



Planning Board - Minutes

October 12th, 2023

Council Chambers - 1 Portland Avenue

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5 David Walker: Welcome you to the Old Orchard Beach Planning Board meeting. My name is
6 David Walker, and I'll be your Chair tonight. We will start with a pledge of allegiance to the
7 flag. The pledge of allegiance to the flag of the United States of America and to republic for
8 which it stands, one nation under God indivisible with liberty and justice for all. Thank you
9 very much. Okay. Jeffrey, you wanna do the roll call, please?

10
11 Jeffrey: Sure.

12
13 Jeffrey: Mr. Kelley?

14
15 Kelley: Here.

16
17 Jeffrey: Ms. Hubert?

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19 Hubert: Yes.

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21 Jeffrey: Mr. Winch?

22
23 Winch: Yes. Here.

24
25 Jeffrey: Ms. Dube?

26
27 Dube: Yes.

28
29 Jeffrey: Vice Chair Hitchcock?

30
31 Hitchcock: Here.

32
33 Jeffrey: And Chair Walker?

1 David Walker: Present. So we have a full board tonight and, Mr. Kelley will be an alternate,
2 and we always appreciate his input. He's a valuable member even as an alternate. All right.
3 We'll begin tonight's meeting with public hearings. And anybody wishing to speak during a
4 public hearing, come up to the podium, to the mic, give us your name and your address, speak
5 clearly into the microphone so the people at home can hear you and so that we can hear you.
6 We're pretty old, and it's pretty hard for us to hear in this place. So I'd appreciate that.
7 Hearing number 1 is, proposal, ordinance amendments, housing opportunity, opportunity
8 ordinance, affordable unit density, and dwelling unit density draft 2, chapter 78, article 6, and
9 article 7, housing opportunity, audience, accessory, dwelling unit draft. The applicant is the
10 Town of Old Orchard Beach. Does any, we'll start this public hearing at 6:32. Anybody wishing
11 to speak on that?

12
13 All right. Well, we'll close this public hearing at 6:32:30 and move on to public hearing number
14 2. Number 2 is a proposal is a conditional use home occupation, 120 square foot building for
15 an art gallery, and shop. The applicant is Lorrie Lutz and the location is 15 Ross Road, MBL
16 102-3-6, zoning in the district. Anybody, we'll stop this hearing at 6:33. Anybody here wishing
17 to speak on that? Yeah. Come on up to the mic, please. Good evening.

18
19 Jaffeta Morenzai [ph]: Good evening. My name is Jaffeta Morenazi. My name is Jaffeta
20 Morenazi, and I'm the president in Old Orchard Beach, owner of 17 Ross Road. I'm here in
21 support of this proposal to build our new neighbourhood and two reasons, but one reason is
22 that I love art, and seeing the work, Ms. Lutz has done, are, are seeing arts. I have, enjoyed it,
23 and I think this would be beneficial to, to herself, as its neighbors, as well as City of Old
24 Orchard Beach. It's not, for some of you who may have seen it, it's not the work that can be
25 or you would wish to be stolen basement of the garage so the best for the proposal and give
26 her the commission [Indiscernible [00:04:43]]. Thank you.

27
28 David Walker: Yeah. Thank you very much. So just to clarify, are you in favor of it?

29
30 Jaffeta Morenzai: Yes.

31
32 David Walker: Okay. Thank you very much.

33
34 Jaffeta Morenzai: Yes.

35
36 David Walker: Okay. Yep. Anybody else, through the chair. Yes.

37
38 Jaffeta Morenzai: Just for the public, it says art gallery shop. What is a shop?

39
40 David Walker: It's really a shed. We had a, we had a, she makes, she makes...

41
42 Jaffeta Morenzai: Shop being sold?

1
2 David Walker: Yes. Yes. Yeah. She makes glass figurines, and she makes them on premises. I
3 think it was a microwave, a special microwave she said she used. Yeah. And then, she shows
4 them and she puts them online most of, most of the, most of their sales are online sales, but
5 some people wanna come out and see the product. They come out, and she's got this shed
6 on the property. And it's pretty obscure from the road, you know, you wouldn't even know it
7 was there unless you drove up the driveway.

8
9 Jaffeta Morenzai: Thank you.

10
11 David Walker: You're welcome. Anyone else? Thank you for your comments, by the way. Okay.
12 Well, we'll close this public hearing at 6:36 and move on to public hearing number 3.
13 Conditional use, Shoreland nonconformity, remove, rebuild 30% expansion, garage and
14 porches. Applicant is Mark and Anne Duval, and the location is 16 Sandpiper Road, MBL 324-
15 11-15, Zoning in the R3, RA in half. And we will stop this public hearing at 6:36. Just for board
16 members, I did go down and take a look at the property and we can discuss that during the
17 regular meeting. Okay. All right. I'll close, yeah, yeah I'll, I'll close, I'll, I'll close this public
18 hearing at 6:37 and we'll move on to public hearing number 4 proposal subdivision
19 amendment extent Long Cove Drive create four residential lots. The applicant is Atlantic
20 Resource Consultants, owner, Dominator Golf LLC. Location is Long Cove Drive, adjacent to
21 holes five and six, MBL 105A-1-200 zoning in the PMUD District.

22
23 And we'll stop this at 7, 6:37. Anybody, anybody, anybody at all. Okay. And then we'll close this
24 at 6:30, 7:30. For public hearing number 5, subdivision amendment two additional infill lots
25 with a shared driveway access from Ross Road. Applicant is Atlantic Resource Consultants.
26 The owner is Dominator Golf, LLC. And I know it's not golf, it's golf. And the location is Ross
27 Road, MDL 105A-1-200, zoning is in the PMUD District, and we'll stop this at 6:38. Anybody
28 wishing to talk?

29
30 John: [Indiscernible [00:08:48]] I just wanna make sure that the big developments have to
31 play by the same rules that, you know, the small lot owners like myself and my wife had to
32 had to go through. So when when we or before purchasing this lot, we were told by three
33 different town officials that our lot was in a RD zone. So we purchased the lot. We filled out
34 a permit, submitted it. We're told at that time that it was actually a PV lot, so we're denied
35 the permit. So we had to work with the planner to come up with a solution because it was a
36 100 foot setback that we had to do. And his solution was, let's try to get this rezoned. And so
37 that's what we did. So we spent a year. We have, like, get this rezoned back to the underlying
38 lot, which was the RD zone, and we complied with that, that zoning. So, you know, seeing this
39 development, they've created a 35 foot setback. I'm not quite sure where that stems from,
40 you know, from what I understand, you know, it shows on the original lot, plan for the PMUD
41 for for for Dunegrass, a 100 foot setback there.

1 It doesn't distinguish what that setback is. That was just the setback that was approved. So I
2 know there's been talk about the DP setback. There's, there's nothing on plan that says DEP
3 setback. I know Country Club Estates, that's going in now. They follow that same 100 foot
4 setback for, for that plan. I'm sure they would have loved to have a 35 set foot setback, but,
5 you know, they followed what that, what that plan was. Yes. We, we had some options. We
6 had to go, I guess, I guess part of the problem too I see is that, I think there there are only a
7 few people that were notified. So it was a large lot that was this, this lot here is cut from a
8 larger parcel of land, but it looks like, you know, we were told that we had to notify every
9 single person that abutted Dunegrass when we did this or we had to put it in the newspaper.
10 So I know, like, my neighbor next door abuts that, the original lot that their carving is from.

11
12 He, he didn't get notification about this either, but, you know, I guess the big thing is just you
13 know that that setback you know, I'm, I'm fine with if they have to go through the same
14 process we did, you know, get it rezoned. I'll, I'll be in favor of it. I'll speak in favor of it if he
15 rezones it to an RD, and he complies with that, but it seems like the other option might be to
16 go back to the, to the town council and try to get that original setback changed back to, to,
17 you know, change to \$50 foot or whatever, but, you know, that's, that's where we stand. I just
18 wanna make sure that they have to follow the same rules that that human life had to follow.
19 Thank you.

20
21 David Walker: Thank you, John. If you stick around for the regular meeting portion, you'll find
22 that we did some research based, based on last month's questions about the same setback
23 rules, and there'll be some information coming forward about that. So you might be
24 interested in sticking around for that. Thank you for your comments. All right. Anybody else?
25 Yeah. All right. We'll close this at 6:42, and that's the end of our public meetings. Now, we did
26 receive a couple sets of, minutes did anybody, I know everybody reviewed them. Does
27 anybody have any questions or concerns about the minutes that were in your packet?

28
29 Robin: [Indiscernible] [00:12:42].

30
31 David Walker: I have a comment. Yes, before you, before somebody seconds that. On page 5,
32 you know, what item is that, item 2, last paragraph is, there's some typographical errors in
33 that the, comments are characterized as being from the chair, because it has parench.

34
35 Interviewee: Right. And instead of vice chair and the interview that's your name. Yeah, I see
36 that. Yeah. And that continues on to the next page. Right. I just want to point out that error.
37 Those are not my comments. They were really good comments, but they were dead.

38
39 David Walker: All right. So, we can make those corrections. Any others?

40
41 [Indiscernible [00:13:28]] I'll second the motion.

1 David Walker: Okay. Jeffrey, you wanna call for the...

2
3 Jeffrey: Sure.

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5 Jeffrey: Ms. Dube?

6
7 Dube: Yeah.

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9 Jeffrey: Mr. Winch, Mr. Winch?

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11 Winch: Yes.

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13 Jeffrey: Yes. Ms. Hubert?

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15 Hubert: Yes.

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17 Jeffrey: Vice Chair Hitchcock?

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19 Hitchcock: Yes.

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21 Jeffrey: And Chair Walker?

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23 David Walker: Yes. David Walker: All right. Those minutes passed 5:00.

24
25 Jeffrey: That's the only set I see.

26
27 David Walker: I saw the same thing, and I'm like, what, what the hell is going on here? Okay.
28 But that's okay. Thank you for pointing that out. And then on to regular, regular business.
29 Bear with me one moment. All right. Proposal, ordinance, amendments, housing opportunity,
30 opportunity, ordinance, affordable unit density and dwelling unit, draft density, density draft
31 number 2, chapter 78, article 6, article 7, housing opportunity ordinance accessory dwelling
32 unit draft, number 2, chapter 78, article 1, article 6, and article 7. Our responsibility is council
33 recommendation and the applicant is the Town of Old Orchard, Michael?

34
35 Michael: Yes. So these are the draft ordinance amendments that have been under review by
36 the planning board since May, and these are associated with the state law requirements that
37 were previously referred to as LD 2003. And we held the public hearing, which was the
38 second public hearing this evening. And just a brief recap, the state law includes the following
39 requirements to allow Accessory Dwelling Units or ADUs where single family homes are
40 permitted.

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42 David Walker: It's okay.

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Michael: Allowing for more than one dwelling unit on a lot, essentially prohibiting single family only zoning districts and having an affordable housing density bonus for affordable housing development to be located in growth areas or areas with sewer and water where multifamily dwellings are permitted. So this is repeat info, but a quick overview of the ordinance structure because these were drafted in two different draft ordinance sections based on the state law requirements and the guidance. The first, which is Section 78-1272, contains two parts, which is the affordable housing density bonus and the dwelling unit increase allowance. And these will be reviewed as a conditional use by the planning board. The second Section 78-1383, is for accessory dwelling units, which would be reviewed through code enforcement building permitting. With the potential for some dwelling units and ADUs created under these ordinances to be used for short term rentals and the potential neighborhood impacts unknown, we did include restrictions that don't allow for short term rentals under both sections.

And with the public hearing tonight, the planning board has the option to vote on a recommendation to town council. I recommend the planning board approve a recommendation of these draft ordinances and motion recommendation is on page 3 of your memo.

David Walker: So Michael, are all municipalities now done interacting with the, the state in terms of their drafts and amendments?

Michael: Lot of people are just starting the process. Some towns have already enacted there. As I believe, Saco recently passed theirs.

David Walker: Okay.

Michael: I think some people or some communities waited till they had as much details as possible and everything was finalized, but with the looming deadline, we wanted to get as much done in advance as possible.

David Walker: And there will be another public hearing at coun-, at council chambers?

Michael: Yes.

David Walker: Yeah. Okay. Anybody have any input from the board?

Jeffrey: I would make a motion to recommend counsel approval of amendments to chapter 78, articles 6 and 7, and chapter 78, article 1, article 6, and article 8.

1 David Walker: Motion by Vice Chair Hitchcock. Second by Winn. Jeffrey, you wanna call for
2 the vote?

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4 Jeffrey: Ms. Dube?

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6 Ms. Dube: No.

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8 Jeffrey: Mr. Winch?

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10 Winch: Yes.

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12 Jeffrey: Ms. Hubert?

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14 Hubert: Yes.

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16 Jeffrey: Vice Chair Hitchcock?

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18 Hitchcock: Yes.

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20 Jeffrey: And Chair Walker?

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22 David Walker: Yes. That vote carries four to one with one no vote. Item number 2. Major
23 subdivision, 21 single family house lots, three open space lots, four condo lots with a total of
24 25 condo units. Preliminary plan review and determination of completeness, The owner is
25 Mark Barrow. The location is 39 Portland Avenue, MBL 104-2-3 and 21-31 portion of Red Oak
26 Subdivision, zoning in the Rural RP District. Mike?

27
28 Mike: Yes. The applicant engineer contacted us today and asked that this item be tabled. We
29 did meet with the engineer, Ann Wright Pierce [ph], to discuss previous comments and have
30 gotten some responses back and staff comments, but other than that, that's really it for right
31 now.

32
33 David Walker: And I did work with the staff and the manager, town manager, to get comments
34 from the, the public wastewater and fire. So those should be forthcoming.

35
36 Mike: Yes. We have those to provide to you and just didn't where this was requested to be
37 tabled.

38
39 David Walker: Okay.

40
41 Robin: Motion to table.

1 Mike: Second.

2
3 David Walker: Motion to table is unanimous item is table. All right. Item number 3.
4 Conditional use home occupation, 120 square foot building for art gallery shop, action final
5 ruling. The applicant is Lorrie Lutz, 15 Ross Road, MBL 102-3-6, Zoning in the RD district. We
6 did have a public hearing and one favorable comment. Is this you, Jeffrey?

7
8 Jeffrey: No.

9
10 David Walker: Mike.

11
12 Mike: Yeah, this is the one minute, we just had the site walk at last week proposals for a home
13 occupation for gallery and shop. The applicant is looking to have this shed so they can display
14 and sell some art glass, and it's a 12 by 10 shed. There were two, two, the determination of
15 completeness on the conditional use application was subject to receiving two items, and that
16 was verification of a survey sketch showing parking is not within the 50 foot front yard area.
17 And that there's only two parking spaces provided for the home occupation. And they did
18 submit that updated survey, which shows they need that with the scale. And then also looking
19 on GIS, they also meet those, setback requirements.

20
21 David Walker: Okay.

22
23 Mike: And so the applicant responses to conditional use in home occupation standards from
24 their application are also included in your packets for this month. And planning staff
25 recommends the planning board consider approving this conditional use home application,
26 application.

27
28 David Walker: Is anybody here in favor of the applicant? I do know oh, yep. She's at a wedding
29 correct and, family's at a wedding in East Overshoe, wherever. And, okay.

30
31 Mike: She did notify us today that she was gonna have someone come in case there are
32 questions, and she was unable to have, whoever she originally planned on coming.

33
34 David Walker. All right. Any questions from board members?

35
36 Robin: I have a question, Mr. Chair. This is the final approval for this project, and there's going
37 to be a sign at the road. I think that we ought to have a chance to comment on that or, or to
38 have a condition and the approval for the sign roadside.

39
40 David Walker: Well, there is an ordinance for signage. Right?

41

1 Mike: There is, and I think there's a couple different ones that probably apply to this. We have
2 our general sign ordinance, which prohibits certain signage. And then I, I believe the rural
3 district where this is also has specific sign. And then home occupation also has some sign
4 standards.

5
6 David Walker: And she, she mentioned during the sidewalk that she was going to apply for a
7 permit to do a sign there, which would have to be according to...

8
9 Robin: So it is individually apart from this?

10
11 David Walker: Yes.

12
13 Robin: Okay.

14
15 David Walker: Yeah.

16
17 Mike: Yeah. I think it's usually a combination sometimes the sign locations determined in
18 advance with, like, larger projects, but some examples I can think of, they still usually apply
19 for a signed permit as required through the code office.

20
21 David Walker: Yeah. She said she was gonna to that.

22
23 Mike: I think if she were gonna add a condition it would just be that it needs to meet the
24 standards that apply to the signage that they're, they're looking to acquire.

25
26 David Walker: Yeah. Okay.

27
28 Robin: Make a motion to approve.

29
30 Jeffrey: Second the motion.

31
32 Robin: The conditional use application for the home occupation for our and art gallery shop
33 located at 15 Ross Road, MBL 102-3-6, zoning RD applicant, Lorrie Lutz.

34
35 Jeffrey: Now, I second.

36
37 David Walker: All right. **Error! Bookmark not defined.** Motion from Robin, second by Chris.
38 You want to call for the vote, Jeffrey?

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40 Jeffrey: Ms. Dube?

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42 Dube: Yes.

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Jeffrey: Mr. Winch?

Winch: Yes.

Jeffrey: And then Ms. Hubert?

Hubert? Yes.

Jeffrey: Vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yes. That motion carries 5-0. All right. Item 4, conditional use, shoreline land nonconformity. Remove, rebuild 30% expansion garage and porches. Final ruling is the action tonight, Mark and Anne Duval with the applicants. Location is 16 Sandpiper Road, MBL 324-11-15, zoning in the R3, RA, and HAT District. Is this you again, Mike?

Mike: This is me.

David Walker: Okay.

Mike: Yeah. So this proposal is for the tear down, rebuild, and expansion, what's essentially a garage. We're often used to seeing full structure rebuilds, tear down rebuilds in the shoreland zone. So this one's a little different, but the same rules apply. So, the reason the garage is a nonconforming structure is because it's within the 100 foot highest annual step back. And, I, I work pretty closely with the applicant. The applicant's been working on this proposal for some time. There were several options to go forward to try to make this work for the applicant. We found, the best one, which is the one that's been presented to the board. There haven't been really any questions, that staff has had since this has been submitted. Just two notes concerning DEP, DEP permitting and floodplain permitting. The applicant is in the process and is well aware of that. In fact, I've received confirmation from the applicant, which, well, from DEP through the applicant, which shows that, the app, DEP has received the, what is called the permit by rule for this particular proposal.

No outstanding issues. No new issues. There's no reason to, not approve this. So recommend, approval. And there is a motion on page 31 of your application I'm sorry, of your staff. Sorry. Do you need anything?

1 David Walker: There was nothing in the packet this month, but we, and I, I misplaced last, last
2 month, so I don't have the plans still, but I did walk by there, Jeffrey, and I was kinda
3 wondering, are they making any modifications to the house, or are all the modifications
4 gonna be from the garage and the patio and adjoining to the house what?
5

6 Jeffrey: Just the garage and the patio that's adjoining to the house lot. So the house...
7

8 David Walker: The house isn't going any higher?
9

10 Jeffrey: Correct.
11

12 David Walker: Okay. All right. Great. Thank you.
13

14 Robin: And, Chair, why do we not do a cycle?
15

16 David Walker: Because nobody was in favor of it. And we, what we said was we would drive
17 by on our own. And when the minutes come out, you'll see that in a minute if they come out,
18 but that that was, that was it and I don't think the, the applicant was home because I went by
19 three times and they weren't there, you know, so they might be away, but it's pretty
20 straightforward. There's not much going on there.
21

22 Robin: Okay. One more questions...
23

24 David Walker: Sure.
25

26 Robin: [Indiscernible [00:27:45]] how, I'm mean, I'm pulling out and we made sure they built
27 a house just like it looked like the aesthetics of the neighborhood and all this. How will we
28 keep track of this [Indiscernible [00:27:59]] is is...
29

30 David Walker: I'm having a hard time hearing you, Robin.
31

32 Robin: Is it still the community down there, is there I know they're putting up more than
33 houses now down in that area. It's really not fitting ocean park anymore, from what it used
34 to be, little cottage community. Is there any reason why we're not, asking it to stay with the
35 aesthetics of the little town?
36

37 David Walker: The only true aesthetic standards we have in our ordinance are for the DD 1
38 and D, our downtown districts. The aesthetic standards is something that Mike is exploring
39 with our design review committee. Once some time frees up that, that he can commit to
40 resuming the work on those ordinances. We may see something in Ocean Park, but right now,
41 we don't have the, the aesthetic standards.
42

1 Mike: So as a resident of Ocean Park, I can answer the question pretty easily, and that's that
2 most of the homes were built back in the late 1800's, early 1900's, and there were no standards
3 for building back then. And so most of those structures are pretty much unsafe and they are
4 definitely not winterized and more and more people now have an asset down there that they
5 wanna, move into, usually around. And so that in most cases requires them to rebuild and
6 modify according to the standards that the town has set up. Now, there's no more
7 development going on down in Ocean Park than is going on in the rest of Old Orchard. It's
8 way more development in Old Orchard than there is in Ocean Park. So yeah.

9
10 Robin: [Indiscernible [00:29:57] I'm not exactly what you're talking about.

11
12 Mike: But there is a sentiment that, you know, everybody should keep those, you know, 100
13 year old buildings in place and...

14
15 Robin: No. Just the outside vision of them or the outside final ending to keep it more, like,
16 quaint like it.

17
18 Mike: It's still pretty quaint.

19
20 Robin: I mean, it's turning into, big buildings down there now too when it comes to houses
21 and stuff.

22
23 Mike: Well, I disagree, but okay. I rebuilt my house, and it's the same square footage as it was
24 before I rebuilt it. So all right.

25
26 Robin: Aesthetics to the outside. I know you're all good Ocean Park.

27
28 Mike: Okay.

29
30 Robin: I don't like the whole town. I've been doing it my whole life.

31
32 David Walker: Okay. Well, thank you for your comments, Robin. Appreciate it. All right. So
33 anybody have any comments about this? Is the developer here? Sure. Come on up to the mic.

34
35 Mark Duvall: So I'm Mark Duvall. I'm the owner of 16 Sandpiper Road, Old Ocean Park.

36
37 David Walker: So you've been away, haven't you?

38
39 Mark Duvall: Yeah. I have been away.

40
41 David Walker: Yeah. Okay.

42

1 Mark Duvall: So and I kinda agree with what's being said, but, what we're doing here is just,
2 just a minor change the sidewall of the building is collapsing in as we had to tear the building
3 of the garage down, and, I kinda wanted to have a little bit more room on the top, but
4 we what did wanna do is to keep the sort of the, the building the main building structure, to
5 be fitting of the neighborhood without building a tile up in there. So that's our...

6
7 Robin: I'm talking these big, flat roof modern things they're building all over the place.

8
9 Mark Duvall: Yeah.

10
11 Robin: We just don't fit this.

12
13 Mark Duvall: This is gonna, this is gonna, this is gonna fit in nicely so.

14
15 Robin: Yeah.

16
17 David Walker: By the way, I love your sign on the porch. It says, we love Ocean Park.

18
19 Mark Duvall: We do love Ocean Park.

20
21 Robin: Thank you.

22
23 Mark Duvall: Thank you.

24
25 David Walker: Okay. Anybody from, board?

26
27 Robin: No.

28
29 David Walker: Okay. Is there a motion?

30
31 Mike: I would make a motion to conditionally approve Mark and Anne Duvall's conditional
32 use application proposing a tear down new construction and 30 percent expansion of a
33 nonconforming structure in the shoreland zone located at 16 Sandpiper Road, MBL 324-11-15
34 with the following conditions. Applicants now secure DEP approval before building permit
35 submission to applicant shall secure minor development flood plain approval before building
36 permits are approved. Motion by Vice Chair Chris, second by Lynn Winch. Wanna call for the
37 vote, please, Jeffrey?

38
39 Jeffrey: Ms. Dube?

40
41 Dube: Yes.

1 Jeffrey: Mr. Winch? Mr. Winch?

2
3 Winch: Yes.

4
5 Jeffrey: Sorry, Ms. Hubert?

6
7 Hubert: Yes.

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9 Jeffrey: Vice Chair Hitchcock?

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11 Hitchcock: Yes.

12
13 Jeffrey: And Chair Walker?

14
15 David Walker: Yes. That motion carries 5-0. Let's move this one. Okay. So that motion is
16 approved, Mark. Congratulations.

17
18 Mark: Thank you for your help.

19
20 David Walker: Yeah. Okay. Item number 5, Proposal Subdivision Amendment. Extend Long
21 Cove Drive, create four residential lots. Action is preliminary plan determination of
22 completeness. Applicant is Atlantic Resource Consultants, owner is Dominator Golf, LLC. The
23 location is Long Cove Drive adjacent to holes five and six, and it's MBL 105A-1-200 zoning in
24 the PMUD, Michael?

25
26 Michael: Yeah. On this proposal, we didn't receive any updated materials for this month. We
27 did have the public hearing tonight. Last month, there was recommendations from the
28 planning board and the applicant to meet with town peer review engineers, Ray Pierce, to
29 discuss comment responses and try to get, those resolved. This meeting hasn't happened yet.
30 We still need to have that. And the applicant indicated they're working with DEP on permit
31 approvals. And just for a brief update, this project was discussed at monthly development
32 review meeting. The turnaround for Long Cove Drive was discussed, and there was a couple
33 department comments on that and other items. Mainly, fire department said they'd want an
34 area with a hard surface, not just gravel, and turning diagrams to verify public works would
35 like to see a cul-de-sac that meets the ordinance at the dead end, mainly for plowing, but
36 also for other public services and then addressing needs to be resolved.

37
38 It doesn't sound like there can be two separated segments of Long Cove Drive. The applicant
39 will need to discuss with assessing. And so for recommendations, there's a couple options for
40 the planning board. Table the item until we receive updated responses and plans, including
41 resolution on the dead end turnaround and storm water items or to continue the review to
42 the next meeting. And I recommend this be tabled because of timelines in the subdivision

1 ordinance, regarding Section 74206 for procedure within and this is for a preliminary plan.
2 Within 30 days of a public hearing or within 60 days of receiving a completed application if
3 no hearings held or within such other time limit as may be otherwise mutually agreed to, the
4 planning board shall take action to give preliminary approval with or without modifications
5 or disapprove such plan. So if this is determined complete, we feel like that timeline starts
6 ticking.

7
8 And then storm water is a big item on this, and it's important to have the storm water
9 management and plan comments resolved. And with the timeline, there's not a lot of time to
10 resolve these before the planning board submission deadline, which is 23 October, especially
11 where Ray Pearson [ph], the project engineer hasn't met yet to discuss these as previously
12 recommended. And the owner currently has an outstanding condition of approval on one
13 project and outstanding annual BMP certification for another project in Dunegrass. And this
14 is a concern since this proposal, contains similar storm water management BMPs. So we don't
15 recommend any additional action beyond tabling, be taken until we receive the outstanding
16 items.

17
18 David Walker: Okay. Thank you. I, I don't see Jason here, but I do see, Dominic.

19
20 Dominic: Yeah.

21
22 David Walker: Yeah. I don't know if you wanna speak at all, Dominic.

23
24 Dominic: Oh, yeah.

25
26 David Walker: Sure.

27
28 Dominic: What you engage...

29
30 David Walker: Excuse me. Dominic, is the owner of Dunegrass and this proposal.

31
32 Dominic: Unfortunately, Jason is having some personal issues with his family. He's got, as
33 some of us do, elderly parents, and he's got some issues that he's dealing with. So it's kind of
34 a little bit of a kibosh on this temporarily, I, I wanna address just a couple of quick issues. The
35 Long Cove Extension, where, where they're asking for cul-de-sac, I think, is the wrong thing
36 to do because that road is already approved and is going all the way through. So to put in cul-
37 de-sac is just it's kind of superfluous. I mean, the road's gonna go to where I'm gonna build,
38 and then there'll be houses beyond that. So to, to do that, I think, it's just it's, it's just a little
39 bit ridiculous. I don't think that we should delay the public comments. I do agree that there
40 are issues that right past has brought up that we need to address, but we can address those
41 as we go on. At this point, we scheduled a public hearing. There are people here. If they want
42 to speak, they can speak.

1
2 We have no issues with that. I'd like to address any issues that anybody would like to speak
3 about, but to stop the process, and by the way, you know, I'm not the one that's, I'm not the
4 quiet guy here. I'm the guy that speaks and says what has to be said. We're having an issue
5 with the town and right peers and the amount of money that they're charging to do their
6 review.

7
8 Robin: Personal issue.

9
10 Dominic: It's not a personal issue. No. That is not a personal issue. I don't know how you can
11 say that's a personal issue. We agreed to a price with right peers, and now they are raising
12 price. And I have an issue with that, and I'm dealing with Diana on that.

13
14 Mike: Yeah. I was just gonna say that's a...

15
16 Dominic: So, so that's, that has nothing to do with the planning board.

17
18 Mike: Right.

19
20 Dominic: But that is not a reason to stop the process. So to say that we're not paying our bills
21 is just wrong.

22
23 David Walker: I don't believe I said that.

24
25 Dominic: I, I, I think that's exactly what you said. And, and I think that we have always done
26 whatever we were supposed to do. We've always done the right thing. If we owe money, we
27 pay the money. I have a problem right now with the bill, and I'm discussing it with the town
28 manager. And we will resolve that. That, again, is no reason to stop the process tonight of
29 what is scheduled, which is, which is the public comments, and that we will deal with
30 whatever the issues are, and we'll get through it, I mean, there's enough people in this board
31 here that know who I am and that know that we do the right thing all the time. So that doesn't
32 mean that I have to agree to what the town throws up in front of us. I have a right, I have a
33 right to argue that or discuss it and then move on. If I'm right, I'm right. If I'm wrong, I'm
34 wrong, but we will move on, and we'll get through it, but to start the process right now is the
35 wrong thing to do.

36
37 David Walker: When it stopped, and we're just gonna table it till next month, and we'll get a
38 full set of plans, okay?

39
40 Dominic: With, with all due respect, David...

41
42 David Walker: Yeah.

1
2 Dominic: With all due respect, to table it is another month that I have to pay more money.
3 It's another month that the town doesn't get revenue, tax revenue for these lots, which will
4 get approved, right, but it's again, it puts it on. There's no need to table, and I'm not even sure
5 you can table the public comments. They're scheduled for tonight people will come here
6 tonight the public...

7
8 Robin: We did the public...

9
10 Mike: We, we had them last month.

11
12 Robin: This is public meeting...

13
14 Dominic: But people have to get up and make their comments right, if they, if they...

15
16 David Walker: Nobody said anything we had any comments?

17
18 Dominic: Okay. Well, then I apologize for that.

19
20 David Walker: That's okay.

21
22 Dominic: I just, I wanted, this thing is dragging on so...

23
24 David Walker: There's is a lot of them that are dragging on. You're not the only one so.

25
26 Dominic: I, I understand. And, and, and I and, and Mike [Indiscernible [00:41:17] I sent an email
27 today to Diana and to Mike and to write this, and I've already got that heard back from Right
28 Pears. We're trying to get together next the week of 23rd just to, just make this all go away.

29
30 David Walker: Okay. So we'll see you in November.

31
32 Dominic: You got it. Perfect. Thank you.

33
34 David Walker: Stick around. You get another one coming.

35
36 Dominic: I, I got one more coming up here, but my comments are gonna be exactly the same,
37 so I really don't have to get up and say it again. Thank you very much.

38
39 David Walker. Thank you Dominic.

40
41 Robin: Table.

1 David Walker: Motion to table.

2

3 Robin: I got it.

4

5 David Walker: Second by motion by, Raman, second by Marianne. Vote is unanimous. We'll
6 table this until November. All right. Item 6, subdivision amendment, two additional infill lots
7 with shared driveway access from Ross Road. The action is preliminary planned
8 determination of completeness. Applicant, again, it is Atlantic Resource Consultants. Owner
9 is Dominator Golf LLC. Location is Ross Road, MBL 105A-1-200, zoning in the PMUD. And,
10 Michael, I wanna publicly thank you for your research on a setback issue that came up last
11 month. And hopefully, you'll review that when you give us your overview.

12

13 Michael: Yes.

14

15 David Walker: Okay.

16

17 Michael: Yeah. So no updated materials submitted for this month. We had the public hearing
18 tonight. The similar with the other ones, the planning board and applicant recommended
19 meeting with, town Peer Review engineers, Ray Pierce, to discuss comment responses and
20 get those resolved. We still need to meet as indicated, and the applicant, is still working with
21 DEP on permit approvals. And for an update, there was a request for the town to reach out
22 to legal for a response regarding Dunegrass slash DEP setbacks. And after our research, we
23 don't think this is necessary, and I'll just give a brief summary. The 1988 Dunegrass Planning
24 Board approved plan shows a 100 foot setback along Ross Road and Cascade Road. The line's
25 also labeled as setback from property line. In the 1987 DEP site location order, finding number
26 14, which references buffer strips, includes language that states a vegetated buffer of a 100
27 feet will be maintained from all public roads.

28

29 The 1988 planning board findings references Dunegrass being built to the DEP specifications
30 in the order and includes number 14, buffer strips. And in 2006, Section A, La Costa, which
31 was referenced by the applicant, did receive a DEP, site location modification to allow a
32 reduction of the 100 foot Ross Road buffer. And the planning board approved a building
33 setback of 45 feet along Ross Road for that section. And then more recently, just as reference,
34 Section C, which is Country Club Estates, which was approved by the planning board in July
35 2021, they maintained that 100 foot setback from Cascade Road, and it's not clear if the
36 applicant attempted to get that reduced or not. So with this research, it appears the DEP site
37 location modification would be needed to reduce that 100 foot buffer from the road
38 requirement as outlined in that permit, and it also references a 100 foot stream setback
39 buffer. So it's not clear if that could be reduced.

40

41 So based on that previous modification, it appears if DEP approves a modification, the
42 planning board would have the option to approve a reduced project setback as long as it

1 meets the PMUD requirements. And so the recommendation is the planning board previously
2 tabled this in October 22, subject to receiving specific items, which we still haven't been
3 submitted. One of the issues is the DEP, getting verification from them on these, and I think
4 that's what they're working on now based on the conversations we've had. So we recommend
5 this be tabled until the previous items are resolved, and we receive updated plans and
6 comment responses.

7
8 David Walker: Yeah. Okay. Well, we wish Jason well, of course. And, go ahead. You don't wanna
9 make a comment?

10
11 Robin: We keep asking Jason for all of these things, and they're not in months, in months
12 months, in months. So it's not us. The job is not getting done, you know, what I mean I
13 understand, you know, [Indiscernible [00:46:15] job so this is processed we have to go through
14 it doesn't matter who, who is or what or whatever.

15
16 Michael: I, I just want to tell you. I understand what you're saying. I agree. I've been very
17 patient. It's, it's but I'm, we're, I'm at the point where I need to stop moving forward and that's
18 a conversation with Jason and I, but I, I understand, I understand what you're saying. We
19 need to do things. I understand that. There are other things that I think that that have been
20 some roadblocks that we need to get through, but, but Jason is, is the number one roadblock
21 right now that we need to fix. I need to fix. So I appreciate your call. Thank you very much.

22
23 David Walker: So, John, did you understand all the information that we received about the
24 setbacks and the DEP's interaction. I don't understand why the rural district was included,
25 because that was a PMUD, requirement. It wasn't rural district, so I don't know why you had
26 to go through that yourself.

27
28 John: Yeah. [Indiscernible] [00:47:24]...

29
30 David Walker: Yeah.

31
32 John: [Indiscernible] [00:47:32]...

33
34 David Walker: And that's what we found to be the case. Yeah.

35
36 Robin: [Indiscernible] [00:47:58]...

37
38 David Walker: Well, as I understood it, it's pending DEP approval. Correct?

39
40 Robin: [Indiscernible] [00:48:13].

41
42 David Walker: Yeah.

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Robin: [Indiscernible] [00:48:18].

David Walker: Yeah. Yeah. I agree.

[Indiscernible] [00:48:28]

Michael: Yeah. The original plan has a 100 foot buffer. And it, it might just be the sections the areas where we're referencing because it does have some different setbacks around the exterior.

[Indiscernible] [00:49:04]

Michael: Yeah. We can send you a copy of the plan your engineer submitted, but I believe it shows the original setbacks.

David Walker: All right. So I would I'd recommend that we take this offline. All right. And you need to get it resolved before it comes to us okay. Thank you. Appreciate that. Any other comments from board members?

Robin: Well, I have a question.

David Walker: Go ahead.

Robin: What is the town setback requirement on a main road?

David Walker: It depends on the zoning district. So just to back up, real quick on the DEP buffer. The buffer, as I recall, the buffer is not, stated 100 foot setback per DEP on the plan itself. The 100 foot requirement is specifically identified in the actual DEP order. So it says, you're familiar, Marianne, with those sorts of orders. That's how Mike found this because it directly, it then directly referenced back to the plan and where this 100 foot buffer is located. So for whatever reason, it appears as though back in 1988, 87, DEP decided to impose their, their own setback buffer, whatever you wanna call it, on Dunegrass project as a whole, around the perimeter. And as Tom said, that, that buffer does vary. It varies from a 100 feet to 50 feet. And in the case of, Sandy Meadows or La Costa Pine, the reason that buffer is reduced is because the applicant had to go back and amend that DEP order, not amend the plan because it doesn't specifically state that on the plan.

They had to amend the order in order to get that buffer reduced. So with your question, the, the setback for that particular district, it varies a little. And why it varies is the distance varies depending on the height of the structure. So if you're looking at a two story structure, the height, the setback, I believe, is 35 feet. So the common setback in the PMUD district, since

1 most of the structures are, 2 stories or higher, is is 35 feet. I believe that's, that's correct,
2 Mike?

3
4 Mike: Yeah. So it's specific to projects with sewer and of a certain size, but it's 25 feet plus 10
5 feet for every building story over one story.

6
7 Robin: So what did they have to do for 100 foot setback?

8
9 David Walker: Quite honestly, I think whoever they spoke to, back in, it was before my time,
10 could have advised him in a better way.

11
12 Robin: No. But I mean...

13
14 David Walker: That's, that's exactly who I'm.

15
16 Robin: Okay.

17
18 David Walker: It's the...

19
20 Robin: Your house.

21
22 David Walker: It's the DEP order.

23
24 Mike: I think there's two different parts, which kinda makes it a little confusing as you have
25 the DEP setback and then the setback that the planning board decided and approved. And as
26 with other amendments that the planning board makes, you can reduce those setbacks as
27 long as they meet the district standards, just like you do with any other amendment, but I
28 don't think you can do that without getting permission to reduce that from DEP.

29
30 David Walker: Is that our responsibility or is that the ZBA's responsibility?

31
32 Mike: I think it would be the applicant's responsibility.

33
34 David Walker: Yeah.

35
36 Robin: Question. However, they didn't go through they did need the DEP permit, the single
37 house that has a 100 foot setback that was a town approved requirement.

38
39 David Walker: Right, you know, I, I really don't know the details of, how they were advised
40 and what happened at the time that it was permitted. So I, I don't feel comfortable
41 commenting any further but...
42

1 Robin: I have a question. Did, did the lowest setback get approved by DEP?

2
3 David Walker: Did I'm sorry?

4
5 Robin: Did the lower amount of the setback get approved by DEP?

6
7 David Walker: Yes.

8
9 Robin: It, it, it has been.

10
11 David Walker: For the...

12
13 Robin: Through this process or way back?

14
15 Mike: Of previous proposals.

16
17 David Walker: Yeah.

18
19 Robin: However, when, the DEP approves something, it's always the stronger requirement
20 what always called right for the DEP, so if the town has a requirement that is a 100 foot, then
21 it needs to be a 100 feet of setback.

22
23 David Walker: And it's the town's requirement for that district at 35.

24
25 Robin: That's the town's requirement.

26
27 David Walker: Yeah. So the, the, La Costa was amended through DEP, to, was it 45, 45 or 35?

28
29 Mike: I believe 35.

30
31 David Walker: So you're you're right. They, they couldn't reduce it any further than what the
32 town requires.

33
34 Mike: I think it was a 35 foot setback, and then the structures are two stories, so they put in
35 a 45 foot setback. I'd have to go back and check the plan, though.

36
37 David Walker: Any other comments? All right. We kicked that can around for a long time. All
38 right. So, motion to table. Okay. Motion by chair, second by Robin. It's unanimous. So we'll
39 see you next month, Dominic. Thank you for, for your comments. Okay, buddy, yep.

40
41 Dominic: Thank you.

42

1 David Walker. All right. Thank you for waiting everybody. Item number 7, proposal conditional
2 use, shoreland nonconformity, remove, redill 30% expansion, single family dwelling. Action
3 determination of completeness, schedule a public hearing. Doyle Enterprises is the applicant.
4 The location is 9 Randall Ave. If you remember, we had this previously MBL 324-13-1, R3
5 zoning, 3RA and HAT.

6
7 Jeffrey: Okay. 9 Randall Ave. As our chair said, we did have this previously. It's removal,
8 rebuild, and 30% expansion of a non-conforming structure in the shoreland zone. Back in
9 May, the planning board reviewed this proposal. At that time, the board found that one of the
10 non-shoreland zone setbacks was being encroached upon. So, we provided some options to
11 Diane, who, chose the, zoning board of appeals route, and she had a successful appeal. The
12 appeal was granted, and she was able to reduce that setback. So Diane is now back to us with,
13 with the same proposal that we saw today, but with that setback blessed that setback's okay.
14 There were a couple of other comments that we had during the May meeting. Diane
15 addressed those comments, in her, her submission. We're completely satisfied with this
16 proposal and recommend the board, determine complete and schedule a public hearing. I
17 think it's, for the 9th November. Getting on to, I know Robin mentioned this sitewalk for the
18 last shoreland zone proposal we discussed tonight the board shows at it was either our April
19 or May meeting to not hold a sidewalk for this one.

20
21 That's why that's not on this agenda. You certainly still you certainly still can, but, it won't
22 interfere with the timing with this proposal. It's, it's pretty straightforward setback resolved
23 it's pretty straightforward.

24
25 David Walker: Thank you, Jeffrey.

26
27 Jeffrey: Uh-huh.

28
29 David Walker: Any comments from the board? Any comments from Ms. Doyle?

30
31 Doyle: [Indiscernible] [00:58:23].

32
33 David Walker: Okay. Thanks. Yep. All right. I'm hearing nothing. Do we have a motion?

34
35 Jeffrey: I would like to make a motion to determine the Doyle Enterprises preliminary plan
36 application proposing a teardown, new construction, and 30% expansion of a nonconforming
37 structure in the shoreland zone located at 9 Randall Avenue, MBL 324-13-1 as complete.

38
39 David Walker: Motion by second Vice Chair Hitchcock, second by Wynn Winch. Wanna call
40 for the vote, Jeffrey?

41
42 Jeffrey: Sure. Ms. Dube?

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Dube: Yes.

Jeffrey: Mr. Mr. Winch?

Winch: Yes. Sorry. Ms. Hubert?

Huber: Yes.

Jeffrey: Vice Chair Hitchcock?

Hitchcock: Yes.

Jeffrey: And Chair Walker?

David Walker: Yes. That motion carries 5-0. Thank you, everybody. And the public will be notified and have an opportunity to speak November 9th at our next meeting. Item number 8, proposal conditional use, shoreland, nonconformity, remove, rebuild 30% expansion, single family dwelling. Action determination of completeness, schedule a sidewalk, schedule public hearing. The applicant is David and Vicki Keane [ph]. The location is 14 Colby Ave, MBL 321-3-1, zoning in the R3, RA and the HAT District.

Jeffrey: Okay. This proposal, another remove, rebuild, and, expansion of a single-family structure at 14 Colby. Proposal is, is similar to other proposals, shoreland zoning proposals we see in Ocean Park, but the one thing in particular that I'd like to mention with this is, they are actually building within this the existing building's footprint often, we see yeah, often we see maybe a little bit of an expansion outside of the footprint. We always see a vertical expansion, but we often see a horizontal expansion too. But in this case, it's directly inside the building footprint, which makes our review, a bit, a bit easier. And as with all non-conforming structures in the shoreland zone, there's, the, four or five criteria that we typically look at is the, ensuring that the conditional use criteria and the shoreland zoning, conditions are met, that the structure is relocated, to the greatest practical extent from the HAT, that the proposed structure is not becoming, not becoming any more nonconforming, and the expansion is at the 30% volume in square footage and if you look at this lot, you look at the applicants did a nice job with their submission.

If you look at this lot, like in real life, and you look at the plan, you see this, the building really can't go anywhere else in its existing footprint. If it goes anywhere else, it becomes more non-conforming in some manner. So, in addition to town ordinance requirements, DEP and floodplain permits will be required. The applicant is actively, pursuing, compliance with both of those permits. In fact, they're they've done a very good job with their flood plain permit, and, I know they've submitted to, to DEP. And I, I expect if DEP is not approved, it's they're

1 well on their way to approve so no issues with this. It's a nice job. I recommend a
2 determination of completeness, and a public hearing for the 9th of November. You can
3 choose a sidewalk if you want to or drive there separately, entirely up to, to you.

4
5 David Walker: Alright. Thank you, Jeffrey. Yep. Any, comments from the board? Any comments
6 from Mr. and Mrs. Kelley?

7
8 Kelley: Thank you. I just wanna make one comment, and that is I really appreciate your
9 sensitivity to maintaining the architectural integrity of Ocean Park. There have been some
10 places built that are more like boxes. We've in our proposal and, and then talking to our
11 architect, who tried to be very sensitive to that I think it was such as a prominent occasion
12 and I would love to see an architectural review with some sort to, to support your comments.
13 So thank you all very much.

14
15 Robin: Thank you.

16
17 David Walker: So the applicant is well under the, the required, the allowable square footage...

18
19 Robin: I make a motion to determine David [Indiscernible] [01:03:45]] application proposing
20 a new construction in third extent expansion [Indiscernible] [01:03:55]] located at 14 Colley
21 Ave, MBL 321-3-1 as complete.

22
23 David Walker: Motion...

24
25 Robin: Second.

26
27 David Walker: Motion by Robin, second by Marianne Wanna call for the vote, Jeffrey?

28
29 Jeffrey: Sure. Ms. Ms. Dube?

30
31 Dube: Yes.

32
33 Jeffrey: Ms. Hubert?

34
35 Hubert: Yes.

36
37 Jeffrey: Mr.. Winch?

38
39 Winch: Yes.

40
41 Jeffrey: Vice Chair Hitchcock?

1 Hitchcock: Yes.

2

3 Jeffrey: And Chair Walker?

4

5 David Walker: Yes. That motion carries 5-0. Now does the board wanna do a site walk? This
6 is, this location is right opposite the post office down in Ocean Park. You wanna go on your
7 own, or you wanna have a group meeting?

8

9 Robin: No, I can do the same.

10

11 David Walker: Okay. I live there, and he's at the post office every day. So, so...

12

13 Mike: Could find my way.

14

15 David Walker: Okay. So that's good. All right. So we'll have a, public hearing on 9th. No
16 sidewalk necessary, just on the way by kind of thing. So great. So we'll see you next month.
17 Yeah. All right. Item number 9, proposal, conditional use, shoreland zone, shoreland
18 nonconformity. Remove, rebuild, 30% expansion, single family dwelling, action
19 determination of completeness, Schedule a sidewalk. Schedule a public hearing. Applicant is
20 Peter Anania [ph]. Is that correct, Junior. Location is 404 Colby Ave, MBL 320-2-9, zoning in
21 the R3, RA in HAT District.

22

23 Michael: This may sound similar, but I swear it's a different proposal. We just have a few
24 shoreline zoning proposals tonight. So this is a new proposal to remove, rebuild, and expand
25 a single family dwelling at 44 Colby. There was significant fire damage to the structure in
26 June 2023. The applicant purchased the property at the end of August, and this is before the
27 planning board so they can rebuild and expand the structure. This is reviewed through
28 conditional use review because this is a proposed rebuild expansion within a 100 feet of the
29 highest annual tide. And as with other non-conforming, structure shoreland zone proposals,
30 this needs to meet the, Section 78-34 shoreland zone conditions, Section 781240 conditional
31 use standards. Remove and replace structures must be relocated from the HAT or wetland
32 areas, which have a 100 foot setback to the greatest practical extent, and the proposal cannot
33 increase the nonconformity of the structure. And structure expansion since, January 1989
34 doesn't exceed 30% expansion in floor area or volume.

35

36 As far as responses to conditions, we have responses to the conditional use standards. It
37 looks like we still need the responses to the shoreland zone conditions. Regarding the
38 relocation from the HAT to the greatest practical extent, this requires replacement
39 foundation structures to be set back, from the HAT to the greatest practical extent, and the
40 submitted plan does show the HAT location towards the northern portion or rear of the lot
41 and along the western side. So if you looked at the GIS image I had in your packets in the
42 memo, it looks like there's a lot of room to move the structure either back or to the side, but

1 when you consider, that HAT setback or other nonconformities, it really can't be relocated.
2 And the, the existing structure is located to the front lot line, and the plans appear to show
3 it encroaching into the right of way.

4
5 And the proposed structure will essentially be within the same footprint, except it appears
6 to be located outside of the row. And as far as not increasing the nonconformity of the
7 structure, you know, moving closer to the HAT encroaching further into a non-shoreline
8 setback, like side, front, or rear setbacks, or increasing the volume or floor area greater than
9 30%. As far as HAT setback to the rear structure, we just ask that they, show the setback for
10 those rear corners for both existing and proposed to ensure it's not being moved any closer
11 to the HAT. And then regarding, the non-shoreland district setbacks, our three districts, 20
12 front and rear and 15 side, currently, the existing structure is nonconforming because it's
13 within that front setback. So the existing and proposed front side and rear structure setbacks
14 should just be included on the plan to verify it's not being made nonconforming.

15
16 And then regarding the 30% square footage and volume expansion, it's shown to be under
17 the square footage maximum allowed and under the volume max allowed. And there are, I
18 highlighted the calculations they provided or, full numbers they provided that was in the
19 plans. And they did update some original application material, so you may have seen some
20 extra pages and in the cover letter and that was just because, they had a number wrong that
21 they wanted to correct. And then only a total floor area for the existing structure was
22 provided, so we just ask that they provide a better breakdown for the existing structure floor
23 area to ensure that it doesn't exceed that 30%. And there's just a, a calculation on sheet a 1.2
24 that showed a break down for each floor, and that just needs to be adjusted to match the total
25 in the cover letter.

26
27 And then there was one question or comment about the driveway. There's two driveways on
28 each side of the structure that they're planning to reconstruct, and then the proposal shows
29 a new area of paved driveway in front of the garage. It looks like there's less than five feet
30 provided between the front of garage opening and the end of the right-of-way. Typically, we
31 require more distance for parking, but with those other driveways, I don't anticipate it being
32 an issue, but as far as the driveway length, it's determined by the code officer in public works.
33 And, just the other note is I don't in looking at the plans, it wasn't, I wasn't sure if it exceeded
34 the 24 foot driveway width. And the only other item is the flood hazard development permit.
35 It's in the regulated flood plain, will require flood hazard development. They've been
36 discussing requirements with the code officer and securing that permit should just be a
37 condition of final approval when we get there. So based on submitted plans, it appears it'll
38 essentially be in the same footprint.

39
40 Calculations that were submitted shows it doesn't exceed 30% in floor area or volume. So
41 even though there are some additional details needed, we recommend, determining it
42 complete.

1
2 Robin: Uh-huh.
3
4 David Walker: Thank you, Michael. I'm actually familiar with this property and before the fire,
5 this home needed some love. So I'm glad that, we have a developer who's looking after that
6 now. Just make sure that you follow what was recommended here. You still need responses
7 to the shoreline zone conditions. Any other comments by board members?
8
9 Robin: What's the height of this building?
10
11 David Walker: So this is actually a thousand yards from the, the one Vicki came when we
12 heard previously down the same road...
13
14 Jeffrey: Same side.
15
16 David Walker: Same side. You could drive by both and see both, and then make a scoop around
17 to Randall and look at Diane Doyle's too if you wanted to. They're all within a quarter of a mile
18 of each other. So, it's easy to do so hearing no comments here. Oh, yeah.
19
20 Robin: What is the height of this?
21
22 David Walker: 32/6 I think, is what I saw. 30, 32/6, right? Yep.
23
24 Robin: And it's what the required [Indiscernible] [01:12:54]]...
25
26 David Walker: 35 is a, is high install house.
27
28 Robin: Now, what's, how many are the buildings next to you? Are you gonna do shadow or
29 noble?
30
31 David Walker: I'm sorry, Jason Haskell with VM Roman Consulting Engineers, I hope now
32 that's DN Engineers on their proposal. The existing structure is not much less than what
33 we're proposing. It's I think it's somewhere around 30 feet.
34
35 Robin: I am so curious as to I, I see it's a big box so.
36
37 David Walker: Yes. But, yeah, we're, we're trying to, you know, keep with the character of the
38 neighborhood, but at the same time, trying to keep with the existing size of the structure. It's
39 a, you know, it's a, a relatively tall structure. It has, its has, you know, a fairly tall...
40
41 Robin: Base siding is what helps an area.
42

1 David Walker: Perfect. When I looked at the plans, I didn't see utility, room. Is that gonna be
2 on the ground level, or is that gonna be up above for one or two?
3

4 Jeffrey: It'll be on the ground level.
5

6 David Walker: On what?
7

8 Jeffrey: Ground level.
9

10 David Walker: Ground level.
11

12 Jeffrey: Yeah.
13

14 David Walker: Okay. There's also, a couple of rooms on the backside on the ground. What was
15 that?
16

17 Jeffrey: Engineer not the architect.
18

19 David Walker: I'm pretty...
20

21 Jeffrey: Oh, I'll have to put that doesn't mean when we come back, I'll definitely...
22

23 David Walker. That's fine. I'm pretty sure it is. I went over it today...
24

25 Jeffrey: Yeah.
26

27 David Walker: Pretty in-depth. So has a contract been assigned yet?
28

29 Jeffrey: Not yet.
30

31 David Walker: Not yet?
32

33 Jeffrey: Yes.
34

35 David Walker: Yes.
36

37 [Indiscernible [01:14:30]].
38

39 David Walker: Who did you pick?
40

41 Michael: So I'm a developer, myself and a real estate investor.
42

1 David Walker: Yeah.

2
3 Michael: So I'm building, well, this, my, my wife and I, we, we live up in Yarmouth. I don't know
4 if you have Tommy Tuohy. We stayed in his cottage for a couple of years, just fell in love with
5 Ocean Park. Just talk about getting a place there and knowing how hard it is.

6
7 David Walker: Uh-huh.

8
9 Michael: Saw an opportunity with this, building called the estate. It's obviously an eyesore for
10 the neighborhood, and they had a...

11
12 David Walker: So is this gonna be your, your residence?

13
14 Michael: Yes. It's gonna be our vacation.

15
16 David Walker: Oh, it's beautiful. Wait till you look out in the fall at that, Marsh behind you it's
17 just a magnificent location. It really is.

18
19 Michael: Yeah. No. We're excited, and I'm hoping, you know, it is a eyesore for the
20 neighborhood, and I...

21
22 David Walker: You're fixing it. You're fixing it. Don't worry about it.

23
24 Michael: Well, currently, I, I just I'm not great with having a fire damage structure on the
25 property. So, you know, I'm hoping that, you know, Mike's been great to work with and Jay
26 and Mike work together, and, you know, this is approved. As soon as it's approved, we're
27 gonna be knocking it down to get rid of this for the neighbourhood so.

28
29 David Walker: Well, welcome to the park. We're glad to have you.

30
31 Michael: Yeah.

32
33 David Walker: Okay.

34
35 Robin: [Indiscrnable [01:15:56]] loved it.

36
37 David Walker: All right. We're really looking for it to kinda be the place that, we can invite
38 family members, and we got a big family that can they can stay, you know, a lot of colleges in
39 Ocean Park are, are rented, so we, we may rent it, but, you know, we're really looking to keep
40 it for, for the summer ourselves. Licenses are \$500 just so you know. Okay. Any motions?

41
42 Jeffrey: I would make one.

1
2 David Walker: Go ahead.

3
4 Jeffrey: I make a motion to derp determine the preliminary plan application proposing a tear
5 down, new construction, and 30% expansion of a nonconforming structure in the shoreland
6 zone located at 44 Colby Avenue, MBL 320-2-9, zoning R3, shoreland zoning, HAT/ RA as
7 complete. Subject to the following. 1. Responses to Section 78-34E shortland zone conditions.
8 2. Setback to existing/proposed rear structure corners. 3. Existing and proposed front side
9 and rear structure setbacks from lot lines. 4. Additional details on each floor for the existing
10 structure floor area/volume calculations. And 5 update proposed floor areas on sheet a 1 dot
11 2 to match the total floor area of proposed structure listed in the narrative.

12
13 David Walker: Motion by Chris Hitchcock. 2nd, 2nd by Wynn Winch. Call to the vote, Jeffrey,
14 please.

15
16 Jeffrey: Ms. Dube?

17
18 Dube: Yes.

19
20 Jeffrey: Mr. Winch?

21
22 Winch: Yes.

23
24 Jeffrey: Ms. Hubert?

25
26 Hubert: Yes.

27
28 Jeffrey: Vice Chair Hitchcock?

29
30 Hitchcock: Yes.

31
32 Jeffrey: And Chair Walker?

33
34 David Walker: Yes. And motion carries 5-0. Did we, there'll be a public hearing November 9th,
35 Jeffrey?

36
37 Jeffrey: November 9th, yes.

38
39 David Walker: Yep. And is there gonna be a drive by guys or is there gonna be a hold?

40
41 Robin: [Indiscernible [01:18:09]] drive by.
42

1 David Walker: Drive by. Okay. All right.

2
3 Robin: [Indiscernible [01:12:00]]

4
5 David Walker: Yeah, no. Great. Good job. Thank you. All right. Any other business tonight?

6
7 Michael: Com plans resuming their work as Wynn Winch, your planning board member
8 representing the comp plan committee is aware.

9
10 David Walker: Wait a minute. He took off his earphones. Put your earphones please.

11
12 Winch: I was doing it all this way.

13
14 David Walker: Really?

15
16 Winch: I'm, I'm debating whether the girl will be, you know, file a complaint with the state.
17 I've had 2 or 3 perfect meetings. Tonight was hell.

18
19 David Walker: You couldn't...

20
21 Winch: I had to really fight to hear everybody.

22
23 Robin: [Indiscernible [01:18:51]]

24
25 Winch: And the manly thing is, you know, two years ago, we had a perfect system here.

26
27 David Walker: Uh-huh.

28
29 Winch: For some reason, they changed it.

30
31 Robin: It, it seems like it, it wasn't, they won't nobody was...

32
33 Winch: It's awful. It was awful tonight, Jeff.

34
35 Jeffrey: You know, when, I was having a difficult time hearing tonight too. I don't know if it's
36 the acoustics or, or what, but it was, it was tough for me to hear too.

37
38 Robin: Yeah. I think that's maybe it wasn't working so well.

39
40 Jeffrey: Yeah.

41
42 Winch: It wasn't working.

1
2 Robin: Yeah.

3
4 Winch: It looked like it was before, but it wasn't. That loud squeed you hear was when I tried
5 to plug in.

6
7 Robin: But the headphones can't be dead.

8
9 Winch: These things weren't coming through at all.

10
11 Jeffrey: We'll, we'll, we'll get that checked. We'll get that checked.

12
13 Winch: Yeah.

14
15 Jeffrey: Yeah.

16
17 Winch: Yeah.

18
19 Robin: Well, the chair, I do have one more question. But Jeffrey, where does 60 South Avenue
20 stand?

21
22 Jeffrey: Well, it was a, I could...

23
24 Robin: I've seen the council meeting. I've seen somebody come up and speak that nobody
25 should listen to a word that he says, but I won't put any names out there. Where was he the
26 whole time this was going through fro the last two years we had nothing to say now he is out
27 there...

28
29 Winch: Yeah. I don't know what she is talking about.

30
31 David Walker: So with 60 Saco Ave, the final vote, is scheduled for the second meeting in
32 November. The final council vote.

33
34 Robin: Right.

35
36 David Walker: Uh-huh.

37
38 Robin: And they've got everything they need now is the [Indiscernible [01:20:25]] still has
39 contract, does he or...

40
41 Jeffrey: Well, they might remand it back to us again. You never know.
42

1 Robin: I'm I'm just curious.
2
3 Jeffrey: Yeah.
4
5 Robin: Let him do it. Why and if he doesn't go through it, the next guy could buy it from him
6 or his broker and...
7
8 David Walker: I'm kinda missing my meetings with Tom. Good question. Anything else?
9
10 Robin: I will not be here in November.
11
12 David Walker: Oh, okay. So Marianne won't be here in November. We'll see you in December.
13 You're up?
14
15 Jeffrey: Yeah.
16
17 Marianne: Now you've got to read everything.
18
19 David Walker: All right. Any good and well here?
20
21 Jeffrey: Thank you.
22
23 David Walker: All right. Motion to adjourn.
24
25 Marianne: Motion to adjourn. Second...
26
27 David Walker: Motion by Robin, second by Chris. You two are doing all emotion stuff. Thank
28 you. Yeah. All right. That's unanimous. Jeffrey, Michael, thank you for your hard work.
29
30 Jeffrey: Thank you.
31
32 David Walker: It's always appreciated.
33
34 Meeting adjourned at 7:54 pm
35

36
37 I attest the above are minutes approved by the Planning Board on 9 May 2024

38
39
40 Jeffrey Hinderliter, Town Planner
41