm sorry, at the determination of completeness for it.

Winthrop Winch: Okay. And I also watched the entire video. It wasn't that long either. So I'm fully informed.

Jeffrey: Yeah. It's just in our policy. I'm just looking to protect you guys.

Winthrop Winch: Yeah.

Jeffrey: Yeah.

Winthrop Winch: So somebody else get going.

Robin Dube: Jay.

Chris Hitchcock: Jay.

Jay Kelley: Through the chair. I'll make a motion to table this item until we have the answers to the questions that Jeffrey has outlined for us, also until we can have a full voting members on board. And also until Jeffrey, did you say we wanted the attorney to look at that letter, the latest information? I'd like to have the attorney do that before we make any decisions also.

Jeffrey: Sure.

Jay Kelley: So that would be part of my motion.

Winthrop Winch: Good point. I'll second. I just can't second.

Chris Hitchcock: Would you second it?

Robin Dube: No.

Chris Hitchcock: Okay. I'll second. Would you call the roll for the vote?

Jeffrey: Sure. Mr. Kelley?

Jay Kelley: Yes.

Jeffrey: Mr. Hitchcock?

Chris Hitchcock: Yes.

Jeffrey: And Ms. Dube?

Robin Dube: No.

Chris Hitchcock: That carries 2-1 with one not voting member. Okay. That was fun. Item #3. Subdivision and Site Plan, 61 Unit Single Family Condominium Development, The Forest. Action Subdivision and Site Plan Ruling. Applicant, Atlantic Resource Consultants. Location, 63-91 E Emerson Cummings Boulevard. MBL 207-1-2. Zoning, contract zone, and PMUD.

Jeffrey: Let me just write another note real quick on the last one. Okay.

Winthrop Winch: Which one?

Jeffrey: The forest proposal. So at the August meeting, the board determined that this application was complete conditioned on the applicant providing follow-up to a couple of different requests. What those requests were associated with was the road and driveway classification, exactly how are these roads defined in this development. Road and sidewalk lighting. Just to give us an idea what the exterior lighting is for the road and sidewalk. Submissions of landscape plan, clarity on public use of the internal sidewalks, add some notes on the plan and in the condo docs regarding the road to remain private in perpetuity. And then comments in response to Wright Pierce and also in response to Gorrill Palmer, our traffic engineer.

So this month, the board just had a public hearing, and a final decision is scheduled. So as part of the final decision, the board is responsible for ensuring the applicant acceptably address the items identified as conditions attached to the determination of completeness. So those seven items that I just read off. I wanted to make sure that they were addressed. And of course, in addition to this, we check to see if the applicant demonstrates compliance with the subdivision and site plan review standards.

So in regard to addressing the conditions identified in at the August meeting, those seven that I mentioned, I believe that the applicant's responses and submissions are acceptable. And probably the two most important of these are related to site engineering with Wright Pierce and traffic engineering with Gorrill Palmer. Regarding the traffic engineering comments, the town's peer review traffic engineer concluded with a few recommendations. One of these recommendations was to ensure that the sight lines were clear for those who are turning onto E Emerson Cummings. How we've dealt with that is there's a condition attached to it.

The second was related to the speed limit on E Emerson Cummings. That's not something that the applicant's responsibility to figure out. It's more of the towns. I had notified our town manager and our police chief and vice-chief just so they're aware that there's a question about what that speed limit is on that section of E Emerson Cummings.

So interesting, we heard tonight two of the primary comments all along, two of the comments that we've had as staff and certainly from abutters have been the potential for this development to increase water runoff onto Cider Hill, the adjacent property. So that's number one. Number two is to ensure that there is an adequate buffer that exists at the time of development when these homes are being occupied. And also that that buffer continues to be maintained over time. So the buffer stays and it stays in as healthy of a condition as possible.

So our engineer has been aware of that. So our engineer, our peer review engineer has been mindful of the water going on to an abutting property concerns. I know that the developers and their engineer has certainly been mindful of that. Hopefully, they can

speaking to that a bit tonight. And the buffer, anything we've asked, I got to say, these applicants have been fantastic to work with. Anything we've asked they've provided. And so that's built up a lot of trust. Of course, they're looking out for their interest too, understandably.

They're looking out for the interests of the neighbors. They're looking out for the interest of their future residents of this development too. So, really, I believe that we're at our conclusion right now. The proposal has been in some stage of review for over a year. I know the developers, the folks who have the property under contract have been involved with this for quite some time. One of the big issues before this got anywhere in front of any town municipal decision body was trying to figure out the sewer, which was a pretty big issue early on and actually prevented other developments from moving forward in the past.

So we've had a total of three public hearings, a site walk, the proposal has been reviewed by the council a number of times. It's been reviewed by planning board multiple times. So this has definitely been reviewed. The traffic engineer comments, it all comes down to one comment, and it's minimal. We have a condition attached just in case. And even our town engineer, the comments are pretty minimal. One, in part, they're leaning on the department of environmental protection to ensure that they also look at stormwater.

And so, really, in my opinion, I think the proposal's ready for a final vote tonight. There's a motion at the bottom of page 18 and the top of page 19 should you decide to move forward with that vote. Thank you.

Chris Hitchcock: Would you like to address the board?

Silas Canavan: Yes. Thank you. Silas Canavan. This is for the Atlantic Resource Consultants, civil engineer for the project. We've also got Jason Labonte here who is the applicant part of Seacoast Land Acquisitions. I think there was two kind of primary things we needed to address here. One, stormwater as one of the abutters had talked about. *[Inaudible] [00:28:10]*. So this is our grading and drainage plan.

Chris Hitchcock: You're going to need to be back at the mic for the public to hear you.

Silas Canavan: So this is our grading and drainage plan. I know it's a little difficult for you guys to see. But, basically, our stormwater management system consists of seven grass underdrain soil filters, which are these basins. There's a number of them kind of spread throughout the site. And then there's also three, what we call rain gardens, which are similar, but they're more of like, they look more like gardens and just grass basins. So, altogether, we have 10 stormwater BMPs that are going to intended to control both storm water peak flow rate, volume, and treat the storm water as well.

This project is big enough to trigger a main DEP development act permit. So we also have to meet the DEP stormwater requirements, which is chapter 500. And we do meet that both by treating 95% of the runoff, coming from impervious area and 80% of the

runoff coming from developed area. We're actually exceeding those numbers in this case. And then we also have to make sure that we're not increasing runoff at any of the locations where storm water leaves our property in the two-year, 10-year, and 25-year storm. Those are the basics of the stormwater requirements.

So I believe the primary concern from the neighbors was this property line up here adjacent to Cider Hill.

Chris Hitchcock: Particularly in the back, he said. Particularly in the back.

Silas Canavan: Right. Back here. Yep.

Chris Hitchcock: Yeah.

Silas Canavan: Okay. And we were aware of that. They were concerned about that. So what we've actually done is, again, it's hard to see, but there's actually a diversion swale that's right behind this set of units back here. That's going to take all the water that runs off of these roofs and then keep it on our property and direct it down across the road and into this soil filter right here. Once it is treated and detained in that soil filter, it's actually going to outlet into the large wetland down below.

So all of this stormwater area that was originally draining up into this area where the neighbors were concerned about we're actually redirecting all of that down into this wetland here. And then it'll flow down and through, we have a stream crossing culvert there associated with the sewer main and the trail that's going through.

So I don't have the exact numbers in front of me, but we are reducing peak flow rates along this property line of the abiding property. And we're also decreasing the actual volume of stormwater, which is actually not a requirement of the Maine DEP to reduce volume. But we are doing that in this case. So we're reducing both peak flow rate and volume that is draining towards the neighbors to that in that direction in the two, 10, and 25-year storms. So it's our opinion that we've kind of gone above and beyond and do the best we can for the neighbors to try to eliminate those drainage problems.

Chris Hitchcock: Can I ask you about that?

Silas Canavan: Yeah.

Chris Hitchcock: I'm not sure if you - maybe you said it. How do you know that you have a model that you run this through so that you can get some assurance that it meets those?

Silas Canavan: Yes. Exactly. So we use a program that's called hydro CAD. It's a stormwater modeling hydrology and hydraulic modeling. So basically, you put the land cover into this program, both approve the existing land cover, and you figure out where all the stormwater is going. I think in this case, there's four or five locations where

stormwater is leaving the site. And then you can model the peak flow rate at each one of those places, and it also gives you the volume and the amount of water that's running off at those locations.

So you start with that model, and then you actually make a second model that uses the same analysis points, but you model the post development condition. And we're able to model all of the stormwater BMPs in there as well which provide detention. And so you compare the predevelopment model to the post development model, and that's what gives you the comparison of pre and post development flows. And that's how you verify that you're not going to be increasing flows or volume off-site. All those calculations are provided in the application side.

Chris Hitchcock: I thought it would be nice for abutters to hear that.

Silas Canavan: Yep. Yeah. So, yeah. And it's all in there and it's all, you know? It's not the easiest thing to understand if you don't do stormwater modeling, but you know, it's...

Chris Hitchcock: Or even know what a model is.

Silas Canavan: Yeah.

Chris Hitchcock: Right.

Silas Canavan: But it's all in there for anyone to review, if they'd like to. And then I think - so unless there are any other stormwater questions, I think the site distance was sort of the other sticking point. And I believe we've addressed that because our traffic engineer, well, they didn't necessarily agree with Gorrill Palmer, but that's actually irrelevant because what we did is we just said, okay. Well, look. Let's just see if we meet the sight distance for the 45 mile per hour speed limit. And we do in both directions at both intersections. We meet it.

You know, as you folks know, it's a long straight shot, flat. You can see for quite a while both of these intersections. So we do - no matter what the speed limit is, the maximum it could possibly be is 45 miles per hour. We meet the site distance requirement for 45 miles per hour. We will have to do a little bit of trimming along the edges here, and we've actually indicated that on the plan. So we've shown the clearing limits that are necessary in order to get that site distance. So that will be part of the project that they clear and have to maintain that from brush growing up and that sort of thing.

Robin Dube: What is the speed limit right now right there? Is it 35 down 15 to the school?

Silas Canavan: Well, 30. Yeah. It's an odd situation. It's posted, actually. There are speed limit signs on that road that say 30 miles per hour, I believe.

Robin Dube: *[Inaudible]* [00:34:34].

Silas Canavan: But in the state of Maine, the only agency that can actually set speed limits is the Maine DOT on any road in the state. So towns can't actually set with a few exceptions, towns can't actually set their own speed limits. So even though the town probably put up those speed limit signs, which makes all the sense in the world to have a slow speed limit in front of a school. The Maine DOT didn't actually do that themselves.

So, technically, it goes back to the default speed limit, which is 45 miles per hour. So – and that's why there was a question of, should the town have the DOT do a speed limit check. But we don't believe that's our responsibility, as Jeffrey noted as well. We need the site distance for the fastest speed limit.

Robin Dube: Thirty is fine.

Chris Hitchcock: Yeah. I think Jeffrey told me the town plans to look into that.

Silas Canavan: Yeah.

Robin Dube: Right, 30 something *[inaudible]* [00:35:23].

Jay Kelley: Through the chair.

Chris Hitchcock: Jay.

Jay Kelley: Yeah. Question. The area between the two driveways on E. Emerson Cummings, that area in there, is that remaining trees and wood?

Chris Hitchcock: Yeah.

Silas Canavan: Yeah. So again, I know it's hard to see from where you are, but there's kind of a little curly line that kind of follows around this area. That's the proposed tree line. So all this area is going to remain vegetated, not going to be touched. It's just going to be left natural and it's *[inaudible]* [00:35:55].

Jay Kelley: Perfect.

Silas Canavan: Yeah. So pretty significant buffering on all sides of the project.

Jay Kelley: It gives a little bit of a buffer between the road and the housing.

Silas Canavan: Yep. Yeah. And between the two legs of housing as well. So it'd be good for the residents as well.

Chris Hitchcock: So there was this debate about those two roads being drives or streets, whether they were internal drive or street, and that affected whether or not a rule of

turning into a driveway might be too soon after you turn onto the street. But if it's a drive, you don't care for some reason.

Silas Canavan: So...

Chris Hitchcock: Do you want to talk to that, or is that...

Silas Canavan: Yeah. So - well, I don't know if everyone - I can start.

Robin Dube: Sure.

Silas Canavan: Okay. So our opinion on that is that I believe at the last meeting we did resolve that these are indeed internal drives. They are not a public way. They are not a private road. They're internal drive. They're effectively driveways. That's really what they are. And that is actually written into the contract zone that was previously approved. Literally said in the contract zone, these are internal drives.

Chris Hitchcock: I didn't remember that. Okay.

Silas Canavan: So there is documentation that they are indeed internal drives. I think the other thing that you're referring to is the distance from the edge of the road to these, you know, the house driveways, if you want to call them that. So it's our opinion that standard is really only applicable to these two entrances because these are the actual driveways into this site. The ordinance says, where a driveway intersects a public way, it has to be 50 feet from the curb line tangent of the public way. So if there was another road right here, this would have to be 50 feet away from that road. We've clearly met that standard. There aren't any roads any really anywhere near our entrances.

These driveways, if you want to call them driveways, I mean, really, they're almost more like parking spaces off of our driveways which, you know, our opinion is these are actually the internal drives are the driveways. There's a few that are slightly less than 50 feet. We don't believe that that standard is applicable because these are not public ways or private streets. It's an internal drive. So that's our opinion. Wright Pierce had a different opinion. But that's how we view it. And I guess we'd like to get the board's determination on that.

Jay Kelley: Through the chair.

Chris Hitchcock: Jay?

Jay Kelley: But don't they have to meet the standards for emergency vehicle?

Silas Canavan: Oh, the road absolutely meets the standard for emergency vehicles.

Jay Kelley: Okay.

Silas Canavan: Yeah. That's not a problem at all. And we've...

Jay Kelley: So the road end is a road.

Silas Canavan: Absolutely. Well, yeah. I mean, it's yes. It's built like a road.

Jay Kelley: Okay.

Silas Canavan: You know, from the technical classification of it, it's not a public or private way. But we provided turning simulations to the fire chief, I mean, for all this and there's *[overlapping conversation]* [00:39:03]...

Jay Kelley: So he's aware of all of that?

Silas Canavan: Absolutely. Yep. Yep. And he said he has no problem with the design as it is.

Jay Kelley: Thank you.

Robin Dube: Through the chair. It also states that whether it's a road or a drive, whether it needs sidewalk lighting. Am I understanding that correctly, whether the termination of what it is.

Jeffrey: Yeah. Because it was an internal drive, they do not need sidewalk lighting, because it's actually not a road. So we're not reviewing it under the road requirements. It is a little different because it's built like a road really, but it's not defined as a road.

Robin Dube: Sidewalk lights would be nice though.

Silas Canavan: Well, I'll say this though. There's existing laying all along E. Emerson Cummings Boulevard. So this road is lit up pretty well. These intersections are lit up pretty well. We did put lighting in a few spots at the parking areas. There's a few parking areas within the site. We also put one at the intersection here and one down at the Hammerhead down below. So there's lighting throughout. You know, we don't want to light this thing up like a Christmas tree. You know, I think it's our opinion we put adequate lighting in there for what the development is.

Robin Dube: Yes. Walking into the though need something.

Chris Hitchcock: Okay. Any other questions from the board?

Winthrop Winch: I'm good.

Robin Dube: Page 19, page 18.

Chris Hitchcock: Eighteen.

Robin Dube: Motion to approve by motion to conditionally approve. I am on the right page right now.

Chris Hitchcock: Yes, you are.

Robin Dube: Okay. Seacoast Land Acquisitions and the Land Resources Consultant Site Plan and Subdivision Application Proposing a 61 Unit Single Family Residential Condominium Development at 63-91 East Emerson Cummings Boulevard, MBL 207-1-2 with the conditions. And there's four of those. One is secure APDLE DEP permit approval before site work begins to the development owner or the representative shall complete the necessary clearing to achieve the 462-foot site distance.

In lieu of completing the clearing, the applicant shall complete an official speed zone study along the site frontage complete an official speed zone study along the site frontage and clear for the 85th percentile speed down to the minimum of 30 miles an hour. Three, accepting areas identified on approved plans for construction activities or for site distance purposes. Screening shall be maintained and not removed unless authorized by the Old Orchard Beach code enforcement officer. And note for - do I need to read the note?

Chris Hitchcock: No. Just for...

Robin Dube: Okay. Wright Pierce comments shall be addressed to staff satisfaction before any site work begins.

Chris Hitchcock: Do we have a second?

Winthrop Winch: I'll second.

Chris Hitchcock: Okay. Robin with a motion. Win with a second. We call for the vote, please.

Jeffrey: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey: Mr. Winch?

Winthrop Winch: Yes.

Jeffrey: Ms. Dube?

Robin Dube: Yes.

Jeffrey: And chair Hitchcock?

Chris Hitchcock: Yes. That passes 4-0.

Silas Canavan: Thank you very much.

Chris Hitchcock: Thank you very much. We will now move on to the fourth item. Subdivision Amendment, two additional infill lots with a shared driveway access from Ross Road. Action, final review and ruling. Applicant, Atlantic Resource Consultants, owner Dominator Golf LLC. Location, 5 Ross Road. MBL 105A-1-200. Zoning, PMUD. Michael?

Michael: Yeah. So we received an email request this afternoon from the applicant, requesting that this application be tabled until the October meeting when they anticipate they'll have the Maine DEP permit.

Chris Hitchcock: Great. Item 5. Proposal, Site Plan. 11 unit residential and one office unit building with ground floor parking. Action, sketch pan plan reviews, schedule site walk. Applicant, Trillium Engineering Group. Owner, Durp LLC. Location, 95 West Grand Avenue. MBL 313-3-4. Zoning, DD2. Michael?

Michael: I just want to confirm that we don't need to officially table that last item. Do we need an actual vote? Or?

Jeffrey: I would vote on that. Yeah.

Chris Hitchcock: Really?

Jeffrey: Yeah.

Chris Hitchcock: Okay.

Michael: Sorry about that.

Winthrop Winch: I'll make a motion to table.

Chris Hitchcock: Okay.

Jay Kelley: Which one are we...

Chris Hitchcock: This is with...

Jay Kelley: With table three.

Chris Hitchcock: On the last one.

Jay Kelley: The one that's...

Chris Hitchcock: Dunegrass. They want - ask that it be tabled.

Jay Kelley: Okay. I'm sorry.

Chris Hitchcock: I guess they could have said we would call.

Jay Kelley: I was reading something and I missed that.

Chris Hitchcock: They requested it to be tabled.

Jay Kelley: Okay. Thank you.

Chris Hitchcock: I missed the subtlety of that. So we have a motion to table.

Jay Kelley: Second.

Chris Hitchcock: Anyone want to second it?

Jay Kelley: Second.

Robin Dube: Call for the vote.

Chris Hitchcock: Okay. Call for the vote.

Jeffrey: Mr. Hitchcock?

Chris Hitchcock: Yes.

Jeffrey: Ms. Dube?

Robin Dube: Yes.

Jeffrey: Mr. Kelley?

Kelley: Yes.

Jeffrey: And Mr. Winch?

Winthrop Winch: Yes.

Chris Hitchcock: That passes 4-0. Sorry. In my haste. Item 5.

Michael: Thank you.

Chris Hitchcock: I read everything. So now we'll turn to Michael.

Michael: Yeah. So this is a sketch plan proposal for a new construction of an 11-unit residential building with one office unit with ground floor parking, located at 95 West Grand Ave. And this is being proposed as a mixed-use project with an office use. This lot is adjacent to the former Venetia's restaurant and is currently a parking lot. The building is proposed as a four-story building with enclosed parking garage on the first level containing 19 parking spaces. An additional six parking spaces are proposed to be located on-site outside of the parking garage.

The second level will have five, one-bedroom units in the office unit. The third and fourth levels will have a total of six four-bedroom units. And the roof is proposed to be a private rooftop decks that appear to be for those three-fourth level units. And then the applicant's cover letter indicates they're proposing a total of 25 parking spaces.

And so for initial comments we have the following. With this being a multifamily building, three or more units and having a nonresidential component, site plan review is required. And then the question for the planning board is to determine if it will also require subdivision review. The state subdivision law requires subdivision review for division of land into three or more lots or three or more dwelling units with an exception that it isn't required in a municipality where project is subject to municipal site plan review.

If it sets forth a process for determining if it meets specified criteria, including stormwater management, sewage disposal, water supply, and vehicular access. It seems our site plan review would meet these requirements, but the planning board should discuss and determine if site plan review does meet that or if subdivision review would also be required. One of the bigger differences in the subdivision review is it has specific road standards for roads and subdivisions. And with this proposal, there's no roads.

Chris Hitchcock: Is that the main difference?

Michael: I think there's some other variations within the site plan criteria and then other requirements as far as considerations like open space. But that's one of the larger ones. And so it's proposed as the multi-use or mixed-use building. And mixed use doesn't appear to be defined in our ordinance, but it's typically a development that combines uses such as residential and nonresidential.

And there's 11,200 square foot lot shown in our assessing card and also on their plan. And for mix-use and non-residential uses the minimum net law area per family unit is 1,000 square feet. And the ordinance doesn't appear to designate a minimum net law area per unit for non-residential uses. Maximum building height in DD2 45 feet, and that's what the building is shown as in one of the plan sheets. Required district setbacks for mixed-use and non-residential is zero for all sides. It looks like the proposed setback's one foot for the front sides and 10 feet for the rear.

Proposed curb cuts should be reviewed to make sure this meets number of driveways along local streets, driveways on major roads, and offsets from intersection standards.

Regarding parking, the downtown parking requirements for multifamily residential, it's one space per bedroom to a maximum of two spaces per unit. Town staff has concerns on the number of parking spaces and then being adequate for four-bedroom units, especially when considering things like the potential for short term rentals.

And the site plan previously submitted for 93 West Grand, the former Venetia's building for design review committee review, and code permitting review had parking for 93 West Grand labeled on this lot. The planning board never had to review this because it was reviewed administratively, but the site plan showed that. So we had a question where the new parking for 93 West Grand will be located.

Chris Hitchcock: Can I ask, do you know how many spaces that was?

Michael: The...

Chris Hitchcock: Was there a certain limited number of spaces, or was it wild?

Michael: It identified two parking spaces for that building. Stormwater needs to be considered. Photometric plans for proposed exterior lighting should be provided. There's questions about who would have access to rooftop decks and safety concerns and minimizing impacts to abutters. What's the office proposed to be used for? Will it be an office for management of the building or something else? Traffic impacts could be considered in this area. Minimal of a trip analysis should be provided to determine any requirements. Solid waste disposal and pickup in snow storage areas should be considered and shown on the plan.

And then we would suggest that the planning board provide some feedback on the building design with the consideration that it will be reviewed by the design review committee or DRC. This is a pretty detailed sketch plan compared to what we see sometimes. So I think that's helpful, and the renderings are helpful to see the concept of the building. But just some things they don't capture at this early stage is the exterior parking, for example. So just keep things like that in mind.

And the planning board may want to consider requiring a building shadow analysis to better understand potential impacts to abutting properties. And we do anticipate additional details on building design and materials to be submitted for DRC review. And just for recommendations, we're at sketch plans. It's a good opportunity to provide feedback to the applicant so they can submit a complete application when they're ready.

Chris Hitchcock: Okay. Thank you, Michael.

Michael: Thank you.

Chris Hitchcock: Is the applicant wanting to talk to us?

David Matero: My name is David Matero. And the company David Matero Architecture is located in Bath. Eric Dube from Trillium Engineering is here also. He's both a structural and a civil engineer. Did a good job outlining the building. So I don't have to get into any specifics, but I will point out a couple of things. I have a site plan up here. This is Bay Avenue. I mean, I'm sorry. This is at West Grand Avenue. That's Bay Avenue. And that is...

Chris Hitchcock: Camp Comfort.

David Matero: *[Indiscernible]* [00:52:20]. We are proposing to - there are currently two curb cuts along Bay Avenue. We're proposing to remove those so that our traffic goes in and out of our parking garage along the two side streets. The parking garage by itself more than covers the required parking for our residential units. There's a commercial unit proposed on the second floor, and we're hoping to assign one of those extra parking spaces inside the garage for that unit. And we still have additional parking available outside of what's required by the zoning rules.

The exterior parking. This is our neighbor who is allocated two parking spaces on this lot. And we're proposing back-to-back parking here, exterior parking outside of the building. And because parking is a concern in Old Orchard Beach, there are four additional exterior parking spaces off from Bay Avenue. So we are working to provide as much parking as we can outside what is actually required by your zoning ordinance.

Also within the garage, we have two means of egress from all the floors. We have an elevator, we'll have a sprinkler room because the building will be fully sprinklered. And I guess to - there was a question on the roof access. We originally were hoping to provide roof access for the entire building with two means of egress in an elevator. But that would require us to go higher than the 45-foot maximum. I believe that people have presented to the board before that a staircase and an elevator, if it's above 45 counts as to building. So you're not allowed, we'd love for that to be allowed. But in the past we've heard that it has not been allowed before.

So the roof access is private roof access from the three top units that will have their own private access. There'll be a railing facing the water side of the building to capture those amazing views on the West Grand side. There'll be a high parapet and they'll help cover the mechanical units that will be on the roof, on this side of the building. I will *[inaudible]* [00:55:05]. The West Grand side, it's a four-story building. There's no getting around the fact this is a big building where we're maximizing this sort of site's potential. We are working - we are fully enclosing the parking garage. It will be tempered.

We'll have garage doors that will be operable just for cars coming in and out. But we are proposing some windows to provide some, not only fenestration to break up the facade, but also to allow some light in the garage. And as you can see on our renderings, we are emphasizing the stair towers. We're providing some fenestration concepts to break up the facade and even some opportunities to change out texture or color changes. We are trying

to minimize sort of its impact on the street, but it is right on the street, which is an appropriate response. We'll have a sidewalk the whole length.

Even though we're building out much of the site, we're doing our best to provide sort of protrusions and color changes and texture changes. If we were able to move forward with site plan review, we'll come back with color renderings and some more information. But staff asked us when we presented some very early concepts to them to come to you with just some rough ideas of what this building could look like. Right now we're just concerned with mass and we're not dealing with colors.

I can answer any questions you might have. And Eric Dube, a civil engineer, is also here to answer any questions you might have.

Chris Hitchcock: Well, we're always interested in snow. Do you have thoughts about what you'll do with snow? Probably take it somewhere else, I suppose.

David Matero: Yeah. I'm not counting on global warming.

Eric Dube: Eric Dube, Trillium Engineering. So I think the snow for the most part, you've got building coverage. So you're going to have roof. So it's really just the two access drives that we're talking about, and then we're talking about the essentially, the spaces that would be essentially at the rear here. And I think we have additional space that's here to be able to snowblower, be able to plow, and be able to have some snow storage for those particular spaces. So if needed, we can have a snow removal plan for those spaces.

Chris Hitchcock: And trash, solid waste?

David Matero: We don't want a dumpster on the exterior. Trash would be handled inside the garage area.

Chris Hitchcock: Okay.

Jay Kelley: Through the chair.

Chris Hitchcock: Okay.

Jay Kelley: Let's talk about the units. Are they condos or are they purchased? Do people buy them or?

David Matero: They're condominiums.

Jay Kelley: Are they weekly rentals?

Chris Hitchcock: If you're going to talk, come on up, please.

Scott Durepo: Scott Durepo. I'm the owner of Durp LLC in the parking lot. We haven't made that determination yet. But the likelihood is that they will in fact wind up being weekly rentals or something along those lines in the summer. And then rent it throughout the winter. That would be our plan. But subject to whatever rules we need to adhere to.

Robin Dube: Weekly rentals. It sounds like this is motel.

Scott Durepo: Well, that'd be like, I own a condo on Bay Avenue down closer to the ocean. And I did rent it this last summer, but the summer before we did Airbnb the unit, and I would anticipate that some of the owners of the units would want to do that. Personally, I plan on making my primary residence one of the units, and I personally wouldn't be doing that. Wouldn't be renting it out.

Robin Dube: That's you.

Scott Durepo: What's that?

Robin Dube: That's you though. That's not all the other tenants.

Scott Durepo: That is correct. That's me. But I think there are, in that area, especially along Bay Avenue, Camp Comfort, there are a lot of condo units that are rented in a similar fashion. Across the street on Bay, there's a condo association.

Robin Dube: They're not all in one big building.

Scott Durepo: What's that?

Robin Dube: They're not all in one big building, their houses and cottages. You're talking renting out to people and need somebody who buys a condo when they have to put up with the noise all summer.

Scott Durepo: I'm sorry. I couldn't hear that question.

Robin Dube: It says Airbnb's people are, they're actually noisy because they're in my neighborhood now. You're going to rent out the units. I mean, it's going to be a big party for people as far as weekly rentals.

Scott Durepo: I...

David Matero: I think the...

Scott Dorepo: Yeah.

David Matero: The owner is planning on selling these as condominiums. And I don't know if he can control what someone is doing with their condominium.

Robin Dube: I understand that. But he didn't say they've determined what they were going to call these yet. That's why I questioned him.

David Matero: Sound like you're talking about rentals. You're just telling me...

Scott Durepo: Sorry about – yes.

David Matero: *[Overlapping conversation] [01:00:55]*.

Scott Durepo: I'm selling them as condominiums. Is that correct? What the individual owners do, that will be up to them. But I would just, you know, my experience isn't the same as what you just articulated, Robin.

Robin Dube: Right.

Scott Durepo: I had the white cap as it was a hotel I completely went through, got everything up to code. And I believe that the people that are renting on an Airbnb basis now are really maintaining the former white cap motel very well. And there's 14 units there almost directly, not directly across, but across the street from where we are. So I haven't experienced the same thing that you're saying that you're concerned with.

Robin Dube: Thank you.

Chris Hitchcock: Yes, sir.

Winthrop Winch: Will the parking spaces be assigned to the unit.

Scott Durepo: Yes, they will.

Winthrop Winch: So the four-bedroom apartments on the third and fourth floor, they would only have two spaces, right? Is that correct?

Scott Durepo: That's correct. And I think that's what the code requires.

Winthrop Winch: Yeah. Because you can understand the issue. You know, I live about 20 streets down.

Scott Durepo: Okay.

Winthrop Winch: And everybody, you know, four-bedrooms, you know, there's going to be four or five cars. So you got to really, I don't know how you limit, saying, hey, only two. You only got two spaces. There's little parking on the streets of that neighborhood.

Scott Durepo: I agree with you a 100%, and I deal with that every summer with my condo with Bay Avenue. So in addition to the white cap, the 3 Bay Avenue, I turned that into condos as well. And we have two-bedroom condos, and the two-bedroom units only

have one parking because they're grandfathered. And they run into the same issue, and they find a commercial parking space where they go when they park commercially. And...

Winthrop Winch: Okay.

Scott Durepo: I understand your concern.

Winthrop Winch: Yeah.

Scott Durepo: I think there are ways for the association to manage that. And we're on the three bay where, you know, right from where Golden Shores is, and I believe they have - maybe they don't have four-bedroom units in there, but they have a lot of people coming and going in there as well. And it's very easy to manage. You assign the spaces to each one of the condo units, and they get two spaces. And if someone parks in another space, they get towed. So.

Winthrop Winch: Yeah. That's all. Yeah.

Robin Dube: There's the parking lot across the street down on Atlantic by the gulf that is rental spots that could be used for there.

Scott Durepo: And the plan also, you know, I tried to maximize parking on the lot. There are five additional spots or six or whatever. You know, if we assign one to the commercial, then there's only five, I think. But we're trying to get six additional spots. I don't know yet what I'll do with those additional spots, but there's six additional spots that we could find something that would help alleviate the parking.

Chris Hitchcock: So to clarify that commercial unit, is that called the office?

Scott Durepo: Well, it's going to be an office. I can't say that it's going to be in the questions that were put forth. I can't tell you that's going to be a property management office for that building. But I would certainly like to rent it to one of the local property managers who manages rentals in that area. That would be, I think, the highest and best use for that extra office. Maybe a realtor or maybe someone like that. But I can't say that that office is going to be dedicated just to managing that condo association. I think there's a lot more real estate type activities that I'd like to see there.

Chris Hitchcock: Makes sense.

Winthrop Winch: *[Inaudible]* [01:04:53] problem. I was going to ask Mike. The building height, that's measured from West Grand, I drove down there today. Of course, it sits up a little on quite a rise. So behind it, looking down Camp Comfort at Bay Street, that's more than 45 feet. So I'm wondering how with a building like that, how do you judge the height.

Michael: Yeah. I'd have to look to confirm. And it can be different in different districts, but I think it's the height's the same unless it's shoreline zoning. And I think it's the highest point of the ground, but I'd have to double check.

Winthrop Winch: Yeah. Could you take a look at that site? I mean, you know, it sits up there quite high from those two, from Bay Street.

Robin Dube: I would think the foundation would lead into the height of the building from where the foundation's put in.

Eric Dube: So we just went through this on the 60 Saco Ave project. And so what we are, what was determined is that the highest-grade height along the main street in that case, 60 Saco Ave, and then you measure from there. So essentially that'd be the same thing for the West Grand...

Winthrop Winch: Just wanted to clarify that.

Michael: I have the definition. Sorry. I have the definition from the ordinance here. And I'd have to verify it's not different in that district, but I don't believe it is. Building height means the vertical height from the sidewalk or finished grade at the center of the front of the building to the highest point of the roof, if a flat roof, to the deck line for mansard roofs, and to the mean height of the roof, if a gable roof. So it's measured from the sidewalk or finished grade at the center of the front of the building to the highest. Well, it depends on the type of roof.

Chris Hitchcock: Well, one of the reasons we're trying to give you feedback. I think, when this is a big building, as you said in your introduction, but I like the idea of some color and the recessed and the parts that come out a little bit. So it has some character. Because when I first looked at it, it felt awfully stark, but it's done intentionally, I guess, in a dark gray. Maybe it'll look nicer in pastels or something. And, of course, the design review committee, I think, is going to be important in this case. So we look forward to hearing what they come up with.

Anybody else have anything they want to offer? Okay. Well, we thank you for all coming tonight and giving us a rundown. Are you with him? Okay.

Christa Guthrie: *[Inaudible]* [01:08:01].

Chris Hitchcock: No. No. That's for a public hearing. It'll come later. Sorry.

Anthony: *[Inaudible]* [01:08:08].

Chris Hitchcock: No. No. But save your powder. Keep your powder dry.

Christa Guthrie: *[Inaudible]* [01:08:16].

Chris Hitchcock: Yeah. She'll be notified of the public hearing.

David Matero: Is it possible to hear from the public feedback? Or is that...

Chris Hitchcock: Yeah. You can talk with them outside later. I mean, right now, if they want to go out with you.

Robin Dube: Comments from public hearing only.

Chris Hitchcock: Yeah. Was there a site walk issue?

Michael: Yeah. I didn't recommend one, but I did notice it was in the potential for action. And I just wanted to confirm with Jeffrey because I don't know when it's required for a site plan, and I just wanted to - I don't know if we wanted to do it earlier on or later.

Robin Dube: I don't know.

Chris Hitchcock: Maybe that's...

Michael: For a site walk.

Robin Dube: I don't think we need to. It's a flat parking lot.

Chris Hitchcock: Yeah. That's true. It's a parking lot. It's...

Robin Dube: It's not a go through. It's just straight.

Chris Hitchcock: I just remembered one of these had a site walk that had to be set up, and they didn't want to fly by it. Okay.

Eric Dube: Can we just get just a little more feedback just on the massing in general? I know it's not colors or anything like that, but just the building kind of massing and the below ground or at ground, but covered parking just a little bit more. I don't know if you have any feedback on that.

Chris Hitchcock: It sounds very sophisticated to me. I want to move there. I mean, no snow.

Eric Dube: But in general, the mass, I mean it's a 45-foot height limit in this district and we're pushing it, we've got some setbacks on there. So we just, you know, this is the opportunity for feedback for us, I guess. And because we're going to spend a lot of time from here kind of moving forward.

Chris Hitchcock: Well, it sounded to me like you're staying within all our restrictions. So I don't know what I'd say other than congratulations. But is there anybody else that has a thought?

Winthrop Winch: No.

Chris Hitchcock: No.

Chris Hitchcock: I mean, I think Michael asked a whole bunch of good questions. So you certainly make sure you address those.

Jeffrey: If it's architecture, I hope you'll look at the buildings surrounding this and try to take that into account with the design because I don't know about that. I don't know about what I'm looking at. So I think that's what they're looking for in terms of massing. This is a big block on a lot. And it's going to have some pretty bad shadows. Mike made a great point. The shadows are very important. Whether it's the east or the west, there are going to be properties impacted throughout there by those shadows. And when you have a big block, just, you know, what does that do with wind patterns? What does that do with sight lines with visuals?

It's a very obvious property in Old Orchard Beach, especially considering a lot of folks in town know where Venetia was. It hasn't operated in a while, but they're still familiar and they really care about this place. So this, if you thought that one little building down here was on maximum ten level, that's going to be on maximum 100,000 level for appearance. So that has to be right. Luckily, the design review committee will review it. But really ensuring that it takes into account the architecture of the neighborhood, Old Orchard Beach, and it provides some character and also helps to protect those properties that are surrounding it. It will be essential. That's what I think. So...

Chris Hitchcock: That's perfect, Jeff.

Jeffrey: Yeah.

Eric Dube: Thank you very much. Because that's exactly what we want to hear about. So what we'll do is the next step. And thank you for the feedback on that side is that we'll work with the DRC and then work through those issues. So thank you very much. Appreciate that.

Scott Durepo: And you might just say as the owner, I want the same thing. But understanding that the way that the zoning map is laid out, that property is in the downtown development two district, but it kind of juts out and is surrounded by the beachfront residential district. So that's the challenge that we have is downtown development two. If you look at some of the other buildings in the downtown development two district, I think maybe they don't look like this, but I think that's the challenge that we're having is that we're in a different zone than the buildings around us.

Robin Dube: A lot of old families in down in that area.

Scott Durepo: Yeah. Absolutely.

Robin Dube: They've been there for many, many, many years.

Scott Durepo: Absolutely. I can...

Robin Dube: You know, we have to be concerned for them too.

Scott Durepo: Yeah. I can very much appreciate their concerns, and I'll do the best I can to work with you on that. But I also would like to build the bills like this. So thank you.

Chris Hitchcock: Okay. Where do we leave off? Item 6. So if you're going to want to chat with the last applicant, if you could move outside the back door there. Thank you. And maybe a bit of a ways beyond the back door because it carries back in.

Robin Dube: Actually, close the door. Because we're going to hear you anyway.

Chris Hitchcock: Item 6. Contract zone for removal of a 25-unit hotel and new construction of a 28-unit affordable housing project. Action, introduce proposal. Applicant, Anthony and Christa Guthrie. Location, 205 Saco Avenue, MBL 211-9-9. Zoning, GB1.

Jeffrey: All right. The next two items are two contract zone proposals, and they're introductions. Keep in your mind there's no decisions that need to be made on both of these. So for the first one, just to orient your yourself, I think you all know where Norm's Hotel is, which has certainly seen better friggig days. And so what -these folks are looking to do is, to rehab that. And I shouldn't say just rehab it as it looks now. You know, it was a really cool looking fun building a while ago. And, unfortunately, trying to bring that back to life iprobably doesn't make much economical sense.

So what the applicants are looking to do is to remove that and build new structures, new apartments, which is something, again, something that we really need. And that lot is very deceiving too. Because if you go out there and you take a look, you think it's just a small lot, like, right there at the corner. It actually goes way back and even touches Jimmy the Greeks lot. Currently, it's a 25-unit hotel. The applicants are looking to create a 28-unit affordable apartment buildings.

Contract zone seemed to be the perfect fit. And we really don't try to just do a contract zone. There's a vetting process. We do this to see if it makes sense for a contract zone, even before we get to these introductory stages of planning board. And when we look at contract zones, you have three primary criteria that it must meet. It must be in conformance with the comp plan. It must be in conformance with existing uses that are in the area and existing uses that are already existing zoning district, which is GB1. And then subject to conditions to achieve the purposes of the contract zoning ordinance which gets to what kind of benefit are you going to provide to the town?

With my initial review, I thought is this proposal is in real good shape to meet all three. Seldom do we see a proposal that clearly meets all criteria right up front, even before the actual contract zone application is submitted. With this proposal and consistency with the comp plan, the comp plan has like 60, 70 goals throughout it. There's probably a handful, maybe 15 are the most important. I can usually find one, two of the most important to meet a contract zone project. This proposal met like four or five.

So to make it work the applicant's going to need to seek some waivers modifications of the ordinance. The primary one will be density, which is the one we always see with contract zone proposals. And in the memo, there's a few comments that I offer for the planning board and the applicant to be aware of. And really the next step at this point is up to the applicant. If the applicant has confidence to move forward, they'll take that step. And they've been great to work with. And if they do take that next step, then that next step is preparing those formal documents for your review.

So I think the applicants here tonight and if you have any comments, questions, guidance, that would be great. Thank you. That's all for me.

Chris Hitchcock: Applicant like to step to the mic.

Christa Guthrie: Hi everyone.

Chris Hitchcock: Hi. Good.

Christa Guthrie: Wonderful. Thanks for this opportunity. We have been working for a few years now to get the heirs to the table, and we're really excited to be here. And, obviously, redevelop this property and turn a blighted motel into affordable units which we're hoping to.

Chris Hitchcock: Good.

Christa Guthrie: And would appreciate the feedback and direction from you guys so we can submit the formal application with aligned and shared goals here.

Chris Hitchcock: Okay. You know, one thought I had, which is not a helpful one, but the observation is if people have been used to having a 25-unit motel in their neighborhood, a better-looking new building would probably not upset them. So I think you're probably doing the right thing. And the affordability is obviously a big issue for the town, and we appreciate that direction. There was a few questions that Jeffrey put in the memo that you got, so they may help you. But I don't know what I would say other than what I just did. Anyone else on the board want to offer some ideas?

Jay Kelley: I think Jeffrey summed it up very well. I think it's a positive plan and development. I was just shocked at the size of the lot. I mean, I thought that was a postage stamp sitting there. I have nothing negative to say. I wish we could say go full speed right now. But it's going to be a positive thing for that area and to get rid of - and I

don't know whatever happened. I've lived here my whole life. I don't know whatever happened to that motel, but it just went to pieces all of a sudden.

Robin Dube: The old man passed away.

Jay Kelley: Well, get it done.

Robin Dube: He was the one.

Jay Kelley: You know, valuable piece of property. But very good. Thank you.

Christa Guthrie: Thank you.

Jay Kelley: Yeah. Yeah.

Robin Dube: Through the chair.

Chris Hitchcock: Yes.

Robin Dube: Do you plan on building all around down this property, or?

Christa Guthrie: We would like to maximize, yeah, *[overlapping conversation]* *[01:22:53]*...

Robin Dube: Okay. Because it's just such an odd shape...

Christa Guthrie: Yes.

Anthony Guthrie: It is.

Anthony: Depending on what the exceptions you might get from making setbacks and things of adventure, in terms of the roadway into that extra part of the land and, of course, the parking. So this was just a preliminary to see if that was even an option for us, and that will determine. Again, how many units are that we can allow us to build upon?

Robin Dube: Yeah, emergency access and all that stuff is going to be on the back of it. Is this all one story? Are you going two?

Christa Guthrie: We would like to do multiple stories.

Robin Dube: Multiple as?

Christa Guthrie: Two.

Robin Dube: Two. Okay.

Anthony: Two. Possibly three.

Robin Dube: It is in the right of way. Some of them.

Anthony: Yeah. Depending on density and parking access and things like that. Idealistically, we'd like to go to three, but I think there might come into a parking issue.

Robin Dube: I don't know if you have the height limit for that. Like Jay said, it'd be good to get rid of that eyesore.

Chris Hitchcock: I don't know how much you got explained to you about the process with a contract zone, but we're a preliminary step to the council and they run, sort of run the train. So we're an advisor and we work with you to get it as good a shape as we can. And then there's - you're going to run into more opinions. A couple of these zones have happened and they've been welcomed. And I think the affordability is going to help you. But they're going to be mindful of things like the abutters and all that. And it might take longer than you expect. I just thought I'd warn you about that. Some of them have taken an inordinate amount of time. So you got to have some fortitude to run the gamut. But we wish you well with it.

Christa Guthrie: Thank you.

Anthony: Thank you. Thank you very much.

Robin Dube: Can't wait to see the plans.

Christa Guthrie: Yes. We will get real quick with that.

Anthony: Thank you very much.

Jeffrey: Yeah. Thank you.

Christa Guthrie: Thank you, guys. Thanks.

Anthony: Happy to meet you.

Chris Hitchcock: Good luck. Thanks. Forward progress. Item 7. Proposal, contract zone for 10-story 16-unit building and 9 duplexes for a total of a 178 residential units. Action, introduce proposal. Applicant, Goosefair Crossing LLC. Location, multiple properties off of Smith Wheel Road. Zoning, R4 and ID. Jeffrey.

Jeffrey: All right, another contract zone, I won't go into all the standards. The same essentially applies to this one. And that's the interesting part about contract zone, is in some respects you can kind of mold the proposal to fit the area too. Sometimes ordinance standards can be so rigid and structured that you actually get something that isn't so nice, but it meets the ordinance standards.

Chris Hitchcock: Yeah.

Jeffrey: You know, I think one of the advantages with contract zones and flexible zoning techniques is you can get things for the town. You can try to help abutters neighbors out. And, of course, you work with the applicant to try to make a project work. This is a pretty big project, 178 units. But to put it in perspective a 178 units isn't unique in Old Orchard Beach. Just go to Cider Hill. Cider Hill was approved for 250 units, a 176 condos with a 74-unit congregate care, building right in the middle.

Chris Hitchcock: Right.

Jeffrey: We haven't seen that since I've been here for one project, but it's not totally unique. I'd like to think of it as how can we do this better than the past planners did with those proposals? So it's a 178-unit residential development proposing 10 two-story buildings with 16 units in each building, and then there's nine duplexes. So that all totals a 178 units. 10% of all those units will be for affordable housing, according to Maine state housing authority guidelines. There'll be a total of 200 parking spaces planned out around the development. Clubhouse and a pool for the residents.

Also, and this is one of those pieces that you can work with when you have a contract zone, is what kind of benefits can you provide to the town, the residents, the whole thing. This is one of them. They're proposing a passive trail system that will be constructed throughout the property, but also have connections to the Blueberry Plains and some other areas so we can continue with our - one of our goal is getting more open space, more recreational opportunities available to the public.

You think of Old Orchard where it's seven square miles, whatever. We don't have a lot to work with here. But we do what we can with what we have. And so they have a passive trail system that I think is an important part. The development, if you were to drive by on Smith Wheel Road, you probably wouldn't even see this development if it's approved. It's back proposed to be behind lots.

Chris Hitchcock: I passed the road three times today before I discovered where I should go back in.

Jeffrey: Yeah. Yeah. The only thing you'll see really is the access drives. And the only problem is it'll take away some dirt bike trails. So it's back off Smith Wheel Road. But if you think you're going to see it from Smith Wheel Road, you're likely not. Maybe in the winter when all the leaves are down.

And the primary zoning district is the industrial zoning district, which allows residential uses, but it's not friendly for residential uses where it essentially has a 75,000 per unit minimum square foot lot size. That's almost two acres per unit. So now we're getting into why is the contract zone needed? Well, that's why, right there, there's some other things, but really that is the heart of it.

Well, then when you're required to deduct steep topography, which this lot does have some steep topography in couple different areas, and water bodies, wetlands. You deduct that. Then you're left with 25 developable acres. If you're looking at two acres per dwelling unit, just about two acres, you can get about 13 dwelling units on this property. A 178 is a lot different than 13. So that's really the heart of it. And that's what the applicant needs to seek in order to make this work. Like all contract zones, like the one we just saw, there's three factors that are important.

Number one, conformance with the comp plan. Number two, conformance with existing uses in the area, and also allowed uses in the zoning district. And then number three, meeting the purposes of the contract zone. One of the big pieces is providing some sort of benefit to the town. They did a nice job to give you a good solid idea of what they're looking for. And we certainly appreciate it. And I know he's been working hard, and King's been working hard on this too.

So after initial review of compliance with those three criteria, I'm quite confident with the comp plan and the existing and the uses question. Regarding number 3 I think it's going to require some more work from the applicant. Number three, there's a number of things that they're proposing. Providing \$20,000 to be in an escrow for the conservation commission, public trails, the 10% affordable housing is a big one. But I also have some recommendations for a couple other things. And they're not major things, but they're major in terms of conservation and ensuring that some of this land that could be developed is actually protected.

But that'll be for if the applicant chooses to move forward, that'll be up to them to decide what they want to propose. But I recommend a bit more public benefit to help with number three with that particular criteria. Also, if you move forward when creating the contract zone, you'll want to be sure that you cite the specific ordinance standards that are being waived or modified.

And then there's a number of other comments. Traffic. What kind of traffic is this going to create? How is it going to impact the intersection by Dunkin' Donuts, the one by the school? Sewer and water ability to serve this development, and also not impact the existing development in that area. What's the condition? Phasing build out and construction schedule? That'll be important.

Also, some of those public benefits we recommend, including conservation easements, maybe a public park in that development. One person may visit it a year, but still it's a public park that one person visits. It's something that we don't have. So it's a solid initial submission. It provides the board with a good idea of what the applicant is proposing. We thank you for that.

Again, the number of units might be initial shock, but more have been approved in the past by the planning board. And then finally, no formal decisions are necessary. Just an introduction, feedback. And I think what will help the most is if the planning board

provides understanding, you can't make any decisions, but if you're willing to consider that type of density that's number one.

And number two, are there any particular plans that you would like to look at as part of the contract zone? We know a lot is required during site plan and subdivision review, but maybe you want to at least look at a traffic report as part of the contract zone. Maybe you want some solid information on sewer, like we had with the forest proposal that was approved. That was all sorted out before the contract zone because that was a major issue, at least to get an idea.

So those are some things that the board may want to provide the applicant with some guidance on so they can make their decision whether it's a viable project or not. So that's all. Thank you.

Chris Hitchcock: Thank you. Would you like to address the board, sir?

Drew Orłowski: Thank you. Drew Orłowski with Haley Ward. Thank you, Jeffrey, for that comprehensive review. I think you covered everything pretty thoroughly in the accident. Overall, I don't have too much to add to what's in Jeffrey's report. Again, what we've provided is pretty high level at this point. Really conceptual just to get your initial feedback on this design to see if there's any glaring red flags that might make this project dead on arrival. Obviously, we want to address any concerns as soon as possible before really digging into this application.

Chris Hitchcock: It's a little hard for me to imagine this working in part. And I don't want to be negative, but I already was. In large part, maybe, I drove back into that street and in where there's already one, two, three, four, five, six buildings, I think. And not much room for a road. I guess I would be positive to say I hope you all can figure out some creative way to put a road through a parking lot because I couldn't imagine it driving there today.

Drew Orłowski: Okay.

Chris Hitchcock: And even if I could imagine how many people coming out every day that way, I don't know which would be the favorite way to park to get out into the main drag, but either way looks challenging. And that's probably the biggest issue I would have. And somebody, like, on town council, I think, might want to say that's too many units for overcoming Bernoulli's principle. You know, you're taking all that traffic and just a little piece of a parking lot. So I don't know if making it smaller would make it more palatable, I'm just asking that. I don't know. I don't have a feeling about that. I just wonder. It's a question.

Drew Orłowski: Okay. Yeah. We are aware that's going to be one of the more challenging issues with this project. King actually did develop the Colindale, the project that we're coming through.

Chris Hitchcock: Right. Yeah.

Drew Orłowski: So hopefully we'll be able to work closely with them to try to figure out if something will work in that area.

Chris Hitchcock: Yeah.

Drew Orłowski: That'll definitely be one of the primary issues before we really get rolling with this.

Chris Hitchcock: Yeah. I'd work on that really hard. Because I - there'd probably be somebody else that can't picture it.

Robin Dube: There's already talk of them putting a light at the end of Smith Wheel Road by Dunkin' Donuts.

Chris Hitchcock: Yeah. I mean, that's inevitable.

Chris Hitchcock: I mean, it's sort of awful now.

Robin Dube: But where does the other road come out? You said Colindale. Is the other one Valley Lane?

Drew Orłowski: The other one is right here. This is 77 Smith Wheel, and King owns that parcel as well already.

Chris Hitchcock: Yeah. There's not a road there now. Right? It's just property.

Drew Orłowski: No. It's currently a single-family home, and King has a building permit to add in there.

Chris Hitchcock: But the parcel has a very narrow...

Drew Orłowski: Yeah. That's going to be limiting as well.

Chris Hitchcock: It's very narrow on Smith Wheel.

Robin Dube: *[Inaudible]* [01:40:26].

Jay Kelley: Who's the developer?

Drew Orłowski: It's King Weinstein.

Jay Kelley: Oh, it's King's?

Drew Orłowski: Yep.

Chris Hitchcock: I mean, I like the idea of parks and the trails and all that. So that's the positive part. It's...

Robin Dube: Is there any chance of this ever exiting onto the Ross Road some way?

Jeffrey: Probably not.

Robin Dube: Okay. I didn't know if this...

Jeffrey: You know, it's - I'm just saying that off the top of my head. So if you think of chances as 1% or 0.01, there is a chance. When we worked on the solar farm and that subdivision, we got them to provide some land to the town to extend the Blueberry Plains. This backs on to that parcel. So I believe it would be all town land straight shot, but then it kind of goes through the land that we're protecting, that we're trying to protect.

Jay Kelley: Jeffrey, not to get off from this one, but just whatever happened to the project that King was going to do in Cider Hill that we met with all the people there.

Jeffrey: It's a couple years gone at this point. I think because, and this is a bit of fuzzy knowledge, so please don't hold me to it. But last I knew, it was going back to the planning board a couple years ago because he was modifying that original approval. He has the right to go and build that structure as approved. Because it's part of the project that was, which is substantially complete.

Jay Kelley: Yeah.

Jeffrey: So last I knew, that's what King was going to do, was to put those modifications aside.

Jay Kelley: Isn't that an assisted living?

Jeffrey: Yeah.

Jay Kelley: A project or something like that.

Jeffrey: Mm-hm.

Jay Kelley: All right. Just curious.

Jeffrey: Yeah.

Drew Orłowski: I also wanted to mention that regarding the number of units, if you do get the square footage per unit comes out to about 5,500 per unit, which I believe is

roughly what the R4 zone allows. So overall we're not doing anything crazy in that regard. It is still conforming with traditional residential uses around our site.

Chris Hitchcock: Okay.

Jay Kelley: I see this as a big project. This is a biggie.

Chris Hitchcock: It's a biggie. Well, we congratulate you on the ambition.

Drew Orłowski: Yes.

Chris Hitchcock: And I don't want to use a Don Quixote metaphor, but go get them.

Robin Dube: They can do is keep moving forward. Keep showing us, you know, the answer to questions and showing us what...

Chris Hitchcock: We're not going back.

Robin Dube: What's pertaining on this thing.

Chris Hitchcock: We're not going back.

Jeffrey: So I think that's good. That's good. Go get them, keep moving forward. And really what I hear, is if you can make that density work through the traffic, through the roads, then yeah. I would say that it's a yellow light turning to a more green than red.

Robin Dube: Yep.

Chris Hitchcock: Well, you know, you might consider making the 10% a bigger number. I mean, that's a bargaining chip you might remember.

Drew Orłowski: Sure.

Chris Hitchcock: So at some point, we can't refuse.

Robin Dube: There's houses he knows along there that he can tear down. But I just hope he finishes a lot of his other projects, he's got *[overlapping conversation]* [01:45:08].

Drew Orłowski: I'll let him know.

Chris Hitchcock: But these are all rentals. These are going to be all rentals?

Jeffrey: He hadn't decided on that yet.

Chris Hitchcock: He hasn't. Okay.

Jeffrey: We haven't ironed that out.

Chris Hitchcock: But if it weren't rentals, you'd have affordable features to the sales?

Jeffrey: I would assume so. Yes.

Chris Hitchcock: Okay. All right. Well, that's good too.

Winthrop Winch: I was going to make a related comment. Jeffrey, you know, when I think of Smith Wheel Road, I just think of tremendous density. And I'm saying to myself, why does the bus run down Saco Avenue? Why does that run down, and then...

Jeffrey: Yeah. I was thinking that too.

Winthrop Winch: We had the bus going down Saco Avenue through maybe commercial. Going down Smith Wheel Road makes so much sense. Because ideally, you know, we're really a community for Portland. And, of course, you can't afford to live in Portland anymore. It looks like it's getting pretty good in benefit. So I mean, this would make a lot of sense if there was a way for people to get to work without - yeah.

Jeffrey: That's a good point. Especially, if there's an apartment component. Absolutely. I think something that could be one of those public benefits is at the end of one of those access create a bus stop.

Winthrop Winch: Yeah.

Jeffrey: You know, so the bus, because in some of those areas, it might get a little sketchy with traffic. So the bus can pull over on a shoulder, and there's a shelter for people.

Winthrop Winch: Yeah. Yeah.

Chris Hitchcock: Or the bus could go right onto that property.

Jeffrey: Or yeah. Or the bus can go if that's a possibility. Yeah.

Winthrop Winch: It's a chicken and egg situation right now. The frequency is pretty difficult if you're really depending on that commute. But you have to, like, the dead up here. You need some seed money maybe to get that subsidize the bus line for more frequency. And I got to think we'd catch on. Yeah.

Jeffrey: Yeah. Good idea.

Robin Dube: The main thing with us is if questions are asked, we'd like to hear the answers and not him get them three days before a meeting. We have to...

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Chris Hitchcock: Okay. This is going to take a while.

Robin Dube: Well, I understand that. But that's, you know what I'm saying? The answering questions...

Drew Orłowski: Yep. I'll be right on it.

Drew Orłowski: No problem.

Robin Dube: Yeah. We wish him luck. Do we have any other land left in Old Orchard to build on?

Jeffrey: Yeah. Your backyard.

Chris Hitchcock: All right. Thank you very much.

Drew Orłowski: Thank you.

Chris Hitchcock: The agenda says we might have other topics. What are they doing with my agenda? Here we go.

Robin Dube: Other business.

Chris Hitchcock: Other business? Anyone have any other business?

Robin Dube: No.

Chris Hitchcock: Good and welfare. I entertain a motion to adjourn.

Jay Kelley: Motion to adjourn.

Robin Dube: Second.

Jeffrey: Thank you, everyone.

Chris Hitchcock: Good night.

Jeffrey: Good job.

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 14 November 2024.

Jeffrey Hinderliter, Town Planner