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3 OLD ORCHARD BEACH PLANNING BOARD
4 Public Hearing & Regular Meeting MINUTES
5 September 9, 2021 6:30 PM
6 Town Hall Council Chambers
7
8

9 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A*
10 *COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT 207-934-4042 OR*
11 kmclaughlin@oobmaine.com
12

13
14 CALL MEETING TO ORDER

15
16 PLEDGE TO THE FLAG

17
18 ROLL CALL

19 Marianne Hubert

20 Chris Hitchcock

21 Win Winch

22 Robin Dube

23 Vice Chair Walker

24 Chair Mailhot
25

26
27
28
29 Public Hearings

30 PH 1

31 Proposal: Ordinance Amendments (GB2 Lodging Unit Density): Ch. 78, Art. VI, Div. 9, Sec 78-835

32 Applicant: Landmatters, LLC

33 Location: General Business 2 Zoning District
34

35 Tom Gillis, representing Landmatters, LLC, of 70 Old Orchard Road, Saco, ME spoke to the Board. He stated that
36 he went for a variance to create 6 units at the location of the old post office but that was denied, and after discovering
37 that there was no ordinance re density requirements for lodging in this zone, he decided to amend the ordinance. He
38 wants to make the property a focal point in town, and is trying to find the best way to do it. He stated that he is
39 looking to correct the zoning ordinance.
40

41 After Tom finished addressing the Board, Chair Mailhot asked if there were anyone else wishing to comment on this
42 and seeing no one, she closed the Public Hearing at 6:36pm.
43

44
45
46 PH 2

47 Proposal: Conditional Use: Nonconforming structure 30% expansion on single-family

48 Applicant: Joe and Tammy Heathco

49 Location: 80 Temple Ave; MBL: 322-11-6; Zoning: R3 and RA
50

51 Chair Mailhot asked if there were anyone wishing to comment on this, and seeing no one, she closed the Public
52 Hearing at 6:37pm.
53
54

1
2
3 Minutes: 8/12/21
4

5 Chair Mailhot asked if anyone had any items to note re the August Minutes, and seeing none, she asked for a motion
6 to accept the Minutes. Mr. Winch made a motion and Ms. Hubert seconded. Seeing no discussion, Chair Mailhot
7 then stated that it passes 5-0.
8

9
10 Regular Business

11 ITEM 1

12 Proposal: Ordinance Amendments (GB2 Lodging Unit Density): Ch. 78, Art. VI, Div. 9, Sec 78-835
13 Action: Discussion; Council Recommendation
14 Applicant: Landmatters, LLC
15 Location: General Business 2 Zoning District
16
17

18 Town Planner Jeffrey Hinderliter updated the Board as follows:
19

- 20 • This zoning ordinance amendment is proposing to add a 1,200 sq. ft. minimum net lot area per lodging
21 establishment unit density calculation in the GB2 zoning district.
- 22 • Currently, the GB2 district allows lodging establishments but does not have a lot area per lodging
23 establishment calculation.
- 24 • Without a density calculation requirement specific to lodging establishments, the nonresidential density
25 standard of 5,000 sq. ft. lot area per unit applies.
- 26 • When reviewing zoning ordinance amendments we consider a number of different things. The primary
27 things to consider are current ordinance language, existing uses of properties in the zoning district, and the
28 big one, consistency with the comprehensive plan
- 29 • Last month, we stated we felt this amendment passed all typical zoning tests except we could not come to a
30 clear pass or fail on the comprehensive plan piece
- 31 • The reason- Because the comp plan zoning district in this area did not include a lodging-related density
32 calculation when other comp plan zoning districts do, we question if the intent of the comp plan was to
33 exclude a lodging density calculation for the GB2 district and just go with the general nonresidential density
34 calculation. This month, we still have the same question regarding the comp plan re its language and its
35 application
- 36 • A second concern- will this amendment create a loophole that allows lodging units to turn into residential
37 dwelling units and allow higher-density residential development than what would normally be allowed? One
38 important thing to consider is that we're not re-zoning just the applicant's property, it's for the entire zoning
39 district. The amendment language proposed by the applicant includes the 1,200 sq. ft. standard under both
40 the residential and nonresidential space and bulk columns. We recommend removing the 1,200 sq. ft under
41 the residential space and bulk column. A second change that would further help that is to limit the months
42 that lodging establishments are allowed to operate, where it becomes more of a seasonal use, if they choose
43 to apply the 1,200 sq. ft.
- 44 • Regarding the comp plan conformance, this is a tough one because I can find arguments and reasons to say
45 yes, this proposal does conform with a lot of the other areas of the comp plan, but it's just this one particular
46 standard where it doesn't appear to conform. With all of the inconsistencies, I would feel comfortable
47 looking more to favor conformance than nonconformance with the comp plan
- 48 • To conclude, we provide the Board with 3 motion options: one that recommends to the Council as-is, one
49 that recommends with some language changes, and one that does not recommend
- 50 • Finally, I spoke with a neighbor today who stated an act of good faith, such as cleaning up the property so it
51 looks more presentable and improves visibility- especially the rear of the building which has had non-
52 residents occupying that area- will go a long way in securing support from the neighborhood for this proposal

- Jeffrey further stated that it has been a pleasure working with Tom, that he has a good interest here, and that he appreciates Tom's vision. He also stated that a contract zone was discussed, and it might be a good option for this proposal.

Chair Mailhot then asked the applicant if he had anything further to add. Vice Chair Walker had a question for the applicant and that is if it was his intent to be seasonal only with the units? The applicant answered No, to which Vice Chair Walker advised that a contract zone was perhaps the way to go. Chair Mailhot then stated that she felt she could not support this ordinance change because she does not want to blanket change the entire district. Ms. Hubert then asked that if he maintained the 5,000 sq ft, how many units could be located there, to which the applicant stated only 2 units would be the result, and at that point it would not be feasible. The applicant stated that 6 units was the break-even, 8 would be the most desirable, and 7 would be fine. Mr. Winch agreed that a contract zone would make a lot of sense. Ms. Dube asked about what type of rentals the applicant had in mind for the winter months, to which the applicant replied that with the contract zone, he would be looking to construct single-family condominium units. Ms. Dube asked if not a contract zone, what was the applicant's intention for the winter? The applicant replied that he would be looking to rent for a minimum of one month.

Chair Mailot then asked if there were any other questions or comments. There were none, and Vice Chair Walker made the following motion: I make a motion to recommend the Council not approve the ordinance amendments to Old Orchard Beach Zoning Ordinance Ch. 78, Art. VI, Div. 9, Sec 78-835 for the following reason: The adopted Comprehensive Plan does not support the proposed amendment because the Implementation Strategies, Land Use Plan, General Highway and Business District, B-2, does not include a minimum area per hotel/motel unit. The motion was seconded by Mr. Winch. Chair Mailhot then asked if there was any further discussion, and seeing none, she called for the vote. Town Planner Jeffrey Hinderliter then called for the vote:

- Ms. Hubert YES
- Mr. Winch YES
- Ms. Dube NO
- Vice Chair Walker YES
- Chair Mailhot YES

Chair Mailhot then stated that carries 4-1.

ITEM 2

Proposal: Conditional Use: Nonconforming structure 30% expansion on single-family
Action: Final Ruling
Applicant: Joe and Tammy Heathco
Location: 80 Temple Ave; MBL: 322-11-6; Zoning: R3 and RA

Town Planner Jeffrey Hinderliter presented the Board with the following:
The Planning Board made a determination of completeness at the last meeting with one condition, and that was to adjust some of the language for one of the shoreland zoning standards, and that language was adjusted. We feel that this proposal meets all of the applicable shoreland zoning standards, the applicant fulfilled the determination of completeness condition, and we recommend the Planning Board approve. Chair Mailhot then asked if there were any comments or questions from the Board, and seeing none, she read the standards:

Sec. 78-1240. – Conditional Use Standards responses

- (1) The proposed use will not result in significant hazards to pedestrian or vehicular traffic, on-site or off-site.
Response: The proposed use of this addition will not result in significant hazards to pedestrian or vehicular traffic, nor will there be during the construction of the addition.
- (2) The proposed use will not create or increase any fire hazard.
Response: The construction of, nor the addition will create or increase any fire hazards.
- (3) The proposed use will provide adequate off-street parking and loading areas.

- 1 **Response:** Parking and loading areas will not be impacted or affected.
2
- 3 (4) The proposed use will not cause water pollution, sedimentation, erosion, or contamination of any water supply.
4 **Response:** There will not be water pollution, sedimentation, erosion or contamination of any water supply.
5
- 6 (5) The proposed use will not create unhealthful conditions because of smoke, dust or other airborne contaminants.
7 **Response:** No unhealthy conditions will be created due to the construction of this addition.
8
- 9 (6) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of
10 operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties.
11 **Response:** No nuisances to neighboring properties will be created due to the construction of this addition.
12
- 13 (7) The proposed use will provide adequate waste disposal systems for all solid and liquid wastes generated by the
14 use. **Response:** Waste disposal will happen safely and in a timely manner.
15
- 16 (8) The proposed use will not adversely affect the value of adjacent properties.
17 **Response:** The values of the adjacent properties will not be affected.
18
- 19 (9) The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of
20 noise and hours of operation.
21 **Response:** Noise due to construction will be done in accordance with being respectful to our neighbors, and kept to
22 daytime hours.
23
- 24 (10) The applicant's proposal must include any special screening or buffering necessary to visually obstruct the
25 subject property from abutting uses or to ensure the continued enjoyment of abutting uses.
26 **Response:** The site will be kept clean and neat throughout the project. Screening will not be necessary.
27
- 28 (11) The applicant's proposal must adequately provide for drainage through and for preservation of existing
29 topography within its location, particularly in minimizing any cut, fill, or paving intended.
30 **Response:** We will be removing minimal pavement from the driveway (approximately 3 sq ft), which we will
31 dispose of appropriately and quickly.
32
- 33 (12) The applicant must be found to have adequate financial and technical capacity to satisfy the criteria in this
34 section and to develop and thereafter maintain the proposed project or use in accordance with all applicable
35 requirements.
36 **Response:** The applicant has adequate financial and technical capacity to satisfy the criteria in this section and for
37 future maintenance of the addition
38
- 39 **8 Standard Conditions of Shoreland Zone**
- 40 (1) Will maintain safe and healthful conditions;
41 **Response:** We will maintain safe and healthful conditions by disposing of any debris in an appropriate and timely
42 manner. The construction will not impact any shoreland and is within the 100ft ordinance.
43
- 44 (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
45 **Response:** The addition will not result in water pollution, erosion or sedimentation to surface waters.
46
- 47 (3) Will adequately provide for the disposal of all wastewater;
48 **Response:** The site will be kept clean and clear of wastewater.
49
- 50 (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
51 **Response:** The site will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife
52 habitat. The addition is not closer to the 100 ft. water setback than the existing structure.
53
- 54 (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

1 **Response:** There is no impact as it relates to shore cover and points of access.

2
3 (6) Will protect archaeological and historic resources as designated in the comprehensive plan;

4 **Response:** There is no impact as it relates to archaeological and historic resources.

5
6 (7) Will avoid problems associated with floodplain development and use; and

7 **Response:** At all costs, we will avoid problems associated with floodplain development. We are currently not located
8 in a floodplain, however we are aware of the potential rezoning that may occur in the future.

9
10 (8) Is in conformance with the provisions of all applicable shoreland zoning standards in division 17 of this chapter.

11 **Response:** We are in conformance with the provisions of all applicable shoreland zoning standards.

12
13 Chair Mailhot then stated that she was willing to entertain a motion. Mr. Winch then made the following motion:

14
15 *I will make a motion to approve a Conditional Use application for a 2-story, 324 sq. ft. shoreland zoning*
16 *nonconforming structure 30% expansion located at 80 Temple Ave., MBL: 322-11-6, owner Joe and Tammy Heathco*

17
18 The motion was seconded by Ms. Hubert. Chair Mailhot then asked for any further discussion, and seeing none, she
19 called for the vote. Town Planner Jeffrey Hinderliter called for the vote as follows:

20
21 Ms. Hubert YES

22 Mr. Winch YES

23 Ms. Dube YES

24 Vice Chair Walker YES

25 Chair Mailhot YES

26
27 Chair Mailhot stated that carries 5-0.

28
29
30 ITEM 3

31 **Proposal:** Major Subdivision and Site Plan Review: 26-lot residential subdivision and 10 single-resident houses
32 to be built as part of a condo association

33 **Action:** Preliminary Plan Determination of Completeness; Schedule Site Walk; Public Hearing

34 **Owner:** Mark and Claire Bureau, Mark Bureau

35 **Location:** Red Oak Drive (Phase II); 139 Portland Ave; Zoning: RD

36
37 Chair Mailhot turned this item over to Vice Chair Walker. Assistant Town Planner Michael Foster then updated the
38 Board as follows:

- 39
40
- 41 • The applicant submitted updated materials to the Planning Board for September, and that included the
42 addition of an emergency access road.
 - 43 • A site walk was conducted on the 2nd of September, which gave the Planning Board an opportunity to see the
44 location of the proposed emergency access road.
 - 45 • The previous waiver request for one street connection with an existing street that was submitted for July, was
46 withdrawn.
 - 47 • No new waiver requests have been submitted.
 - 48 • Wright Pierce issued an updated memo dated 1st September 2021, which has been provided to you, and these
49 comments should be responded to. Some remain from previous memos.
 - 50 • Planning staff feels the biggest item holding this back from receiving a determination of completeness for
51 preliminary plan approval is that the proposal doesn't meet the *Connections with existing public streets*
52 requirement for a second street connection. The applicant has proposed an emergency access drive and we
53 have limited details on this.
 - And in regards to the Connections with existing public streets requirement:

- The 2018 approved plan amendment for Red Oak was conditioned to limit the number of lots allowed because it did not have at least two street connections with an existing public street, and this proposal appears to be an amendment to that plan.
 - If a roadway meeting the ordinance isn't being proposed, are there any acceptable alternatives to the Planning Board?
 - The Planning Board should discuss this and let the applicant know what the expectations are for a second street connection.
 - The Fire Department memo dated 1st September 2021, stated that they cannot conduct an assessment of compliance with chapter 18 "Fire Department Access and Water Supply", (2018 edition of NFPA 1 Fire Code) without confirmation of a compliant secondary street connection and its construction or an accepted alternative.
- Also, for the preliminary plan approval, submission requirement #26 is the addressing requirement, that after consultation and approval by the town assessor, the subdivider shall show proposed road name(s) and lot numbers on the preliminary plan. This plan shouldn't be determined as complete until this is done and is approved by the assessor.
 - Another big item is sewer. The pump station and connection details still need to be sorted out.
 - Along with Wright Pierce comments, the Staff comments in the Planning Board memo need to be responded to. Some have been in the memo for several months.
 - Traffic was discussed again at the site walk.
 - The traffic analysis that the applicant said they would submit remains outstanding.

RECOMMENDATIONS:

Assistant Town Planner Michael Foster stated that the Planning Board should discuss how and if this meets the *Connection with existing public street requirement* of the Ordinance and without details about the type of road to be provided and its location resolved it doesn't seem that a determination of completeness could be made at this time. If the roadway does need to be reconfigured it could change the proposed lot layout. For the sewer, this is a bigger item that does need to be resolved but it doesn't need to hold off the determination of completeness. For tonight, we recommend that the Planning Board discuss the staff comments and provide feedback so the applicant can submit a plan for determination of completeness at the next Planning Board meeting.

The applicant stated that if the Board was not in favor of the proposed 16' fire access, they will provide a full road and will do a new preliminary submission. Mr. Winch stated that the fire department has stated that they do need a second road, a real street. Vice Chair Walker agreed, a second street is needed. Vice Chair Walker then asked about the sand pit area, if that was calculated in the open space. The applicant stated that he did not think so, that area would be not be included as open space, and that area would be regraded. Ms. Hubert then stated that once they had a secondary access road, they could put in additional lots in that area. The decision was made for the applicant to redesign with the second street shown.

ITEM 4

Proposal: Site Plan: Storage unit facility
 Action: Sketch Plan
 Owner: Colonial Motor Court, LLC
 Location: 15 Ocean Park Rd; MBL: 210-10-3; Zoning: GB1

Town Planner Jeffrey Hinderliter presented the following to the Board:

- This is a new project proposing 8 personal storage buildings. A paved area toward the property rear will provide exterior storage for motor homes and boats. Access to the facility will be via a driveway off Ocean Park Rd. A chain link fence will surround the facility. Security systems include a controlled access and cameras. Public water and sewer will connect to the site although use will be minimal. Stormwater management systems will likely include a collection area behind the improved portions of the facility.

- 1 • During 2019, a project associated with this property proposed a convenience store, fuel pumps and a storage facility.
- 2
- 3 • The project did not go through the full process and was never approved. Traffic was a major concern, and
- 4 was likely the reason this did not move forward.
- 5 • The new project removes the convenience store and gas pumps and leaves the storage facility which means
- 6 the causes for traffic volume have been removed.
- 7 • The new project is presented as a sketch plan which is a good opportunity for the Planning Board to provide
- 8 general comment, identify red flags, and suggest anything to assist the applicant with their formal
- 9 submission.
- 10 • We offer a number of comments in the memo which we ask the applicant address in future submissions.
- 11 • Wright Pierce offers comment too.
- 12 • No formal action from Planning Board is necessary at this time.
- 13

14 Shawn Frank, a civil engineer with Sebago Technics, then addressed the Board and introduced himself and Greg
15 Patterson with Pattco Construction. He stated this would be a secure facility, open 24/7, and the only access would be
16 to people who had a storage unit at the facility. He further stated that the site would have 250 units, and the traffic
17 generation would be minimal due to the infrequency with which people would be stopping at their units. He thought
18 the aesthetics along the roadway would be very important, and the building was designed as climate-controlled, with
19 the façade along the roadway dressed up with glass and a peaked roof with asphalt shingles, and landscaping would
20 be done between the building and the roadway, and between the building and the residential neighbors. Lighting
21 would be LED lighting along the buildings, with no spotlights. The site can be graded toward the back for
22 stormwater and drainage requirements. He reiterated that this is just a sketch plan, and his major concern was that
23 this was an allowed use in this zone, and if the Board would allow this to be permitted under personal services.
24 Chair Mailhot then asked if the Board had any questions or comments. Mr. Winch expressed his concern about an
25 offset intersection and the access drive; Shawn stated that he would take a harder look at that. Ms. Dube then stated
26 that this location was populated with cabins at one time so there was plenty of traffic that went through there with the
27 existing road that is there, and she feels that a storage facility would be an awesome use for this location. Vice Chair
28 Walker then spoke about Wright Pierce's comment re access to the gate and the potential for backing up into Ocean
29 Park Road. Shawn stated that he would ensure that there would be adequate room. Vice Chair Walker also indicated
30 that the turning radius in the back and perhaps a turning diagram would be important for the storage of boats, etc. in
31 the back of the facility. Mr. Winch then stated that buffering would be important between the facility and the
32 neighbors; Shawn indicated that such would be done. Chair Mailhot then asked about hours of operation and in
33 particular, re being open 24/7, would the adjoining properties hear the closing of the storage doors? The other
34 concern about 24/7 is because people have been known to stay in their storage units, and she can see that happening
35 in Old Orchard Beach, and the way to prevent that would be to have a cut-off time in the evening monitored by
36 surveillance. Greg Patterson stated this concern would be mitigated by having 2 keypads, one on the outside that
37 would capture their arrival time, and the other on the inside to capture their departure time. With regard to the
38 fencing, Chair Mailhot stated that she is not keen on the idea of a chain link fence, and asked if the applicant is open
39 to other options such as PVC vinyl, at least for the one side that is facing Ocean Park Road. Or if they have to do
40 chain link, can they do decorative upright posts between the sections, and could they do decorative plantings between
41 the fence and the street to dress that up? She also stated that if the clapboard look could run up a little bit further to
42 meet the shingled roof line and carry straight across there would be less metal vertical siding which is quite industrial
43 looking. Chair Mailhot also asked how many RVs are they considering parking there. She emphasized that it is very
44 difficult for some people to maneuver the parking and to back up, so that the ability to drive within the property,
45 especially along the sides of the buildings, between the buildings and the side fences, would require additional space
46 and that should be taken into consideration, especially if cars are pulled up to storage units at the time. Chair Mailhot
47 then asked Town Planner Jeffrey Hinderliter if he knew if the roadway and traffic patterns were being changed in that
48 area. Jeffrey replied that the concentration is on the halfway intersection and the Smithwheel intersection. He stated
49 that for the Smithwheel intersection, a traffic light is being considered. The halfway intersection, a roundabout, is
50 being discussed and has been for quite some time, but it is still up in the air.

1 ITEM 5

2 Proposal: Site Plan and Major Subdivision: 26 Townhouse Condo Units
3 Action: Preliminary Plan Determination of Completeness; Schedule Site Walk; Public Hearing
4 Applicant: Gorrill Palmer
5 Location: 2 – 4 Little River Rd., MBL: 201-3-2 & 6; Zoning: RBD & Shoreland RA

6
7 Town Planner Jeffrey Hinderliter updated the Board as follows:

- 8 • The primary question with this- is the proposal ready for preliminary plan completeness?
- 9 • The Board last reviewed the preliminary plan during July, and it was determined that more info was needed
10 before they ruled on the preliminary plan completeness
- 11 • This month's submission is focused on addressing the comments identified at the July meeting and some that
12 came after that, and is looking for determination of completeness
- 13 • I believe the applicant addressed the comments from the July meeting but whether they addressed the
14 comments to the ordinance standards and what the Board believes is necessary is another matter
- 15 • Now that we have more detailed plans and know the applicant's position on comments, we are able to
16 provide more thorough comments and identify some new issues and provide new comments
- 17 • Although I recommend a conditional preliminary plan completeness, this does not mean I believe the
18 proposal successfully meets all of the applicable ordinance standards, which is why I attached a condition
19 requiring the applicant to address all outstanding comments. The Board may feel a condition is enough and
20 the applicant needs to address the new comments before the preliminary plan is determined complete
- 21 • For example, if the applicant continues with this proposal they will need waivers from the sidewalk standard
22 and site distance. We'll need these waiver requests. This may be a critical item to the Board and one that
23 needs to be addressed before the preliminary plan is determined complete
- 24 • Staff and Wright-Pierce identify a number of other items such as Little River Road upgrades, sidewalks,
25 parking and on-site maneuvering, stormwater design, fire department comments including road width, truck
26 turning radius, hydrants, and access box
- 27 • Remember, determining completeness does not mean the application is approved or you agree or disagree
28 with the applicant's responses and submissions but rather it shall be deemed an expression of approval of the
29 design submitted on the preliminary plan as a guide to the preparation of the final plan
- 30 • The Board can recommend all the changes they want but the applicant still has the right to move forward
31 with a proposal they feel meets applicable ordinances
- 32 • Ultimately it would likely be risky for the applicant to not follow through on Board requests but they do have
33 that right
- 34 • Finally, I do think the Board will get a more complete plan if the comments in the staff and Wright-Pierce
35 memos are considered and addressed and if another preliminary plan is submitted. I think that in this case it's
36 important and would increase the applicant's chance for an ultimately favorable vote if they took a few extra
37 steps to bring the plan into conformance with staff, Wright Pierce, Planning Board, and Fire Department's
38 suggestions.

39
40 Chair Mailhot then reminded the Board that the applicant has the right to put forth whatever they want and the
41 Planning Board is a quasi-judicial Board; we take testimony and information from the applicant, from Staff, and from
42 the peer review experts that the Town hires, and with those sets of information, the Planning Board makes the
43 decision on what they're going to do about the project.

44 The applicant, Caleb Barrasso from Gorrill Palmer, then addressed the Board as follows:
45 Caleb thanked the Planning Board and Staff for their work re this project. He stated that they have taken the
46 comments received and have come back with substantial plan revisions. A couple of things to note – they are now
47 working with 2 building footprints: one would have a 17' x 41' footprint allowing (2) 20' spaces for tandem parking
48 underneath, and the other would have the original footprint, allowing only 1 parking space underneath but
49 earmarking space for an additional parking space for each of those units alongside the units. The other issue
50 addressed was re visitor parking and Caleb stated that they are providing 1 visitor space per every 5 units, the spaces
51 would be in a central location, and all of those spaces will be 10' x 20'. Caleb stated that another key piece was re
52 the balconies, the balconies have been reconfigured to meet the required setbacks with the new footprints of 17' x 41'
53 and 17' x 36'. Vice Chair Walker then asked about the balconies, if the balconies are still going to overhang the

1 driveways; Caleb stated that such would be the case for the 4 upper units only, and confirmed that enough clearance
2 was going to be provided. Re utilities, Caleb stated that they have made good progress, they have a private main
3 extending all utilities available along East Grand Avenue other than natural gas, and have a station on site that will
4 serve all the units and connect back to the public main for sewer purposes. Re grading, they are looking to effectively
5 maintain a consistent grade on site, with very subtle grades throughout the site, well-draining, with drip edges for
6 stormwater management purposes, and through the center, they will be providing a permeable block strip for
7 stormwater drainage and treatment. Vice Chair Walker then asked what is the subsurface treatment under the porous
8 blocks, to which Caleb replied there would be bedding material, a reservoir layer of crushed stone, with either a sand
9 or soil filter, whichever meets DEP specs. Ms. Hubert then stated that this area would not be able to be sanded in the
10 winter however, so she asked who would be monitoring this. Caleb stated that the applicants and then ultimately the
11 homeowners' association would contract for the long term maintenance services for this. Chair Mailhot then replied
12 that this was something that would have to be outlined in the homeowners' documents. Re landscaping, Caleb stated
13 that the buffer would be maintained within 75' of the southerly marsh; the plan now shows plantings where the
14 existing house would be demolished with trees similar to what is there now, red pines, with bayberry bushes and a
15 good conservation mix and existing soil. Around the perimeter, they have added in more trees, shrubs, and
16 ornamental grasses, similar to what would be seen in the area.

17 Chair Mailhot then asked if the Board had any questions or comments. Vice Chair Walker asked about the driveway
18 and if their road improvements that are now shown up to their second driveway could be extended an extra 100' to
19 the dead end, making it a complete roadway. Secondly, Vice Chair Walker asked re the 3' path, if this would be
20 ADA compatible as much as possible, and his other concern was re the balconies that overhand the 9'7" clearance;
21 his fear is that someone will not pay attention to the clearance and wondered if this could be mitigated by plantings,
22 maybe in movable buckets, or some way to extend that so it is more noticeable. Vice Chair Walker also commended
23 Caleb on a great presentation. Mr. Winch echoed Vice Chair's praise of the presentation, and his only other
24 comment was that in the end of the packet, at the homeowners' section, the references to Scarborough need to be
25 replaced with references to Old Orchard Beach. Chair Mailhot then asked if there were any other comments, to
26 which Mr. Hitchcock asked about the density, specifically how many units will be there. Chair Mailhot then stated
27 that she was also going to ask about density, specifically how the net density was calculated. Caleb replied that he
28 would have to take a look at the specifics, but that the applicants have an interest in 2,4,8 and 10 Little River Road,
29 and that by combining all of these properties, we are left with 1 lot effectively, and we begin our density calculation
30 from there. Essentially, we are taking the aggregate area of the 1 lot and subtracting the areas of wetlands and other
31 areas not usable (those w steep slopes for example). Chair Mailhot then asked if Caleb would be able to show the
32 common areas, specifically for the 23 condo unit owners. Steve Trask, one of the clients, then addressed the Board
33 by stating that it will essentially be 1 parcel, so each unit owner would have their own unit and their individual rights
34 to the limited common element for the 2 individual single family detached homes. Chair Mailhot then asked Steve to
35 clarify that the 2 back units were not going to contribute their land in any part to the 23, but the applicant is just
36 borrowing their land to get net density for the 23 in the front. Steve clarified that it would be 1 parcel so we could
37 use that density where we see fit on the parcel. Ms. Hubert then asked if there would be deed restrictions because of
38 the fact that their land was used for density on this project? Caleb replied that by becoming part of the overall
39 condominium, the burden is on the homeowner as it is not an individually-owned lot, and the 2 single family homes
40 will be part of the condominium association. Ms. Hubert added that the applicant needs to provide the plan of the
41 whole development and the calculation. Vice Chair Walker then asked if the 2 units will pay condo fees and if they
42 need a new roof, would the association pay for the roof? The applicant stated that yes, they will pay condo fees, and
43 Caleb would need to determine with certainty about the replacement. Chair Mailhot then asked about the number of
44 units as the condo docs state that the maximum number of units is 40; Steve replied that due to DEP requirements,
45 the unit count is down to the 23 units and Caleb replied that the condo docs would be revised to show that. Chair
46 Mailhot stated that it was not palatable to her that the applicant is wanting to use the area of the 2 rear units in the
47 calculations when that space is not available to the 23 units, that it's almost as if there are 2 classes of property there
48 – there are 2 free standing homes with much more space available to them but that space isn't available to the others
49 and yet that space is being borrowed just to get in those 23 units. Vice Chair Walker added that kind of goes with
50 what he was saying earlier with the roadway, that the 2 buildings in the rear are left with the old roadway but they are
51 being used to calculate the net density. Caleb stated there is a significant change in the health of the pavement as you
52 go down the roadway, toward the end is in good shape, but right along the direct frontage is in poor condition. He
53 stated that he was working with Joe Cooper from Public Works and thinks that to widen the road and to get to the
54 second driveway would be a fair ask; Chair Mailhot then replied that she would like to see the road improved right to

1 the end because this project in essence goes all the way to the end. She also stated that typically when there is a
2 project with more than 15 units we require 2 roadways to access another street; this in essence is just one roadway so
3 all the more reason that it should be to standards all the way. Caleb and Steve agreed. Re the sidewalks, Chair
4 Mailhot stated that it needs to be a proper sidewalk and not just a stone dust path. Chair Mailhot questioned the
5 increase in the water re the 2 yr and 10 yr storms, and asked how many have we experienced in the immediate area
6 within the last 5 years? Caleb replied that the trouble is those are based on modeling, but their main approach w
7 stormwater management is to get the water back into the ground. Chair Mailhot then questioned the amount for site
8 improvements and clarified to Caleb that such means total project costs. Chair Mailhot then asked about
9 handicapped parking and if one of the 5 centrally located parking spaces could be designated as a handicapped space;
10 Caleb replied that they will use one of the 5 as long as the Board is ok with 4 remaining spaces. Chair Mailhot also
11 mentioned about one of the comments in Stephanie Hubbard's memo, re maneuverability purposes – that if someone
12 were backing out of their garage and turning, the memo stated that the vehicle would have to come within a foot of
13 one of the other buildings. Caleb stated that they have provided a 25' drive aisle which is similar to a parking lot, and
14 he feels that 25' is adequate. Vice Chair Walker then added that the applicant needs to revisit that anyway for
15 different sized fire apparatus. Caleb replied that he does owe Codes an updated turning template as the current
16 template used a 40' long truck and what is needed is one using a 46' long truck. Chair Mailhot then mentioned to the
17 applicant that this was a good start, and asked the applicant to consider tonight's discussion items in their plans. Vice
18 Chair Walker then commented that re the line of sight, everything was within the requirements except for the first
19 driveway looking east, and was wondering if that line of sight was cut short because that's as far as they can go?
20 Caleb replied yes, but because of the speed limits in that area, that is something that they are comfortable with. Vice
21 Chair Walker then stated that such could be resolved entirely if they were to use the first driveway for the entrance
22 and the second driveway as the exit. Caleb replied that was something they had considered, and would consider that
23 once again.

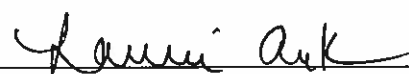
24
25 Other Business
26 Good and Welfare

27 Vice Chair Walker wanted to publicly thank the Patry's for painting the water tower. Town Planner Jeffrey
28 Hinderliter wanted to update the Board about the status of the adult use marijuana ordinance. He stated that there has
29 been 5 Council workshops and the Planning Board review, and next is the Council Public Hearing on October 5. He
30 added that the current proposed ordinance is more restrictive than that proposed by the Planning Board; they kept the
31 1,000 ft sensitive use buffer but for the districts where the use was allowed, there has to be frontage on Saco Ave and
32 also on Ocean Park Road, which in turned eliminated the entire Industrial district from consideration, and just leaves
33 about 17 lots in town. The proposed ordinance will only allow one license, and the only adult use is stores
34 (cultivation, testing, and manufacturing will not be allowed).

35
36 **ADJOURNMENT**

37 Seeing that there was nothing else for discussion, Chair Mailhot adjourned the meeting at 8:27PM

38
39 *I, Laurie Aberizk, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby*
40 *certify that the foregoing document consisting of Ten (10) pages is a true copy of the original minutes of the Planning*
41 *Board Meeting of September 9, 2021.*

42
43
44 X 
45 Laurie Aberizk