



Design Review Minutes

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Monday, March 4th, 2024 @ 6:00pm
Council Chambers - 1 Portland Avenue

www.oobmaine.com/design-review-board

ROLL CALL

ASSOCIATE PLANNER FOSTER Yeah, open up the meeting at 606 for March 4th, 2024. And we'll just do a quick roll call. Richard?

RICHARD PELLETIER Here.

ASSOCIATE PLANNER FOSTER Kim?

KIM SCHWICKRATH Here.

ASSOCIATE PLANNER FOSTER Gary?

GARY LUCA Here.

ASSOCIATE PLANNER FOSTER And Frank?

FRANK MANDUCA Here. Don is gone?

ASSOCIATE PLANNER FOSTER Don is not here. I'm not, I thought he was going to be here.

FRANK MANDUCA Yeah. I hope he's well.

PLEDGE OF ALLEGIANCE

ASSOCIATE PLANNER FOSTER Do we want to do the pledge I skipped that I'm not used to...

FRANK MANDUCA I'm going to sit down for it.

KIM SCHWICKRATH We can skip it.

REGULAR BUSINESS

1 **Item 1** – Review of Design Review admin approvals

2

3 ASSOCIATE PLANNER FOSTER So for regular business item one, we previously
4 talked about going over some admin reviews. I had recently gone through to see
5 just DRC reviews and admin for the annual report so that's usually the previous
6 fiscal year so I've got up till most recently and there's just three here but it's things
7 that have been approved administratively through the ordinance. I know we like to
8 go over these just so that you guys are aware. Also, you know so you can hit me
9 with a stick when I don't do things right but I think the eye -opener for me is and
10 why the ordinance amendments our need is it's hard to have consistency and I
11 think that's one good thing about having things go to the board is I feel like the
12 board's more consistent in reviews than we can be administratively sometimes. I
13 know one of the things that I've mentioned that comes up is like the time crunch
14 and really that's not our problem. I think sometimes it's a combination of people not
15 being aware, but a lot of people who have had some of these properties for quite a
16 while are aware of the requirements for design review.

17 So, you know I do want to keep things moving forward but I think sometimes we
18 fold administratively early when we shouldn't, just in the business -friendly nature,
19 which doesn't always mean things come out the right way necessarily. And the
20 other, I guess, inconsistency I've seen, which I think we do have a little more wiggle
21 room with admin review, but I'd like to tighten it up, is what's submitted as far as for
22 review isn't consistent. And I think, just to be fair to people applying, and to keep it
23 you know is even across the board as possible, especially when applying the
24 standards that we want these buildings to meet and we've all recognized they need
25 to be updated. That having better ordinances or more clear ordinances will help
26 with those consistencies and it's always a learning experience for me too because
27 look you know I always realize that it should be a little bit more fair and part of that
28 is just applying everything across the board regardless of what the proposal is. So,
29 this first one is 12 Foote Street.

30 It is in your packets, you have the agenda, and then I stapled all the three admin
31 review certificates together.

32 So, the first one is for 12 Foote Street, I believe it's a condo building, multi -family. I
33 forget how many units are in there. And this one is actually a bigger change that
34 looking back and looking at the ordinance it seemed to be borderline. I think with
35 the roof change it was probably enough to kick it to the committee. Now that I
36 don't believe the work's been done still, so I don't see why it couldn't have come to
37 the committee since I approved it back, when was that? March 23, so almost a year
38 ago. So, if they didn't do the work now, there's no reason they couldn't. This is also,
39 it's in the downtown district, but as you know, Foote Street's kind of outside of
40 what we think of as downtown, it is more a residential and there's not too much
41 consistency in there so I did take those things into factors as I reviewed this. But
42 basically, the Mansard roof was rotted and was having issues and they were looking
43 to replace it with siding so it would change the look of the building but I made the
44 administrative decision that I don't think there was any look that we're protecting
45 there or trying to maintain. Right and it was going to be siding and then I think four
46 feet of a stone material so I thought that was breaking up the mass and that's kind

1 of why that third page is there even though it doesn't tell a lot just and that's what
2 was approved in.

3 KIM SCHWICKRATH Did they give a time frame for when they were going to do it?

4 ASSOCIATE PLANNER FOSTER I thought they were going to do it when we did the
5 approval so I assumed something came up I don't know if they couldn't get
6 everyone into agreement that's there where it's a condo or what the what the stall
7 was.

8 KIM SCHWICKRATH So, yeah now you have a rotted roof and have gone another
9 year. How long is the permit valid for?

10 ASSOCIATE PLANNER FOSTER Ours don't expire. So, this is why I like these
11 examples because I think there's no reason why someone couldn't come back to
12 either me Administratively or to the board to get an extension on this so I think this
13 is an example of you know, maybe this is a good reason to have those expirations,
14 and a good reason to have some leeway with how they can be extended.

15 FRANK MANDUCA Wasn't it suggested only a one-year extension? -

16 ASSOCIATE PLANNER FOSTER That's what we had been drafting and playing
17 around with. It's only good for a year and then you can do like a six-month
18 extension.

19 FRANK MANDUCA Then you can go back and ask for more?

20 ASSOCIATE PLANNER FOSTER Yeah, and one of the questions I had and it's
21 probably still a question for the draft is how it kind of needs to align with building
22 permits, I think.

23 FRANK MANDUCA Yeah, it does.

24 ASSOCIATE PLANNER FOSTER And planning board approval, where the
25 certificates are issued by the planning board. So, it was a question about one year
26 with allowing like a six-month extension and how that all played in together.

27 GARY LUCA You would think that even someone is living there would say
28 something?

29 KIM SCHWICKRATH Right. I would be complaining. The roofs going to fall on my
30 head.

31 FRANK MANDUCA I know it could. If it was rotted it must be [inaudible] during the
32 rainy season.

33 ASSOCIATE PLANNER FOSTER I'm guessing it's the way the roof is it's probably a
34 more of an exterior issue and it just needs to be repaired.

35 RICHARD PELLETIER It's only the mansard part of the roof. I put a new roof on the
36 building. New plywood and everything.

1 ASSOCIATE PLANNER FOSTER And then in doing this review of these, it made me
2 realize something that I don't think's in the ordinance. I know it has before pictures,
3 but I think it'd be good to add a requirement for completion photos. 'Cause one
4 question I had and, you know, was this even done and know it wasn't, but because,
5 you know, I probably could keep a list and go check on them, but that doesn't, I
6 don't think it has I didn't get down there earlier today, but to my knowledge it
7 hadn't been done. But that was where I realized, you know, here I am the one who
8 probably should know and I don't know so if and I don't believe there is anything in
9 the current Ordinance, but about after photos when the work's completed because
10 really the only, I mean without using Google Maps the only way we have a record
11 besides their application is whatever is submitted for before photos.

12 FRANK MANDUCA Are they supposed to notify once it's completed?

13 ASSOCIATE PLANNER FOSTER I don't think so, and that's why I want to add the
14 photos submission.

15 FRANK MANDUCA Add it, and then they can ask for more, you know.

16 ASSOCIATE PLANNER FOSTER Yeah, because the photos would be a way to be
17 able to see that it's done and matches what they submitted. If they know they need
18 to submit that, I think that will be helpful in them saying, "Hey, we better make sure
19 this looks the same because they want photos." And I think that would be beneficial
20 for the records to have for any future proposals too, because if you just look back
21 at the application, you can see the before and after.

22 RICHARD PELLETIER When its all done, do we have any type of administration in
23 the approval of it being done the way we wanted?

24 ASSOCIATE PLANNER FOSTER Um no, and that's what we were talking about.

25 RICHARD PELLETIER I think we need something like that.

26 ASSOCIATE PLANNER FOSTER Well, yeah I mean we could...

27 GARY LUCA Like the building inspectors?

28 FRANK MANDUCA What if they have a mandatory completion notification that
29 would be helpful.

30 ASSOCIATE PLANNER FOSTER So yeah, one of the parts is most of the work, not
31 all of it, would require a building permit. So, depending on what they're doing for
32 work, sometimes just siding or something wouldn't, or fencing.

33 RICHARD PELLETIER Well, roofing doesn't require a permit. Siding, I don't believe
34 siding.

35 ASSOCIATE PLANNER FOSTER And that's why sometimes stuff happens and that
36 doesn't come through this committee when otherwise it. would is because it
37 doesn't even require a building permit and I think that's where some of the minor
38 things get lost. But that was just one example.

1 The next example, I'll have to probably go over with Don again when he's here just
2 because I wanted him to see this, but I think this is an example of things growing to
3 become something more and I don't want to say getting out of hand because
4 they've done everything, everything's been approved, but an example of how you
5 let little things go and they exponentially change and how we've talked about
6 consecutive changes and whether or not they fall under design review.

7 FRANK MANDUCA Is this a part of a restaurant?

8 KIM SCHWICKRATH What's restaurant is this?

9 ASSOCIATE PLANNER FOSTER So yeah, this is interesting because it's actually two
10 properties. It's the old Landmark building and the retail building next door. The
11 Landmark building, I'm not sure what the owner is doing with that. They're not
12 really doing anything with it. I think they're using it for their own personal residence
13 and some personal office space. But the, so the, who is it, Lone Pine Brewing is in
14 there now. So, they basically use that building next door, which used to be a retail
15 shop.

16 FRANK MANDUCA And in between there's an outdoor restaurant like.

17 ASSOCIATE PLANNER FOSTER basically they have an outdoor seating area. So,
18 there's a little bit of back story to this, is the original admin approval out there was
19 prior to this 19th April 2023. I think it was, a year prior, there was still some COVID
20 stuff going on and they were looking there was a different brewery that went in
21 down there previously definitive brewing um and they made some changes with a
22 deck and a serving area and putting up some fencing, that's separation that's
23 required for liquor licensing stuff and so that was approved. And there was one of
24 the components that planning thought they had to keep in there because of certain
25 restrictions against drinking establishments like they're only allowed in DD1 by
26 definition and then there's distancing requirements so they kind of have to operate
27 under the restaurant premise, and that's how it was approved where there was
28 previously a restaurant there and then retail next door. So, a big component of this
29 has been them keeping food. Originally, they wanted to do a food truck, but we
30 don't allow food trucks. So, planning's thing was you want a food truck, you
31 basically need no engine and axles, so it's not a truck anymore. And that kind of...
32 of, you know, lost the idea because who wants to do that. So, I think the first year
33 they had some business operating out of their serving food. That brewery left. New
34 brewery comes in, Lone Pine. They wanted to make some additional changes, so
35 that's what this certificate is for. The biggest one I took issue with is they had these
36 A -frame structures for seating. You can kind of see them in one of the photos.
37 They wanted to put them in a more open area and I was willing if they were going
38 to stay behind the building, to say all right they're out of sight not really in view
39 from a street. Although you can see them from the other side where the parking lot
40 is.

41 FRANK MANDUCA You can see them when you walk the sidewalk.

42 ASSOCIATE PLANNER FOSTER They've moved. Seating in the winter, basically
43 cover.

44 KIM SCHWICKRATH Oh, they're open all year?

1 ASSOCIATE PLANNER FOSTER Yeah. I didn't see them used last summer.

2 FRANK MANDUCA No, they weren't.

3 ASSOCIATE PLANNER FOSTER And I don't have it in here because it was so
4 recently that they came back for a third admin design review fairly recently, and
5 this is why I start to talk about consecutive changes. You know, is it..

6 FRANK MANDUCA Yeah. So, they moved them from view? When I walked by there,
7 I could see them.

8 ASSOCIATE PLANNER FOSTER They're in view now. So, I'll just finish this and then
9 I'll jump into the second part. All this work's been done. And then last summer, blew
10 up a little bit where they had a lot more signage than what was approved and it
11 never got any, you know, there weren't complaints, codes was on other things. But
12 they had a lot of flags out front that I remember driving by and saying, "Wow, this
13 isn't fully what I envisioned," but they also are trying to sell a product, so they're
14 advertising at the same time. And then they came back for another review to try to
15 get them through winter, as they wanted to add an outdoor fire pit component.
16 And so, to do that they wanted to build a deck which is extending the existing deck
17 so basically that whole front now has a ground level deck so the little if you look in
18 the bottom photo you can kind of see a little piece of deck sticking out with some
19 chairs on it that basically now extends all the way across and there's a fire pit to
20 one side and then they did move and this was prior to any approval those a-frame
21 structures to be closer to the fire pit and so I went back and looked at my original
22 approval and said no way this isn't gonna fly, the whole reason I told them to put
23 them behind the building was because I was administratively approving it. I felt
24 those a-frame structures put them over what can be reviewed administratively
25 when you figure in the square footage.
26 So, in the most recent approval with their deck, I put that they could be there
27 seasonally from Labor Day to Memorial Day, and then they had to be out of view
28 the rest of the year.

29 KIM SCHWICKRATH Memorial Day to Labor Day.

30 ASSOCIATE PLANNER FOSTER For the summer. For summer they had to be out of
31 view, for winter they can be within view because when I started thinking about the
32 reason for and I mean...

33 FRANK MANDUCA There is some fire there though I saw some.

34 ASSOCIATE PLANNER FOSTER Yeah, they do have a propane fire so this was
35 another one where they had asked about what they could do there, started review
36 with codes and fire to find out what they could do, and then next we know the
37 work is done.

38 FRANK MANDUCA They are selling alcohol outdoors there.

39 ASSOCIATE PLANNER FOSTER Yeah, it's like a beer garden basically.

40 FRANK MANDUCA Is it beer only?

1 ASSOCIATE PLANNER FOSTER I think they just added a liquor license.

2 FRANK MANDUCA I don't drink but I thought I saw some bottles.

3 ASSOCIATE PLANNER FOSTER Yeah so I guess Lone Pine recently started their
4 own spirits so they now sell like a lone pine vodka, and so they do craft drinks with
5 that.

6 FRANK MANDUCA I think that's advertised in the other building, in the smaller
7 building. I think that's what they call that.

8 ASSOCIATE PLANNER FOSTER Yeah, and so now when you look at it, it's like,
9 okay, how is this approved administratively? And then I look back and I can see it,
10 of course, some of it's probably questionable to begin with but when I look at it as a
11 whole it's obvious to me that it should have come to the committee, and this is an
12 example of our own issues internally, me I guess on that one, inconsistencies with
13 the ordinance so we often lean in favor of the applicant and then yeah I mean I
14 guess that's really it.

15 FRANK MANDUCA Well, they got to make a living.

16 ASSOCIATE PLANNER FOSTER No, and one thing that came up a couple of times
17 for me is like, if you look at this little bar behind the tree, that tree's probably since
18 been removed. That morphed into a greater thing. And then a sign did appear on
19 this top piece that I didn't think was gonna be a sign originally.

20 KIM SCHWICKRATH Put something across.

21 ASSOCIATE PLANNER FOSTER Well, I mean this, it says like Lone Pine up on top
22 of that, but the more I looked at it, it is a lot of stuff in the ordinance or one part of
23 it does talks about like within view of a public street or sidewalk or, and I don't think
24 it's specifically this.

25 FRANK MANDUCA But the one-story building is called the Lone star brewery.

26 ASSOCIATE PLANNER FOSTER Yeah. And so, I think some signs have been
27 approved there, some haven't, it comes back to the debate of what's a sign versus
28 not a sign.

29 FRANK MANDUCA Now where that tree and business is now there's an opening
30 there, you can walk inside of a building, there's some sort of smaller building there,
31 then maybe it can make food in there or something.

32 ASSOCIATE PLANNER FOSTER Yeah there is, so the debt connects directly to that
33 building now and there's zero setback so they basically went right to the lines with
34 each side. But this one has me leaning more towards the part we've discussed
35 about consecutive changes and how to apply it. You know is it yearly, is it lifetime,
36 is it ten years, is it per owner?
37

38 FRANK MANDUCA well this change their mind as the marketing changes.

1 ASSOCIATE PLANNER FOSTER Well this one's hard too because it's like how do
2 you look at it because it's too it's the property owner who's ultimately responsible
3 it's their property they do the leases but then it's the business who wants to do a
4 lot of the improvements.

5 FRANK MANDUCA Oh it's not the owner that's running the business. That makes it
6 more difficult.

7 ASSOCIATE PLANNER FOSTER Yeah, and I think a lot of times that's what happens
8 with properties so you know as the ordinance gets rolled out I think the education
9 piece, and that's the hard part is we don't really have a way to hand new property
10 owners, unless it's when they come in for a business license or something. like
11 here's the downtown district review standards you now own a property there. Any
12 future... and I don't I don't know the proper way to communicate that.

13 FRANK MANDUCA By mail.

14 ASSOCIATE PLANNER FOSTER That gets expensive. They saved that for very
15 important things.

16 FRANK MANDUCA Registered, so they can't say they didn't get it.

17 KIM SCHWICKRATH No they get it when they're coming in for the license.

18 FRANK MANDUCA There's a lot of times they'll claim they ever received something.

19 ASSOCIATE PLANNER FOSTER I will say they've been open year-round. This
20 shouldn't impact how anything's ever reviewed, but it has been nice to see more
21 and more places open year-round. You know, Cafe 64 is on the strip now, Red Door
22 Deli, and then this down around the corner. Yeah, JJ's Eatery or whatever it's called.
23 Yeah, they're under new ownership, but they just opened fairly recently.

24 FRANK MANDUCA Just about a couple weeks ago, I think. Then we've got the one
25 in the building you know across the street the other way. Strike zone was closed in
26 the winter.

27 ASSOCIATE PLANNER FOSTER Yeah and someone said a candy store or
28 something was going in there and I was surprised to hear that.

29 FRANK MANDUCA Oh he's giving it up?

30 ASSOCIATE PLANNER FOSTER The people retired who had the restaurant and I
31 think someone, a new tenant's moving in.

32 FRANK MANDUCA Well he had a big operation and he had all the stuff. Baseball
33 memorabilia in the interior, so I guess he had to remove all that.

34 ASSOCIATE PLANNER FOSTER Yeah, yeah, it's gutted out right now.

35 FRANK MANDUCA but that's the new one that Toulouse brothers have, you know,
36 right across from where the old railroad station used to be, you know, and it's on
37 First Street, where First Street begins instead of Milliken Street, you know before

1 you get between Staples Street and Old Orchard Street, that's open year-round
2 now. Nice boys, I know the mother, went to school with the mother.

3 ASSOCIATE PLANNER FOSTER Yeah, I just had one more admin review in here,
4 this is actually down towards the end of the district for DD2. It's almost at Walnut. I
5 forget the street. It's right on East Grand, but it's like one road back from Walnut
6 intersection.

7 FRANK MANDUCA It's coming this way from Walnut? It's not the old Moby Dick?

8 ASSOCIATE PLANNER FOSTER This across the street from there right across the
9 street. I don't know what it was called.

10 FRANK MANDUCA It became a private home again.

11 ASSOCIATE PLANNER FOSTER It's a storefront. I tried to get, it started as wanting
12 to do something to keep rain out of the doors when they're open in the summer.
13 And they had canopies I thought at one point and I said uh you know awnings are
14 allowed in the downtown district, and I guess they had issues with them blowing
15 off. And so, I said okay, and so they came up with something else and then at the
16 same time there was other work that was completed without a DRC admin review
17 or anything. And that was the roof over the back deck. So that we basically
18 reviewed them both at the same time. I don't have a picture of it completed, so I
19 know that's not helpful. It doesn't, it probably looks like you might imagine. It
20 basically looks like the roof up on that deck, kind of just thrown out front here. It
21 probably could look a little better. As far as the improvements, I still have to go see
22 that it matches the certificate because I don't know that they put some of the
23 finishes on there that we were supposed to see, like the, um... there was a couple
24 things that were specific. Facia and then a question on the roof because they were
25 going to use like a flat roofing fabric and I said well that's probably fine for the one
26 you can't see but if it's visible by anywhere near there it'll need to be an actual roof.
27 I think this was one that would be very easy if we had the update we talked about
28 in the ordinance about any changes to the facade to check off it's a change to the
29 facade automatically to the committee. I don't I don't think that would have been
30 an issue, I think it probably would have been a timing issue for the owner, but like I
31 said that shouldn't fall on staff or the committee. You know some of those things
32 are beyond our control.

33 And if it's something that they're hot for, they should be in here asking questions
34 sooner, not later. So, I will try to get an updated photograph of that for our next
35 meeting. But I think it served its purpose. They did put it in last year.

36 FRANK MANDUCA What's the intersection there? It looks like there's this main
37 street. It's on East Grand, but what's the side street?

38 ASSOCIATE PLANNER FOSTER I can't remember the side street, I was just trying
39 to figure that out.

40 FRANK MANDUCA I try to too, I can't remember. They keep changing the name
41 sometimes.

1 ASSOCIATE PLANNER FOSTER This was what, I think there was actually, and we
2 could never really confirm it, is there was a change with stairs here too, but it was
3 like a question of if it was approved by fire for access or what happened. I think the
4 stairs aren't in that location or they've been moved on that the last one we were
5 looking at.

6 KIM SCHWICKRATH No, I'm on the second first picture on the top.

7 ASSOCIATE PLANNER FOSTER Yeah. Those stairs on the side. Which I think
8 typically when we look at the overall number of them at that 500 square footage
9 they would have been over. And I think the more that I review these having a, I
10 guess I don't know what the outcome would be if we review something that's
11 already been done and that's why I've been hesitant to send it to the committee.
12 But I think we'll probably get to that point 'cause I think that's what it'll take to
13 make sure people know they can't just willy-nilly do things, or whatever term to use.

14 FRANK MANDUCA I'll have to go look at it myself, I can't quite picture.

15 ASSOCIATE PLANNER FOSTER I mean, I think if someone had already built
16 something, the committee would give recommendations to improve what's there to
17 make it fit in more with what the expectations would be.

18 FRANK MANDUCA Brisson Street.

19 GARY LUCA Brisson Street.

20 ASSOCIATE PLANNER FOSTER Brisson.

21 FRANK MANDUCA That's the next one after Brown, yeah.

22 ASSOCIATE PLANNER FOSTER I was trying to look at this building and I try not to
23 put on like the historic architectural lens but I feel like that's partial the purposes of
24 the ordinance and I think parts of this building might have had something at some
25 point but it's a pretty typical and I don't know I mean I'm sure the bottom floor
26 used to be different before they added the doors and enclosures and everything.

27 FRANK MANDUCA There was no stairway on the side there.

28 ASSOCIATE PLANNER FOSTER But yeah I just I wanted to go over those so you
29 guys know what's been reviewed administratively and yeah, I mean sometimes the
30 time crunch is what it comes down to and I'll have the application sit on my desk
31 for a week before I get to get into it and see what the recommendations are and I
32 think unfortunately sometimes if someone's hot for it we look at the ordinance in
33 the least strict way possible probably but some of that ambiguity is within the
34 ordinance itself and some of that's just other things. So, I think that's a good reason
35 to tighten up the ordinance.

36 RICHARD PELLETIER I think when someone comes in with something like this I
37 think it is our job to get everything we can out of them. In other words, if they're
38 coming in for a roof, if it's not in the historic district okay, specifically, but it falls
39 under the design review. Then it's up to us to try to make it click with everything

1 else. So, we have the opportunity to probably do minor upgrades to the building
2 beyond what they are looking for and that's just my opinion.

3 ASSOCIATE PLANNER FOSTER I think that's where we want to make sure that any
4 ordinance changes are structured to support that.

5 RICHARD PELLETIER Well, yeah, and the kind of thing that I'm saying is, they may
6 say they come in for a specific change in the building, but we make some
7 suggestions in order to make it nicer, a little bit nicer, okay? They say, "No, were not
8 going to do that." Well, maybe it's out of our jurisdiction and we have to agree with
9 them on that but at least if we try, to get whatever we can out of everybody. I think
10 it's going to be an improvement, you know? Because our job I think, in my opinion,
11 it could be wrong, is to try to improve, basically.

12 FRANK MANDUCA Yeah, a little more scrutiny would be good.

13 30:01

14 RICHARD PELLETIER In agreement with what else is there. So, I think we should be
15 working on that progression to try to improve things.

16 KIM SCHWICKRATH I agree. I think there also has to be consequences.

17 FRANK MANDUCA Well, we don't have enforcement, though.

18 KIM SCHWICKRATH Well, but that's the thing. So, anything that we try to do, if
19 they don't do it, there's no consequences.

20 RICHARD PELLETIER Well, that's why there should be administrative approval
21 when they're all done. If you don't give the administrative approval, then they gotta
22 come back.

23 FRANK MANDUCA Well, completion dates.

24 RICHARD PELLETIER They're in violation.

25 KIM SCHWICKRATH I agree with that.

26 FRANK MANDUCA We have completion dates, that's our only enforcement.

27 KIM SCHWICKRATH Right, right. The permits don't expire. Nobody goes back and
28 checks anything. Nobody fines anybody, you know.

29 ASSOCIATE PLANNER FOSTER Yeah, so there's a few things that come into play
30 here. One of them is codes, and that's always an issue, I feel like no matter who's in
31 the office and how many people are down there, and it's not just the enforcement
32 piece, it's more like someone bringing in a building permit and just making sure that
33 it's, oh, it's in downtown district, it's design review, and then making sure it comes
34 to us. And I feel like that part we've gotten down pretty good. It's the double
35 checking once a building permit's issued. And I know this came up when we were
36 reviewing the old Venetia's, I think it's 93 West Grand, the restaurant where they
37 redid the outside. And there was, I think the biggest thing that I noticed and we had

1 talked about, is the backs where they were cutting into the roof, is it was going to
2 go from one side of the building to the other and they kept like a half roof on one
3 side.

4 FRANK MANDUCA Yeah, on the beach side, yeah.

5 ASSOCIATE PLANNER FOSTER And then, so I asked codes about it and why they
6 did that and they approved the change 'cause the electrical was within reach of the
7 porch or something and I said, well, I think the easy answer for the committee
8 would have been to put it underground. You know, why not? If that's the issue you
9 should still design the building the same and change your electrical, why'd that
10 change it? And I don't know, maybe that's, I have no idea what that costs. Maybe
11 that's something absurd. So maybe that's enough. And I think the committee would
12 recognize that. And I think if someone came in and said, "Hey, we need to make this
13 change."

14 FRANK MANDUCA But there's rules for underground electrical (coughing) and
15 things, so that's more complicated now. You can't be taken around a lot the way
16 we used to.

17 ASSOCIATE PLANNER FOSTER Well, no, and I don't know if that wire was always
18 there. So, what it was an issue with the original design or when the issue arises, but
19 it seems like it was like buildings being done, they already have the building permit,
20 they reached out to codes, code says, okay, that makes sense from code
21 standpoint, but they didn't go back and look at the design piece. And I don't know
22 how to get those two pieces together and to stay together. I think that's a
23 challenge we've always had here and that seems like a lot of times have. It's just,
24 you know, I don't know if it's a way to flag it in the computer. You know, Codes
25 uses iWorQs for a lot of their data input and tracking building permits. I don't even
26 have access to that program. So just you know, I don't I have any reason to use it, I
27 guess. But well, that's the you know, is there a way that I can input this so when
28 someone inputs a building permit in the same thing it pops up like hey red flag, this
29 is DRC Certificate.

30 KIM SCHWICKRATH Should be yeah, I'm sure there's some program.

31 ASSOCIATE PLANNER FOSTER Like I said, that's all internal stuff that I think no
32 more matter how good our ordinance is and no matter how good the person in the
33 position is, you know, that it could still be an issue. And that's things we're always
34 working on.

35

36 **Item 2** – Continue discussion on Design Review ordinance and
37 amendments Sec. 78-426 through 429, and Performance Standards
38 Sec. 78-686.

39

40 ASSOCIATE PLANNER FOSTER So, I've gone through at this point all a lot of the
41 ordinance stuff. I realize it goes back to when I started here. So, it was right after

1 the gateway conversations and some of the early stuff I found was late 2019. So
2 that was my first year here. Jeffrey had actually started those design review
3 meetings for the ordinance changes. And that's going back like five years, almost
4 four and a half years. So, there was a lot of stuff, unfortunately not as much as I'd
5 hoped for with that many years, but it's because we don't meet every month. But as
6 far as the ordinance discussion, there was a lot. So, I went through, started going
7 through the meeting minutes and picking out everything that's design related and
8 going back, I found a draft ordinance that Jeffrey had done pretty early on that I
9 think actually looks pretty good.

10 And then I made me think, do I want to try to recreate things from here or go back
11 and see what he had early on, because I think it captures a lot of what we've been
12 talking about. So that's my goal for the next meeting, whenever that is. I know I'm
13 not here next month, but it's to really get all that together. And I thought it would
14 be helpful to just go over this this. Questions about what DRC regulates and it's just
15 this the sheet here just to think things through and really part of it for me, I don't
16 think much has changed with how the committee looks at what should be
17 regulated.

18 And one reason this is like an old list that Jeffrey had done early on I believe. but I
19 thought it would be good to go over it, even if just briefly again. And then one
20 reason why is I know, I think it was the last meeting or maybe the meeting before
21 that, but the question of purpose came up and a purpose statement.

22 And I've seen different ones for other similar committees in other towns, but the
23 one we currently have for this committee, it's... it's more basic than I thought it was.
24 But for the purpose statement for design review, it's "the design review committee
25 shall be responsible for conserving the cultural and architectural heritage of the
26 town, providing technical design assistance to property owners, and promoting
27 quality architectural design and historically sensitive building renovation as a means
28 of sustaining economic but and stable property values." We could probably clean
29 that up a little bit and add to it, I think.

30 FRANK MANDUCA A lot of exceptions.

31 ASSOCIATE PLANNER FOSTER But I think that kind of covers the basics, the basic
32 bare minimum. -

33 FRANK MANDUCA Well, there's a lot of exceptions that have gone on compared to
34 what that statement requires.

35 ASSOCIATE PLANNER FOSTER Yeah, and I think that's really why you know
36 highlighting the ordinance updates and getting those changed.

37 FRANK MANDUCA When they raise a building so it looks like a cracker box up in
38 the air that's how the culture is in line.

39 ASSOCIATE PLANNER FOSTER And that's going to be the challenge because I
40 think the more we talk about it even the comp plan committee you know it's like
41 you're running out of area to go out and expand out, stuff is going to start to go up

1 at some point and what does that mean and you know it doesn't have to mean
2 skyscrapers, but...

3 FRANK MANDUCA It's not on the beach, even in Scarborough, it's going up.

4 ASSOCIATE PLANNER FOSTER And I know we've just, early on talked about
5 everything from tiered setbacks to allowing people extra density to encourage
6 other types of development, and it's stuff that won't happen until the comp plan's
7 done and it gets to the implementation.

8 FRANK MANDUCA Ocean Park and the other end of Old Orchard although the first
9 floor should probably only be for parking.

10 ASSOCIATE PLANNER FOSTER Yeah, and I think that's where a lot of it's at with
11 floodplain stuff is there are a lot of areas in Ocean Park.

12 FRANK MANDUCA Well, that avenue is underwater and the tide comes in, and little
13 river backs up.

14 ASSOCIATE PLANNER FOSTER And I think, well, luckily right now that area is not
15 in any sort of design review, but I think one of the challenges as people see
16 structures going up and...

17 FRANK MANDUCA Look at Ocean Park and underwater every time we have a
18 winter storm that's rain and the ground wasn't even that frozen this year look what
19 happened.

20 ASSOCIATE PLANNER FOSTER But I think people see the height and say you know
21 that building doesn't belong here but there's more to it there's a reason why it's
22 built that high in

23 FRANK MANDUCA Well if the first story doesn't conform the rest of the building
24 can second, third, and fourth stories can look culturally significant.

25 ASSOCIATE PLANNER FOSTER Yeah. I think, you know, overall, well, Ocean Park's
26 done pretty good, I think, because most of the people down there care what their
27 place looks like.

28 FRANK MANDUCA They do.

29 ASSOCIATE PLANNER FOSTER I think, you know, if...

30 FRANK MANDUCA They kept everything sort of beachy and Victorian, but the
31 main streets, there's some monstrosities that are being built on the side streets.

32 ASSOCIATE PLANNER FOSTER Yeah, it's changed a lot. And I think that once we
33 tighten up the ordinance, the gateway stuff would jump into next.

34 FRANK MANDUCA Well, if you made Temple Avenue a historic district, at least that
35 part would stay the same before it goes.

36 RICHARD PELLETIER I think there is some continuity down there as far as new
37 construction goes, and remodels, tear downs.

1 FRANK MANDUCA Well, not on the side streets. They tried to do a historic design
2 for the whole area, and it didn't work because on the side streets, you've got these
3 mansions on the little lots that were undersized, and they're all modernized
4 mansions. They're not historic or Victorian at all. The only thing that really remains
5 similar is the Main Street, Temple Avenue from the railroad track to the beach. If
6 you look at some of the side streets, even the next streets over, you know, Colby
7 and a Randall, which is the very next streets south and north, you'll see some
8 unusually beautiful looking buildings, but they're not in line with the Victorian style
9 of Ocean Park. You go down now, one of the problems is three streets from the
10 Goosefare Brook is not part of Ocean Park. If you go down the Old Salt Road and
11 see what the guy did on the beach front there from Canada, took two logs and built
12 something and painted it brown and probably should be white. It looks terrible. You
13 walk the beach from Ferry Beach and you can see that thing from miles away. It
14 looks so unplaceable. It's not beachy looking or anything like that. It's just
15 monstrous looking. Randall Avenue guy bought two lots and put something up
16 behind the restaurant, you know, which is still as it was. It was the Bassett Hotel
17 years ago, where Patry owns. And then Patry built a modern one that looks fairly
18 keeping with a wooden frame building. That one on the beach front they took, but
19 you go the side streets and there's all kinds of things happening. So, the only thing
20 left is Temple Avenue, that looks clean, historic and Victorian. There are still three or
21 four buildings that are gothic with the turrets and towers and stands, but they're
22 going to go in time.

23 ASSOCIATE PLANNER FOSTER Yeah, one of the examples I was looking at took
24 like a district and it was a community that had more specific districts for like history
25 or architecture. But they basically took buildings in that district as like what the
26 ideal look was. I don't know if we have any buildings to do that with in any districts
27 here or how we go about that because unfortunately I think some of the, well, DD1
28 and DD2 are fairly large, but I don't know how many ideal buildings we'd find if we
29 were trying to get like a architectural consistency to document for what we'd like to
30 see people...

31 FRANK MANDUCA Well you have some streets that are still sort of intact, but
32 they're going, they'll be going pretty quickly. I think the reason like Portland Avenue
33 and on Temple Avenues is because maybe the properties were more expensive, but
34 you can buy a little undersized lot and build anything you want as long as you're in
35 the footprint, and that's what they've done. Sometimes they park on the first floor,
36 you know, which is good. What happened is the wardens won't open the gate
37 sometimes, and there's all kinds of streams and stuff there. I owned the property,
38 the first one's in Ocean Park, for many years by the sanctuary, the marsh, you know.

39 ASSOCIATE PLANNER FOSTER Are you talking about the tide gate as far as when
40 that gets open?

41 FRANK MANDUCA Yes, the tide gate, you know, that's called ocean foreshore. That's
42 not part of Ocean Park. They call it part of Ocean Park. Maybe where the gates are,
43 but the streets, the last few streets, including the Old Salt Road, is called ocean
44 foreshore. It's not in, or never was governed, by the Ocean Park Association, the

1 deeds and things, or whatever, whenever it come. The only type of zoning years
2 ago before they had municipal zoning, so they didn't cut trees down or anything
3 because they helped to absorb water there and everything. But almost everything
4 was summer cottages when I was a kid. The sewers were open and we'd jump
5 across them and miss and catch hell when we went home. The sewers were all, and
6 they all just drained down Goosefare Brook for heaven's sake. But the capacity
7 year-round, there probably were five families that lived in Ocean Park in the
8 wintertime.

9 GARY LUCA Sounds like Italy.

10 FRANK MANDUCA Like Italy? I don't know.

11 GARY LUCA Oh, yeah. Pompeii was like that.

12 FRANK MANDUCA But it's really changing drastically. You look at the side streets,
13 they've bought some homes, they modernized them, and tore them down, and built
14 these gigantic things, which were just basic, two -story, un-winterized summer
15 cottages that existed on these small, it's like the campgrounds. Everything's under
16 size lots, and now there are year-round buildings. But the entire campgrounds, all
17 those little 8th Street and 15th Street, those were all summer cottages. People only
18 lived there when they had the camp meeting for the Salvation Army or the Corps
19 before them and of course now it's very congested they have to make one-way
20 streets. There used to be two-way streets when I was a kid.

21 GARY LUCA Is Ocean Park, its own entity?

22 ASSOCIATE PLANNER FOSTER Its part of Old Orchard.

23 FRANK MANDUCA No, it's not anymore. At one time it was because it had a grant
24 as a religious colony. Two years before it became part of Ocean Park and it was not
25 subject to Saco which Old Orchard was part of, and it has a special grant and they
26 have their own post office and their own traditions which are going, but they do
27 have an Ocean Park Association. Now years ago the [inaudible] family, bought
28 property there. You couldn't buy the property unless it was approved or sell it
29 unless it was approved by the Ocean Park Association. And a lot of the deeds
30 today look incumbent and the banks say well you didn't get approval, well you
31 don't really have to because it's part of the municipal zoning.

32 GARY LUCA How old are you? How old are you?

33 FRANK MANDUCA A hundred and seven.

34 GARY LUCA I know.

35 FRANK MANDUCA But there's been a lot of change when you figure this is the
36 smallest land mass in the state not Ogunquit. 2.6 square miles or something, and on
37 both ends they go underwater whenever you have high tide, so the buildable area
38 and yet Cape Elizabeth of the Ocean Park are probably the two highest taxed by
39 the state in the entire state proportionately for its size and population.

1 ASSOCIATE PLANNER FOSTER I think we will be talking about, so how we got
2 here at one point was we were talking about the gateways and then that was going
3 way back realizing we needed to tighten up these ordinances before expanding
4 jurisdiction. And one was talking about Saco Ave gateway overlay from you know
5 where the highway ends coming up Saco Ave, and then Temple Ave was the other
6 discussion. So we will be looking to add those in potentially once we tighten all this
7 up.

8 FRANK MANDUCA It's still a traffic problem there, you know, halfway. For any
9 gateway solution, the traffic's gonna back in the summer.

10 ASSOCIATE PLANNER FOSTER Yeah, and I feel like I've been saying it since I
11 started here with everything else, but they are still studying the entrance.

12 FRANK MANDUCA They say they can't put a rotary, okay, but put a roundabout
13 because it backs up anyway. At least there'd be no accidents with a roundabout.

14 ASSOCIATE PLANNER FOSTER Yeah, so my understanding with the roundabout is
15 it's not ideal because of some of the concerns with two-lane, all the traffic studies
16 show it needs to be a two -lane roundabout. So, a lot of concerns come in, and
17 there's some data to back it up that I guess roundabouts are great because they
18 reduce the severity of collisions but they don't decrease collisions so you still end
19 up with side swipes and stuff. And there was concerns in that area where it's
20 already confusing, that a roundabout might be a little bit more clear, but it won't
21 necessarily stop some of those issues.

22 FRANK MANDUCA Well it's going to reduce the rate of speed, alone is going to
23 reduce it.

24 ASSOCIATE PLANNER FOSTER And I know one of our counselors took issue with
25 those facts and just knowing that it's not necessarily going to fix the accident issue,
26 just the potential severity. And then there was also with the roundabout property
27 takings involved, which I don't think anyone in town wants to do.

28 KIM SCHWICKRATH Eminent domain.

29 ASSOCIATE PLANNER FOSTER Yeah.

30 FRANK MANDUCA Well, if you took 7 Eleven, you probably could do it. You
31 probably could do it with just 7 Eleven.

32 ASSOCIATE PLANNER FOSTER So the last they were talking was about a four-way
33 intersection, potentially, and what that would mean and how that would align.

34 FRANK MANDUCA Well, Lyman and Gorham have 50 miles-an-hour straightaways
35 with four-way and five-way roundabouts, and it's 50 miles-an-hour the rate of
36 speed. But everybody has this. stop for those roundabouts.

37 ASSOCIATE PLANNER FOSTER Yeah those are some of the same questions I had
38 because that's what comes up with any traffic treatments at the bottom of the

1 highway is they're concerned about well the real concern is traffic backing up and
2 that's...

3 FRANK MANDUCA but it doesn't anyway in the summer.

4 ASSOCIATE PLANNER FOSTER Well at one point they were talking about a rotary
5 at the bottom to connect with Ocean Park Road but the concern was that traffic
6 would back up the spur from the rotary because...

7 FRANK MANDUCA it does now anyway.

8 ASSOCIATE PLANNER FOSTER I forget why, something to do with the alignment.
9 So, the next part of the study is they wanted to look at Saco and Saco didn't buy
10 into that, we didn't buy into that, we wanted to finish the study with where we're at.
11 If they have suggestions about that for the future that's great, but it was basically
12 like DOT saying hey is there a way to add another entrance way on the highway up
13 here in Saco to alleviate some other issues...

14 KIM SCHWICKRATH They are doing that for 112.

15 ASSOCIATE PLANNER FOSTER Right. Some other improvements at this end, but I
16 think the ongoing part of the conversation is how to either add a right hand turn off
17 the spur to go up Ocean Park Road and then add a light there so you can also take
18 the left, or eliminating it.

19 FRANK MANDUCA Well, a light would be, but the last time I heard the state says
20 there's not enough traffic for a light, they're out of their minds.

21 ASSOCIATE PLANNER FOSTER Yeah, and that's been an ongoing question too.

22 FRANK MANDUCA The traffics enormous, well, not year-round, a light would help.
23 That Ocean Park Rd is very dangerous, the way it empties out there.

24 ASSOCIATE PLANNER FOSTER Yeah, so there's multi..., we were supposed to do
25 some pilot, like striping and programs to help see how it would work, just to better
26 evaluate future proposals.

27 FRANK MANDUCA And the Old Orchard Road is even worse, 'cause nobody waits
28 their turn. So, you've got to do something to force people to take turns, that would
29 prevent a lot of collisions. I'm telling you.

30 ASSOCIATE PLANNER FOSTER Well, I think the light is one of those things. It's still
31 being studied and we'll see what comes out for recommendations.

32 FRANK MANDUCA I go the other way in the summertime all the way over to Ferry
33 Beach and up the Beach Street to go to Biddeford and Saco, it's so bad.

34 KIM SCHWICKRATH They put that new light on route 1 by the lumber yard. Oh my
35 god, I turn right at that light and then I go 20' and I'm at the next light. There're too
36 many people up here.

1 ASSOCIATE PLANNER FOSTER It's been hard for me to get used to that light, but I
2 guess it makes sense. Well for a while there wasn't a whole lot of traffic on that
3 road because they were redoing a part of it so, it was like one way, but yeah, I
4 guess the way people drive down route one you probably need a light there to be
5 able to get out sometimes.

6 KIM SCHWICKRATH We talked about having a meeting every month. We are
7 already committed to this we should just do it to do this, to get ahead.

8 ASSOCIATE PLANNER FOSTER Yeah, and that's probably on me. I was going to
9 say one thing that really messed me up time wise was the LD2003 changes, which
10 were originally supposed to going to affect like January 1st. And because of some
11 meeting cancellations and changes in the ordinance, it didn't get finalized till
12 February 6th. But that took a lot more time and energy than I thought it was going
13 to, so.

14 KIM SCHWICKRATH But an hour every month, I 'm sure. If we had something with
15 people coming in front of us we would have to meet, so why don't we just do it?

16 ASSOCIATE PLANNER FOSTER Well, yeah, and I guess that's the other part, is I
17 don't, if I don't have any time to put into the stuff in between meetings, I don't
18 usually like to schedule a meeting, 'cause I don't feel like it's proper use of your
19 time, but I also don't mind scheduling. Sometimes it also depends on like what's
20 going on like I don't, tomorrow's council night I don't have any reason to be there,
21 or be on the agenda, but sometimes if I am it takes away from what I can put into
22 this group. And I don't, I try not to limit night meetings just, that's part of my job so
23 to say, I don't want to meet that night, I usually try to make sure there's an actual
24 reason. And I knew I wouldn't be able to, next month I'm going to be away for the
25 first Monday, so I knew I couldn't meet then and looking back, I said, geez, it's
26 already been, since December when we met, I didn't want to wait any longer.
27 Knowing our next meeting the earliest, it could be unless we scheduled a different
28 date would be the beginning of May.

29 FRANK MANDUCA It starts getting busy does it? Now that spring is here it's going
30 to be busier, all these people wanting changes and building permits and things. By
31 April we'd be twice as busy won't it.

32 ASSOCIATE PLANNER FOSTER potentially yeah, I mean our, usually the only part
33 we get busy is with admin approvals for like DRC stuff, but planning's always busy,
34 but we don't get the influx like business licensing does in the summer.

35 FRANK MANDUCA That's good.

36

37 **ACCEPTANCE OF MINUTES**

38

39 Accept the meeting minutes of the 5/1/2023 & 11/6/2023 meetings

40

1 ASSOCIATE PLANNER FOSTER Minutes. Do you want to approve those or save
2 them?

3 GARY LUCA What do we get minutes for?

4 ASSOCIATE PLANNER FOSTER Minutes for May 1st and November 6th.

5 FRANK MANDUCA I move we approve both unless other people object.

6 ASSOCIATE PLANNER FOSTER I think you weren't at the meeting on the 1st, but I
7 don't know if it matters.

8 GARY LUCA So I'll make a motion to approve May 1st.

9 FRANK MANDUCA I'll second it. I was absent, but I'll second it.

10 GARY LUCA May 1st minutes.

11 KIM SCHWICKRATH I wasn't; approved, second.

12 GARY LUCA You were there. Okay. I think everybody except for Frank said yes.

13 FRANK MANDUCA It's unanimous.

14 KIM SCHWICKRATH Frank wasn't here. I can't do the next one, so you guys.

15 ASSOCIATE PLANNER FOSTER Yeah, 11/6.

16 GARY LUCA November 6th, you were here. Go ahead make a motion.

17 FRANK MANDUCA I move we accept November 6th, 2023 minutes.

18 GARY LUCA Second.

19 FRANK MANDUCA I move we adjourn.

20 KIM SCHWICKRATH I second it.

21 GARY LUCA You're gonna vote for the last minutes?

22 RICHARD PELLETIER Yeah.

23 KIM SCHWICKRATH I can't, I wasn't here.

24 RICHARD PELLETIER I was here.

25

26 **GOOD & WELFARE**

27

28 FRANK MANDUCA Okay, did we do all the business?

29

30 **ADJOURNMENT**

31 GARY LUCA Everybody adjourn?

32

33 KIM SCHWICKRATH Yes

1 ASSOCIATE PLANNER FOSTER Yes. We did.

2

3 GARY LUCA You owe us two minutes.

4 Adjourned at 6:58PM

5

6 *I, Michael Foster, Town of Old Orchard Beach Associate Town Planner, do hereby certify that the foregoing*
7 *document consisting of Twenty One (21) pages is a true copy of the original minutes of the Design Review*
8 *Committee Meeting of March 4, 2024.*

x 

Michael Foster

9