

1 **OLD ORCHARD BEACH PLANNING BOARD**
2 **Public Hearing & Regular Meeting**
3 **January 11, 2024, 6:30 PM**
4 **Town Hall Council Chambers**
5
6

7 **CALL MEETING TO ORDER**

8 Chair Walker called meeting to order at 6:30 PM and calls for pledge to the flag.
9

10 PLEDGE TO FLAG
11

12 ROLL CALL

13 Chair Walker requests for planner Hinderliter to do roll call.

14 Mr. Kelley – present

15 Ms. Hubert – present

16 Mr. Winch – present

17 Ms. Dube – present

18 Vice Chair Hitchcock – present

19 Chair Walker – present
20

21 Chair Walker addresses staff and the board and thanks them for a terrific year last year. He couldn't do it
22 without their support. He wants to thank everyone since his time as chair is up.
23

24 Vice Chair Hitchcock it is because of chair Walkers great job with the board that he is willing to be vice
25 chair
26

27 Dave Walker he is no longer chair so nominations are in order for a new chair for 2024.
28

29 **Vote: Chair and Vice Chair**
30

31 Ms. Dube makes a motion to nominate Mr. Walker for chair.

32 Mr. Hitchcock seconds the nomination.

33 Call for vote

34 Ms. Dube – Yes

35 Ms. Hubert – Yes

36 Mr. Winch – Yes

37 Mr. Hitchcock – Yes
38

39 Chair Walker it looks like he is chair again and asks for nominations for vice chair.
40

41 Ms. Dube motions to nominate Chris Hitchcock to vice chair.

42 Chair Walker seconds nomination.

43 Call for vote

44 Ms. Dube – Yes

45 Ms. Hubert – Yes

46 Mr. Winch – Yes

47 Chair Walker - Yes
48

49 Chair Walker this passes unanimously. He lets staff know that they haven't had meeting minutes for some
50 time and rely on them to refresh their memory. He requests minutes for the last meeting going forward until
51 they get caught up. He recognizes that there are people in the audience and that there is no public hearing,

1 but there will be an opportunity to speak at the end under other business or good and welfare. He introduces
2 Item 1.

3
4

5 **Regular Business**

6 **ITEM 1**

7 Proposal: Major Subdivision: 21 single-family house lots, 3 open space lots, 4 condo lots with a total of
8 25 condo units
9 Action: Final Review
10 Owner: Mark Bureau
11 Location: 139 Portland Ave, MBL: 104-2-3 & 23-31(portion of Red Oak Subdivision); Zoning: Rural/
12 RP

13

14 Associate Planner Foster briefs the board:

15 This was last before the board in November 2023 and a public hearing back in September.

16 One item that needed to be decided on was sewer design with discussion between applicant engineer, town
17 engineer, and town staff. They had a phone conference to discuss sewer in November.

18 Force main is proposed to go in town ROW so they need an easement. Public Works comment was they are
19 good with force main remaining private and noted it shouldn't need to be serviced unless someone disturbs
20 it. We need to make sure it gets put in GIS mapping.

21 The town sewer line that needed to be replaced on Walnut Street has now been replaced.

22 The applicant has provided updated plans showing a proposed easement for the sewer connection and
23 provided draft easement language for review by town attorney.

24 A maintenance agreement for the sewer line will be needed.

25 This easement will require Town Council approval and would need to be a condition of any final approval.

26 The DEP permit has been provided. It is recommended that the Applicant provide the Town with approval
27 from Army Corps once received.

28 In November 2023 this application was determined as complete subject to receiving the following items:

- 29 1. Provide responses to Wright Pierce memo comments to the satisfaction of Town staff.
30 Update: The applicant has responded to Wright Pierce comments.
- 31 2. Provide Assessing Department with requested documentation including deed descriptions, condo
32 and HOA documents for review, and final unit addressing hasn't been done.
33 Update: Initial addressing was reviewed by assessing, but requested documentation including
34 deed descriptions, condo and HOA documents for review, and unit addressing has not been
35 provided.
- 36 3. Provide updated turning diagrams, hydrant information, and box culvert weight capacity for Fire
37 Department review and approval.
38 Update: We did confirm with Fire Chief Gilboy that the truck turning and hydrants will
39 work, but he wanted to confirm that the HS-20 culvert could support the ladder truck weight
40 of 78,000 lbs. or 38 Tons.
- 41 4. Provide Planning with updated responses [Sec. 74-2 subdivision criteria]
42 Update: He believes just one item, reference to public solid waste.

43

44 Updates and additional staff comments:

45 Regarding the road grade maximums at intersections, the applicant response was:

- 46 ○ We have adjusted the intersection grades to provide for 2% max within 75' of a intersection
47 in all directions. Additionally, we have added elevation call outs to the vertical curves to
48 verify grades.

49 Addressing for lot 325 and if accessed from the Portland Ave or if it needs a Bordeaux Drive address.

50 Access to lot 324 and how it will work where it appears it crosses driveway to 325?

1 Regarding the roads in the subdivision remaining private his understanding is that they are being designed to
2 town standards to remain private, but to standards so they can potentially apply for road acceptance. It is
3 noted on page 8 of the DEP permit that “the HOA will eventually petition the town to accept the roads.”
4 The applicant has provided most of the items that the determination of completeness was subject to. The
5 remaining items could be considered fairly minor overall, but will still need to be provided.
6 The PB should discuss these items and thoughts on carrying them over into conditions for final approval. If
7 not comfortable with the number of conditions for final approval we recommend postponing your decision.
8 There is a list of 9 conditions, 6 of those 9 have to do with the approval itself and are not outstanding items.
9 We do recommend final approval and the motions on page 4 and 5.

10
11 Chair Walker thanks associate planner Foster and welcomes Jason Vafiades with Atlantic Resource
12 Consultants.

13
14 Jason Vafiades with Atlantic Resource Consultants introduces himself. He explains assessing and
15 addressing documents were submitted with applications to planning. They did meet with Diana Paul and
16 thought the addresses were all figured out. They will take care of that.

17
18 The heaviest fire truck the town has is 78,000 lbs., which is 39 tons. The culvert is same as MDOT and is H-
19 20 loading. H-20 literally means 20,000 lbs. per axle. The fire truck has five axles and that’s where the
20 weight gets transferred. They are at 15,400 lbs. per axle so they exceed that strength by 25%. They haven’t
21 seen a fire chief ask that question because all road construction is H-20 loading. That shouldn’t be an issue
22 and he should be happy. That thing won’t fail in our lifetime.

23
24 Chair Walker it is because each axle crosses the culvert independently, and Mr. Vafiades responded that he
25 is correct.

26
27 Mr. Vafiades there were some Wright Pierce comments related to engineer details that don’t affect the
28 design, angle of a pipe going into a manhole. Maintenance agreement for sewer line, their lawyer is
29 updating them and should be on next council agenda.

30
31 Chair Walker are any comments from the board.

32
33 Vice Chair Hitchcock asked about the green perimeter strip. You can’t do anything on that strip and it
34 should be in the condo docs.

35
36 Mr. Vafiades explained it is the exterior line and it a vegetated buffer. You cant put a shed out there. It is in
37 condo docs and in plot plan. When they apply for building permits the code officer is supposed to check
38 subdivision approval to confirm.

39
40 Chair Walker are any other questions or motions.

41
42 **Motion to approve:**

43 Ms. Dube made a motion to conditionally grant final major subdivision approval for 21 single-family house
44 lots and 25 condo units, location 139 Portland Ave, MBL 104-2-3 & 23-31 (portion of Red Oak
45 Subdivision), Zoning Rural/ Resource Protection, owner Mark Bureau, with conditions as written.

- 46 1. Approval is dependent upon and limited to the proposal and plans contained in the application dated
47 June 23, 2023, and all supporting documents and oral representations submitted and affirmed by the
48 applicants and its agents, and conditions, if any, imposed by the Planning Board; any variation from
49 such proposals, plans, supporting documents and representations are subject to review and approval

1 by the Planning Board, provided that de minimis variation is subject to review and approval by the
2 Town Planner.

- 3 2. The approved subdivision plan shall not be recorded in the York County Registry of Deeds until the
4 Old Orchard Beach Town Council approves the sewer easement, and a maintenance agreement for
5 sewer has been approved and provided.
- 6 3. Prior to any construction or site work takes place the applicant shall provide the Town with the
7 Army Corps approval.
- 8 4. The applicant shall provide the Assessing Department with requested documentation including deed
9 descriptions, condo and HOA documents for review, and unit addressing prior to the approved
10 subdivision plan being recorded in the York County Registry of Deeds.
- 11 5. The applicant shall address Wright Pierce comments and update the post-construction stormwater
12 management plan prior to the required preconstruction meeting.
- 13 6. The applicant shall provide updated responses to Section 74-2 subdivision criteria within 7 days of
14 final approval.
- 15 7. The applicant shall provide satisfactory response to the Fire Department regarding the weight
16 capacity of the proposed box culvert.
- 17 8. A green perimeter strip not less than 20 feet wide shall be maintained with grass, bushes, flowers or
18 trees all along each side lot line or rear lot line and, except for entrance and exit driveways, along the
19 entire front line of such lot. Such green perimeter strip shall not be built on or paved or used for
20 parking or storage.
- 21 9. Prior to any building permits being issued for individual lot development, the building permit
22 applicant shall provide a written Soil Erosion and Sedimentation control plan meeting the
23 requirements of Section 78-1856 – 78-1863 Erosion and Sedimentation Control.

24 Motion second by Mr. Winch

25 Call for the vote:

26 Ms. Dube – Yes

27 Ms. Hubert – Yes

28 Mr. Winch – Yes

29 Vice Chair Hitchcock - Yes

30 Chair Walker - Yes

31 Motion carries 5 - 0

32
33 ITEM 2

34 Proposal: Subdivision Amendment: Two additional infill lots with a shared driveway access from Ross
35 Rd

36 Action: Preliminary Plan Determination of Completeness

37 Applicant: Atlantic Resource Consultants. Owner: Dominator Golf LLC

38 Location: Ross Rd, MBL:105A-1-200; Zoning: PMUD

39
40 Associate Planner Foster briefed the board:

41 This proposal to create two single family homes within Dunegrass subdivision had a public hearing at the 12
42 October 2023 PB meeting and was tabled because at that time no updated information was received.

43 One item that was being discussed was the original DEP approval order and buffering and site plan setback
44 requirements.

45 Staff researched previous approvals and with this research it appears a DEP Site Location Modification
46 would be needed to reduce the 100' buffer from a road requirement that is outlined in the original DEP
47 permit.

48 The applicant has responded that they are proceeding with full MDEP permitting.

1 They should provide a status update on that.
2 As far as the proposal, this meets town zoning project setback requirements for the PMUD, which is 25 ft.
3 plus 10 ft. for every building story above 1 story. Proposed project setbacks are labeled on the plan showing
4 50' from Ross Rd and 75' from the abutting property to the West. These setbacks should be added in the
5 plan notes.

6 We did receive updated responses from the applicant, and updated Wright Pierce review memo on those
7 comments.

8 The applicant will need to respond to the Wright Pierce comments to resolve remaining items.

9 Most of these remaining comments include stormwater management design and the way things are
10 calculated.

11 It appears most the sewer comments have been resolved but there are a couple remaining items.

12 We did receive comments from Chris White Public Works and Wastewater superintendent:

13 o I don't have an issue with two more homes but will be recommending we allocate money in
14 FY25 budget to look at the sewer system in Dunegrass.

15 More of a general statement than specific to this project.

16 And comments from Fire Chief Gilboy:

17 o On review of the Bogey Lane plans I have the following. Fire Department access roads shall
18 have an unobstructed width of not less than 20 ft. The plan shows 16 ft. The maximum
19 distance to a fire hydrant shall not exceed 600ft. I would have to check on the distance of the
20 nearest hydrant.

21
22 I believe the access was designed as a driveway and to meet the Access Standards for Single- and Two-
23 Family Residences; Maximum driveway width shall not exceed 24 feet. Minimum driveway width shall not
24 be less than 12 feet, with a minimum clearance of 15 feet to accommodate emergency vehicle access.
25 I haven't received a response but I think he was reviewing it as a road and not a driveway.
26 The applicant has been working with assessing for E-911 addressing requirements and private driveway
27 access naming.

28 Responses to 74-2 Subdivision criteria couldn't be located. It's possible these were submitted in an earlier
29 application but the applicant should provide or point out where they were.

30 The notes for number of units remaining with unit transfers from Sections D&E have been added to the
31 plans but should be confirmed where units have been moved around.

32 Open space calculations have been added to the plans but need to be checked for accuracy. For example:
33 Sheet C-101 note 19 appears to reference the same open space area before and after subtraction, and total
34 open space remaining should also be included.

35 Draft HOA docs have been provided. These were not reviewed in detail but a quick scan showed
36 information that doesn't appear relevant to this proposal. For example, there are references to septic, lots,
37 and lot 7. Applicant will want to review for accuracy.

38 Stormwater BMPs will need to be inspected and certified by applicant design engineer. There should be
39 conditions in any final approvals to ensure these are received.

1 With some of the confusion on existing infrastructure for proposed sewer connections Wright Pierce had
2 noted some connection discrepancies where information isn't in GIS that should be.

3 Due to other projects with the applicant, they have an idea of what is out there and have provided those
4 plans from other projects to show that detail. Just a note that we want as builds for any plans.

5 The main remaining items are resolving stormwater comments and receiving DEP permitting for proposed
6 buffer reduction. That permit will be needed to confirm that the reduction is allowed.

7 Based on planning staff research as mentioned these setbacks can be amended, but in this case we want to
8 confirm DEP approval since the original approval order did specify that buffer.

9 Planning staff recommends a determination of completeness be made on for these two homes. A
10 determination should be subject to receiving response to Wright Pierce comments to resolve remaining
11 items, and any final approval conditions regarding DEP permitting.

12 If for some reason the PB is not comfortable with the remaining stormwater comments or thinks there might
13 be a potential for site layout design to change, we recommend you postpone your decision and those
14 optional motions are included in your memo.

15
16 Chair Walker did the materials say these are going to be condos because of the shared driveway.

17 Associate planner Foster believes yes, where they are both on one lot it is condos.

18 Chair Walker they were referred to as two residences, but they are two condos.

19 Associate planner Foster yes.

20

21 Chair Walker opened response to applicant Jason Vafiades.

22

23 Jason Vafiades opened with that being a thorough rundown by the associate planner. A quick note on the
24 setback, DEP did get back to us in an email. This is an amendment for a site location project. There is no
25 statutory timeline on when they have to issue the approval. If it was just a site location application they have
26 five months to do it. We originally started with a 35-foot setback, and we showed DEP that's what they
27 approved for section A, at Wild Dunes Way and Ross Rd. They reduced it to 35 feet, so we agreed on 50
28 feet, which exceeds all the local ordinances. As far as DEP approval when it comes they are good with 50
29 feet. 50 [feet] is the max we can give, as far as changes, that is what is getting built or it is just not getting
30 approved. There is no room to change anything; this is the most heavily engineered two-lot subdivision he
31 has ever done. There are a few more stormwater modeling comments with Wright Pierce and they will
32 straighten that out with them.

33

34 Chair Walker pointed out that there is not a public hearing tonight but the abutters are there and they had
35 issues because their standards were different than the standards they applied for relief on.

36 Jason Vafiades responded that they are not asking for any relief from any town ordinance.

37 Chair Walker asked if they are looking for a determination for the setbacks on the PMUD.

38 Jason Vafiades responded they meet their setbacks and asked the associate town planner Foster if that is
39 correct.

40 Associate planner Foster responded PMUD setbacks are 25 feet plus 10 feet for any additional story, so a
41 two-story building would require a 35-foot setback.

42 Mr. Winch asked about the hydrant and at 600 feet if they are ok.

43 Jason Vafiades responded there is one down at Wild Dunes Way.

44

45 Ms. Hubert asked if DEP comes and looks at project or if they just make a determination.

46 Jason Vafiades responded that they had a conference call, the application is in there, and they asked for
47 them to make an early determination making positive finding that they will reduce, condition 3 of approval,
48 and showed them the approval for section A where they reduced it to 35 feet. They said they are

1 comfortable going down to 50 because it still exceeded local zoning. The DEP doesn't look at zoning
2 setbacks like towns do.

3
4 Ms. Hubert asked if they looked at the stream.
5 Jason Vafiades responded yes, 75 feet is fine.

6
7 Vice chair Hitchcock added that when reviewing the Wright Pierce memo there are numerous iterations
8 between both of them and it troubles him because he doesn't recall other projects with such a list.
9 Jason Vafiades responded yes, and he isn't going to air publicly discussions he has behind the scenes.
10 Vice chair Hitchcock doesn't know if they are trying to out engineer each other but they cant have that
11 continue.

12
13 Win Winch asked associate planner Foster if the PMUD involves internal, does the setback apply to this.
14 Associate planner Foster responded that was a question for the board early on where we discussed if this is
15 part of Dunegrass or outside of it. He believes the discussion with the planning board was that it is part of
16 Dunegrass where it is within there. As far as the PMUD setbacks, they are being met, so he doesn't know
17 how that would impact even if applied differently.

18 Mr. Winch said he is debating it because this is the only one exterior to the development, with exterior
19 access.

20 Vice chair Hitchcock thought if they looked at the original parcel, map it was in there, just not being built.
21 Mr. Winch said it wasn't originally planned to be built; and vice chair responded it is still part of PMUD.
22 Chair Walker added all the facilities are going to Wild Dunes Way and the driveway is the only deviation.
23 Associate planner Foster added if there was a question about that access you could make determination of
24 completeness subject to confirming or getting a legal opinion.

25
26 Ms. Hubert asked if this was final or preliminary.

27 Jason Vafiades responded it is completeness and it is an amendment and they will be back for a public
28 hearing.

29 Associate planner Foster addressed the board that another note is that it is optional to schedule the public
30 hearing.

31
32 **Motion to determine complete**

33 Chair Walker said no, and made motion to determine as complete.

34 The preliminary plan application as complete for the Dunegrass subdivision amendment to add two single-
35 family condominium dwelling units with shared driveway access from Ross Road, MBL 105A-1-200;
36 Zoning PMUD, applicant Atlantic Resource Consultants, owner Dominator Golf LLC, subject to receiving
37 the following:

- 38 1. Responses from applicant resolving staff and Wright Pierce comments
- 39 2. MDEP permit approval

40
41 Second by Ms. Dube

42 Call for the vote:

43 Ms. Dube – Yes

44 Ms. Hubert – Yes

45 Mr. Winch – No

46 Vice chair Hitchcock – Yes

47 Chair Walker – Yes

48
49 Motion passed 4-1, with Mr. Winch against.

50
51 **ITEM 3**

1 Proposal: Conditional Use/Shoreland Nonconformity: Remove, rebuild, 30% expansion single-family
2 dwelling
3 Action: Determination of Completeness; Schedule Public Hearing and Site Walk
4 Applicant: Paula Sherwood
5 Location: 34 Oceanna Ave, MBL: 320-9-2; Zoning: R3, RA & HAT
6

7 Planner Hinderliter addressed the board:

8 First, if anyone has seen the unfortunate flooding events in town especially in Ocean Park. When folks come
9 in and may have concerns about us applying this relatively different rule where Old Orchard Beach was
10 very proactive in trying to address sea level rise through our construction activity, where we regulate areas
11 that only one other municipality in Maine regulates. If they think the water will never exist just keep in your
12 mind the area was beyond where the HAT is, and it was beyond those areas just the other day. We may not
13 see these effects every year or every five years but they happen. One of our objectives is to allow people
14 freedom to redevelop property but be mindful that there are potential impacts to environment and to their
15 structures so these standards serve the community well.
16

17 Planner Hinderliter introduced this shoreland zone proposal for teardown, rebuild, and reconstruction:

18 This particular structure was last used as a plumber shop and has been vacant for some time.

19 This proposal is a bit different because in 2012 the board approved a version of this with conditions. Two of
20 those were that the applicant secure DEP approvals and flood hazard development, and explore design to
21 mitigate flood impacts.
22

23 This took time, the DEP permit was more involved than the typical permits we see to the extent it needed
24 Army Corps of Engineers review.

25 The applicant followed through and secured both DEP and Army Corps of Engineers. The flood design,
26 applicant secured services of engineers and they are proposing to raise structure and install flood vents.
27 The approvals from DEP and Army Corps are still valid. They last a bit longer than our approvals do; he
28 believes five years. They checked and they are all still valid from what he believes was December 2022.
29 The applicant has been addressing the previous approval conditions.
30

31 The other condition was securing a letter from the sewer department for their ability to hook up. What
32 would work better is when it comes time to hook up have the contractor analyze it and then consult with
33 public works/sewer department.
34

35 Chair Walker asked about other area connections to sewer. If they are being served how would town
36 wastewater not know how they are being served?

37 Planner Hinderliter responded it is being served but the concern is the condition of the service. The property
38 has been vacant and the former use of property was a shop, which has a different gallon per day rating than
39 a single-family home. We just want to make sure the service is sized properly and the condition is good.
40

41 Planner Hinderliter continued:

42 One of the questions is with the 30% calculations.

43 Really this is the same proposal that was approved in 2012 but the big change is that as a result of
44 permitting requirements the applicant has to raise the structure pretty high, about 7 feet.

45 To provide some kind of usable space, what we determined is yes you can but it must be uninhabitable,
46 unconditioned space. You could use it as a garage or non-fixed item storage but it can't be used for
47 habitation purposes. We would have to make sure this is followed through for future owners.

48 In the memo a couple comments: removal of a driveway, ensure unconditioned space remains uninhabitable,
49 and the sewer department letter for carry over condition.

50 Recommendation that the board determine that it is complete and schedule public hearing. Site walk is
51 optional but if you choose not to do it as a board I recommend you drive by and take a look.

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Chair Walker highlighted that this property was surrounded by water yesterday. They are aware of the challenges they have if they want to build on that lot. He asked the applicant if it was going to be a rental. The applicant responded 37 is a rental, but for this they don't know what her dad intends to do with it.

Ms. Hubert asked for clarification on the DEP approval and the more recent permit approval was discussed, which is still valid.

Motion to determine complete

Ms. Dube made a motion to determine Paula Sherwood's preliminary plan application proposing a tear down, new construction, and 30% expansion of a nonconforming structure in the shoreland zone, located at 34 Oceanna Ave, MBL: 320-9-2, as complete.

Second by Ms. Hubert

- Call for vote:
- Ms. Dube – Yes
- Ms. Hubert – Yes
- Mr. Winch – Yes
- Vice chair Hitchcock – Yes
- Chair – Walker - Yes

Motion carries 5-0

Chair Walker the board doesn't need to do a site walk. Both Mr. Winch and he live in the area and others can drive by. Schedule public hearing for February 8.

ITEM 4

- Proposal: Subdivision Amendment: 27 single-family house lots, 1 lot with 45 townhouse units, 2 open space lots
- Action: Preapplication Review; Schedule Site Walk
- Applicant: Atlantic Resources Consultants. Owner: Dominator Golf LLC
- Location: Dunegrass Sections D & E, Inverness Dr, Pebble Beach Ave, MBL: 105A-1-D, 105A-1-E, 105A-1-200; Zoning: PMUD

Chair Walker introduced the item.

Associate planner Foster briefed the board:

This is a proposal to develop a fairly large portion of Dunegrass that was part of the original approval for Sections D & E. As with other sections of Dunegrass this is an amendment to the original plan. This proposal totaling 72 single-family residential units, includes what is 27 single-family home lots and 45 townhouse units. The 27 lots are located towards the northern section of section D & E and other 45 townhouse units south of that area. The 45 townhouses are arranged as 15 three-unit buildings or sections. The PB last saw this as a sketch plan back in March 2022. It has changed a little bit and is here for pre-application sketch review. One of the biggest changes is the original sketch proposed 55 single-family lots and now it is a combination of single family and town house units. Wright Pierce did their initial review and we got the memo late that the planning board hasn't received yet. As far as info on proposal and initial staff comments: One 24' wide private road access from Wild Dunes Way is proposed with a 5' sidewalk, cul-de-sac at the end of the road, and gated gravel emergency access connection to Willow Ave.

1 This differs from the original 1988 Dunegrass approval, which still had the access road off Wild Dunes Way
2 but with there was another street connection off Inverness, the referenced Pebble Beach, and the emergency
3 access connection was on a different road.

4 Chair Walker asked associate planner Foster where the Pebble Beach road was.
5 Associate planner Foster responded he would have to look at the master plan but it was included off from
6 Inverness. One served on section and one served the other.
7 Jason Vafiades pointed out on the plan where Pebble Beach Ave cut across the fairway so they eliminated
8 that road to maintain the golf course.

9 Associate planner Foster continued to brief to the board:
10 A traffic impact memo was provided and notes a traffic impact analysis is forthcoming. The memo is
11 projecting 720 daily trips and 72 AM/PM peak hour trips.

12 The proposed one road access should be discussed. He doesn't recall if during initial sketch review if the
13 board discussed this at all. This is in relation to the standard often discussed with subdivisions and this is
14 connections with existing streets.

15 He was looking at this the same way as how they reviewed section C, which is part of original Dunegrass
16 approval with no direct street connection really outside of Dunegrass. The two street connection is really
17 Wild Dunes Way as far as interior roads. Most all or many of the roads in Dunegrass do go up and dead-end
18 in some form of cul-de-sac to stay with that original plan.

19 The board should discuss this because it has come up in the past and this is the point in design stage if there
20 are changes needed they would need to know now.

21 Chair Walker the letter from the Fire Department about road design wasn't in their packets. He is interested
22 on their thoughts.

23 Associate planner Foster responded he has comments and should get there. He continued:
24 They are proposing underground utilities with this electrical, telephone, cable, extending sewer, water, and
25 gas utilities.

26 One thing, with Section C it is a dead-end road but they provided a pedestrian connection. Is there an
27 opportunity with this long road to provide a pedestrian connection, maybe along the emergency access or
28 somewhere else?

29 6' wide painted crosswalks are provided along townhouse driveways where the sidewalks crosses. This is
30 probably needed for safety but how will this be maintained? Could this be designed differently to limit
31 striping maintenance?

32 This road is noted to be private. Language should be included in any approvals regarding it remaining
33 private if that is the intention. Often as mentioned we see these changes where they are intended to be
34 private but down the road residents want it to be accepted. If it is to remain private there should be language
35 for that or other.

36 How will maintenance and responsibilities work between individual lot owners and townhouse owners?
37 Any buffering proposed between existing homes on Woods Lane and this proposed road? There is a golf
38 cart path. Any opportunity for, or buffering proposed there.

39 Town staff sign off for sewer capacity and sewer connection design will be needed especially with the size
40 of this proposal.

1 Golf cart paths and connections should be clearly marked on the plans. They have shown some areas where
2 the path is being moved and that should be carried through to make sure adequate access for golf carts and
3 golfers are continued for that recreational space.

4 And pedestrian access and golf cart paths in the area along Wild Dunes Way from Dirigo Drive to Woods
5 Lane should be reviewed for separation between cart path and sidewalk/walking paths and making sure that
6 the golf cart path is located outside of the ROW.

7 Responses to 74-2 subdivision criteria have been provided. There is reference to public solid waste disposal
8 being utilized when the subdivision is completed. How does this work if remaining a private road?

9 There was reference in plans to Willow Ave and construction access. A note of potential. This should be
10 reviewed but construction access probably shouldn't be allowed from Willow Ave.

11 Unit counts and open space calculations should be included if not in the plans.

12 Addressing will need to be discussed with assessing for E-911.

13

14 Fire Chief Gilboy did provide comments, we got them after the packets so the planning board wasn't
15 provided them but we have the initial comments here:

16 ○ On review of the plans, I have the following. I would like to see an Emergency vehicle
17 tracking study in regards to getting around the cul de sac and being able to use the emergency
18 access rd. The installation of a Knox Box gate key switch for the emergency access road. All
19 Fire Department access roads will be a minimum of 20 ft wide. Fire department access roads
20 shall have an unobstructed vertical clearance of 13ft 6 inches. Fire department access roads
21 shall be designed and maintained to support the imposed loads of fire apparatus and shall be
22 provided with an all-weather surface. Fire hydrants for one- and two-family dwellings shall
23 meet the following:

- 24 ■ The maximum distance to a fire hydrant from the closest point on the building shall
25 not exceed 600 ft.
- 26 ■ The maximum distance between fire hydrants shall not exceed 800ft.
- 27 ■ For buildings other than one- or two-family dwellings the maximum distance to a fire
28 hydrant from the closest point shall not exceed 400 ft.
- 29 ■ The maximum distance between hydrants shall not exceed 500 ft.

30

31 Associate planner Foster continued: As far as recommendations no decisions are needed for this month.
32 Feedback should be given to the applicant on the new layout. More formal review will begin with the next
33 submission. The PB should schedule a site walk due to the size of the area to be developed and number of
34 units proposed. Daylight limitations should be considered.

35

36 Chair Walker is familiar with the area but not everybody is. It is all wooded area.

37 Jason Vafiades responded when they do the site walk some of it goes through the woods and some of it they
38 can see from the golf course, and the cart path gets through there. With no snow on the ground it is pretty
39 easy traversing.

40

41 Ms. Dube where the emergency access would be.

42 Jason Vafiades showed the location of the emergency access connection to Willow Ave on the plan.

43 Ms. Dube it is a small neighborhood. Why would they want to put big trucks in there where those people
44 live?

45 Jason Vafiades clarified she was talking about construction.

46

47 Ms. Hubert she is an abutter and the list is incomplete. She showed the location on the plans. Other people
48 aren't on there either. There is also a big wetland of concern back there behind the last one on Birkdale. She

1 would like to visit this with the DEP. Maybe they want to do two site walks, one per section because it will
2 be different people, different issues.

3
4 Chair Walker asked Planner Hinderliter how they coordinate a site walk with DEP?

5 Planner Hinderliter responded first we will need to contact DEP to see what their schedule is. We can do
6 that before the next meeting. Once we know their schedule we will have some days to offer you and you
7 will have to formerly schedule it for abutter notifications. It is a good idea to have two site walks, one for
8 board and one for DEP. That is a lot of stakes to put up for a site walk. One option is first of February.

9 Jason Vafiades added he can help coordinate with project reviewer and maybe they can come to the board
10 site walk.

11
12 The board discussed doing the site walk in March or April.

13
14 Chair Walker if the Fire Chief is happy with the access on the road, his complaints don't really matter but to
15 him that is a lot of distance for an emergency access. Gated access is time consuming when life is at risk. He
16 doesn't know of other ways to provide access.

17 Jason Vafiades explained the prior approval was for 96 units on a one-way road, and they are giving them
18 the best they can for modern standards.

19
20 Chair Walker the other item is the 750 trips coming out of there.

21 Jason Vafiades responded the traffic engineer will model that. The report will show trip paths and which
22 way they are going.

23
24 Chair Walker referenced the East Cummings highway contract zone approval for 60 odd units on East
25 Cummings highway and council had concerns with the volume of traffic and the schools.

26 Jason Vafiades responded his guess is 80% or more of the trips are going out to Ross Road and Cascade
27 entrance.

28
29 Chair Walker as golfers they will have to cross Inverness road to get to whole 8 & 9.

30 Jason Vafiades pointed out the location on the plan.

31 Chair Walker is there buffering for the triplexes?

32 Jason Vafiades said they left room for golf ball flight paths. Single family should be an issue but the
33 townhomes are in the course.

34 Vice Chair Hitchcock referenced traffic facing people driving golf balls. This will be the most exposed area
35 with cars beside you and coming at you.

36 Jason Vafiades referenced mature plantings and even netting has been discussed. Tee boxes are be
37 relocated.

38
39 Tim Swenson this project is with Domenic, Cary Seamans, and himself. With Section C they have similar
40 alignment with road and golf holes and it hasn't been an issue. He wanted to let them know three developers
41 are involved. There is a chance of a golf ball going anywhere on the golf course.

42
43 Robin Dube said no nets.

44
45 ITEM 5

46 Proposal: Certificate of Appropriateness: Remove 2 lodging unit cottages and replace with 2 lodging
47 units and 1 owners' unit within a single building

48 Action: Rule on Certificate of Appropriateness

49 Applicant: Bob and Cindy Gurry

50 Location: 17 Imperial St., MBL 205-3-2; Zoning DD1


51

1 Chair Walker introduced the item.
2 Associate planner Foster briefed the board:
3 This is for a design review certificate to be issued. This is a recommendation from the DRC to the planning
4 board. The way the ordinance is the planning board is the only one that can issue the certificate itself with a
5 recommendation from the DRC, which this has received.
6 They are proposing to remove two small one-story cottages and replace with one two-story building with
7 two lodging units and an owner's unit. It abuts the town hall parking lot out here.
8
9 The board asked why this is different than other application review. It was explained that this was for design
10 review only and it qualified as admin site plan review.
11 Ms. Hubert asked about two cottages on Saco Ave.
12 Associate Planner Foster responded this is outside of the DD zones which require design review.
13
14 Ms. Hubert made a motion to approve the DRC certificate as recommended for 17 Imperial St, to remove 2
15 lodging unit cottages and replace with 2 lodging units and 1 owners' unit within a single building; applicant
16 Chad Truman with Turn Key Homes of Maine, owner Robert and Cynthia Gurry; MBL: 205-3-2, DD-1
17 Zone, with the following conditions:
18 1. All improvements will be implemented in accordance with application, plans and proposal received.
19 Any additional changes must be approved by staff prior to completion.
20 2. Prior to the commencement of any construction activities all applicable federal, state, and local
21 permits shall be secured.
22
23 Second by Mr. Winch
24 Call for vote:
25 Ms. Dube – Yes
26 Ms. Hubert – Yes
27 Mr. Winch – Yes
28 Vice chair Hitchcock – Yes
29 Chair Walker – Yes
30 Motion carries, 5-0.
31
32 Vice chair Hitchcock made a motion to adjourn. Second by Chair Walker. All in favor?
33 Chair Walker meeting adjourned.
34
35 Good and Welfare
36
37 Ms. Dube added good and welfare.
38 Audience member asked about good and welfare and other business.
39 Peter Mourmouras addressed the board about an upcoming application.
40 Chair Walker this is public testimony ahead of a formal application they have no knowledge of. They cannot
41 comment on this because they don't have any information.
42 Peter Mourmouras read about licensing for the one retail marijuana license. Applicants and licensing
43 process were commented on. Possession of property is what is being questioned.
44 Chair Walker said it sounds like a legal matter not a board matter.
45 Patrick Mourmouras distributed and read a letter from attorney Matthew Werner to Jeffrey Hinderliter and
46 Richard Haskell.
47 Chair Walker asked about the lease termination language.
48 Patrick Mourmouras there isn't anything in the lease about their lease being terminated.
49 Tom Mourmouras welcomed comments about legal interpretation and recommended the town bring
50 attorney to meeting. They should have an unbiased answer. The applicant cannot show possession because
51 they have the lease and hold possession. He read from the application licensing process.

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Chair Walker adjourned the meeting at 8:04 PM

I attest the above are minutes approved by the Planning Board on 11 April 2024



Jeffrey Hinderliter, Town Planner