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3 OLD ORCHARD BEACH PLANNING BOARD  
4 Public Hearing & Regular Meeting MINUTES  
5 November 9, 2021 6:30 PM  
6 Town Hall Council Chambers  
7  
8  
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10 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A*  
11 *COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT 207-934-4042 OR*  
12 [kmclaughlin@oobmaine.com](mailto:kmclaughlin@oobmaine.com)  
13

14  
15  
16 CALL MEETING TO ORDER

17  
18 PLEDGE TO THE FLAG

19  
20 ROLL CALL

21 Marianne Hubert  
22 Win Winch  
23 Robin Dube  
24 Chair Walker  
25 Chris Hitchcock  
26

27  
28 Public Hearings

29 PH 1

30 Proposal: Ordinance Amendments (DD2 Lodging Use): Ch. 78, Art. VI, Sec. 78-747 (1) i  
31 Applicant: J. Peter Guidi Jr.  
32 Location: Downtown District 2 Zoning District  
33

34 Applicant Joseph Peter Guidi Jr., owner of Seagrass Inn, at 51 West Grand Avenue addressed the Board. He stated  
35 that he was looking at opportunities in town and found that the current zone has some confusing language in the  
36 ordinances about allowable uses and lodging definitions. He thinks that to allow bed and breakfasts in the DD2 zone  
37 gives homeowners the opportunity to develop commercial businesses in a properly licensed environment, and that is  
38 why he is proposing this amendment.

39 Seeing that no one else was wishing to speak, Chair Walker closed the Public Hearing at 6:33 pm.  
40  
41

42 PH 2

43 Proposal: Conditional Use: Shoreland Zoning nonconforming structure 30% expansion on single-family  
44 Applicant: Susan and Stephen Fitts  
45 Location: 47 Winona Ave; MBL: 320-6-4; Zoning: R3 and RA  
46

47 Seeing that no one was wishing to speak on this, Chair Walker closed the Public Hearing at 6:33 pm.  
48  
49

50 Regular Business

51 ITEM 1

52 Proposal: Ordinance Amendments (DD2 Lodging Use): Ch. 78, Art. VI, Sec. 78-747 (1) i  
53 Action: Council Recommendation

1 Applicant: J. Peter Guidi Jr.  
2 Location: Downtown District 2 Zoning District  
3 Town Planner Jeffrey Hinderliter updated the Board as follows:  
4

- 5 • This item is a zoning ordinance amendment which seeks to add “lodging establishment” as an allowed use in  
6 the DD2 Zoning District. Right now only “hotel” and “motel” are allowed
- 7 • The ultimate purpose of the amendment is to allow the bed & breakfast use in DD2
- 8 • Currently, the DD2 only allows hotels and motels
- 9 • The lodging establishment use includes hotels, motels, bed & breakfast, and inns
- 10 • Because the lodging establishment definition includes bed & breakfast, as well as other lodging uses such as  
11 hotel and motel, it made sense to allow all lodging uses through application of the lodging establishment  
12 definition rather than list each lodging use individually
- 13 • When reviewing zoning ordinance amendments, we focus on whether the change is consistent with 3 items:  
14 current zoning, existing land uses in the district, and support for the amendment in the comprehensive plan.  
15 We find this proposal passes all 3 of those tests
- 16 • We recommend that the Board recommends to the Council to approve this amendment  
17

18 Chair Walker then asked the Board if they had any questions, comments, or concerns. Ms. Dube stated that there  
19 was a bed and breakfast across the street; Jeffrey replied that there are several bed & breakfasts that exist in the  
20 district, that they may be grandfathered, and that this amendment would work to establish more consistency with  
21 what exists and what is allowed.

22 Mr. Winch then made the following motion: I make a motion that the Town Council approve an amendment to Ch.  
23 78, Art. VI, Sec. 78-747 of the Old Orchard Beach Code of Ordinances to replace “hotel and motel” with “lodging  
24 establishments”. Ms. Hubert seconded the motion, at which point Chair Walker asked for the vote. Town Planner  
25 Jeffrey Hinderliter then called for the vote as follows:  
26

- 27 Ms. Hubert YES
- 28 Mr. Winch YES
- 29 Ms. Dube YES
- 30 Mr. Hitchcock YES
- 31 Chair Walker YES  
32

33 Chair Walker then stated that motion carries 5-0.  
34  
35

36 ITEM 2

37 Proposal: Conditional Use: Shoreland Zoning nonconforming structure 30% expansion on single-family  
38 Action: Final Ruling  
39 Applicant: Susan and Stephen Fitts  
40 Location: 47 Winona Ave; MBL: 320-6-4; Zoning: R3 and RA  
41

42 Town Planner Jeffrey Hinderliter updated the Board as follows:  
43

- 44 • This item is a proposed expansion of a single family structure in the shoreland zone
- 45 • This single family structure is currently nonconforming because it’s within the 100 ft water setback
- 46 • The expansion is a 150 sq. ft. 2<sup>nd</sup> floor enclosed addition to the single-family structure
- 47 • The expansion is over an existing deck
- 48 • This proposal is not closer to the resource and is well under the 30% volume and sq. ft. allowed
- 49 • We recommend the Planning Board approve this proposal with the condition that the applicant must secure  
50 flood hazard development permit approval before approval of the building permit  
51

52 Chair Walker then asked if there were any comments wishing to be made by the applicant and seeing none, asked if  
53 there were any questions or comments from the Board. Ms. Hubert then made the following motion:

1  
2 I will make a motion to conditionally approve a Conditional Use application for a 150 sq. ft. 2<sup>nd</sup> floor addition  
3 shoreland zoning nonconforming structure 30% expansion proposal located at 47 Winona Ave., MBL: 320-6-4,  
4 owner Susan and Stephen Fitts, given that the Applicable Flood Hazard Development Permit approval is secured by  
5 the applicant or their representative before approval of any building permit. Mr. Winch then seconded the motion.  
6 Chair Walker asked if the Conditional Responses should be read before the vote. Town Planner Jeffrey Hinderliter  
7 replied that because this was very straight forward, Chair Walker could say that the Standards for both the  
8 Conditional Use and the Shoreland Zoning are incorporated as written. Chair Walker then asked for the vote, at  
9 which point Jeffrey called for the vote as follows:

10  
11 Ms. Hubert YES  
12 Mr. Winch YES  
13 Ms. Dube YES  
14 Mr. Hitchcock YES  
15 Chair Walker YES

16  
17 Chair Walker then stated that motion carries 5-0.

18  
19 ITEM 3

20 Proposal: Private Way: Private Way proposal to serve two residential house lots  
21 Action: Final Ruling  
22 Applicant: Lyons Maine, LLC  
23 Location: Portland Ave; MBL: 104-1-31; Zoning: RD

- 24  
25 • This proposal is for a private way to access two proposed lots; these lots do not exist, and both are for single  
26 family development  
27 • The private way is approx. 490' long, improved surface of 20' in width, and lots will have access to public  
28 water and sewer  
29 • Private ways accessing 2 lots have less restrictive standards than private ways that access 3 or more lots.  
30 Private ways accessing 3 or more lots must meet subdivision road standards. Private ways accessing 2 lots  
31 are really a glorified driveway; they do have their own standards which are not as detailed as the subdivision  
32 road standards  
33 • Also note private ways are not reviewed as conditional uses or under site plan review. This means there is no  
34 determination of completeness and no review criteria that we see with conditional use and site plan  
35 proposals. Private ways are their own application; there is no site walk or public hearing requirement and  
36 there is no review criteria to read  
37 • At the October meeting we requested that the applicant address remaining comments in the next submission.  
38 Also, we scheduled and held a site walk last Thursday  
39 • We received nothing new this month by the submission deadline except the applicant indicated they wanted  
40 to get the site walk completed and adjust responses if required, before they submit  
41 • We expect the applicant will look for Board approval tonight. Although nothing new was submitted in time  
42 for the Board to review, the Board has the option to attach conditions to cover the outstanding items  
43 • If the Board choose to move forward and vote to approve tonight, we recommend the following condition is  
44 included in the motion:  
45 1. Applicant shall secure Fire Department, Wright-Pierce and Staff approvals before any development  
46 activity begins on the private way and lots  
47 • Because private ways have no review criteria, there is nothing the Board needs to read. It's just a vote to  
48 approve, approve with conditions or to deny.  
49 • If the Planning Board chooses to approve, I do have a Motion prepared that I can hand over to the Chair  
50

51 Chair Walker then asked if the option to table the decision pending the items being addressed was a viable option, to  
52 which Jeffrey Hinderliter replied yes. Chair Walker then asked the Board for comments. Ms. Aube asked if the only  
53 item to address was the sewer hook-up. The applicant, Bill Thompson, then spoke to the Board. He stated that they  
54 are requesting conditional approval, they had the site walk, have analyzed the stormwater drainage, have addressed

1 the Wright-Pierce comments, have reviewed the sewer plan w Public Works, and coordinated with Maine Water re  
2 the fire hydrant to be added. Chair Walker then asked Town Planner Jeffrey Hinderliter if he had the motion, to  
3 which Jeffrey replied yes and presented the motion to Chair Walker. Ms. Dube then made the following motion: I  
4 make a motion to approve Lyons Maine, LLC proposal to create a 2-lot private way located at Portland Avenue,  
5 MBL 104-1-31, with the following condition: Applicant shall secure Fire Department, Wright-Pierce, and Staff  
6 approvals before any development activity on the private ways and lots. The motion was then seconded by Mr.  
7 Winch, and Chair Walker then asked for the vote. Town Planner Jeffrey Hinderliter called for the vote as follows:

8  
9 Ms. Hubert YES  
10 Mr. Winch NO  
11 Ms. Dube YES  
12 Mr. Hitchcock NO  
13 Chair Walker YES

14  
15 Chair Walker then stated that motion carries 3-2.

16  
17  
18 **ITEM 4**

19 Proposal: Site Plan and Major Subdivision: 25 Townhouse Condo Units  
20 Action: Preliminary Plan Determination of Completeness; Schedule Site Walk; Public Hearing  
21 Applicant: Gorrill Palmer  
22 Location: 2 – 4 Little River Rd., MBL: 201-3-2 & 6; Zoning: RBD & Shoreland RA  
23

- 24 • At the September meeting the Board asked the applicant to address all outstanding comments before the  
25 preliminary plan was determined complete
- 26 • The applicant addressed all comments, but do the responses and supporting submissions address the  
27 comments in a manner that conforms with applicable review criteria and ordinance standards? This is a  
28 question the Planning Board needs to consider
- 29 • The applicant is seeking a determination of completeness for this preliminary plan submission. To determine  
30 a preliminary plan is complete, all relevant information must be submitted to allow the Board to make a  
31 reasonable and informed decision. This does not mean that the information submitted must meet applicable  
32 ordinance standards or review criteria, it simply means all relevant information must be submitted
- 33 • The Board could determine an application complete, but this determination does not mean they approve the  
34 application. Relevant information may be submitted, but the Board may find this information does not meet  
35 ordinance standards or review criteria
- 36 • This is why following through with Board requests before the preliminary plan is determined complete is so  
37 important. If the Board requests sidewalks and this is supported in ordinances and review criteria, and  
38 sidewalks are not included with the submission, the Board can still determine it is complete but the Board  
39 could ultimately vote to not approve the project at final review because it does not meet the ordinance  
40 standards or review criteria
- 41 • There are a number of items we feel should be addressed by the applicant including improvements to Little  
42 River Rd, sidewalks on Little River Rd., ensuring public safety is comfortable with on-site emergency  
43 vehicle maneuvering, tightening up the condo docs, identifying shared common space on the plans, unit  
44 rental details, and winter maintenance of interior parking and roads. We go into more detail and identify a  
45 few other items in the memo
- 46 • If the Board feels that all relevant information has been submitted to make a reasonable and informed  
47 decision, the Board should determine that the preliminary plan is complete and schedule a site walk for 2  
48 Dec. (remember limited daylight- sunset at 3:54 PM on 2 Dec) and schedule a public hearing for 9 Dec.
- 49 • If the Board feels the application is lacking data and they'd like to give the applicant another opportunity to  
50 submit this data, the data should be identified. No ruling is necessary but we do recommend a site walk.  
51 This is our recommendation
- 52 • If the applicant chooses to not submit/address the info requested by the Board, they do have that right but of  
53 course there are risks with that choice  
54

1 Chair Walker then asked the Board if they had any questions or comments. Ms. Hubert asked if the primary  
2 access should be 24' as opposed to 20' or 15'. Jeffrey replied that the standard is 24' for a collector and 20'  
3 for a minor; a collector street means a street serving at least 15 units of residential development, so this  
4 would require 24' minimum width. Caleb Barasso from Gorrill Palmer stated that they are hoping to do  
5 everything they can to the road, but that the right of way is currently 22' wide; he also stated that he and the  
6 applicant thought that the Board and staff were on board with the 20' width at both entrances. He also stated  
7 that he met with Public Works and Public Works had done some widening, and that he would need to field  
8 verify what the actual limits are with the road. Chair Walker stated that they would need to see the details on  
9 the final plans. Mr. Winch stated that he does not feel that sidewalks make sense on that street; that the left  
10 side of the road is wetlands and that the owners would take a different route to East Grand Avenue. Chair  
11 Walker then questioned if any of the units would utilize Little River Road as a walkway and Caleb responded  
12 that yes, 2 of the units would. Chair Walker then stated that those units would then not have a sidewalk.  
13 Caleb then showed the Board photos of the road as it is now and that the photos show the sight lines and that  
14 the proposed clearing will improve the sight distances as well. Chair Walker then asked about connecting the  
15 buildings to sewer; Caleb stated that the units would remain on septic, that bringing the sewer all the way  
16 down the roadway was not something that they had considered as an additional pump station would have to  
17 be added for each of the units. Chair Walker stated that he would like the applicant to look into that for the  
18 next submittal, that there is a concern that if a field fails heavy equipment would have to be brought in.  
19 Caleb stated that they may be able to accommodate connecting to the sewer for Unit #25. Ms. Dube then  
20 asked if the applicant knew the last time the septic system was updated; Caleb replied that he did not know  
21 but would make note of that for next time. Chair Walker then asked if the Board had any other questions; he  
22 also stated that he was in the area about a month ago, and the area was very dense, and was wondering about  
23 scheduling a site walk. Ms. Dube then asked if there had been any flooding in the area; Caleb replied that he  
24 wasn't aware of any, the application does note that they are within the flood zone, but that they are a few feet  
25 above the wetlands. Caleb also stated that they are oversizing the systems so they can handle the capacity and  
26 also have graded the area so water can drain back down into groundwater as opposed to spilling over onto  
27 any properties. Chair Walker then asked about the overhanging balconies on 3 of the units and what was the  
28 rationale for keeping those; Caleb replied that it would be a nice amenity and would be a good use of that  
29 space without jeopardizing maneuverability of emergency vehicles in that area. Chair Walker then asked if  
30 the Board had any additional comments or concerns, and seeing none, asked if they wanted to make a  
31 determination. Mr. Hitchcock then made the following motion: I vote to determine the site plan and  
32 subdivision preliminary application proposing a 25-unit multifamily condominium development located at 2,  
33 4, 8, and portion of 10 Little River Rd., applicant Gorrill-Palmer complete. The motion was seconded by Ms.  
34 Dube. Chair Walker then asked if the motion was subject to any conditions, and asked Town Planner Jeffrey  
35 Hinderliter if conditions were needed on a preliminary plan. Jeffrey replied that it would be helpful to have  
36 because by making the determination without conditions, it is as if all relevant information is available as to  
37 what the Board is seeing. By adding conditions, it is saying that we have most of the relevant information  
38 but we are missing this, this, and this... Chair Walker then stated that they definitely need to see the entire  
39 footprint envelope on the plans, including 2, 4, and 6, see the common areas, a determination on the road,  
40 with lighting. Ms. Dube then asked Town Planner Jeffrey Hinderliter what the staff recommends for  
41 conditions, to which Jeffrey replied that it sounds like they are looking for the full improvements to the road,  
42 including the 20' width, on the plan. Chair Walker then asked if the applicant would need a waiver to go to  
43 20'; Jeffrey replied that he would check on that. Jeffrey also stated that sidewalks were off the table, the  
44 common space has to be shown on 1 complete plan, the Board wants more information on bringing the sewer  
45 line in to accommodate all units or at a minimum Unit #25, and also perhaps upgrading the sewer lines, and  
46 obtaining the HOA docs. Jeffrey also stated that the applicant should work with public safety to get their  
47 concerns addressed. Mr. Hitchcock asked if his motion was ok as is, to which Chair Walker stated that yes,  
48 the motion will include the conditions, that the vote will be on a determination of completeness with the  
49 preliminary plan, subject to the conditions stated. Chair Walker then asked for the vote and Town Planner  
50 Jeffrey Hinderliter called for the vote as follows:

51  
52 Ms. Hubert YES  
53 Mr. Winch YES  
54 Ms. Dube YES

1 Mr. Hitchcock YES  
2 Chair Walker YES  
3

4 Chair Walker then stated that motion carries 5-0, and asked if the Board would like to have a site walk on Dec 2. The  
5 Board agreed, and it was decided that the site walk would be at 3pm on Dec 2<sup>nd</sup> with a public hearing on Dec 9<sup>th</sup>.  
6

7 **ITEM 5**

8 Proposal: Consideration of condition of approval  
9 Action: Determine if condition is met  
10 Owner: Timothy Swenson & Cary Seamans  
11 Location: Wild Dunes Way, Section C of Dunegrass (MBL: 105A-1-C); Zoning: PMUD  
12 Assistant Town Planner Michael Foster updated the Board as follows:  
13

- 14 • Section C - Country Club Estates subdivision was conditionally approved on 8<sup>th</sup> July 2021. One of the  
15 conditions of approval was for the golf cart path and was as follows:  
16 1. The golf cart safety and relocation off of Wild Dunes Way shall be approved to the satisfaction of  
17 the Town Planning Staff and Board prior to the construction.
- 18 • The applicants have submitted an updated plan and cover letter to meet this condition of approval for the golf  
19 cart path and the connecting sections, for consideration by the Planning Board.
- 20 • The proposed golf cart path runs along Wild Dunes Way, now shown located outside of the right of way,  
21 with two crossings on Wild Dunes Way and one crossing within Section C. Another portion runs behind  
22 Country Club Estates lots 1, 2, & 3.
- 23 • The Planning Board's condition didn't specify submission requirements, but Planning Staff made the  
24 following recommendations to the applicant:  
25 1. The plan must include a reference to the approved and recorded Country Club Estates plan. This is to ensure  
26 this plan is linked to the approved and recorded plan.  
27 2. For the portion of the path that crosses through property owned by the developers of Country Club Estates  
28 (behind lots 1, 2, 3), easements granting legal access.  
29 3. A signed statement indicating the commitment to the completion of the entire proposed cart path as shown on  
30 the plan. This statement must include a completion date.
- 31 • The applicants responded to multiple staff comments in the submittal but the above recommendations remain  
32 outstanding and are addressed in the recommended motion.
- 33 • **RECOMMENDATIONS:** The proposed golf cart path is located outside of the ROW along Wild Dunes  
34 Way, and connections to the existing paths are also shown on the updated grading plan. Planning staff agrees  
35 this meets the condition for relocation off from Wild Dunes Way but ultimately it was the Planning Board's  
36 condition.  
37  
38  
39

40 Bill Thompson, project manager with BH2M Engineers, then described and showed the cart paths in detail on the  
41 plans. Chair Walker then stated his concern about the path that leads to the refreshment area and along Wild Dunes  
42 Way, and questioned if that is all privately-owned land. Owner Tim Swenson replied yes, and Chair Walker then  
43 asked if a small guardrail could go up between the cart path and the road. Bill Thompson then clarified that the cart  
44 path is not going to be right along the pavement, that there is a 5-10' shoulder. Chair Walker then withdrew his  
45 suggestion, and asked if the Board had any questions or comments. Ms. Dube then made the following motion:  
46

47 Motion to approve the golf cart path plan as shown on grading plan sheet 1, dated 21<sup>st</sup> October 2021 for Section C  
48 Dunegrass, Country Club Estates, MBL: 105A-1-C, located in the PMUD Zone, applicants Timothy Swenson &  
49 Cary Seamans, as meeting the 8<sup>th</sup> July 2021 condition of approval #3 subject to the following:

- 50 1. Add note on plan to reference the approved and recorded Country Club Estates plan to ensure this plan is  
51 linked to the approved and recorded plan.
- 52 2. Update the approved plans to show location of relocated golf cart path, including on roadway profile sheet 4.
- 53 3. Provide easements giving the golf course owner crossing rights for the golf cart path.

- 1 4. The golf cart path shall be relocated to the satisfaction of Town staff before the first building permit is  
2 issued.  
3

4 The motion was seconded by Ms. Hubert, at which point Chair Walker asked for the vote. Town Planner Jeffrey  
5 Hinderliter then called for the vote as follows:  
6

7 Ms. Hubert YES  
8 Mr. Winch YES  
9 Ms. Dube YES  
10 Mr. Hitchcock YES  
11 Chair Walker YES  
12

13 Chair Walker then stated that motion carries 5-0.  
14  
15

16 ITEM 6

17 Proposal: Contract Zoning Application: Establish a Contract Zone, named Contract Zone-4, in accordance with  
18 Town of Old Orchard Beach Code of Ordinances Chapter 78, Article IX (Contract Zoning) for the  
19 property located at 60 Saco Ave., MBL: 206-10-1. The purpose of the Contract Zone is to allow the  
20 establishment of an 8-unit residential condominium building.  
21 Action: Discussion; Schedule Public Hearing; Schedule Site Walk  
22 Applicant: Land Matters, LLC  
23 Location: 60 Saco Ave., MBL: 206-10-1; Zoning: GB2  
24

25 Town Planner Jeffrey Hinderliter updated the Board as follows:  
26

- 27
- This item is proposing a contract zone to allow for the development of an 8-unit residential condo building at 60 Saco Ave (former post office). The applicant can describe the proposal in more detail
  - Contract zoning proposals must include:
    1. A contract zoning agreement. The agreement must include a detailed statement of the proposed use of the property and the zoning change requested, how it is consistent with the comp plan and permitted uses in the zoning ordinance and existing uses; and the agreement must contain conditions and restrictions that ensure that the contract zone meets the purpose of the contract zoning ordinance.
    2. Plot plan showing the property and existing and proposed structures;
    3. Existing streets and driveways within 200' of the property;
    4. Evidence of right, title or interest in the property
  - Contract zoning proposals require the Board to make a recommendation to the Council- similar to zoning amendments. The primary responsibility of the Board is to rule on three factors when making their recommendation:
    - (1) Is the proposal consistent with the comprehensive plan;
    - (2) Is it consistent with, but not limited to, the existing uses and allowed uses within the original zone; and
    - (3) Is it subject to conditions sufficient to achieve the purpose of the Contract Zoning Ordinance
  - A favorable recommendation requires a favorable vote on all three factors. If the Board makes a negative finding on any factor, the recommendation must not be in favor of the contract zone
  - Regarding our thoughts on this proposal's conformance with the three factors:
    1. The agreement includes language that represents comp plan consistency. Although, we feel more info should be provided to show how this proposal is consistent with the comp plan in regards to this particular area of town and the zoning district identified in the comp plan
    2. Regarding consistency with existing uses and allowed uses within the GB2 zoning district, we believe the agreement should include more specific language identifying what the existing uses and permitted uses in the GB2 are, and then explaining how this proposal is consistent with those uses
    3. Regarding conditions and restrictions, the applicant proposes five. As stated in our memo, we feel the Planning Board should consider adding more- we offer four suggested conditions in the memo
- 53

- 1 • In addition to the above, we feel an updated plot plan showing all existing and proposed buildings and  
2 structures as well as a plan, photos or something showing existing streets and driveways within 200' of the  
3 property. Those are both ordinance requirements.
- 4 • This is a good first attempt but we feel more information is needed to increase chances for a positive finding  
5 on all three factors. The Board should consider recommending additional conditions and restrictions to help  
6 ensure that the agreement meets the contract zoning ordinance purpose. Also, the plot plan and aerial  
7 photographs should be included in future submissions
- 8 • All of these items do have resolutions so I expect we'll find common ground with the applicant
- 9 • We recommend the Board hold off on a public hearing until the applicant submits the items requested and  
10 the Planning Board has an opportunity to review the items and provide comment. A site walk may be  
11 scheduled but is not required. We recommend one so that the public can be notified and can get out there  
12 and hear the description on site.
- 13 • Note these proposals will require site plan review. It can run concurrently with the contract zoning  
14 agreement review or it can run after, it's entirely up to the applicant. Chair Walker then asked if staff  
15 typically works with the applicant to develop a proposal to meet all of the requirements. Town Planner  
16 Jeffrey Hinderliter replied that yes, to an extent, that they had met with Tom and provided him with some  
17 successful contract zoning agreements we have had in the past, but we also believe in free will and it is their  
18 proposal, so let's see what they propose and feel is acceptable to them, and we negotiate from there. That is  
19 the nature of contract zoning.  
20

21 Tom Gillis, the applicant then spoke, and reiterated that he wants to work with the Town and get this right, and he  
22 wants to make this the best project in Town. He then showed the Board before and after prints of the property, and  
23 noted that the focal point will be the front of the building, which will be moved to the side of the building; they will  
24 develop a park for the residents; there will be a 3-season area for the residents; there is plenty of parking; the property  
25 will be landscaped and the applicant is currently talking with a solar company to provide solar energy. He stated that  
26 he is looking for 8 units. Chair Walker then asked how he intends to incorporate the existing building into the design.  
27 Tom stated that the existing building is being kept as is, brick will be used for the top 2 floors, and the look they are  
28 going for is a Federalist feel, with all brick and high-quality materials. The park area will be granite, as will the  
29 window sills. Chair Walker then asked if the park would be a public park, and the applicant replied that the risk with  
30 that would be the liability. Ms. Hubert then asked how many square feet would be in each unit and the applicant  
31 replied that he is looking for each unit up front to be around 1,500 square feet, and the back ones will be 1,600-1,700  
32 square feet, and the back ones will be up and down. There will be an elevator. The ranges are \$370,000 - \$410,000,  
33 with the top floors having ocean views. Chair Walker then asked if a roof deck was planned; the applicant stated that  
34 he was thinking that for the back units, but thinks such may be provided for all units, and is something he is working  
35 on and will provide at the next meeting. Chair Walker then asked for any comments from the Board; seeing none, he  
36 asked the applicant to amend the contract zone language as required for this project, provide additional plans re the  
37 comments given, and be specific about which standards should be waived if waivers are needed. The applicant stated  
38 that he wasn't sure if they needed waivers, at which point Town Planner Jeffrey Hinderliter stated that the big waiver  
39 needed was re the density, and also to check the parking to make sure that handicapped parking can be included as  
40 one of the 16 spaces, and if not, it would be worthwhile to insert that into one of the waivers. Chair Walker then  
41 asked about a dumpster location, and Tom indicated that he was leaning toward private weekly pickup with trash  
42 located in an enclosed area but would not be using dumpsters. Chair Walker also mentioned that the applicant should  
43 plan for snow removal and a place to put accumulated snow. Chair Walker then asked Town Planner Jeffrey  
44 Hinderliter if a site visit should be planned; Jeffrey replied that this area is accessible and a site visit is recommended,  
45 but that such can be in January. The applicant then asked if the Public Hearing would also be scheduled for January,  
46 and Jeffrey replied yes.  
47

#### 48 ITEM 7

49 Proposal: Subdivision Amendment: Amend 9 Lots at Wild Dunes Way Plan to add a 10<sup>th</sup> lot  
50 Action: Review and rule on plan amendment  
51 Owner: Dominator Golf, LLC  
52 Location: Portion of 65 Wild Dunes Way, MBL: 105A-1-200; Zoning: PMUD  
53



- 1 • This is a proposal to amend the previous 9 lots at Wild Dunes Way subdivision, and reestablish a lot adjacent
- 2 to the Dunegrass clubhouse.
- 3 • The area of this proposed lot is adjacent to the Dunegrass clubhouse and the lot next to it, and is across from
- 4 The Turn subdivision.
- 5 • To amend a plan in Dunegrass that impacts unit counts and open space we have two initial questions,
- 6 • 1. Where is the additional unit coming from to reestablish this lot? And
- 7 2. How does this impact the requirement to have 35% of dedicated open space?
- 8 • The applicant has provided this information:
- 9 • **Unit counts**
- 10 • The 2019 amendment indicated that the approved 9<sup>th</sup> lot was an exchange position for this lot and this lot
- 11 was to become part of the Golf Course. The owner Domenic Pugliares, dba Dominator Golf, LLC has
- 12 since purchased Dunegrass sections D & E which were originally approved for 88 units.
- 13 ○ A note #10 has been added to this proposed amendment indicating this
- 14 10<sup>th</sup> lot is being transferred from Section D & E and that 87 units will
- 15 remain in D & E.
- 16 • **35% of dedicated open space requirement**
- 17 • Note #9 states that with the approval of this 10<sup>th</sup> lot the remaining open space will be 150.57 acres
- 18 (48.3%).

19  
20 **Additional staff comments:**

- 21 • DEP permit and stormwater – The applicant has indicated this will be constructed under the Dunegrass
- 22 Site Location permit and will be installing a drip edge filter and bioretention filters to meet requirements
- 23 for addressing stormwater. The construction details for these stormwater BMPs should be included in the
- 24 plans and any approval conditioned upon receiving certification of installation.
- 25 • Stormwater maintenance agreement - It appears this will need to be included in the 9 lots Maintenance
- 26 Agreement for Post-Construction BMPs.
- 27 • Golf cart path - The site grading plan submitted for Country Club Estates -Section C shows the proposed
- 28 golf cart path crossing over the area of this proposed lot. The golf cart path needs to be shown on this
- 29 plan and easement for the golf cart path provided.
- 30 • Easement should be provided for utility crossings.
- 31 • Driveway location - The proposed driveway location should be shown on the plan. Driveways need to
- 32 meet Article VIII Performance Standards, Subdivision II. - Access Standards for Single- and Two-
- 33 Family Residences.
- 34 • Plan references - The note “This plan supersedes” appears to reference the correct book and page for the
- 35 most recent April 2018 amendment, but the incorrect date of August 2017 is being referenced. This note
- 36 should be updated.
- 37 • One item that came up during staff review that wasn’t included in the Planning Board memo is in regards
- 38 to sidewalks. It appears sidewalks were required to be installed in front of specific lots for 8 lots
- 39 subdivision. Some were installed and some were not. The remaining question is who was responsible to
- 40 install the sidewalks, the developer or individual lot owners?
- 41
- 42 • **Recommendations:** This is a fairly straightforward application and the main questions have been
- 43 answered up front. Planning staff recommends the Planning Board determine this application as
- 44 complete subject to a couple items in regards to the proposed golf cart path. We are still looking into
- 45 what was required for a sidewalk. The applicant will want to address staff comments that are in the
- 46 November 2021 Planning Board Memo before the next submission.
- 47

48 Jason Fabianas, of Atlantic Resource Consultants, then spoke on behalf of the applicant. He stated that he is the

49 engineer for the 10<sup>th</sup> lot. He stated that they already did a site plan for the house that is going to be built here, and the

50 cart path will be added on the plan. Chair Walker asked if the Board had any questions. Ms. Dube stated that if

51 sidewalks weren’t required as part of the original plan, then we can’t just say a sidewalk for one house, and Chair

52 Walker indicated there was the cart path in front anyway. Assistant Town Planner Michael Foster replied that the

53 reason he had brought up the sidewalks was to confirm that they met the requirements of the previous plan. Michael

1 did have a question as to whether a site walk or a public hearing were required; he indicated that he didn't think a site  
2 walk was required but a public hearing would be as this was a plan amendment. Town Planner Jeffrey Hinderliter  
3 replied that he was correct. Ms. Dube then made the following motion:  
4

5 I make a motion to determine the application complete for amendment to 9 Lots at Wild Dunes Way to add a 10th  
6 lot, location 65 Wild Dunes Way, on portion of MBL: 105A-200, in the PMUD Zone, applicant Dominator Golf,  
7 LLC, subject to the following:

- 8 1. Show location of proposed golf cart path on plans.
- 9 2. Provide easement for golf cart path.

10  
11 Motion was seconded by Mr. Hitchcock, at which point Chair Walker asked for the vote. Town Planner Jeffrey  
12 Hinderliter then called for the vote as follows:  
13

14 Ms. Hubert YES

15 Mr. Winch YES

16 Ms. Dube YES

17 Mr. Hitchcock YES

18 Chair Walker YES  
19

20 Chair Walker then stated that motion carries 5-0  
21

22 A Public Hearing should be scheduled for 9<sup>th</sup> December at 6:30 PM.  
23  
24

#### 25 Certificate of Appropriateness

26 Proposal: Addition and alteration to existing single family building including new rooftop bedroom and deck,  
27 and installation of new siding and windows

28 Action: Review; Certificate of Appropriateness Decision

29 Applicant: Delano Architecture, LLC

30 Location: 8 Brown St, MBL 305-1-5; Zoning DD2  
31

32 Assistant Town Planner Michael Foster updated the Board as follows:  
33

34 This is a recommendation from the Design Review Committee (DRC) to the Planning Board to issue a design review  
35 certificate. The Planning Board hasn't received a recommendation for a design review certificate in a while. A quick  
36 refresher of the process:

- 37 • The DRC reviews applications for proposals requiring design review in the Downtown District.
- 38 • The DRC determines applications complete and assesses applications for conformance to performance  
39 guidelines for the Downtown District.
- 40 • The DRC makes a recommendation to the Planning Board.
- 41 • The Planning Board is the authority that issues the design review certificate.  
42

43 This certificate recommendation is for a single-family building addition and alteration at 8 Brown St.  
44

45 The proposal is to add a third story rooftop deck and a bedroom, update siding, windows, and stairs. The applicant  
46 has gone before the ZBA to get the needed variance to extend the staircase. This doesn't require site plan review  
47 from Planning Board because it is not located in the Shoreland zone and is a residential structure single-family home  
48 addition. The DRC reviewed the application and the applicant's responses to the design standards and recommends  
49 the Planning Board approve the certificate. Chair Walker asked if anyone were there on behalf of the DRC. Alex  
50 Haba, of Delano Architecture, then introduced himself. Ms. Dube asked if there were any pictures, to which Alex  
51 answered yes and showed the Board the pictures he had. Chair Walker asked if the Board had any questions or  
52 comments, and seeing none, Ms. Dube made the following motion:  
53

1 I make a motion to issue the Design Review Certificate as recommended by the Design Review Committee, for the  
2 single-family building alterations including third story deck, addition, updated siding and windows, for 8 Brown  
3 Street, MBL 305-1-5, in the DD2 Zone, applicant Delano Architecture, LLC. Mr. Hitchcock seconded the motion,  
4 at which point Chair Walker asked for the vote. Town Planner Jeffrey Hinderliter then called for the vote as follows:  
5

6 Ms. Hubert YES  
7 Mr. Winch YES  
8 Ms. Dube YES  
9 Mr. Hitchcock YES  
10 Chair Walker YES

11  
12 Chair Walker then stated that motion passes 5-0.  
13

14 Other Business

15 Chair Walker noted that the applicant for the solar farm had stated in their packet that they would provide the  
16 townspeople with reduced rates or some amenity as part of the approval process, but he hadn't heard anything yet.  
17 He further stated that he has received offers from other solar resellers offering 15% off the CMP monthly rate and  
18 that because the town allowed the solar farm in town, he would expect that we would receive more than the average  
19 15%.  
20

21 Chair Walker stated that the other item was re the opportunity to pay Board members a stipend for all the work that  
22 they do, and that he would like to get that process started.  
23

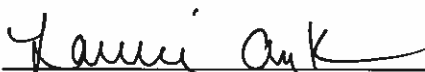
24 Good and Welfare

25 None  
26

27 ADJOURNMENT

28 Chair Walker adjourned the meeting at 8:18PM  
29

30 *I, Laurie Aberizk, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby*  
31 *certify that the foregoing document consisting of Eleven (11) pages is a true copy of the original minutes of the*  
32 *Planning Board Meeting of November 9, 2021.*  
33

34  
35 X   
36 \_\_\_\_\_  
37 Laurie Aberizk  
38  
39