



Planning Board - Minutes

May 11th, 2023, 6:30 pm

Council Chambers - 1 Portland Avenue

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5 Dave Walker: Thursday, May 11, 2023. My name is Dave Walker. I'm in the chair tonight and I
6 will be leading these proceedings. To begin, let's start with a pledge of allegiance to the flag,
7 please.

8 All: I pledge allegiance to the Flag of the United States and to the Republic for which it stands,
9 one nation under God, indivisible, with liberty and justice for all.

10 Dave Walker: Thank you very much. All right Jeffrey roll call.

11 Jeffrey: Mr. Kelly.

12 Kelly: Here.

13 Jeffrey: Ms. Huber.

14 Huber: Here.

15 Jeffrey: Ms. Dube.

16 Dube: Here.

17 Jeffrey: Mr. Winch.

18 Winch: Yes.

19 Jeffrey: Vice Chair, Hitchcock.

20 Hitchcock: Here.

21 Jeffrey: And Chair, Walker?

22 Dave Walker: Here. So we have a full house tonight. We're just missing, Sam Dupuy. So now
23 for public hearing, we will start at exactly 6:30. Item number one, proposal ordinance
24 amendments, chapter 78, article 6, section 78-869B to 78-870B, 78-871C, 1, 2, and renumber
25 existing 2 and 3, NC3 setback multifamily parking amendments. The applicant is NERG Realty

1 LLC. So if you would like to speak in favor or against this ordinance amendment, please
2 approach the podium, identify yourself by first and last name and address, please.

3 Benjamin DiCristoforo: Thank you, Mr. Chair. Benjamin DiCristoforo. I'm a representative
4 from NERG Realty. I am just here to, put forth our proposal.

5 Dave Walker: Okay.

6 Benjamin DiCristoforo: If there's any questions?

7 Dave Walker: Yeah. Well, when we have the regular meeting, that will be the time for that.
8 Okay, Benjamin?

9 Benjamin DiCristoforo: Okay.

10 Dave Walker: All right. Thank you very much. Anybody else? Okay. Well, I have a bunch of
11 letters here that I need to read into the record. This this one is from Bill Day and he's writing,
12 he's in the leadership of the VFW. The VFW is a district commander to the local [inaudible
13 [00:02:28]]. They've been a good neighbor and we appreciate the effort they put into
14 renovating their building. We've been notified about the zoning changes that are being
15 proposed. Please allow this letter to serve as confirmation that I am in support of these
16 revisions. I will also state that the parking in the area is not an issue for me or my members
17 and feel this will have little or no impact for availability, and it's signed Bill Day.

18 Dave Walker: And then I have, from Bill White. He lives at 19 Washington Ave. We have been
19 notified about zoning changes that that are being proposed. Please allow this letter to serve
20 as confirmation that I'm in support of these revisions. I will also state that parking in this area
21 is not an issue for me and my family and feel this will have little or no impact on availability
22 of parking, and as signed William White.

23 Dave Walker: And I have the same letter signed by Stanley Day. So I won't not have to read
24 the letter again. But it's a form letter, and it's signed by William Day. And then another form
25 letter, from oh, yeah. Let me give you William Day's address. He's at 13 Lawn Ave. Stanley Day,
26 13 Lawn Ave. And then Sylvia Orchid or Orchard, 82 Atlantic Ave, also signed a form letter, in
27 favor of these revisions. I also have a letter from James Timmons, and he is in favor also of
28 parking and ordinance changes, not a form letter. He lives at 22 Washington Ave. I also have
29 McNoll's, Crima, Crimum McNoll, 20 Washington Ave, and that's also that form letter in favor
30 of the revisions.

31 Dave Walker: And then, I have Michael Huff who lives at 28 Washington Ave, Apartment 2,
32 form letter. He also states that he's in favor. Robert Perrier, 28 Washington Ave, Unit number
33 5, also in favor of these revisions. Leticionna Dalton. I'm sorry. L-E-T-I-C-I-O-N-N-A, who
34 lives at 28 Washington Ave in Apartment 4 also on the form letter in favor of parking and

1 revisions. Shannon Edwards, 20 Washington Avenue, Apartment number 2 form letter, also
2 in favor of parking and revisions. Benjamin Bowley, 20 Washington Ave, Apartment 1, also in
3 favor on the former. And Theresa McNamara, 28 Washington Avenue, Number 1, also in favor
4 on a form letter. And Sybil Campbell, 87 Atlanta Avenue, also in favor with a form letter. And
5 then Abigail Field, 28 Washington Avenue, Apartment 3, also in favor.

6 Dave Walker: Joshua Kremalt, 15 Washington Ave, Apartment Number 1, also in favor with the
7 form letter. And this is the last form letter that I have, so I'll read the whole thing. The town
8 council and planning board, my name is Aristotle Churnery.

9 Jefferey: Chowdery.

10 Dave Walker: Chowdery. And I live at 31 Washington Avenue. We have been notified about
11 zoning changes that are being proposed. Please allow this letter to serve as confirmation that
12 I'm in support of the revisions. I will also state that parking in the area is not an issue for me
13 or my family and feel this will have little or no impact on availability of parking. That is
14 essentially what all these form letters say. So that's it for letters in favor. Thank you, Jeffrey.
15 Is there anybody else who wishes to speak on this item? All right. Hearing none, I will close
16 this public hearing at 6:37. I love doing that.

17 Dave Walker: Okay. Item 2, contract zoning application. Establish a contract zone named
18 contract zone 4, in accordance with the town of Old Orchard Beach of Ordinances, chapter
19 78, article 9, contract zoning. For 60 Saco Ave, MBL 206-10-1, the purpose of the contract
20 zone is to allow the establishment of a 14 unit residential apartment building. It is, the
21 applicant is Land Matters LLC. The location is 60 Saco Ave, MBL 206-10-1, zoning in the GB2,
22 and this is the public hearing portion. I will begin at 6:38 and if anybody wishes to speak for
23 or against this matter, please approach the podium, identify yourself by first and last name
24 and address, please. Thank you. I was wondering why all these people were here. So welcome.

25 Celeste Glover: Good evening.

26 Dave Walker: Yeah.

27 Celeste Glover: My name is Celeste Glover, and I live at 17 Fern Park with my husband. First
28 of all, I think it's important that you know let me just state that we're not opposed to the
29 property being upgraded for any multipurpose unit rentals or condos. That's not the issue in
30 this. I'm here to oppose the request to change the contract zone for the following reasons.
31 The size and scope being proposed is too intrusive to the property that exists in that location.
32 14 rental units geared towards elderly or not is way too many. Traffic congestion, pedestrian
33 safety, and parking are a major issue with a project this size and this scope. The proposal
34 allows one parking spot per per per unit. That's 14 parking spots. These units will allow 2
35 people to be living in them if they're elderly housing, which I think that was a note that was

1 on the paperwork. The potential brings that to 28 people that could be living in that space.
2 28 people, potentially, each owning a car, and they're offering 14 units. I mean, 14 parking
3 spaces. This could lead to 28 vehicles coming and going from an intersection from Fern Park
4 Ave on to Saco Ave and Fern Park Ave on a daily basis, let alone the visitors that are gonna be
5 coming in to visit these people, at that busy intersection.

6 Celeste Glover: The parking lot already with 14 cars in it will be a complete cluster. There will
7 be 14 vehicles coming and going from one entrance, leading directly into the congested, tight,
8 busy intersection of Fern Park Ave and Saco Ave. That intersection is already heavily traveled.
9 It's dangerous. It's it's it's dangerous enough for a car to, even people walking it's even more
10 dangerous with the people walking, walking their dogs, walking their children. Increasing the
11 traffic flow with the potential of 28 cars daily in this intersection makes it even more
12 dangerous than it already is. With that potential, there's also potential of 14 more cars daily
13 that are gonna have no designated parking spots. The only location that they're gonna end
14 up in, the overflow parking, the visitors they're gonna end up on Fern Park Ave, we already
15 have a lot of parking parking on that street right now by visitors and by people that have
16 guests coming and so on and so forth. So again, Fern Park Ave would be parking on both sides
17 of the street, cars driving down the center. It's it's a, it's a, it's a neighborhood. It's a public
18 neighborhood, and it's, it's already too much traffic, I know it's been said that, are going to
19 that later but, so parking along both sides on Fern Park Ave is an ongoing issue.

20 Celeste Glover: Let me stay on point here. Potential of more on street parking will only create
21 more congestion on our street than already exists. There are already safety issues related to
22 the intersection up on Wildwood Lane and Fern Park as well. And if we have more cars coming
23 in and parking more up on that area, if I come home, sorry, I come home and I take a left onto
24 Wildwood Lane, I'm always facing oncoming traffic, and I have cars on both sides, and I have
25 to maneuver my way around and hope that nobody's yelling at me. That area is already
26 impacted with too many cars. Bottom line on that whole situation, our residential
27 neighborhood will be negatively affected by the increased traffic, the parking, in parking with
28 a project this size, it'll be a detriment to our residential neighborhood. As well as for
29 pedestrian traffic, it's just a detriment. If there's doubt about the congestion and parking on,
30 and the traffic issues that have already exist on Fern Park Ave, I have pictures. I have a lot of
31 pictures. I've been taking pictures for over a year now. And I can show you cars, days, times
32 when there are over 7 cars, 4 cars, 8 cars on both sides.

33 Celeste Glover: I have pictures of cars driving down the center of the road while they're trying
34 to maneuver and get through the traffic. I have lots of pictures, and I'm happy to send them
35 all to you and share them with you. Another ongoing concern with that property with the
36 safe is the trash bins. When you have a 14 unit rental of 28 people living there, you are gonna
37 create a sizable amount of trash. Is the trash receptacle that is being proposed large enough

1 to handle the amount of trash for that many people? I ask that question. We already on our
2 our street, on, because I have property on my property's on Fern Park, but my driveway's on
3 Wildwood. We have a major issue with two dumpsters at the end of Wildwood as you enter
4 down to us. Those dumpsters are continually, every week, overfilled. Seagulls are in them.
5 Trash strewn all over the road and sucking all our driveways all along that place. Are we gonna
6 be creating another scenario of that nature? 28 people creating a lot of trash. That parking
7 lot, can you really put a big enough dumpster in that parking lot and not lose spaces, I don't
8 know. So I guess those are my, major concerns. Again, I wanna reiterate, I I don't object to
9 the property being used for condos, apartments, elderly housing, 55 plus, family housing, or
10 subsidies, I don't care what's it being used for, housing is a necessary thing, it needs to be
11 done, not at 4 units.

12 Celeste Glover: It doesn't matter the type of housing. What matters is the number of units
13 being proposed on a regular basis. What matters is the increased traffic, the increased
14 parking, the increased trash, this proposal is going to bring all that into into the resident and
15 neighbourhood. It's too expansive, too intrusive, not beneficial for our location. This is a
16 residential neighbourhood. Just because you do something doesn't mean you should. Just
17 because you can put it down on paper, make it look it's gonna fit, doesn't mean you should.
18 Let's be reasonable. Let's downsize. Let's do a proposal that's downsized and fits into where
19 we all live. So, that's what I.

20 Dave Walker: All right Mrs. Glover. Thank you.

21 Celeste Glover: Thank you.

22 Dave Walker: Jeffrey, do you want those pictures as part of the record? Thank you. Anyone
23 else?

24 Andrew Cisco: Good evening. Andrew Cisco. 5 Wildwood Lane.

25 Dave Walker: Hi, Andrew.

26 Andrew Cisco: I'm basically gonna reiterate what, what the, what the last speaker said. But,
27 I've lived there 18 years now, and parking is a major problem, there's not [inaudible [00:15:31]]
28 on the lane, but constantly there'll be in and out of cars, far down the street, legally, well, you
29 know, that people walk in my driveway frequently. Fern Park is constantly full of cars, one
30 way or the other. And, she brings up a good point. I didn't even think of it, but the trash at
31 the end of the road is it's kinda disgusting every time you make a left in the Wildwoods, it's
32 too trash. Dumpsters right there overflowing. So, again, I I agree. I'm not opposed to
33 developing that property. I think it would be a great improvement to our neighborhood to
34 develop it, but 14 units is too many. Just we can't handle that. We go on the record as opposed
35 to that.

1 Dave Walker: Okay. Thank you very much. Yeah.

2 Dave Walker: Good evening.

3 Brian O'Donnell: My name is Brian O'Donnell.

4 Dave Walker: Hi.

5 Brian O'Donnell: My wife Gina and I have, right, 4 Fern Park Ave, kind of across the street
6 from what we always call the old post office. We've been there since 1986, so so we have a
7 long history at that location. And and I don't wanna repeat a lot of things with traffic,
8 obviously, is a problem. But I wanna go back a step. It's a zone for 2 units, 2 houses. That that's
9 the whole neighborhood. There's no multi unit in any place. We're not on the beach with a
10 condo. It's just this this whole building is gonna look whatever it is as well. And we've been
11 here back to this group, you know, a while ago when we tried 8 units, went to town council.
12 They basically referred it back, said, you know, it needs to be downscale. And here we are
13 now, now it's 14 units with all the parking. The parking issues haven't changed. It it only gonna
14 be worse. Right? I mean, how can we have all those parking spots there? And and then let's
15 face it. I mean, you're gonna look at that a lot. Right? They're trying to squeeze those spots
16 in there, and I don't really think the math works on the spots to get the spots he has in there.
17 But if you go to Milliken, which has been referenced numerous times by the developer, they
18 have like 10, at least 10 handicap spots. This one has like one. The letter, that notification that
19 came out said, this is senior living, which I know you have an ordinance that kinda covers
20 some of that piece. But then it's over 55 or not.

21 Brian O'Donnell: This thing only refers to an apartment support. Which is it? Because this to
22 me, it's like different things. Right? I mean, if it's just 14 apartments, then, you know, mom
23 and dad buy a place and the next thing you know, they tell the kids, oh, why don't you go up
24 to Old Orchard for the, you know, the weekend? And then now now, you know, 7 guys or 7
25 women jump in a room and, you know, we all been around here a lot. We know we know how
26 things happen, and they're not gonna come alone. They're not gonna come in one car. So I
27 mean, it's a huge issue. And if you look at that that lot, you put the parking in and then you
28 build up 3 stories, you know, up to 3 stories, there's not a lot of space outside. Right? I mean,
29 where do people go to smoke? Where are the dogs gonna? Where are they gonna walk their
30 dogs? I mean, people live. They want some space. There's not even a place for a bench. You
31 know, one of the complaints that came before is, you know, what happens when it snows?
32 Right? You've used every inch for parking. Who's gonna get squeezed out of their spot? Right?
33 And then it's all like, well, it says on the map, the snow removal's in the back. Well, I don't
34 know about you, but if you've ever had anybody plow, you gotta tell them, you gotta take all
35 the snow, go around the back and drop it there. You're not gonna get anybody to do that you
36 know.

1 Brian O'Donnell: Milliken's like a different, to use that comparison is not right. They have a
2 concierge there. Concierge is if I say that word right. And, you know, the staff and if it's an
3 apartment building, you need a spot for somebody's gotta come check, clean the hallways
4 and all that stuff. None of that stuff is built into this. It's really it's too too many units in such
5 a small spot. And you know, the other thing is Milliken's a bad example because, you know, in
6 buying I think if you wanna make some of this, you know, lower income, which is the whole
7 purpose of trying to increase units, that would be why you would give an exemption to the
8 rules, what they did up in the Milliken Heights. 60% of the no, more than 60% of those units
9 I'm sorry, 60% is the income thing. I think out of the 55%, and I guess 42% of them are are
10 below income. But notice that none of that has been presented as part of this proposal. And
11 it it just to get the rule passed and then, you know, then all of a sudden, that doesn't happen.
12 And as you guys are probably aware, I mean, the town's been, you know, under a big, you
13 know, plan to try to find what to do with conversions of units and stuff. How does this differ
14 from that? It's used.

15 Brian O'Donnell: I mean, the agreement that this proposal says it won't be any less than 30
16 days in rentals. And well, that's what they're kinda doing with the whole, you know, all the
17 different condo conversions or hotel conversions. I mean, that it it it's it's you're taking a risk.
18 Now you're moving a problem that's in other areas into a new area, in a residential area. And
19 a lot of people in in the neighborhood are more, you know, year round people as opposed to,
20 you know, kind of seasonal. Now we could drop something in there that could be something
21 all all more seasonal and and an issue. So I I think that we really need kind of consider all
22 those kind of things that this just seems way outsized for the, for the neighborhood. And if
23 you conceptualize and walk around that site and try to figure out how that fits into the
24 neighborhood, because that building is gonna be plopped right on, you know, few feet from
25 Saco Ave. A few feet is gonna have a shadow all over, you know Fern Park Ave. And, you know,
26 come snow time, and you're gonna have ice in here. You know, when the sun's a lot lower in
27 the sky, they're not gonna get even clear that. There's gonna be a lot of issues with this that
28 I think we need to have some foresight on before we kind of change the zoning rules. We
29 have zoning rules for a reason.

30 Dave Walker: Brian, I didn't get your last name. I'm sorry.

31 Brian O'Donnell: O'Donnell.

32 Dave Walker: O'Donnell.

33 Brian O'Donnell: Yeah.

34 Dave Walker: Okay.

35 Brian O'Donnell: Thank you.

1 Dave Walker: Thank you. Some new points. Okay. Anybody else? I'll be happy to know I don't
2 have any letters to read tonight on this one. So we'll close the the public hearing at, 6:51. All
3 right. It says minutes, but we didn't receive any minutes, Jeffrey. So we'll just skip over that.
4 Please. Yeah. And, we'll go on a regular business. So regular business. Item 1, proposal,
5 ordinance amendments, chapter 78, article 6, section 78-869 B to 78-870 B, 78-871 C, 1, 2, and
6 renumber existing 2 and 3. NC 3 setback multifamily parking amendments applicant, NERG
7 Realty LLC. Jeffrey?

8 Jeffrey: Thank you. This proposal includes zoning ordinance amendments associated with
9 the NC3 district, which is, a cluster of about 9, 10 properties that are right in the center of
10 the Old Campground neighborhood, the Washington Ave, Atlantic Ave intersection. And what
11 these amendments propose, there are 3 amendments. The first, proposed amendment, is
12 associated with the prohibition of sidewalk level dwelling units for multifamily uses. So right
13 now, this particular standard, prohibits sidewalk level, dwelling units for multi families. What
14 this amendment will do, the new language will, remove that sidewalk level prohibition. The
15 second amendment is associated with setbacks in the NC3. The proposal includes 2 setback
16 amendments. One is to, for side setbacks, which is being proposed to reduce the setback to
17 5 feet. Currently, it's 15 feet for principal and 10 feet for accessory structures. And also, the
18 rear setback is proposed to reduce to 10 feet. The current setbacks are 20 feet for principal
19 and 15 feet for accessory structures. So that is the second amendment, setback, reduction.
20 The third and final amendment is associated with, parking standards in the NC3. The
21 amendments, seek to exempt residential and nonresidential in the NC3 district from on site
22 off street parking, as long as whoever is proposing, whoever is presenting a proposal that
23 requires conformance to parking can demonstrate that they don't have adequate on street,
24 I'm sorry, off street parking. This particular section was changed as a result of our meeting
25 in April. What the planning board requested was a change to the language so the parking
26 exemption is only applicable to existing buildings. And in response, you, in your ordinance
27 amendments, the proposed language was changed by removing new development and adding
28 existing buildings and uses. So there's a typical test for zoning ordinance amendments.
29 These, as I explained in the memo, these pass all those tests. And, really, all of this is being
30 done there right now. So any type of changes, I expect you wouldn't even notice it. If you
31 were to drive by, you wouldn't notice it. You wouldn't even be able to tell when it was
32 changed. So, these amendments make sense to me as your town planner. And in your your
33 memo, there are three separate motions for each of these ordinances. And once the planning
34 board makes a recommendation, this will move forward to council. Thank you.

35 Dave Walker: For approval. And they had to go through the hearing, the public hearing and
36 then, the approval process as well.

37 Jeffrey: Correct.

1 Dave Walker: Right.

2 Jeffrey: So, they can read all these letters again.

3 Dave Walker: Does the applicant wish to speak?

4 Benjamin DiCristoforo: Again, Benjamin DiCristoforo. I represent NEG Realty. Like Jeffrey
5 said, the NC3 district basically is comprised of 9 buildings, 9 structures. Relative to the
6 dimensional setbacks, virtually every single one of them except for the local, which was
7 seeking to to change the ordinance relative. So we can, put an addition on, violates those
8 dimensional requirements. And the only one that does meet those requirements is the low
9 grade. Like the, city planner, the town planner said, you know, you virtually would not even
10 know that there's any type of change. Relative to the off street parking, I think the letters
11 from the abutter kind of speak for itself. I'm not gonna read them off. And I just think that
12 this is hopefully, it's acceptable for the planning board and we can move this on.

13 Jeffrey: So, you went to the ZBA for these setbacks modifications. Correct?

14 Benjamin DiCristoforo: I, was that, was it not the planning board? I got a little bit. Was it the,
15 I didn't think we went for the building.

16 Jeffrey: Yeah, about a year and a half maybe ago, we had a proposal that came to the planning
17 board. And I think at that time we were actually looking at a zero setback, for this property.
18 And, we never, we never move forward to the planning board decision making phase.

19 Benjamin DiCristoforo: Yeah, we withdrew.

20 Dave Walker: Any comments from the board?

21 Huber: I I'm still a little confused about this off street, on street off street parking on the way
22 you worded it. I I'm not sure that you know, as long as they're not expanding, you know, they
23 we don't wanna give up parking on our parking or off street parking for an expansion of
24 building. Of course, you already don't meet the setbacks, so I suppose there is no option to
25 increase the size of the building. But, we should maintain it to status quo for for sizes. And
26 I'm not sure that's the way you have it, that it says that.

27 Jeffrey: So with the way that it is it is written, you could expand a a building, and, still qualify
28 for that parking exemption. It's just new development. So new, like, if someone were to
29 remove a building and put a new building up, that would be new development. That's when,
30 you would not qualify for the exemption.

31 Dave Walker: So if we allow a development on the ground level as proposed here, they don't
32 have off street parking. This allows them to do on street parking for that new unit that gets
33 put in at the street level. Correct?

1 Jeffrey: If If they, if they clearly establish that they don't have off street parking. So, yes. Yeah.

2 Dube: How does you considering this as another unit when it is, like a half wall with a roof
3 over it added to to the local.

4 Brian: Well, there I'm sorry. There's there's there's two separate matters here, basically.

5 Dube: Okay. And I know you're building across the street.

6 Brian: Yep.

7 Dube: It's all level apartments all the way right from Atlantic Avenue.

8 Jeffrey: Correct. Pretty much.

9 Dube: Right to Myrtle Avenue. And every street that in that area is all on street parking, most
10 of it anyway. There's no no parking signs. Nothing that used to be a very, very busy bustling
11 area, you know, when we grew up. I don't see how it's gonna interfere with anything. I mean,
12 all he's trying to do is redo a little apartment with a big window is right there. It you're talking
13 most people when it when there's, like, two cars on that street, when I go to work, even at
14 lunchtime. Two cars right right on Washington. It's not congested with traffic.

15 Dave Walker: All right, Robin. Thank you. Anyone else?

16 Chris: I could make a motion.

17 Dave Walker: That would be great.

18 Chris: I make a motion to recommend council approval of amendments to chapter 78 article
19 6 section 78-869 B2, which allows sidewalk level units for multifamily structures in the NC3
20 district.

21 Dave Walker: All right. Motion made by Chris. Second by Wynn. Wanna call for the vote on
22 that first motion.

23 Jeffrey: Ms. Dube?

24 Dube: Yes.

25 Jeffrey: Ms. Huber?

26 Huber: Yes.

27 Jeffrey: Mr. Winch?

28 Winch: Yes.

29 Jeffrey: Vice chair Hitchcock?

1 Hitchcock: Yes.

2 Jeffrey: And chair Walker?

3 Dave Walker: Yes. That's three positive yeses and two maybe yeses.

4 Dube: The maybe is already [inaudible [00:32:00]]

5 Dave Walker: But it's really a yes. All right.

6 Hitchcock: I'd like to make another motion.

7 Dave Walker: Please.

8 Hitchcock: I make a motion to recommend council approval of amendments to chapter 70,
9 78, article 6, section 78-870 B, which reduces side and rear setbacks for principal and
10 accessory structures in the NC3 district.

11 Dube: Second.

12 Dave Walker: Did you second, Robin?

13 Dube: I second.

14 Dave Walker: So motion by Chris, second by Robin. Would you call for the vote, please?

15 Jeffrey: Ms. Dube?

16 Dube: Yes.

17 Jeffrey: Ms. Huber?

18 Huber: Yes.

19 Jeffrey: Mr. Winch?

20 Winch: Yes.

21 Jeffrey: Vice chair Hitchcock?

22 Hitchcock: Yes.

23 Jeffrey: And chair Walker?

24 Dave Walker: Yes. That's 5 positive yeses and that passes unanimously.

25 Dube: Good luck, Britney.

26 Hitchcock: I'd like to make another motion.

27 Dave Walker: Well, we got one more motion.

1 Hitchcock: One more motion. Yeah.

2 Dave Walker: Unless you don't want to put that addition on the log.

3 Brian: I absolutely do.

4 Dave Walker: Okay.

5 Hitchcock: Another motion I make to recommend counsel approval of draft 2 of the
6 amendments to chapter 78, article 6, section 78-871 C 1, 2 and the renumbering of existing 2
7 and 3, which allows on-site parking exemption.

8 Dave Walker: All right. Motion by Chris and second by Wynn. Wanna call for the vote, please,
9 Jeffrey?

10 Jeffrey: Ms. Dube?

11 Dube: Yes.

12 Jeffrey: Ms. Huber?

13 Huber: No.

14 Jeffrey: Mr. Winch?

15 Winch: Yes.

16 Jeffrey: Vice chair Hitchcock?

17 Hitchcock: Yes.

18 Jeffrey: Chair Walker?

19 Dave Walker: Yes. That's 4 yeses, 1 no. All these will be referred to counsel. Thank you very
20 much.

21 Brian: Thank you very much.

22 Dave Walker: Have a good night. All right. Item 2, proposal. Conditional use, shoreland zoning,
23 non conforming structures, removal, rebuild and 30% expansion, action, determination of
24 completeness, schedule public hearing, applicant Doyle Enterprises, location 9 Randall Ave,
25 MBL 324-13-1 in the R3 zoning in the RA Shoreland AE flood zone. The applicant has
26 requested that we table this for the May meeting. All right. All right. Item 3, Proposal
27 contracts zoning application. Establish a contract zone named contract zone 4, in accordance
28 with town of Old Orchard Beach, code of ordinances, chapter 78, article 9, contract zoning
29 for Saco, 60 Saco Ave, MBL 206-10-1. The purpose of the contract zone is to allow the
30 establishment of a 14 unit residential apartment building. Tonight's action is a discussion and

1 council recommendation. The applicant is Land Matters LLC. The location is 60 Saco Ave in
2 the MBL 206-10-1 zoning in the GB2. Is that you, Jeffrey?

3 Jeffrey: Yes.

4 Dave Walker: All right. Thank you.

5 Jeffrey: Thank you. So the, planning court, of course, will recall the proposed contract zone
6 for this property, during 2021, actually, November 2021. That's when we began reviewing
7 some sort of, contract zone proposal. And, then we we came into 2022. And at that time, the
8 planning board reviewed a contract zone proposal for 8 units. No age restrictions and it was
9 condos proposed at that time. The planning board recommended that council approve that
10 proposal. After the, planning board reviewed, the applicant brought the same proposal to the
11 council. And after several months of meetings and workshops, council referred the, applicant
12 back to the planning board, to secure site plan and subdivision approvals before the council
13 issues a final decision on the contract zone. Also, council indicated that they are more likely
14 to support a 6 unit and not an 8 unit. So as of today, that contract zone proposal is still out
15 there. The 8 unit contract zone exists but it has not received council approval. And the PB
16 has not approved, planning board has not approved site plan or subdivision. So, at the April
17 meeting, the, applicant returned with a new proposal for 15 units of age restricted housing.
18 At that meeting, we provided, a number of comments with the primary concerns being the
19 big one, compliance with, the council's request to go to 6 units and to secure subdivision and
20 site plan review approvals. Also, we feel that with this particular change, the proposal is no
21 longer consistent with, contract zone criteria number 2, which is requires that the applicant
22 demonstrate consistency with existing and allowed uses in the original zone. And another
23 one of the primary concerns from the April meeting are addressing traffic concerns. So for
24 the May meeting, or the May meeting, this meeting right here, the applicant revised the
25 contract zone to 14 units. And our primary concerns that I I just mentioned, consistency with
26 contract zone factor number 2, which is, I'm sorry, compliance with that, which is
27 consistency with, existing uses and allowed uses in the zone compliance with the, council's
28 request, addressing traffic concerns, those are still remain that has not changed with this
29 this revised submission. And we also have a few new comments, which, you all have this in in
30 the main memo, but I'll just, summarize. One for the parking lots. Parking lots, some of the
31 spaces do not meet the parking space, individual space dimensional requirements for a
32 regular 90 degree parking space. Although they do meet the compact car requirements. The
33 problem is you can only allocate 40% of your parking for compact car cars. And with 17 spaces
34 proposed and 11 spaces meeting the only the compact car requirements, that's well over the
35 the 40%. So, if this site plan were to come to the planning board as a subdivision through a
36 site plan or a subdivision proposal, I would recommend you couldn't approve it because it
37 doesn't meet the ordinance. Second, regarding specific age restriction in the contract zone

1 conditions, the applicant did get more defined. We appreciate that within what they
2 provided. But I I still feel that it needs to be and it was mentioned tonight, it needs to be clear
3 across the board. All the documentation submitted, if it's elderly housing, it it needs to be
4 clear that there are no references to 55 plus because 55 plus is not elderly housing. 62 plus is
5 elderly housing as defined. Also, one of the conditions in the contract zone should be that
6 this must be elderly housing as defined in the ordinance that having that as a condition is
7 important, more important than just kinda saying it. It gives more teeth for enforcement
8 purposes. Another new issue is there's a solid waste waiver request. I just wanted to let the
9 planning board know, planning board does not have jurisdiction to grant waivers for solid
10 waste. Only the public works department and codes has that request. So if the applicant
11 wants to continue with their solid waste plan0, they need to get, he needs to get public works
12 and code sign off before the planning board could take action on on that particular item. That
13 ordinance does not fall under planning board jurisdiction.

14 Dave Walker: So, Jeffrey, but they submitted a, a trash receptacle container enclosure on the
15 side of the building. So they're saying now they don't want that.

16 Jeffrey: Oh, what, what I, what I think he they still want an, a trash receptacle. But also in the
17 notes, I wanted, I I requested that the applicant be more defined as to exactly what they are
18 looking to waive, because chapter 78 or I think it's chapter 46, the solid waste ordinance, has
19 a bunch of different standards. But what I think the applicant is looking for is to reduce the
20 or to to waive the size standards for the trash receptacle. That's what I think.

21 Dave Walker: But we don't know.

22 Jeffrey: Right. There is, now we got a boundary survey and I think this is, this is a good reason
23 why you want these more detailed plans because sure enough, if as you can see in the
24 boundary survey, right of way popped up. That, we didn't see the right of way in any of the
25 past documentation. And it may wind up being nothing, but still something that we ask the
26 applicant to to address in in the submissions. And, this will it's changing from a condo to an
27 apartment building. We just, I feel we need more information about how the apartment
28 building will be managed. So, we recommend that the applicant have an opportunity to
29 address the public's, public hearing comments, town staff concerns, of course, planning
30 board concerns before the planning board makes a recommendation to council. But I know
31 I've I've said this a lot of times. I know I've said this to Tom, the Tom, the our applicant here
32 is the planning board makes a recommendation. It's it's a zoning amendment. Your
33 recommendation to get that is certainly beneficial to an applicant. But ultimately, it's the
34 counsel who makes the decision. And I think it it would be foolish not to pay attention to
35 what the council is saying before you get real far along.

36 Dave Walker: And what the council is saying, 6 units.

1 Jeffrey: And the council is saying 6 units.

2 Dave Walker: Okay. All right. Thank you, Jeffrey.

3 Jeffrey: Thank you.

4 Dave Walker: Does the applicant wish to speak?

5 Tom: I do appreciate what the [inaudible [00:44:38]] been trying to progress for the past two
6 years. I've been doing my best. In fact, sometimes when I'm about to drive by that side of that.

7 Dave Walker: Tom Tom.

8 Tom: Oh, I don't know. I'm sorry.

9 Dave Walker: You can use the hand mic if you want, but there's people watching at home that
10 can't hear you if you're speaking off into the audience.

11 Tom: But sometimes, instead of driving by, I cut down Washington Ave so I don't have to look
12 at that eyesore that is there. I know the neighbors have stated the same. In fact, the surveyors
13 came up to me and said, these people want something done there. And I said, I've been trying.
14 I've been trying my best. So let me address some of Jeffrey's things. The right of way just
15 didn't pop up. It's been there since the fifties.

16 Jeffrey: Is it a valid right of way?

17 Tom: No. It's not. It was abandoned in 1982 through nonuse. Now I don't own the property
18 yet. My plan was to get quiet title to that. And even if it's part of the condition, I wasn't hiding
19 anything. It it's moved to me. It it's not there. I've got enough engineering background that I
20 know the laws. I looked up the laws. I brought Greg Braun, an attorney here to address that
21 if you wanna hear it. It doesn't exist anymore. The parking that the abutters are concerned
22 about, where were you when I was going for 8 units? Because the the the 8 units has more of
23 an impact on parking because you've got three bedroom units and you're gonna have people
24 coming up with their kids. And, yes, you're right. They'll be overloading it. This, we can control
25 it. There's 14 units. There's 14 assigned spaces and 3 guests. Now Milliken Mills did a study,
26 on 55 and older, and they found that one space is adequate. That's the traffic engineer. And
27 in fact, I've got him. He'll be representing me at the time. I need to get his name. He's from
28 Traffic Solutions. And he said, see what the board wants. He goes, I don't wanna spend your
29 money. I can address all those traffic problems pretty easily. So the traffic is a reduction now
30 with 14. It may, it may seem contrary, but you've got elderly. And as I said, when I started this
31 project, I wasn't considered elderly. Now I am. So that's how long we've been doing this.

32 Dube: Strictly, Tom? Is it strictly elderly?

1 Tom: Strictly elderly. That was the thing I wanted to ask too because the 55 and over, I read
2 their report, and they kinda I don't wanna say weaseled their way in, but they kinda backed
3 into the 55. I read in the ordinance to have that parking, I needed to be 62 and a half, 63. So I
4 just said, let's, you know, let's put this to bed. I I don't want any more nonconformities than I
5 need. And, again, we're back to dancing. And that's the purpose of the contract. So you look
6 for relief. I'm not asking for relief from height, from anything. I now conform with the parking.
7 I conform with the, everything. The height. And the units now, they're one bedroom. So you
8 got probably well, a lot of them are one bedroom. I'm sorry. It's like 6 or 7 with two bedrooms.
9 Now that I'm eligible for one, I might keep one myself. I won't let my kids park in the
10 neighborhood. They'll have to park down the streets in there. Well, they one doesn't even
11 have a car.

12 Dave Walker: There's no room on the street.

13 Tom: There's no room. Yeah. There's plenty of room on the street.

14 Dube: Yes, there is. I agree.

15 Tom: And that's another thing that the council can restrict. If they want to limit the parking
16 on the street, that's them. I can't go put signs up and say you can't park here. It's just one of
17 those, one of those.

18 Dave Walker: You you can discuss that with counsel if we move you forward.

19 Tom: Okay. I have. I've tried to tell him that. What were the other issues, Jeffrey?

20 Jeffrey: The solid waste.

21 Tom: Well, solid okay. Solid waste. I went to, highway department to ask about the dumpster,
22 how I I could do it. They're like, well, that's not our job. Why don't you go to code
23 enforcement? So I went to code enforcement. They said well why don't see what the planning
24 board says. I'm like what, I've got a way or two. So I'm struck. And it's circle again on that.

25 Dave Walker: Can you add that to your, weekly meeting with the staff.

26 Tom: I think that can I you know, one of the, abutters brought up the thing about seagulls
27 getting in there. I've dealt with dumpsters. I hate them. This receptacle that I showed you.

28 Dave Walker: Yeah. It's very nice. Very nice. I just didn't know what the volume was inside
29 because.

30 Tom: I think part of the ordinance, it says you can do a, well, this weird thing that if if you
31 don't need a dumpster, you can do a recycling bin for each unit. So which size is according
32 to that. You know, if we.

33 Dave Walker: Well, and you just increase frequency of pickup too.

1 Tom: And that too.

2 Dave Walker: Yeah.

3 Tom: I I think the dumpsters are, this is a much better solution than throwing a dumpster, on
4 the lot somewhere.

5 Dave Walker: Do you have a picture of that on your easel?

6 Tom: I don't.

7 Dave Walker: Okay.

8 Tom: Didn't think to bring one. I'm sorry. It's a really nice it almost looks like a pagoda up
9 there, and it's a little classy.

10 Dave Walker: Looks it almost looks like a.

11 Dube: A bus stop.

12 Dave Walker: Bus stop. Bus stop.

13 Tom: What, what's it look like?

14 Dave Walker: A bus stop you know we sit on the bench and we wait for the bus to come.

15 Tom: Yeah it's trash stop and stuff.

16 Dave Walker: Yeah.

17 Tom: What was the other thing, Jeffrey?

18 Jeffrey: Compliance with factor 2 being consistent with the existing uses and proposed.

19 Tom: What's a residential use in a residential neighborhood?

20 Jeffrey: Well, it's it's it's.

21 Tom: If this was an existing 14 unit building, you'd say it's consistent with what's there. It's
22 residential. I'm not putting in a commercial use. I'm putting in a bunch of old folks.

23 Jeffrey: Well.

24 Tom: Down the street.

25 Jeffrey: Well, it's it's more than that. When you're looking at consistency, it's use is certainly
26 a piece of it, but you're also looking at the density of of the use. And also the particular use
27 itself, in our ordinance, divides 2 families, single family, multifamily, and elderly, restricted
28 housing. So.

1 Tom: I've got lighthouse cabins next to me that people come and go every week.

2 Dave Walker: So I'm gonna make a recommendation that we postpone a decision tonight and
3 that you get together with staff and iron out a complete proposal for us, so that we can just
4 act on it and not, argue about, specific items. Okay?

5 Tom: I'm sorry. But, I thought my proposal was pretty complete. I I don't know.

6 Dave Walker: Well I'm telling you that it's not and.

7 Tom: Okay.

8 Dave Walker: Let me just give you a bunch of reasons why.

9 Tom: I I respect your opinion.

10 Dave Walker: And I also like you to respond to the public comments that were made tonight.
11 And I don't think you have time to do that here and now. And I don't think it's appropriate to
12 do it now. I'd like to see it in writing, if you wouldn't mind.

13 Tom: Okay.

14 Dave Walker: Okay.

15 Tom: No. I'll do whatever. It's another month.

16 Dube: Same common class meeting with them, same people.

17 Dave Walker: Thanks, Robie.

18 Tom: Well It's been about 27 months, another month.

19 Dave Walker: No. Not long. And you'll get it'll get closer to that elderly age too.

20 Tom: And and I wanna make one more statement. The 8 unit is much better for me. It's a
21 much better project for me to handle. The 14 unit is much better for the town.

22 Dave Walker: Well, essentially, the 8 units was denied by counsel.

23 Tom: No, it wasn't.

24 Dave Walker: Well, essentially, it was because they they wanted you to go back and, modify it
25 to 6 units. All right. We we recommended the the 8. There's no doubt about that. In terms
26 only for, density.

27 Tom: Correct.

28 Dave Walker: Okay. Because we didn't have a site plan review at the time. And council did not
29 like our recommendation, and so they asked you to go back and rework that. All right. You've

1 reworked it to 15 units. Okay. I understand that. And now, I'm saying that I'd like you to work
2 it just a little bit further for another month. All right?

3 Tom: Yeah.

4 Dave Walker: And then, we'll make, we'll make a recommendation to counsel with a complete
5 package in the June meeting. Is that okay, Jeffrey?

6 Jeffrey: Absolutely.

7 Dave Walker: All right. Okay. And then and then also, you, did we refer to a traffic study on
8 this? Because we haven't had a traffic study.

9 Jeffrey: We wanted more information on traffic, a full blown traffic study at this particular
10 point. In my notes, I didn't recommend that. That will be required during site plan and
11 subdivision review. But, I felt that we did need at least some preliminary, assessment from a
12 traffic engineer in order to, provide so to give, to provide the planning board with that
13 professional perspective.

14 Dave Walker: Even even though the ordinance doesn't require us to do a site plan review, I
15 really don't wanna go to council with another recommendation without a site plan review.

16 Jeffrey: Yeah, site plan review is is required and, if the plan the the planning board could have
17 has the right, I believe, to to say, well, we're not going to make a recommendation until, we,
18 conduct site plan review. That I I I don't know how if you're getting into like a, like a legally
19 gray area by requiring that though. But you can, you could, I, if you were to say that they must
20 secure, the applicant must secure a site plan review, approval before the planning board votes
21 on a recommendation, then I I wouldn't recommend that. But the applicant to begin site plan
22 review and to prepare all the plans, I think, would even give you guys more confidence on a
23 recommendation.

24 Dave Walker: Well, at minimum, given all the concerns from the residents in the area, I'd like
25 to see a traffic study before I make any recommendations.

26 Jeffrey: That's so a full traffic?

27 Dave Walker: Yeah.

28 Jeffrey: A traffic.

29 Tom: That was what my traffic engineer asked.

30 Dave Walker: Okay.

31 Tom: It was, will they deal with a letter or do they wanna study? If he's gonna do a study, he's
32 gotta get the counts pretty soon.

1 Dave Walker: Okay.

2 Tom: Which I.

3 Dave Walker: Hopefully, we'll have it for, for the June meeting.

4 Tom: Yeah. I hope so. The site plan is basically done. The only questions are the dumpster
5 and the sidewalk. Now two of the counselors were adamant that they didn't want a sidewalk
6 in there. And I said, well, then make it a condition. And they wouldn't. So I'm proposing the
7 sidewalk because it's required under the ordinance, and I hope you don't waive it because I
8 think it's place.

9 Dave Walker: Well, no. And even the neighbors said they want a place for people to walk their
10 dogs and smoke their cigarettes. So. The sidewalk is perfect.

11 Tom: This is a no no smoking building.

12 Dave Walker: Yeah.

13 Tom: But, the sidewalk, I you know, if we go forward, I want you to endorse that sidewalk
14 because that's your expertise. It's not the councils. They don't even have.

15 Dave Walker: Well, we're not gonna get in a tug of war between us and the council, but we
16 look forward to seeing you in June, and.

17 Tom: Okay.

18 Dave Walker: We wanna hear about the traffic study if we could. Okay?

19 Tom: So should I go forward with the dumpster in that location that I'm preparing?

20 Dave Walker: You should work that out with Jeffrey because you got, you got the the
21 runaround between.

22 Tom: Well, that's why I put the waiver in there this time. I was hoping you could get both our.

23 Dave Walker: Well, we don't like waivers, and it's not our job to make that waiver, according
24 to Jeffrey.

25 Tom: Well, there's a there's a funky thing in the ordinance where, it says if the topography
26 does not allow a dumpster, the applicant can come up with something similar to what I did.
27 It was very bad. So if you could give me an interpretation on that, that might solve a little bit.

28 Jeffrey: Yeah. It's it's the what what you cited in your information was from chapter 46,
29 though, and and the planning board does not have jurisdiction over that. It's it's does sound
30 like, you know, you were bounced around from here to there. But no matter what, the

1 planning board can't just it can't make a decision on that because it's they don't have the
2 authority to do that.

3 Tom: I'm the human pinball.

4 Dube: Excuse me, chair. Can I just ask a quick question?

5 Dave Walker: Yeah. You can ask as many as you want.

6 Dube: Well, I didn't know if you were done. Who is going to take care of this trash it's in this
7 little box.

8 Tom: It's likely to be [inaudible [00:58:46]] company those in the contract and you guys can.

9 Dube: And it's going to be twice a week? Every two week?

10 Tom: Every time as needed. We'll do it twice a week. We'll do it every day. But you're you're
11 talking, you know, elderly, I don't know how much trash they generate.

12 Dave Walker: Not much. Not much.

13 Tom: So it'll be in a frequency that accommodates.

14 Dube: This is nowhere the same as what's on Wildwood. Those are personal properties that
15 people get their dumpsters on.

16 Tom: Yeah.

17 Dube: Call the town every time you see the trash all over the place.

18 Tom: Well, we'll make it.

19 Dube: This, but I'm just saying it's not the same, because I see the mess up there too.

20 Tom: No I'll given them a a 100 blue bags that I can bring too.

21 Dave Walker: Okay. So you and Jeffrey.

22 Tom: Yeah.

23 Dave Walker: Working together?

24 Tom: We're talking again.

25 Dave Walker: Perfect. Thank you very much.

26 Tom: Yeah. Great. Thank you.

27 Dave Walker: Have a good night. All right. Item 4, proposal, ordinance amendments, chapter
28 78, article 6, and article 7, LD 2003, housing opportunity program ordinance. Action

1 discussions, schedule workshop, and the applicant is the town of Old Orchard. Good evening,
2 everybody. Good night.

3 Mike: So, yes, this is an introduction of a new proposed housing opportunity program,
4 conditional use draft ordinance, and this is required to comply with state law. So what is the
5 state law? The governor signed what was known as LD 2003 into law back in April 27th, 2022,
6 and the final rules weren't adopted until April 18, 2023. And that's why there was a slight delay
7 between the date the law was approved and this proposed housing opportunity, ordinance
8 coming before you. So what is the housing opportunity program? According to the state
9 rules, the goal of this rule is to increase housing opportunities by encouraging the production
10 of housing. This new rule requires municipalities to create or amend ordinances to allow for
11 three main provisions. One, additional density for affordable housing developments, and in
12 the ordinance, this section is referred to as the affordable housing density. Two, multiple
13 dwelling units on lots designated for housing. And in the draft ordinance, this section is
14 referred to as the dwelling unit allowance. And three, one accessory dwelling unit located on
15 the same lot as a single family dwelling unit in any area where housing is permitted.

16 Mike: And this is referred to as accessory dwelling unit in the proposed ordinance. So why
17 do we need this ordinance? This ordinance is needed to comply with the state law that I
18 referenced, which requires compliance by July 1, 2023. And municipalities are required to
19 meet the minimum requirements in the rule. The rule does contain language that if a
20 municipality does not adopt ordinances to comply with public law, which, to comply with
21 public law 2021, chapter 672, which is the actual title, this legislation will preempt municipal
22 home rule authority. So would that even if we don't create an ordinance, it sounds like it
23 would automatically refer back to the state law, which as it's written, I think would cause
24 confusion because there's some decisions for municipalities to make when they write their
25 own ordinances. And so this proposed ordinance was drafted to meet those requirements
26 and use the adopted rule language and LD 2003 guidance document that was put out by the
27 Department of Economic Development through the state.

28 Mike: And I'll try to summarize. This is a pretty lengthy ordinance because of the parts it
29 contains. But you had a fairly complete draft in your packets. And the only reason it's probably
30 not at the next step is because we're waiting for some final language, and we don't have all
31 the exact ordinance numbering to schedule a public hearing quite yet. So the proposed
32 ordinance, what's the goal with this? Our goal for this ordinance is to meet the state law
33 requirements while also having some regulations to help reduce potential impacts. In some
34 cases, under the proposed ordinance, lots could be allowed a higher density than currently
35 allowed. And having this program under the conditional use will also give us the opportunity
36 to review proposals for compliance with our MS 4 storm water requirements and to our shore
37 length zoning if affordable.

1 Mike: And what proposals will this ordinance apply to. Any units proposed under the house
2 of opportunity program would require a review. And as a conditional use, as I mentioned, all
3 units created under the housing opportunity program would require planning board review.
4 So as far as how this impacts current review, single family, two family, and multifamily unit
5 proposals are currently allowed under the existing ordinance and would continue to be
6 reviewed as they are now. Unless a specific unit was proposed under the housing opportunity
7 program. And it looks like the existing ADU section will be struck out and deleted, and ADUs
8 will only be allowed under this housing opportunity program. I looked to see if there was any
9 value in keeping the current ADU ordinance, but it seems since this is allowed in all districts,
10 warehousing is allowed with a single family unit, it would essentially override that anyway.
11 So there's no extra benefits to keeping that that I could find. And then so for.

12 Dave Walker: So we had we had density requirements for ADUs. Are you saying that's gonna
13 go away?

14 Mike: Yes. My understanding based on this language is that ADU cannot be counted into the
15 density.

16 Dave Walker: So an ADU could be 1 room, 2 rooms, 3 rooms. Doesn't matter how many square
17 feet. Could be 10 rooms?

18 Mike: There are some square footage performance standards under the ADU, and I'll go over
19 those. But.

20 Dave Walker: So those are gonna stay?

21 Mike: There's new ones to, comply with the state law.

22 Dube: If you look at state, you're changing it on.

23 Mike: I can try to summarize it without going into too much length there. So the main part
24 to the ordinance that are in there, definitions that are exclusive to this ordinance in the
25 housing opportunity program, performance standards that apply to any dwelling units
26 created under this, which will include, water and wastewater, parking requirements, which
27 is different for each type of unit. So for an affordable housing development, it's a minimum
28 of two off street parking spaces for every three dwelling units. For the dwelling unit
29 allowance, it's the minimum number of off street parking spaces as required by Chapter 78
30 zoning, current parking. And accessory dwelling unit is not subject to any additional off street
31 parking requirements beyond the parking requirements of the single family dwelling unit.
32 And then we did add something in there because it seems like there could be other units to
33 except for any other units requiring parking just to make sure we can get any parking that's
34 required for at least the units that are there. And then addressing E91 'cause we consider with
35 the E911 adding units, they'll need to have appropriate addressing so they can be located.

1 Mike: And then the main three parts of this that I mentioned earlier: the affordable housing
2 density, the dwelling unit allowance, and the accessory dwelling unit. And those are all the
3 main parts of the ordinance. And then to give you some details on what each of those provide,
4 the affordable housing density requires us to allow two and a half times the base density than
5 a development not designated affordable, if it meets the following. The definition of an
6 affordable housing development, which the main part besides the affordability piece is that
7 a majority of the total units are affordable, be in a growth area as identified in our
8 comprehensive plan or areas served by water and sewer, and be in an area in which
9 multifamily dwellings are allowed. So growth areas where multifamily housing is allowed for
10 districts is R2, R3, R4, both downtown districts, DD1 and DD2. The general, general business
11 districts, GB1 and GB2, the neighborhood commercial districts, NC1, NC2, NC3, industrial ID
12 and then BRD, RBD and PMUD. And then the other requirement is affordable housing. To get
13 to density, you have to have restrictive covenant recorded to ensure they're affordable for
14 the 30 years after construction.

15 Mike: The dwelling unit allowance piece. This will allow for up to four units on a lot with zero
16 existing dwelling units. These units would need to meet the existing space in bulk standards,
17 including density and setbacks, for the zoning district the lot is located in. So just to
18 summarize, for lots with zero existing units, you could have up to four units on a lot if it's in
19 the designated growth area identified in a comprehensive plan. And this is R1, R2, R3, R4, R5,
20 DD1, DD2, GB1, GB2, NC 1, 2 3 and 4, ID, BRD, RBD, and PMUD. I probably could've just said it
21 only doesn't include the rural district, but I wanted to make sure you knew all the districts
22 that are counted. And then up to 2 units on a lot, if it's outside of a designated growth area
23 and with zero units. And then for lots with one existing dwelling unit, up to two additional
24 units can be built. And this can be with one unit within or attached or detached or one of
25 each. And then under this ordinance, lots with two existing units aren't allowed any
26 additional dwelling units. And there's some additional, requirements with that. And then
27 accessory dwelling units, the rule requires us, as I mentioned, to exempt ADUs from density,
28 lot area requirements, and any additional parking. Yeah. ADUs are allowed on lots that don't
29 meet existing dimensional requirements, for example, nonconforming lots. And that may
30 have been changed, but there were some final changes with this, which is why we're not at a
31 final draft yet. And as far as ADU construction, it can be a new structure on the lot, in an
32 accessory structure or attached to or within a single family dwelling.

33 Mike: And as far as size, I know you asked about that earlier, ADUs can exceed 50% of the
34 floor area. And these are not in the state document. These are these ones I'm listed now are
35 performance standards we added in kind of based off the existing ones and ones we thought
36 might be helpful in reducing impacts. ADUs can exceed 50% of the floor area of the single
37 family dwelling unit up to a maximum total floor area of 1,000 square feet or whichever is
38 less. ADUs also can't exceed the height of the single family dwelling or contain more than 2

1 bedrooms. And then, list of performance standards. An accessory dwelling unit shall remain
2 in common ownership with the principal dwelling unit. The accessory dwelling unit and
3 single family dwelling unit shall be held in the same ownership. And just some other general
4 standards you can read. So I just highlight some important points. As I mentioned, all units
5 proposed under this would require planning board review. I I think that's something to
6 consider. You know, is this would this be.

7 Dave Walker: That's you're gonna overburden us with that.

8 Mike: That's one concern.

9 Dave Walker: Yeah.

10 Mike: And.

11 Dave Walker: We'll have to meet twice a month.

12 Huber: So what makes a a unit affordable?

13 Mike: Yeah. Let me just go over these important, couple of points real quick, and then I'm
14 pretty much done here, and I'll answer that. So my understanding is developers cannot
15 double count bonuses from the dwelling unit allowance and accessory dwelling unit. If a lot,
16 if a lot has a dwelling unit constructed using the dwelling unit allowance or accessory
17 dwelling unit, the lot is not eligible for any additional units or increases under this housing
18 opportunity. And then the language in the law regarding accessory dwelling units is a
19 municipality shall allow an accessory dwelling unit to be located on the same lot as a single
20 family dwelling unit in any area in which housing is permitted. And at least one accessory
21 dwelling unit must be allowed on any lot where a single family dwelling unit is the principal
22 structure. And then the biggest point I think with this is that I thought it would be important
23 to have it under conditional use and where we consider these impacts to have a requirement
24 or standard that any units created under the housing opportunity program, not be used for
25 short term rentals.

26 Mike: And, I can answer your question about the affordability here or try my best. If you look
27 at the definition in the ordinance, I believe it spells it out under the affordable housing
28 development, at least for those requirements. I'd have to get the actual stats for like the AMI,
29 I guess, as they describe it, for the area median income and what those actual costs are. But
30 there is a four part affordable housing development definition.

31 Huber: Rough idea of what it's.

32 Mike: A development in which a household's income doesn't exceed 80% of the median
33 income, and that's for rental housing. And then for owned housing, it's 120% of the median
34 income.

1 Dave Walker: Well, you did a lot of work on this. How many conference calls did you have?

2 Mike: Not as many as I probably should have yet. There's a lot of good guidance from the
3 state. The final rules took a while, but they're doing a lot of Q and A sessions to get questions
4 answered. The Department of Economic Development put out a LD 2003 guidance
5 document. I can send you the links to that. It kind of shows this in some pictorial form so it
6 might be easier to digest it all. But, and then it's inserting our rules as well.

7 Dave Walker: Well, I thank you for your hard work on this.

8 Mike: Oh, and the recommendation, I know in the past, especially with the more involved
9 ordinance, is if you want to, is to schedule a workshop for next month.

10 Dave Walker: Well, the workshop is scheduled for next month. Is it not?

11 Dube: Not yet. Until you recommend it.

12 Dave Walker: Okay. Well, I don't know that I will.

13 Dube: [inaudible [01:16:15]]

14 Mike: There's a lot to it.

15 Dave Walker: Is there any state funding for applicants who are interested in using this
16 program?

17 Mike: There's state funding for us to get assistance with ordinance writing, I believe, through,
18 like, some of the, like, SMPDC, the Southern Maine Planning group, some of the regional
19 planning groups. There's like grand funding out there to get assistance with the ordinances
20 but I don't think for applicants.

21 Dave Walker: Okay. All right.

22 Winch: So, it would be helpful if that workshop would be by zone, you know, one or two to,
23 to what that, two and a half times would amount to. Now I know a lot of the zones are 9,000
24 is what 9,000 minimum. And if I did this right, 2.5 would reduce that down to 3600. Well, a
25 lot of these lots of time are a lot smaller than that. Where I'm going with this, Mike, is the
26 bottom line is I don't think it's gonna be frustrating as much as people think it is. But to do
27 that, I think we need to see the effect of that 2.5 times the power, you know, just see what
28 that would translate to.

29 Mike: Yeah. We can try to put that together. I know there's some basic examples just on how
30 it computes, but I didn't get into any specific districts.

31 Winch: Exactly.

1 Mike: My only concern is I mean, we can take a look. I don't think it'll take a whole lot of time
2 to get a basic idea, but with that, we don't really have a choice in how it's applied. So I don't
3 know how much we wanna get into that. But but I can provide some info on that to help
4 clarify.

5 Winch: Because that's gonna be in the bottom, we're gonna turn it [inaudible [01:18:09]]

6 Dave Walker: Do you want a special day for the workshop, or can we do a part of our regular
7 meeting?

8 Mike: They're usually that week before, and I believe our next item's recommending a site
9 walk, walk. So I think the workshop and site walk would fall on the same 1st Thursday of June,
10 if you wanna schedule that.

11 Dave Walker: Yeah. So come back here after the site walk.

12 Mike: Probably.

13 Dave Walker: June 1st.

14 Mike: Yes.

15 Dube: You have to be really early like 6:30.

16 Dave Walker: Well, we'll get Dominic to take us out on, golf golf carts. And maybe he'll let us
17 sit up in the bar and have our workshop up there. Is that good with everybody?

18 Mike: I think workshop needs to be a public meeting, but site walk and then come back here.

19 Dave Walker: Okay. So we'll come back here then. All right. That will be on the first at after, a
20 site walk. We'll have the site walk at 5:00. You guys all available at 5:00?

21 Winch: That's fine.

22 Dave Walker: All right. And then we'll come back here around 6:00 for the workshop. Okay?

23 Mike: Do you think is it hour too long for the site walk?

24 Dave Walker: No, we gotta move our cars and.

25 Mike: Okay.

26 Dave Walker: Yeah. So.

27 Dube: People don't stop at the park. I'll have your till 8th and you can get it done.

28 Dave Walker: Oh, yeah. Yeah.

29 Mike: So, yeah.

1 Dave Walker: Workshop will be June 1st at 6:00 p.m.

2 Mike: Perfect.

3 Dave Walker: Site walk.

4 Mike: Yeah. We don't need to, we'll schedule the sidewalk when we get to the next item.

5 Dave Walker: 5:00 p.m. All right. Anything else from board members here around this?

6 Huber: No. I, I'm wondering what it does for tiny houses.

7 Mike: Yeah. So, I mean, I think in some certain ways, tiny houses are allowed now, the way
8 codes are. What this allows is would allow is a single a lot with a single family house to build
9 an ADU. And the minimum size requirement by the state law, I believe, is 190 square feet or
10 whatever is adopted by the state code requirement. So 190 square feet would be a small
11 house. So you could add an ADU to a single family home.

12 Dave Walker: You put a shed in your backyard and call it an ADU.

13 Mike: You'll need to meet, code requirements. So just keep that in mind.

14 Dave Walker: Thanks. Anybody else? All right. Let's move on. This is a long night tonight. Item
15 5, subdivision amendment. Extended Long Cove Drive create 4 residential lots. Action is, pre
16 application review, schedule site walk. Applicant is Atlantic Resource Consultants owner,
17 Dominic Golf LLC. Location Long Cove Drive, adjacent to holes 5 and 6. That would be the
18 5th green and the 6th tee box. MBL 105A-1-200 zoning in the PMUD.

19 Mike: Yeah. I'll just do my quick summary here. This is, fairly brief. As mentioned, proposal
20 for extension to Long Cove Road and to create 4 new lots in Dunegrass in an area that's
21 currently part of the golf course. This is adjacent to Sawgrass Subdivision and Glen Eagle,
22 which are on Wild Dunes Way. You know, as with other Dunegrass proposals, it's an
23 amendment to the master plan and requires DEP approval. In general, this seems like a fairly
24 straightforward proposal, just 4 lots, just some staff questions and comments, as with all
25 proposals, and Wright Pierce's memo. I did show the area of the proposal in the memo so you
26 have an idea where in Dunegrass. Basically, it's in the PMUD district, which all Dunegrass is,
27 and they're proposing a what looks like a 10 foot front setback, 5 foot side, and 20 foot rear.
28 Just some notes, comments in here. The front deck footprints shown on the plan appear to
29 encroach that front setback. Just a note with garage placement with the 10 foot proposed
30 front setback, those will need to be monitored to make sure vehicles have room to park
31 outside of the row or right of way. The open space calculations for the golf course should just
32 be updated so we can continue to have those for making sure that open space requirement
33 is being met. There was a question about Long Cove Drive.

34 Dave Walker: Yeah, It was used drive and road in the documentation. Yeah. That's fine.

1 Mike: Yeah. And I think part of the issue is, the town also uses those two different names as
2 well depending on where you look. So on street map, that's how it's labeled. But I believe on
3 GIS, it's all labeled 1. And so it appears the town council's accepted portions of Long Cove
4 portions of Long Cove Drive or all of Long Cove Drive, but it's not clear. The acceptance deed
5 refers to Long Cove Drive as shown on the Dunegrass master plan, which seems would be
6 the entire roadway. The only part that it seems they didn't accept is the roadway itself where
7 it wasn't there because it's not in anything outside of that right of way.

8 Dave Walker: So is it drive or is it road?

9 Mike: It's still still unclear.

10 Unidentified Speaker: On the, on the original recording plan, it is drive. I don't know. I'm not
11 able to speak that.

12 Mike: I don't believe I'd have to double check because there's some construction going on in
13 that area, but up till now, there wasn't any addresses for Long Cove road. And they were all
14 drive. So that is there is a comment on addressing in here and the work with the assessor,
15 and I think that that'll be the point the town will need to come together and and figure out
16 exactly what it is along with the applicant. But with the initial documentation, I see that it
17 was accepted by the town council. And from what I've seen, it looks like it was in its entirety.
18 Just how that works when the road wasn't there and figuring out what was actually accepted
19 is the the remaining question. So I had a question about who currently maintains the road
20 because it wasn't clear to me if it was the town or not. Yeah. So it extends down to the end
21 of Section M where other developments could continue, if they want to continue the road.
22 So the addressing comment, just the applicant will want to work with E91 addressing and
23 straighten out the road names. Even if the road's been accepted as a public road since the
24 section hasn't been built, there were questions about impervious surface and how it impacts
25 the, stormwater plan or, yeah, stormwater plan. And then we'll need a maintenance
26 agreement for any post construction BMPs with any of these stormwater items, easements.
27 There was questions on the temporary emergency turnaround that's proposed. Public safety
28 and plowing, how does the turnaround work with that? And there is a subdivision street
29 design standard, 74-309, that requires dead end streets to have a cul de sac. And I believe
30 there's been other areas where hammerhead's been accepted. That's probably something to
31 discuss with the fire department as well and public safety.

32 Dave Walker: Can you utilize that, retention pond that's there for stormwater?

33 Unidentified Speaker: So Michael brings up to be an issue. And so we're working with the EP
34 on this, as you know. What action, that could be problematic these days. But the the original
35 subdivision design so this water actually drains into one of the ponds, which is on sections
36 DME. And so we need to just keep maintain that that we need to see. So we've done a drainage

1 basically diagram that shows that we're going on a new batch of the old plans to show that
2 everything's still kinda working as it is based on the new LiDAR topography. So, it was a good
3 column by right here. So when you'll get that for the next submission that says, you know,
4 here's where it's going. Here's the other side of the pipes. Everything's everything's still
5 copacetic. I do, so I can actually maybe inform you a little bit about the road in.

6 Dave Walker: I can't hear. So I can't hear. I'm sorry.

7 Unidentified Speaker: So the the town accepted Long Cove Drive Road, whatever they called
8 it when they accepted it, as part of the town needed a sewer easement from Dunegrass. This
9 was back in way before our time when they build birches. And so the the the because the
10 sewer district is the town's sewer district, they had to own the right of way for the sewer.
11 And so that is how Dunegrass gave Long Cove Drive slash road to the town. The town is when
12 publicly accepted it, the town council did, so that they could have access to maintain the
13 sewer. So at that point, it really, so that's why we were having discussions with the DUT
14 because we're trying to show that it still meets chapter 500 standards. And when we get to
15 sections D and E, which is coming to you soon, we actually are upgrading that whole pawn
16 to chapter 5.

17 Dave Walker: Because that sewer line run along the 5th hole? Because there's a right of way
18 down along the 5th hole.

19 Unidentified Speaker: That's working? Yeah. Yeah. So the sewer, the sewer line runs down
20 here and it actually shoots out that way. And that that's it's actually strange. So the sewer, it
21 gravity feeds all the way up through here, all the way down to pump station 100, and then
22 pumps back up and goes out, the other way down to the down to the plan.

23 Dave Walker: One of the concerns I had was, where the 6 tee box is. Are you gonna maintain,
24 are you gonna have some buffering for those two houses there?

25 Unidentified Speaker: Yeah. So this is so what we actually did is this used to be, if you recall,
26 the sketch plan we did way back. This was actually three lots and three lots. And so we, in
27 order to make longer, skinnier houses, and this grading somewhat, should you would think
28 that the trees are coming, but no. We're we're that's why there's a 20 foot setback on the
29 backs is that we're really kind of tucking these in on the front. That's why there's only a 10
30 foot setback on the to the road. And, Mike's point about the garage is we as the architectural
31 designs that we can even put this on a note in the plan, the garage setback needs to be at
32 least, 18 feet so that you can get a car or 20 feet, so you get the full length of a parking space
33 before the face of the garage. I'd even make it 22 because, you know, people don't like to run
34 into their garage door if they're parking outside of it. So.

35 Dave Walker: But buffering, you're gonna have buffering along that?

1 Unidentified Speaker: Yeah. And and I I told I told Dom, I said, you know, we may just have to
2 get some some 8 foot.

3 Dave Walker: The other thing you could do is you could cut down that pine tree in the middle
4 of the 6th fairway and make it a more direct shot to the green. And we wouldn't have to skirt
5 those houses on the left.

6 Unidentified Speaker: Well, so Alan, who lives in this house, yeah, he gets quite a few golf
7 balls in his, in his.

8 Dave Walker: Yeah you'll find golf balls in the retention pond.

9 Unidentified Speaker: Oh, yeah. Well, that's where I go to get some.

10 Dave Walker: Yeah. All right. Anybody got down on the board?

11 Mike: I just had a couple quick comments. I know you have them in your memo, but I just
12 wanna highlight them right here real quick. Buffering questions. Since you mentioned it, I
13 think this was more buffering for the proposed houses, but I was looking at, the buffering
14 there. Just, looking at existing buffering, is there any buffering and screening proposed on
15 lot 3, which I believe is the lot closest to Sawgrass development. You know, just sometimes
16 when you look on plans, it's hard to tell what exists for buffering and what what will remain
17 once something's built. And then in looking at GIS and, plan, I see that there's like a 20 foot
18 wide, no cut buffer behind 52 Wild Dunes Way. But it didn't appear there's a lot of vegetation
19 in there, may there is, but I was just looking at GIS, so it's something to consider and may be
20 at site walk, we will be able to see better but just considering buffering between these
21 proposed houses and existing houses. And then, like I said, recommendation to schedule the
22 site walk.

23 Dave Walker: Do you think, do you think Dominic can have a couple of that available for us
24 again?

25 Unidentified Speaker: Sure. But it's easy parking down here as well. So if you just wanna drive
26 to you come in between Sawgrass and Eagle,

27 Dave Walker: Yeah.

28 Unidentified Speaker: Bridge.

29 Dave Walker: Yeah.

30 Unidentified Speaker: There's plenty of parking on that.

31 Dave Walker: Oh, okay. Then we'll scratch that idea then because.

32 Huber: He just wanted to drive in a car.

1 Dave Walker: I have I have a car over there, so it's fine.

2 Unidentified Speaker: Well, yeah. You can bring you can bring a golf car, you can bring a bike,
3 you can drive your car.

4 Dave Walker: Okay. All right. No. So 5:00. It was stated out previously.

5 Unidentified Speaker: We'll restate it.

6 Dave Walker: Okay. Because a lot of them are missing now.

7 Unidentified Speaker: Yes.

8 Dave Walker: All right. Great.

9 Hitchcock: Can I make a small point?

10 Dave Walker: Yes Chair yes.

11 Hitchcock: Just to show I read all of this stuff on the, your letter April 24, 2023 that has the
12 performance standards. The 4th bullets, one of the sentences actually, the second sentence
13 says the project creates 2 single family lots which will generate only 40 daily trips, etcetera,
14 etcetera. You are you considering the 2?

15 Unidentified Speaker: It's a, it's a, it's a, it was a transfer from the whole 16, it should say two
16 of all that.

17 Dave Walker: Okay. So there was a bad copy and paste.

18 Mike: I did have that in my memo. I just skipped that one. So thank you.

19 Dave Walker: Good catch. Good catch. Okay. So we will schedule a site walk at 5:00 p.m. down
20 here, on June 1st. And then after which we'll come up here to townhall for a couple of meeting
21 and workshop okay.

22 Mike: That sounds good.

23 Dave Walker: All right.

24 Mike: And the workshop was, sorry. And the workshop you said 5:00 on the site walk and 6:00
25 p.m. on the workshop?

26 Dave Walker: Yes.

27 Mike: Okay. Thank you.

28 Dave Walker: Okay. All right. Thank you. And on to item 6, certificate of appropriateness,
29 existing building renovations and new construction, new foundation, new first floor, raised
30 to create second floor, common stairway, covered gap windows, and siding. Action, vote on

1 DRC recommendation, applicant J Peter Guidi Junior, 50 54, god bless you, 50 to 54 Grand,
2 West Grand Ave, MBL 310-7-6 zoning in the DD2?

3 Mike: Yeah. So would these, design review certificate recommendation from the design
4 review committee, the planning board is essentially the final review authority who approves
5 it, the design review committee makes the recommendation. This 50 to 54 West Grand Ave
6 is the Seagrass Inn, and the cottage is next to that. It's an existing single story cottage that
7 they plan to lift, add a new foundation, and construct a first floor, make some other updates.
8 And based on the initial staff review, it looks like the site plan can be reviewed
9 administratively, but we recommended that the applicant wait for the design review to be
10 finalized before submitting the site plan review. So we recommend that the planning board
11 follow the DRC's recommendation and conditionally approve the design review certificate.
12 And there was an updated motion on your desk this evening that included the design reviews
13 conditions that I didn't have in your memo.

14 Dave Walker: We've got it. Thank you. Is there anybody here that wants to speak on this? No?
15 God bless you for sitting through this whole meeting. Okay. Anything from planning board
16 members?

17 Huber: No.

18 Hitchcock: I can make a motion.

19 Dave Walker: I would love you to make a motion.

20 Hitchcock: I make a motion to approve the design review certificate to add a new foundation
21 to existing cottage with a new first floor, raise the structure to create second floor, connect
22 cottage to motel with common stairway, a covered deck, new first floor and windows, and
23 new siding to match existing motel at 50 to 54 West Grand Ave, MBL 310-7-6 in the DD2 zone
24 with the following conditions. One, all improvements will be implemented in accordance with
25 application, plans, and proposal received. Any additional changes must be approved by staff
26 prior to completion. Two, prior to the commencement of any construction activities, all
27 applicable federal, state, and local permits shall be secured. Three, air conditioners and heat
28 pumps are to be located below the fence in the rear. Four, windows final design to be
29 reviewed administratively. And five, I don't know that word. Freezy board and corner boards
30 will be added.

31 Dave Walker: Motion by Chris.

32 Huber: I I have a comment.

33 Dave Walker: We have a motion. We have a second by Robin. Is there some discussion?

1 Huber: Yes. Previously, we had said on another project that construction could not happen
2 in the summertime. Should we put that as a condition too? That construction starts in the
3 fall?

4 Mike: We could. I don't believe they intend to do anything before fall.

5 Dave Walker: It'll be high because it's a motel and they're gonna have guests next door.

6 Huber: Yes.

7 Dave Walker: So I.

8 Mike: Yeah. So my understanding is the existing cottage that they're looking to add a first
9 floor under a new foundation is where, they house J1. It's J1 Housing. So they use that during
10 the season. And they won't be doing any work there, till then. But.

11 Dave Walker: Yeah.

12 Mike: We can add it. So it looks like this will need to be reviewed administratively, but we
13 don't have the application yet. If it is, we can add a condition in, you know, if the discussion
14 with everyone is is that it's needed, but I don't think it's necessary.

15 Huber: I'll second that.

16 Dave Walker: We already got a we got a motion from Chris and a second from Robin.

17 Mike: Ms. Huber?

18 Huber: Yes.

19 Mike: Mr. Winch?

20 Winch: Yes.

21 Dube: Yes.

22 Mike: Ms. Dube?

23 Mike: Vice chair Hitchcock?

24 Hitchcock: Yes.

25 Mike: And chair Walker?

26 Dave Walker: Yes. That motion carries 50. All right. So that ends tonight unless there's any,
27 good and welfare, I will if you you must have all gotten the emails about the stipend approval.
28 So you need to get a hold of Fran in the HR department so she can get your social security
29 number and your W2 form. Other than that, I don't have anything else. Anybody else? Motion
30 to adjourn? All right. It's unanimous. Let's get out of here.

1 Winch: Thank you.

2 Meeting adjourned at 8:00 pm

3

4 I attest the above are minutes approved by the Planning Board on 9 May 2024

5

6

7 Jeffrey Hinderliter, Town Planner

8

