



**Town of Old Orchard Beach**  
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# **Town Council Workshop Meeting Minutes**

*November 28, 2023*

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting of 8 pages is a copy of the original minutes from the workshop of the Old Orchard Beach Town Council held on 11/28/2023.

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|----------------|--------------------------------|
| Prepared By:   | Tim Fleury                     |
| Approved By:   | Old Orchard Beach Town Council |
| Approval Date: | 12/5/2023                      |

Respectfully  
Submitted,

Tim Fleury  
*Town Council*  
*Secretary*



## Town Council Workshop Minutes

**Wednesday, November 15<sup>th</sup>, 2023, 6:00pm**  
**Council Chambers - 1 Portland Avenue**

*[www.oobmaine.com/town-council](http://www.oobmaine.com/town-council)*

*\*Members of the public wishing to view the meeting from home may tune into Local Access TV (Channel 3 or 1301 - check with your provider) or by clicking the Meeting Videos link on [oobmaine.com](http://oobmaine.com).)*

There will be a Town Council Workshop on Tuesday, November 28<sup>th</sup>, 2023, at 6:00 pm to discuss ordinance amendments in response to LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.

Chair: Shawn O'Neill

Chairman O'Neill opened the workshop at 6:05 pm.

Mike Foster, Associate Planner, gave a history of the new legislature, and what Old Orchard Beach needs to change in their ordinances to comply with the new law. 3 parts: additional units allowed on single family lots, allowing ADUs on single family lots, and affordable housing density. The three parts overlap in certain areas. Each part is applied differently in every district. The goal is to increase housing opportunities and make housing more affordable. January 1<sup>st</sup>, 2024 is the timeline for adoption. Ordinance changes are made to meet the

law while remaining restrictive. Mike Foster gave an overview of the ordinance changes based on the 3 areas.

Affordable housing density bonus – in housing allowance ordinances – Takes the base per housing unit density, if meet affordable housing standards up to 2.5 times the density, setbacks stay the same, parking is 2 spaces per 3 housing units. Must meet affordable housing definition, 51% of units must be affordable, in a designated growth area, or have public water and sewer, and be in a zone where multifamily housing is allowed currently. Must comply with lot size requirements for septic only, 20,000ft.

Dwelling unit increase – traditional market rate housing. Density does not increase, same as underlying zoning. Up to 4 units max in growth areas, 2 units in non-growth area. Limited to duplex, triplex, or quadplex, not 4 separate single-family homes. Setbacks and parking are the same as underlying districts. The dwelling units created cannot be used for short term rentals. STR's do not address housing issues.

ADUs – ADUs allowed where single family homes are allowed. Setbacks still meet underlying setbacks for principal structure. Exempt from parking requirements. Existing homes must meet parking requirement if adding ADU. ADUs cannot be used for short term rentals. ADU can be attached or detached to existing structure. Height cannot exceed principal building height. 2 bedrooms max. Must remain under principal ownership. Adequate wastewater and water supplies. ADUs under code enforcement and building permits.

Vice Chair Blow – how does it compare to surrounding municipalities? Is this minimal standard or is OOB going overboard? Mike Foster – tough to determine because of the shortened timeline presented to municipalities. Minimum standards were proposed as required to meet the new law. Vice

Chair Blow – current short-term rentals in ADUs that currently exist? Mike Foster – grandfathered. Vice Chair Blow – can future amendments change as long as they meet minimal standards? Mike Foster – yes. With the comp plan being worked on, amendments are expected. Vice Chair Blow – does it get submitted to the state after adoption? Town Manager Asanza – not submitted to the state. Vice Chair Blow – does dwelling unit increase change hotel/motel condo conversions that the Town has been working on? Mike Foster – would have to do more research on it. Vice Chair Blow – parking question – if current units don't meet parking requirements can ADU not meet parking requirements? Will cause issues with on-street parking. Mike Foster – the law states no parking requirements. Councilor Tousignant – adding more units in tight parking areas, areas without on-street parking are now required to have on-street parking? Vice Chair Blow do covenants supersede new laws? – Mike Foster – sections do not overrule deeded covenants, easements, etc. Vice Chair Blow – state law requires to add on-street parking in areas where it won't work – no one from the state approached municipalities before law enactment to get local feedback – want to check with legal to make sure parking is required with new law – Councilor Rague – will ADUs be built in areas without parking currently? Not all areas will be building ADUs – gave examples on surrounding towns ADU building numbers – doesn't feel that it will be an immediate issue – Vice Chair Blow – not against building ADUs, sees need for them, doesn't want issues with parking – planning board set restrictions on ADUs in the past due to issue stemming from ADU construction – Mike Foster – in ADU one must be owner occupied – Vice Chair Blow – is built separately using housing density versus ADU units? Can they be rented out separately if not built under ADU? – Mike Foster – yes, if not built under ADU standard, they can both be rented out. Councilor Tousignant – can I tear down my house and build 4 units? Mike Foster – no, existing dwelling units count – Councilor Tousignant – thanked Vice Chair Blow for questions – R1 district – dwelling unit increase allowances – what

does it mean for that zone? Feels all zoning rules are thrown out the window – a nice neighborhood he bought into changes with additional ADUs, and dwellings built – has seen neighborhood change since it was built in the 1950s when it was designed with dead-end streets to be family friendly – town doesn't follow covenants in neighborhoods and puts the onus on HOAs to fight against what town allowed in defiance of covenants – does this remove restrictions in the R1 zone? – people will be buying properties to build ADUs on them – concern on investors purchasing properties – was on planning board in the past, “in-law apartment” was the issue – apartments were restricted on who could rent them – the concern that public is not informed on what is going on – 4 districts restrict residential to single family, now need to allow more than a single family? – Mike Foster – the law prohibits single-family zoning districts but still allows private covenants to restrict – Councilor Tousignant – state rules make all zones similar, down to one zone – Mike Foster – ordinance causes extra review, current ADU ordinance is very restrictive – minimum means to meet law requirements, could allow greater density or reduce setbacks – will be able to compare new comp plan with existing ordinances – Vice Chair Blow – STRs restricted in ordinances – impact will be in allowing ADUs built throughout town and open them up to rentals – Chairman O'Neill – standards in place for building – Vice Chair Blow – standards for adding apartment over garage easy to do? – Mike Foster – most will meet setbacks on existing garage – Councilor Tousignant – can be an additional story added to single level home – Cider Hill – 179 units – single story – under state rule can add second or third story on home – covenants are in place but will be an HOA fight – Dunegrass is the same, can add second or third floor and make it an ADU – Chairman O'Neill – feeling creating scenarios that don't exist – covenants exist in neighborhoods – use caution in making statements to the public – state law states what we must do – Councilor Tousignant – does state law supersede neighborhood covenants? – 4 districts that would now need allow more than a single family – Vice Chair

Blow – covenants, deed restrictions or other restrictions on building – Councilor Tousignant – town control covenants – why isn't it going to a community vote? Accept the state forcing it on town or challenge it? – Chairman O'Neill – state law says we must do this – Vice Chair Blow – what are potential issues that will arise with these changes – better to get ahead of issues now.

Peter Guidi – ADU – what is it intended to be by state? – elder care issue relief from state – 2 sets of elderly parents looking for housing currently – ADUs are important for elderly housing and young family housing – not a duplex, an ADU, imperative to Town to create restrictions on rentals in those ADUs – density unit increases in market value homes, bring more families to OOB affordable housing density allowances bring more families. Elderly parent needs housing but not parking, not a driver.

Vice Chair Blow – does this allow restrictions on who can live in an ADU? Current restrictions on this – see people buying homes, building ADU, and renting it out to anyone – Councilor Tousignant – not STR – but hard to see how it can be monitored and controlled by the town – could rent unit for 3 months in summer and then rent it in off season – not restrictions on rent charged on the unit – ADUs will still need a rental license – Mike Foster – only ordinance involving income restrictions, affordable housing density, – Councilor Tousignant – how would it be followed? – Town Manager Asanza – deed restricted – Councilor Tousignant – covenants exist but owners buying into without knowing they exist – gave examples in own neighborhood – in law apartments turned into rental units after in laws are no longer in them – Chairman O'Neill – how do we challenge this if not happy with it? – Councilor Tousignant would like to see a community vote – Chairman O'Neill – is that an option? Town Manager Asanza – state law adopted in 2022 and municipalities must comply by January 2024 – Chairman O'Neill – clarify that this is a State

law and not proposed by Council – Vice Chair Blow – not against new ordinances – does the State allow restricting ADU occupancy? – keeps it from being built specifically for a rental property – issue with parking requirements – does the town have the ability to restrict parking?

Jerry Griffin – voters should have say – state will have control over town restrictions without ordinances in place – public needs to be informed and understand total impact – should challenge at a state level – want to get public heavily involved –

Vice Chair Blow – invite state representatives/senator to public hearing? Would like to hear how they voted and why they voted – thanked Mike Foster for time and effort required to meet state law and craft new ordinances –

Councilor Tousignant – will allow ADUs all over town to be used for rentals – Milliken Heights is the way that affordable housing should be done – managed affordable housing – OOB is out of land to grow sideways, must be grown upward, density changed internally and allowing people to grow upwards – no restrictions on what ADUs can be rented for – What's wrong with OOB as it is? – Councilor Rague – the town is changing and need to keep up – Councilor Tousignant – neighborhoods will be changing – Ocean Park is a good example of a parking issue – will be a problem in the future.

Councilor Rague – state mandating more freedom to landowners and homeowners – allowing building by citizens if they want to build on their property, not forcing ADUs or more dwellings to be built – Town's job to allow more housing – Vice Chair Blow – concern is on impacting neighbors in neighborhoods that don't have room for growth – some don't allow affordable housing – Councilor Rague – more units built bring prices down – Vice Chair Blow – can be done without affecting health and safety of neighborhoods –

owners should be able to use property as long as they don't affect neighborhood – Councilor Rague – not ok with impacts to neighborhood, agree.

Jerry Griffin – approach this with a different lens – state voted on this without local input – state does not have best local interest on heart – passed quietly without local input – Council did not have information prior to this law being passed – should not have been a surprise to Council – Chairman O'Neill – trying to minimize impact to town – if municipality does not implement changes, how can town challenge. Vice Chair Blow – put on hold because municipalities with 10,000 or less initially not required to follow new law – changed as it went through the political process – state requiring town to relax ordinances implemented by town – Councilor Tousignant – as it went through legislature, it was presented as 10k or less, small municipalities did not follow as it wasn't affected – tough to get information out in OOB to public, has always been an issue – got passed without a fight at state level as it was initially presented with the 10k number

Peter Guidi – 2.5 times density makes developers work quickly and could bring lawsuits against town –

Councilor Tousignant – community vote next June? – Chairman O'Neill – is it a legal process? – community vote will not change outcome – Vice Chair Blow – agree, even if Council votes it down, it is happening with state law – concerns on what restrictions town can implement and still follow law – affordable housing is needed –

Chairman O'Neill – appreciates Mike Foster bringing ordinances with least impact – closed the workshop at 7:56pm.