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2 OLD ORCHARD BEACH PLANNING BOARD
3 Public Hearing & Regular Meeting MINUTES
4 March 10, 2022 6:30 PM
5 Town Hall Council Chambers
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9 *MINUTES MAY NOT BE TRANSCRIBED VERBTIM. SECTIONS MAY BE PARAPHRASED FOR*
10 *CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING THE TOWN CLERK AT*
11 *207-934-4042 OR kmclaughlin@oobmaine.com*
12

13
14 CALL MEETING TO ORDER

15
16 PLEDGE TO THE FLAG

17
18 ROLL CALL

19 Marianne Hubert

20 Win Winch

21 Jay Kelley

22 Sam Dupuis

23 Chair Walker

24
25 Chair Walker mentioned that the alternates, Sam Dupuis and Jay Kelley, will be voting tonight in the
26 absence of members Robin Dube and Vice Chair Chris Hitchcock.
27

28 Chair Walker then reviewed the by-laws re Public Hearings and future voting by alternates on the particular
29 item. This was not relevant per se to this meeting as there is no Public Hearing on tonight's agenda.
30

31
32 Regular Business

33 ITEM 1

34 Proposal: Site Plan and Major Subdivision: 24-unit townhouse condo units and 1 single-family condo
35 unit

36 Action: Review Updates; Final Ruling

37 Applicant: Gorrill Palmer

38 Location: 2, 4, 8, 10 Little River Rd., MBL: 201-3-2, 4, 5 6; Zoning: RBD & Shoreland RA
39
40

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

- 43 • At the last meeting, the Planning Board tabled final decision and requested the applicant address the
44 following:
45
 - 46 1. Drafted conveyance language.
 - 47 2. Complete E-911 addressing.
 - 48 3. Amend plans to include ADA tip down at the sidewalk meeting the Little River Rd/East
49 Grand Ave intersection.
 - 50 4. Address Wright-Pierce February comments.

1 5. Documentation from DEP associated with permit submissions and review status.

- 2
- 3 • The applicant's March submission includes responses to these five items. Our thoughts:
- 4
- 5 1. Conveyance language is included with this month's submission. Because this involves the
- 6 transfer of land to the Town the conveyance requires Council approval. If the proposal is
- 7 approved we will bring this proposal forward to the Town attorney and Council. Because
- 8 this will require additional approvals after the Planning Board's decision, a condition is
- 9 attached.
- 10
- 11 2. E-9-11 addressing is complete.
- 12
- 13 3. Regarding the ADA tip down at the sidewalk meeting the Little River Rd/East Grand Ave
- 14 intersection, we are comfortable with the applicant's conclusion that this will not be done as
- 15 the tip down will create a more dangerous situation, and our engineer has no objections.
- 16
- 17 4. The applicant addressed Wright-Pierce comments. Wright-Pierce had two minor comments
- 18 associated with utilities and the performance guarantee that we asked the applicant to
- 19 address. The performance guarantee worksheet will be completed at the time of
- 20 performance guarantee submission which is before the preconstruction meeting. Very rarely
- 21 do we receive a clear approval from our engineers, but a clear approval was received from
- 22 Wright-Pierce on these items.
- 23
- 24 5. The March submission includes a DEP update. DEP marked the applicants permitting
- 25 submission as "deficient". The applicant will provide additional info tonight as they have met
- 26 with DEP. The applicant and DEP have settled on what permits are required, and according to
- 27 DEP, it is three Permit by Rules, which are fairly simple applications.
- 28
- 29 • We feel the applicant acceptably addressed the outstanding issues; although, we are somewhat
- 30 concerned about DEP's response. The applicant is working with DEP on this and we believe if the
- 31 Board chooses to approve, a condition requiring DEP approval before construction begins will
- 32 address our concerns.
- 33 • Also, the proposal as designed will require Little River Rd. conveyance which can only be approved
- 34 by the Council.
- 35 • Finally, there have been concerns about the width of the improved portion of Little River Rd to the
- 36 second project access. Currently the proposal includes a 22' wide road surface and 5' wide
- 37 sidewalk. A 24' wide road surface is preferred. One option to get the 2 extra feet is to pave a 27'
- 38 wide surface and mark 3' of that surface for pedestrian and bike use. This would widen the vehicle
- 39 travelled way to 24' and leave 3' for pedestrian access.
- 40 • The Planning Board can decide tonight and if the Board chooses to approve, we recommend
- 41 including the 8 conditions mentioned on pg. 4 of the staff memo.
- 42 • Also, if the Board decides a 24' wide surface for Little River Rd is needed, I recommend addition of
- 43 a 9th condition: Submission of amended plans showing a 27' wide improved and paved surface
- 44 along Little River Rd. from the intersection with East Grand Ave to the second project access. This
- 45 shall include a striped 3' pedestrian access along north side for the entire length.
- 46

47 Chair Walker then asked Jeffrey Hinderliter about the width of the road, including the deeded 8 feet to the

48 Town and the 30' that may be available, with a bike path taking up 5 feet. Chair Walker then mentioned

49 that perhaps the applicant can speak to that.

1
2 Caleb Barrassa, project engineer for Gorrill Palmer, then addressed the Board. He asked if the Board was
3 looking for an additional 3 feet or a 30' right of way. Chair Walker stated that the ordinance calls for a 24'
4 wide roadway, but the proposal includes a 22' roadway with a 5' sidewalk to be included. With 30' to
5 work with, the 24' width could work, and mentioned that could be a condition of approval. Caleb then
6 mentioned that he believes that the ordinance standard is for a new town road, but didn't think there was
7 that standard for an existing road. He further stated they are trying to provide the width that the town is
8 asking for, and he would like to know what the requirement is. Chair Walker then read a prior letter from
9 Gorrill Palmer. The letter, dated February 7, under Wright-Pierce comments, stated "as previously
10 commented, the ordinance standard for a collector street, which by definition services at least 15 units of
11 residential development, requires a 24' wide roadway. The applicant's engineer has made design changes
12 to ensure the roadway can be constructed to a 22' minimum width. Although a 22' wide roadway does not
13 meet ordinance requirements, it is our understanding there has been considerable discussion regarding the
14 width of Little River Road and it appears that the Town and the applicant have come to an agreement on
15 improvements to Little River". Chair Walker then stated that Wright Pierce hasn't come to an agreement
16 and the Town hasn't come to an agreement, that perhaps the applicant has had discussions with Fire, DPW,
17 and staff, but they don't supersede what we do here. Chair Walker then read additional excerpts from the
18 letter as follows: "We agree that the condition of the roadway has been a key element of this current
19 application due to insufficient roadway and right of way widths. In our opinion, the current proposal to
20 widen the road up to 22' wide and inclusion of a 5' sidewalk while conveying up to 8' of land for the same
21 distance to widen the town right of way will provide sufficient vehicular and pedestrian access to the
22 greatest possible extent". Chair Walker then stated that the ordinance was written by subject matter
23 experts, and the Planning Board is guarded with the responsibility of following the ordinances. Caleb then
24 replied that they will be amenable to make that work and to working up a condition to make that work.
25 Chair Walker then asked about the DEP permitting. Caleb then stated that they were within the thresholds
26 for the Permit by Rules, and additional follow-up feedback was submitted to DEP. Chair Walker then
27 wanted to clarify that they did have Wright Pierce take another look at the stormwater plan that was
28 submitted, and they did agree that it was an adequate plan. Jay Kelley then stated that he would prefer to
29 have an actual sidewalk, a raised sidewalk put in. His feeling is that raised sidewalks should be a
30 requirement for new projects, and as a prior member of the Town Council, he feels that the Council had
31 decided that new projects would require regular sidewalks, sidewalks that were paved and raised. Chair
32 Walker replied that the area is rural, and there is a right of way to the beach, and stated that the original
33 proposal did not include any sidewalks. Mr. Kelley then replied he was glad that they did insist on
34 sidewalks. Mr. Winch then asked Town Planner Jeffrey Hinderliter where they were on the timeline of the
35 6-month clock, and if they had the time to get these issued ironed out. Jeffrey Hinderliter replied that they
36 were already 1 month past the 6-month clock, but doesn't feel that anyone would appeal going one more
37 month. Caleb then stated that these are standard conditions of approval, to which Mr. Winch replied that
38 the abutter letter received, written by a licensed professional engineer in the State of Maine, raised some
39 valid technical issues, and he would like to see an opinion on it. Mr. Dupuis then wanted to clarify that
40 DEP still had to sign off anyway, so that without DEP approval the project cannot move forward so their
41 delaying the proposal by one month, awaiting DEP approval, could be a waste of time waiting for it. Ms.
42 Hubert then stated that the issue of the road being 24' is because it is the only access for 24+ units. She
43 feels that 24' is important at the entrance, and that the raised sidewalk can be sacrificed and a paved
44 sidewalk can be in its place. Mr. Kelley then asked Town Planner Jeffrey Hinderliter if they were to delay
45 this a month, who would be able to evaluate the letter; Jeffrey replied that our Town Engineer and Wright
46 Pierce. Jeffrey stated that the engineer who reviewed this proposal, Christine, is one of the best
47 professionals around in terms of designing stormwater systems and stormwater permitting, and that she is
48 our lead for our Clean Water Act program for MS4, and he would certainly trust her judgement. Mr. Kelley
49 then asked if she has looked at this project and has ok'd it; Jeffrey replied yes. Ms. Hubert then said she
50 spent 26 years at the DEP, and feels that the drip edge and infiltration basin are kosher. Chair Walker then

1 asked if anyone else had any comments, to which Ms. Hubert asked if they would really be disturbing an
2 acre or less and wanted to confirm that Caleb knew the DEP requirements, to which Caleb replied that he
3 did know it would be for a full permit. Chair Walker then asked if the mapping was updated to reflect the
4 gift of 8' to the Town, to which Caleb replied yes, they did the update. Chair Walker then made the
5 following motion:
6

7 I recommend conditional approval of the Gorrill-Palmer Site Plan and Major Subdivision Applications
8 proposing 24 townhouse condo units and only 24 townhouse condo units and 1 single-family condo unit
9 located at 2, 4, 8, 10 Little River Rd., MBL: 201-3-2, 4, 5 6.

10 Conditions:

- 11 1. The development shall conform with Subdivision Ordinance standard Sec. 74-271 (2) and all other
12 applicable Flood Hazard Development standards.
- 13 2. Flood Hazard Development Permits shall be submitted to the Code Enforcement Office before
14 construction begins.
- 15 3. Units 1 – 25 shall not be rented for transient purposes or hotel purposes or in any event for a period
16 less than one month.
- 17 4. Little River Road construction shall be complete to the satisfaction of the Public Works Director
18 before issuance of the first Certificate of Occupancy.
- 19 5. Site and building contractors shall incorporate the design recommendations identified in the S.W.
20 Cole Engineering Geotechnical Report. Building permit submissions shall include documentation
21 showing conformance with these recommendations.
- 22 6. Construction shall not begin until the Old Orchard Beach Town Council approve the conveyance.
- 23 7. All Maine Department of Environmental Protection permit approvals shall be secured, with
24 approval submitted to Town staff by the applicant, before construction begins.
- 25 8. Subdivision and Site Plan approval is dependent upon and limited to the proposal and plans
26 contained in the applications dated 8/23/21, 10/25/21, 11/29/21, 1/24/22, 2/22/22 and all supporting
27 documents and oral representations submitted and affirmed by the applicant and its agents, and
28 conditions imposed by the Planning Board; any variation from such proposals, plans, supporting
29 documents and representations are subject to review and approval by the Planning Board, provided
30 that de minimis variation is subject to review and approval by the Town Planner.
31 9.

32
33 Chair Walker then stated that #9 will be needed, which will be an agreement that the developer will build a
34 24' wide roadway, according to design standards Sec. 74-309, with a bike/pedestrian path included of no
35 less than 5' in width (total to be 29'). The motion was seconded by Mr. Kelley, at which point Chair
36 Walker asked Town Planner Jeffrey Hinderliter to call for the vote. Town Planner Jeffrey Hinderliter then
37 called for the vote as follows:
38

39 Ms. Hubert YES
40 Mr. Winch YES
41 Mr. Kelley YES
42 Mr. Dupuis YES
43 Chair Walker YES
44

45 Chair Walker then stated that the motion carries 5-0. Chair Walker then asked if he should read the
46 subdivision approval criteria or can it be accepted as submitted, to which Town Planner Jeffrey Hinderliter
47 replied that it can be accepted as submitted as long as everyone is in agreement. As all agreed, the criteria
48 was accepted as submitted.
49
50

1 ITEM 2

2 Proposal: Contract Zoning Application: Establish a Contract Zone, named Contract Zone-4, in
3 accordance with Town of Old Orchard Beach Code of Ordinances Chapter 78, Article IX
4 (Contract Zoning) for the property located at 60 Saco Ave., MBL: 206-10-1. The purpose of
5 the Contract Zone is to allow the establishment of a 8-unit residential condominium
6 building.
7 Action: Discussion; Council Recommendation
8 Applicant: Land Matters, LLC
9 Location: 60 Saco Ave., MBL: 206-10-1; Zoning: GB2

10
11 Chair Walker stated that this item will be tabled. Town Planner Jeffrey Hinderliter updated the Board as
12 follows:

- 13
- 14 • At our January meeting we requested information that we felt would help the applicant secure a
15 favorable Planning Board recommendation
- 16 • At the February meeting a Public Hearing was held. We asked the applicant to address the Public
17 Hearing comments
- 18 • The applicants' March meeting submission did not include the information we requested at the
19 January meeting, so we recommended the Board vote to not recommend the contract zoning
20 proposal
- 21 • After the applicant received our staff memo, they realized they submitted the wrong contract zoning
22 agreement
- 23 • An updated agreement was submitted yesterday but I and the Board have not had time to review
- 24 • We have no specific time frame that must be followed for ruling on contract zoning proposals so I
25 believe the Board should table the proposal and reschedule final review for April
- 26

27 Proposal tabled until April.

28
29
30 ITEM 3

31 Proposal: Site Plan Amendment Congregate Care Facility: Amend building and parking layout,
32 infrastructure location and design, reduce by 2 units (72 now proposed)
33 Action: Discussion; Schedule Public Hearing (if desired); Rule on Amendment
34 Applicant: CHA Builders, LLC
35 Location: Orange Pippin Dr. and Granny Smith Court, MBL: 107-3-1-01; Zoning: PMUD
36

37 Town Planner Jeffrey Hinderliter updated the Board as follows:

- 38 • This proposal is for the amendment of an approved plan proposing a 72-unit congregate care
39 building in Cider Hill
- 40 • The congregate care building was originally approved by the Planning Board as part of the Cider
41 Hill project during 2002. Since that time Cider Hill has been built out with the exception of the
42 congregate care building
- 43 • The proposed amendment includes the following changes:
44 *Reduction in units- from 74 to 72
45 *Building footprint has slight changes
46 *Parking lot location
47 *Minor stormwater
48 *Facility curb cut dimensions and locations

- 1 • Although this is proposed as an amendment, the Planning Board has flexibility in regards to how the project is reviewed and how detailed is the review
- 2
- 3 • Since this was approved and the Cider Hill development as a whole is substantially complete, this does qualify as an amendment. But I believe this is a significant project for Cider Hill and the
- 4 Town so we need additional information to provide a proper review
- 5
- 6 • I recommend no formal action tonight. I recommend the Planning Board consider holding a Site
- 7 Walk on 7 April, and that the applicant follow through with recommended items identified on pg.
- 8 35 of the staff memo
- 9

10
 11 Chair Walker then stated that Deputy Chief Slaving asked Planning to provide a benchmark date for this
 12 project, to which Town Planner Jeffrey Hinderliter stated that he will work with the Deputy Chief after
 13 getting some clarification. Chair Walker then asked if a traffic study was done, and if a new study would
 14 have to be done; Jeffrey Hinderliter replied that he recommends that the applicant provide some data, get
 15 the old study with what was originally approved, and compare that with today's standards. Ms. Hubert
 16 then mentioned that the DEP rules have changed since 2002 and so that could change the redesign. Brian
 17 Nielsen from Atar Engineering then spoke on behalf of the applicant. In regards to DEP, the overall
 18 impervious area is reduced with the reduction of units and the change from office to residential units
 19 requiring less parking, so as far as stormwater is concerned, all of the detention that was previously
 20 approved has been left in place so the permitting doesn't need to be changed. In regard to traffic, Brian
 21 stated that they would be happy to do a trip generation analysis. Chair Walker then asked how many
 22 employees do they expect, to which Brian Nielsen stated approximately 10 employees. King Weinstein
 23 then elaborated about the number of employees being there at any particular time, etc. Chair Walker then
 24 asked if the residents would be pretty much restricted to the congregate care units, or could they come and
 25 go as they please. King Weinstein stated that these would be over 55 congregate units, where all of the
 26 facilities are right in the building, but that the residents could have a vehicle and come and go as they
 27 please. King Weinstein stated that per the traffic engineer's manual, congregate is the lowest number of
 28 trips generated. Chair Walker then asked if all of the infrastructure was in place and also about the
 29 buffering, to which King Weinstein stated that the roadway, the curb cut, the sewer, water, and drainage is
 30 all in, and buffering is in place. Chair Walker then asked Town Planner Jeffrey Hinderliter if they would be
 31 seeing plans, to which Jeffrey replied that yes, they would need a plan highlighting the topics indicated in
 32 the memo. Chair Walker then mentioned there would be a Site Walk on April 7 at 5pm.

33
 34 ITEM 4

35 Proposal: Subdivision Amendment: Amend Dunegrass Sections D and E: combine both sections and
 36 revise boundaries; revise infrastructure layout and design; change overall design from 88
 37 condos to 55 single-family

38 Action: Sketch Plan Review

39 Applicant: Dominator Golf LLC, Carey Seamans, Timothy Swenson

40 Location: Wild Dunes Way, Dunegrass Sections D and E, MBL: 105A-1-D, 105A-1-E; Zoning:
 41 PMUD

42
 43 Assistant Town Planner Michael Foster updated the Board as follows:

44 This is a sketch plan review for a subdivision amendment to the Dunegrass master plan for Sections D and
 45 E. 55 single family home lots total for both sections combined are being proposed. The proposed street to
 46 access these sections will be located across from the front of the clubhouse. Section D was originally
 47 approved for 40 units and Section E for 48 units. Over time some of these units have been transferred to
 48 other areas within Dunegrass. As with all other Dunegrass amendments this will require an amendment to

1 the DEP permit and meeting their requirements. Wright Pierce hasn't reviewed this yet since it is a sketch
2 plan but we anticipate additional peer review comments.

3 With these amended Dunegrass proposals, especially larger ones like this, there are two main things that
4 need to be considered:

- 5 • **Unit counts** - Sections D & E have had some units subtracted out to build in another section, with
6 additional units to be subtracted to establish the Long Cove Dr extension units in another
7 amendment
- 8 • **Open space** - As more areas get developed in Dunegrass we need to know that they are maintaining
9 the 35% open space PMUD requirement for Dunegrass. The proposed Section D & E layout differs
10 from the approved master plan. One big item to consider with this, that we will need more
11 information on, is changes to the amount of open space. Planning staff has given this sketch plan an
12 overview and we provide the below comments on other items that should be considered:
- 13 • **Emergency access** - The Dunegrass master plan shows an emergency access that connects Section
14 D to Knoll Ave, which connects to Cascade Rd. This doesn't appear to be on the proposed plan.
15 This is an important piece for emergency access, especially with a single 3,000' dead end street
16 serving 55-units. This proposed amendment shows a house lot in the area where the emergency
17 access is supposed to be.
- 18 • **Street change from master plan** - Another significant change is the way the proposed street
19 accesses these sections. The cover letter states the proposed layout is to prevent the street from
20 bisecting the golf course, but by doing this a long single dead-end street is created. What is the
21 actual reason for this change? Multiple areas of the golf course and fairways are currently bisected
22 by homes and streets.
- 23 • **Traffic impacts** - Although the Dunegrass master plan was approved in 1988, a lot has changed in
24 the last 34 years in regards to traffic, and since this is an amendment we should have a better idea of
25 current traffic impacts of adding these 55 units.
- 26 • **Right of Way width** - The proposed ROW is 40' wide with what appears to be a 24' pavement
27 width. Based on our definition this would be considered a collector street, serving 15 or more units,
28 which requires a 50' ROW (Sec 74-309).
- 29 • **Sight distance** - The sight distance for this proposed street should be included to show this meets
30 the minimum safe sight distances.
- 31 • **Sewer** - As more units are added to Dunegrass we need to verify the existing utilities can handle
32 these additional units and how these are being connected. With these proposed 55 units, the
33 applicants will need Town staff and Wright-Pierce sign off for sewer capacity and the sewer
34 connection design.
- 35 • **Golf cart path** - It appears the proposed subdivision layout requires some relocation of the existing
36 golf cart path. For example, how do you go from hole 7 to hole 8? The golf cart path layout needs to
37 be included on the plan along with any required easements.
- 38 • **Pedestrian access** - With a 3,000' street proposed to access Wild Dunes Way, it would be great to
39 have a pedestrian/bike connection to another street that links directly to Cascade Rd.
- 40 • **Walkway along Wild Dunes Way** - The Dunegrass master plan shows golf cart paths and
41 walkways separated from one another. The area from the proposed street to Dirigo Drive extension
42 has what appears to be a shared path. A separated pedestrian walkway and golf cart path should be
43 included from the proposed street to Dirigo Drive Ext.
- 44 • **Stormwater** - A stormwater management plan will need to be submitted for this proposal.
- 45 • **Wetlands** - In reviewing the National Wetland Inventory Mapper it shows the area of the existing
46 stormwater pond at hole 8 as a freshwater pond and adjacent area as a freshwater emergent wetland.
47 A wetland inventory should be completed to determine the limits of expanding the existing pond
48 and other wetland areas.

- 1 • **Fire hydrants** – It should be confirmed with the Fire Department, but hydrants are typically
2 required every 600’ and would need to be included on the plan.
- 3 • **Lot size** - The proposed minimal lot size should be included in a table on the plan along with the
4 proposed setbacks.
- 5 • **Building envelopes and driveways** - Some building envelopes appear restricted in size and could
6 limit the location of homes and driveways. Driveway locations should be included on the plan.
- 7 • **Setbacks** – The proposed 10’ front setback should be considered because if a garage is built at this
8 setback, there would not be adequate driveway length for vehicles to park outside of the ROW. The
9 standard minimum driveway length should be 18’ long.
- 10 • **Addressing** – The applicant will want to contact the assessor to review proposed road name(s) and
11 addresses to be included on the preliminary plan. The preference is that there is a plan sheet for E-
12 911 addressing as specified by the assessor.

13 14 **RECOMENDATIONS:**

15 This is a sketch plan at this time, so the Planning Board should provide comment and feedback to help
16 guide the applicants for the preliminary plan. The two main items that will need to be submitted are the unit
17 counts and open space calculations so we can verify this meets those requirements. Emergency access and
18 the ROW width also have the potential to impact the design.

19
20 Chair Walker then asked how open space is measured and if that is something that the Board should be
21 looking to determine. Assistant Town Planner Michael Foster stated that previous calculations were done to
22 measure the open space and that the developer needs to provide the open space calculations to the Board to
23 ensure that the open space requirements will still be met. Jason Fabianos of Atlantic Resource Consultants
24 then addressed the Board. Re the 3,000 ft one-way road, Jason explained that Dunegrass is an approved
25 subdivision, and with that dead end road, they will provide a connection for emergency vehicles to access
26 the road via a gate lockbox granting access; that strip will connect to Willow Avenue, and this will not be
27 accessible to general traffic but will be walkable. Re traffic impacts, Jason explained that this was
28 originally an 88-unit development, and it is now down to 55 units. He said that they will gladly do a traffic
29 memo to document what this change will be. Re the ROW width, Jason mentioned they will minimize the
30 width of that as much as possible to minimize the loss of trees along the golf course side. Chair Walker
31 then asked if they will be including sidewalks, to which Jason replied that yes, they will be including
32 raised, curbed sidewalks. Mr. Winch then asked about the necessity of having a secondary means of access
33 because this is not a town street; Ms. Hubert stated that Willow is a public street. Chair Walker then wanted
34 to clarify that all infrastructure is there – water, gas and sewer, to which Jason replied that yes, all will be
35 brought in from Wild Dunes Way. Jason also indicated that Site Distance will be provided with the
36 preliminary application. Re the sewer, the Capacity letter will be obtained from the sewer district and
37 which pump will be utilized will be determined. Re the golf cart path, Jason stated that more common
38 space will be created by moving the path over and they will put a golf cart crossing in. He stated that re
39 pedestrian access, the connection will be down Willow to Cascade Road. Chair Walker then asked about
40 the stream near Lots 38 and 39 and what is the plan re that. Jason replied that they are determining whether
41 that is a stream or is drainage; DEP will determine which it is and if a stream, it will be protected, and if
42 drainage, will still have protection but not the stream protections. Re storm water, Jason said the storm
43 water pond was designed to treat Sections D & E on the original approval, but that will be upgraded to the
44 current standards – they will basically rebuild and expand the pond to take the drainage from the road and
45 the houses and work it so there will be a bridge and will essentially be an island green. Jason then added
46 that lot sizes will be provided, they are currently working on that, and with the preliminary plan they will
47 be adding the driveways. The idea with the garages is to put in recessed garages at least 20 ft away from
48 the ROW, and the structures will be shown on the plan. Re addressing, Jason stated that they will take care
49 of getting proper names, etc. Chair Walker then asked for any comments from the Board, and seeing none,

1 Chair Walker confirmed with Assistant Town Planner Michael Foster that no action was needed at this
2 point, to which Michael replied that is correct, it is a sketch plan at this point so just feedback is requested.
3
4

5 ITEM 5

6 Proposal: Subdivision Amendment: 350' extension of Long Cove Drive from 52 Wild Dunes
7 Way/Blueberry Lane (Section J/L) for the addition of 6 lots on Long Cove Drive, two
8 additional infill lots with a shared driveway access from Ross Rd
9 Action: Sketch Plan Review
10 Applicant: Dominator Golf LLC
11 Location: Long Cove Dr. & Ross Rd, MBL: 105A-1-M &105A-1-200; Zoning: PMUD
12
13

14 This is a sketch plan for an amendment to the Dunegrass plan to create 6 lots on a continuation of Long
15 Cove Road, just beyond the Glen Eagle and Sawgrass subdivisions, with two additional lots on Ross Road.
16 Wright Pierce hasn't reviewed this yet since it is a sketch plan but we anticipate additional peer review
17 comments. The application states that these 8 units are being established by subtracting units from Sections
18 D & E.

19 Like the other Dunegrass proposal there are the questions about Open Space and Unit Counts, and two
20 other main questions/concerns arise with this sketch plan proposal:

- 21 • The 6 lots proposed for Long Cove Road are not in a section that was approved on the master plan.
22 This is an area that was originally designated to be part of the open space or golf course. Additional
23 lots along Wild Dunes Way outside of sections approved on the master plan have previously been
24 permitted by the Planning Board, but how does this change the intent of the original master plan?
25 Should these open space areas be bisected by homes not on the original plan?
- 26 • No approved sections or previously amended sections have direct access from Ross Rd or Cascade
27 Rd. The Dunegrass master plan had all units accessed internally and no lots accessed from outside
28 of Dunegrass. How do these units work with the rest of Dunegrass? It is like they are not part of the
29 community which seems to go against the intentions of the PMUD district. On the approved master
30 plan the different sections are essentially their own distinct neighborhoods.
31

32 Additional staff comments and questions:

- 33 • Amendments to the Dunegrass plan need DEP permit amendment approval.
- 34 • How does this proposal work with and impact the already established sections?
- 35 • Should any additional units be added to Long Cove Road without the street connection being
36 completed to the existing section of Long Cove Drive?
- 37 • As more individual lots get added in areas of Dunegrass that weren't previously approved as
38 residential areas, the layout of the golf course and wooded areas, which are a major portion of the
39 open space, begin to change.
- 40 • The different approved sections on the master plan were clustered together, many as detached and
41 attached duplexes with up to 16 units. As these single family lots spread out along roadways and
42 outside of the approved sections, the open space is getting chopped into unconnected portions.
43 Thoughts? How does this impact the intent of the original plan? And how will this meet subdivision
44 criteria #9, that it will not have an undue adverse effect on the scenic or natural beauty of the area?
- 45 • Although Long Cove Rd could eventually bisect golf course hole 5 & 6 these additional house lots
46 will further divide the holes from one another. Was the golf course and open space intended to flow
47 together?
- 48 • How will stormwater be managed and treated? A stormwater management plan is potentially
49 needed.

- 1 • The application states Long Cove Rd is a public way. Several of the existing streets in this area are
2 currently private. It should be verified that Long Cove Rd is public. How does access to the
3 proposed lots on Long Cove Rd work if this section of Long Cove Rd is private?
- 4 • As with other Dunegrass proposals sewer design and connection will need Town and third-party
5 engineer sign off.
- 6 • The application states electrical for units on Long Cove Rd are to be extended from Blueberry Lane.
7 This is currently a private street. Are the utilities public or private and is an agreement needed to
8 connect here?
- 9 • In looking at Town GIS maps it appears multiple utilities, including multiple sewer lines and
10 stormwater infrastructure, cross through this area. More details will need to be provided for how
11 this will work with these existing utilities.
- 12 • The proposed lots appear to impact buffering requirements along the golf course. It will need to be
13 confirmed this isn't altering those previous approval requirements. Proposed Ross Rd lots are in the
14 100' vegetated buffer and in the 100' setback shown on the master plan. The buffering requirements
15 were part of the original DEP approval order. The Planning Board included portions of the DEP
16 approval order in their final plan approval so we want to review that.

19 **RECOMMENDATIONS:**

20 For this month this is a sketch plan and provides the Planning Board an opportunity to provide feedback to
21 the applicant so they can prepare for a preliminary submittal if they choose to do so. There are a couple
22 questions the Board should answer to help guide the applicant for preliminary plan submission: What are
23 the Planning Board's thoughts on building outside of sections that were not approved on the Dunegrass
24 master plan? Can lots with access from Ross Rd be created? How are they a part of the Dunegrass
25 community?
26

27 Chair Walker then asked Jason if the plan was to feed those 2 lots on Ross Road off of Wild Dunes Way
28 for sewer and water. Jason replied yes, the services would be provided under the golf hole as there are no
29 public utilities other than power on Ross Road. Chair Walker then added that in his opinion, the Dunegrass
30 is a community that is far beyond the scope of the residents that live there as part of the Master Plan as
31 there are a lot of people who come to Dunegrass and use all of the amenities that are there (bar, clubhouse
32 etc.) so if they are servicing them from the Dunegrass infrastructure, he really doesn't see it outside the
33 scope of the area. Other Board members agreed. Re buffering, Jason stated that requirements have
34 changed, so he will look into the Town regs to be sure nothing is missed. Chair Walker then stated that he
35 feels that the Board has no issue with the 2 units on Ross Road as proposed, and asked the Board if they
36 had any comments re the other 6 units. Jason then added that he did some research re the road, and that the
37 sewer line that serves all of Dunegrass and the community off of Dirigo, is owned by the Old Orchard
38 Beach sewer district. He feels that because the sewer district is a Town district, the Town also has to own
39 the road, but he will investigate this further. Chair Walker then asked for any other comments or concerns
40 from the Board; there were none. Jason then mentioned that he hadn't given the Board a signature plan for
41 the amended plan, and asked that the Board sign that. Assistant Town Planner then asked if he could see the
42 plan before signatures were obtained, to which the Board agreed.
43
44

45 **Other Business**

46 Ms. Hubert stated that re the potential development at the old post office site, how do we address the
47 concerns of the many neighbors who are opposing this project? Chair Walker explained that if an applicant
48 meets the ordinances and the requirements, it is the responsibility of the Board to grant them the right to
49 develop. The rub is that without a reason to deny the proposal, the Board can't deny the proposal. Mr.

1 Winch then replied that the people in opposition have another shot to voice their concerns when the Town
2 Council reviews the Planning Board's recommendation.

3
4 Chair Walker then asked Town Planner Jeffrey Hinderliter if the Planning Board alternates could gain more
5 experience by having members of the Board sit out of presentations and have the alternates follow that
6 application process to gain the experience. Jeffrey replied that he believes that the alternates already have
7 that ability, they are able to follow the process and make recommendations, the only thing they can't
8 always do is to vote.

9
10 Mr. Dupois then asked Jeffrey if there is the ability to change the zones that are being considered for the
11 adult use marijuana store fronts as he feels it is an extremely limited area, and an area that already has
12 traffic issues, so he is questioning if any applicant can successfully pass a traffic study. Jeffrey replied that
13 such is certainly something that the Council can consider, but he sees it as extremely doubtful that they will
14 see it anywhere in the DD-1 or DD-2 districts, but ordinances can be amended and he recommends
15 approaching one of the Council members. Chair Walker then stated that such could be brought up under
16 new business at a Council meeting.

17
18 Good and Welfare

19 NONE

20
21
22 ADJOURNMENT

23 Motion to adjourn was unanimous. Meeting adjourned at 8:16pm.

24
25 *I, Laurie Aberizk, Administrative Assistant to the Planning Board of the Town of Old Orchard Beach, do hereby*
26 *certify that the foregoing document consisting of Eleven (11) pages is a true copy of the original minutes of the*
27 *Planning Board Meeting of March 10, 2022.*

28
29
30 X 
31 Laurie Aberizk