

David Walker: Thank you. Didn't have to ask anybody to take their hats off, did I? Interesting enough, the staff will not be here tonight. So, I'll be running the staff portion of the meeting as well as the board portion. So, I just ask that you be patient with me because this will be the first time I've done that. First thing on the agenda is a roll call. So, Marianne Hubert?

Marianne Hubert: Present.

David Walker: Winch?

Winthrop Winch: Here.

David Walker: Robin?

Robin Dube: Here.

David Walker: Chris.

Chris Hitchcock: Here.

David Walker: And Dave Walker is here. So that's for the record.

Chris Hitchcock: And Jay. I know Kell and Jay.

David Walker: Kell and Jay is a *[indiscernible]* [00:00:52].

Jay Kelley: Here.

David Walker: Kelley?

Jay Kelley: I'm here.

David Walker: All right. So that'll be it. As I said, there'll be a lot of mistakes tonight.

Chris Hitchcock: We're starting early.

David Walker: Yeah. All right. There were two minutes that were in your packets. If there are any corrections, I'll entertain them. Otherwise, a motion to....

Marianne Hubert: Motion to approve the minutes.

Chris Hitchcock: Second.

David Walker: Motion by Marianne, second by Chris. We'll vote on that. Marianne?

Marianne Hubert: Yes.

David Walker: Winch?

Winthrop Winch: Yes.

David Walker: Robin?

Robin Dube: Yes.

David Walker: Chris?

Chris Hitchcock: Yes.

David Walker: And Dave Walker, yes. That motion is carried 5-0. All right. On to regular business. Item number 1. Proposal: Site Plan/Conditional Use: Establishment of a new 100 site RV campground (2 Phases). Action: Preliminary Plan Review; Determination of Completeness; Schedule Public Hearing. Applicant: The applicant is Tammy Ahearn & Archie St. Hilaire. Location: The location is Portland Ave. , MBL: 101-1-1 & 101-2-8; Zoning: Rural district.

Well, last week we conducted a site walk and it was quite interesting, and for board members that were unable to make it, the property is a beautiful piece of property. So, I was glad to get that done. Now, I will review what our planning staff has submitted, and we'll start with – the applicant had submitted for the December meeting information that was requested to determine the application complete as well as an updated overall site plan. Below are the comments for the submissions as well as a few miscellaneous comments. Site plan application page 3, number 11. Site lighting is not proposed. If it is, please complete based on responses to ordinance standards. It appears lighting is proposed. It was nothing on the plans.

Page 4, number 12, it's recommended that the applicant describe storage method as I assume something like landscape materials will be stored on the maintenance property. It's recommended that the applicant provide a response of off premises noise. Will activities associated with maintenance building generate noise? Will there be noise from the residents? On page 5 of the site plan application number 14, 9 the design review boxes check. Design review is not required. So that's correction that can be made. Page 516, number 16, any parking for visitors? Assume all spaces are reserved for residences, and then on the conditional use application, page 3, number 8, the use will generate zero noise? Page 3, number 10 width of entry/exits please be sure to response to this standard? The one similar to it is the site plan app. Are they the same? Page 4, number 13. And you guys should've got all of this from Jeffrey.

So page 4, number 13, any conversations with Maine Water, any idea about the water pressure and the chief talked a little bit, to the engineer about that while we're out there last week. He really wants you to do a flow. He just doesn't want pressure. He wants a flow from that hydrant that's already there. Number 516, again, oh, wait a minute, hold

on a minute. Conditional use. In this, is signage proposed? The applicant does not identify proposed sign, but the responses to the review standards indicate signage is proposed. So, we need more clarification on the signage. Section 78-965(d), applicant indicates project is designed to comply with lighting standards, again, on the lighting, but does not include lighting in the application packet or the plans. Lighting must be included in both if proposed. B, the applicant indicates signage will be limited to the development and way finding sign. A stop sign is shown in the plan set, but no other signs are identified in the application packet and plans. Please include sign locations and design on the plan. Item e is, recommended inclusion of, on the notes and ledge plan and overall site plan indicating the 30-foot set deck also serves as an undisturbed buffer. Also recommended response specifically on the notes, the 30-foot buffer location, and that must remain undisturbed.

Section 78-1229 campground overlay standards. Recommends the inclusion of an honor notes, ledging plan and overall site indicating 30-foot set deck also serves as an undisturbed buffer. I already discussed that, but that's also on the section 78-1229. Also, applicant, there's another reference to the signage. Also, lighting standards, a reference to the lighting standards.

On section 78-216, site plan criteria for approval, the applicant provides responses to each standard, but it is hoped that they provide more explanations on how each standard is met. For example, the criteria for approval number 7 requires that a project will not produce noise, odors, or dust that adversely impact the quality of life, character, or the stability of the property values and the surrounding parcels. The applicant's response was the proposed project will not result in noise, odor, etcetera that will result in adverse impact on the quality of life of the surrounding properties. Please see the plan set. When the plan set was reviewed, we did not see any – it is not explained how the proposal will not adversely impact quality of life, stability of the property values, the surrounding parcels. The plan just shows that the development is taking place on a subject property and leaves it to the board to assume noise, odors etcetera, produced by the project. I bring this up because responses to criteria are critical to increase chances of approval. It takes a negative finding on only one criteria to deny an entire project. So, it looks like you still have some more work to do with the planning office on these.

Conditional use standards similar to the comments associated with 78-16, site plan criteria. The applicant does not provide responses to each, but with the information to demonstrate the compliance. There is a response, but we need to know how you're going to comply. And then he gives another example here, but you should have that if you've got his memo.

Overall, the site plan, update changes road names to comply with the assessing request. There are no other changes. Miscellaneous comments: Water pressure, we talked about that. Curbside for each campsite water review. Also, based on review, utility plan sheets found proposal for fire hydrant within the campground November submission. I expect the fire department will comment on that. I actually a chief did comment when we were

out there because he's satisfied with one on the property as well as the one that's off existing, but he is concerned about flow pressure.

Road profiles are not required for a site plan and conditionally use proposals, but you may want to consider including them with the plan set. Wright Pierce performed peer review, which is included in the December package for the board. He recommends the applicant address the comments as the board depends on Wright Pierce for engineering matters. If the applicant rep would like to meet with Wright Pierce, Jeffrey's office, the planning office will schedule or arrange for that for you. Okay?

Thoughts on contributing to access from Portland Ave to the eastern trail. Don't know what that is, got any ideas?

Chris Hitchcock: Wasn't there a – I think his idea was – its close by, so it'd be nice if access to it was facilitated by the applicant.

David Walker: Yeah. It's behind the maintenance building. If you're going to have access, it's going to be behind the maintenance building. So, I don't know if you can connect over there, but he wants you to take a look at that if you can, which would be a nice opportunity for the campground to use that drill.

Chris Hitchcock: Yeah.

David Walker: Let me get back to where I was. DE permitting status. The proposal requires a DEP site location permit. If the applicant's December submission – in the submission, you'll see a letter from the DEP, which states they expect to issue a design by July 2025. That seems like a long way out. Another comment was that staff likes the trees on Portland Ave, but they want to make sure that they do not interfere with sidelines for vehicles entrance, and exits. And then lastly the applicant's responses reference plan sets, which can be found in the applicant's November meeting submission that's for us. So, the recommendation was that, the board should wait for all these requirements to be met before determining the application to be complete. Thereby, it is recommended that we table it for this month until you can get back with Wright Pierce, answer those comments as well as the ones that came from planning staff. I don't know if anybody from the board had –anybody else has any comments or concerns at this time? No. No.

Chris Hitchcock: Not in addition to this, this seemed like a pretty long list.

David Walker: Yeah. Thanks. All right. Anybody want to make a motion? Does the applicant wish to speak? Bill?

Bill Thompson: *[Inaudible]* [00:12:47].

David Walker: Okay. Great. Take the pressure off.

Bill Thompson: Okay. I'm Bill Thompson here for Tammy Ahearn & Archie St. Hilaire helping them navigate through the permits that are both local and the state. And Matt, is here. Matt Orr from Sebago Technics. They're the engineers on the project, and I'm, just here to help guide things along. We've had a sketch plan. I'm just getting a little history, just a couple of things of what we've done, where we've been. We did a sketch plan in February-March. We tried to have a meeting last month, but there was some technical problems with the audio visual. So we couldn't move that forward.

As you've read in Jeffrey's summary and Wright Pierce, there are some things that need a little more detail if you will. We've followed through the campground ordinances, conditional use, application, and site plan. I think we've got a pretty complete response, but there's always an opportunity to embellish a little bit more, a little more detail. As you know, 100 sites, these are a little bit bigger. These are like 25% larger than what's required at 50-feet of frontage. We're trying to make it a little less crowded, if you will. A little more room to move around. There was some talk about the maintenance building. It's a location on the westerly side of Portland. It'll have some off-site parking. Probably, we will only see a pickup truck and maybe a one ton truck for maybe bringing bark mulch over for general upgrade or maintenance to the sites. Any lawn mowing operation equipment like that will all be kept on the park site. So there won't be a lot of, you know, slow traffic.

I guess Jeffrey had a little bit of a concern with slow traffic coming down Portland Avenue. But as you know, it's great sight distance, straight road. We've had a traffic analysis done. There's no issues with the traffic and moving and creating any issues. On-site traffic, these park models don't come and go as maybe a conventional campground with their pop up trailers and tag behind units. These are brought in a lot, user, if you will owns it, is put on a lot, and then they pay a fee for utilities and the operation of the site, which includes a clubhouse and other things. So they don't come and go. The only thing you see is the owner with their vehicle car, pickup truck, SUV, or whatever. So, the design of the road with big radiuses on the corners, there won't be any issues with being able to get around when they do bring a unit in. Usually, the units stay 10 or 20 years unless somebody moves out, sells it or whatever. We do have the two entrances. The entrance coming in is a split entrance. The exit going out is a single and they will be a key card operated to, you know, to keep the site from generating somebody we don't want in there.

Again, the approval we're going to be looking for is for the complete 100 units, but construction most likely will take place in two phases. Obviously, that's all dependent on sales and how that moves forward. We did have a site walk as Dave said. So that is off the checklist. And on Jeffrey's, three items there, on his initial memo traffic, we just talked about that. It shouldn't be any issues and I think Jeffrey concurs with that. Septic, they are individual septic systems, one system for two units. So, there'd be 50 systems. The soil work that's been done to date indicates the soils consistently will support a septic system for the intended use. Those designs will be done at the time of construction, of getting the sites ready, for a unit to be put on there. So, the design of each one will go before the code office to be get it permanent.

Speaker 2: Bill?

Bill Thompson: Yeah.

Speaker 2: I think it was on Wright Pierce. There was a question about whether or not a septic system was going to be provided for the pool area?

Bill Thompson: I'm not sure what the pool design as far as the clubhouse.

David Walker: Yeah.

Bill Thompson: Yeah. That will probably have bathroom facilities. So they would be. And there'll be one design for the maintenance building also. Yeah.

David Walker: It didn't indicate that. So, it's something to look at.

Bill Thompson: Yep. Yep. We'll make sure we get that put on.

David Walker: And they also they also mentioned, some areas that were real low, may need some backfill. Talking about 10 inches or something. I don't quite recall about it, but some of those septic systems might be a little bit low given the water table.

Bill Thompson: Yeah. I mean, the whole design of a septic system is based on where is groundwater in the modeling.

David Walker: Right.

Bill Thompson: And then you have to have a certain separation to the bottom of your bed and then built up. So there could be some, obviously, it's a varying grades, if you will. Fairly flat heading to the east is a flat grade, but there's still and there are some depressions. So, the overall grading plan will show you how we need to grade it to get the stormwater to where we want to go. As you know, we have porous pavement proposed, which will be an infiltration for stormwater, which Matt can explain when he comes up in a minute. But we need to do some grading to get the stormwater to go to the points that we're designing and, at the easterly side of the site. So there'll be, yeah, with the septic systems and the sites graded, there'll be some earth moving out there. We are, as you said, per the ordinance 30-foot setback, which will have no RV units, no structures, nothing above grade. There'll be some incidental grading that'll need to happen to get the stormwater to where we need it to go, where DEP will be approving the stormwater design.

David Walker: I think there was a recommendation to change the flow in one of those.

Bill Thompson: Well, we're going to try to pull the grading in a little bit.

David Walker: Yep.

Bill Thompson: But, there are going to be some incidental grading, like I said. It'll be put back into a vegetated cover. DEP has asked and shown on the plans that it'll be planted in a meadow seed mix and can only be mowed twice a year. So it'll be, you know, it'll be pretty significant, stable, and that's what's going to be, will come out of the DEP permit.

Some of the other issues that you brought up, site lighting, yes, there'll be site lighting. We have a photometric plan being worked on for the entire site. The storage, like I said, at the building will be some, maybe some landscape materials, not a lot. There's always a question about what kind of noise are we going to be generating well. It's a pretty passive use, if you will. There's not going to be campfires and, it's mostly retired people, couples that have these as their second home. And obviously, for the winter they're gone. So noise, we've never seen an issue. I think the history of these parks and Seacoast RV is used as an example a lot that we did the design on that. I don't think there's been very few police calls or issues.

David Walker: Yeah. I don't think that was the concern.

Bill Thompson: With the noise.

David Walker: The concern was just that it gets delineated on the plan set.

Bill Thompson: Yep. We'll have public water as the plan shows. Maine Water will be engaged in coming up with the approval, if you will, based on the flow test and what we're proposing for our needs and the water pressure and so forth. So that plan will be going to them. Signage, on back on the water we have three hydrants proposed on the site plan for location to cover the requirements. I believe that was the requirements of the fire chief. And they're going to take another look at it to see that we've got coverage and the separation distance between hydrants is not exceeding what they're going to require.

One item that didn't come up that I'm just going to – in case it gets kicked at the next comment level is power. It'll be underground power with transformers located by Central Maine Power. We always submit a logical plan of where we think they are based on history of each transformer can supply so many units. And then CMP comes back with their construction plans that we want them here, here, here, and here. So that'll be part of the approval by CMP. So when we get the plan a little further along, we'll send it to them. They'll set up a contract with Tammy and, that review will be done.

Stop sign we show on coming out onto Portland Avenue. As Jeffrey said, maybe we could expand on some of our responses to the statements. But sometimes there's really not much to say, and we don't like to just ramble on if it's not required. But Jeffrey said, you know, in general, we've got things covered quite well with our responses. But we do need to, maybe embellish those a little bit more. And I said there were three hydrants on the plan. Street trees on Portland Avenue. If we have the two closest to the entrance, we could pull those back into the site further. So when you get queued in to turn left to right,

they're going to be deciduous trees. So they're not going to have necessarily low evergreen that would restrict the site. But we'll certainly make sure we have sight distance pulling in and out of the park.

And like I said, those trees could be pulled back, out of the right of way to give us a little more comfort there. And obviously, this landscaping on the entire site is a landscape plan that was submitted. And I think that will look really nice. So again, we've provided, we think, good information on the application for the site-plan approval/conditional use, and as I said, Jeffrey says, tighten up a few loose ends and, you know, we can move forward. So Wright Pierce's comments, we haven't looked at any significant response yet to those. None of the issues are real – they're certainly not a deal breaker. And, Matt's group will be looking at those, for our next submission to come back with would be Wright Pierce. So Jamie Wallace can continue that review. So what I'd like to do is just have Matt come up for a couple of minutes, and review the utilities. I mean, we've got on-site sewer, we've got water, we've got stormwater report, the DEP is going to be part of their review. So just to let you know what these utilities include and how they make the project.

David Walker: Okay. Bill. Thank you.

Bill Thompson: Okay. Thank you.

Matt Orr: Thanks, Bill. As I mentioned, my name is Matt Orr, civil engineer with Sebago Technics. For the utilities on-site, Bill did do a good job of covering a lot of those already, but I'll do a quick rehash. Water is public, and Maine Water does have a water main along the southern side of Portland Ave. So that's right across the property frontage. Electric is provided by CMP currently on overhead poles on, the opposite side of the road, so the northern side. And that'll enter into the property underground as Bill mentioned, through transformers and be fed to the individual units. There is no sewer within the vicinity of the project. So the on-site development will be treated through subsurface septic systems. Each of those, each system will handle two RV units. And then as mentioned, we'll get units added for the community building as well as the maintenance building.

And then looking at stormwater, that's probably the biggest utility component that's on the site. We did look at other kind of typical standard site features, like such as ponds and the like, but that was going to require a lot more fill to the site, you know, extending more wetland impacts, more vegetation clearing. So we reduced that by utilizing the roadways as porous pavement to provide the treatment and storage for stormwater. It's actually a great use for this application type as this is seasonal, so there won't be heavy traffic and needing to salt and sand those roadways during wintertime, as the facility will be closed, because that's the biggest maintenance requirement that comes out of porous pavement. Certainly DEP, you know, restricts the use of sands and salts on porous pavement. So, that's definitely a win-win situation in this case.

As far as stormwater goes, we are treating 95% of all created impervious areas on the site through the impervious or through the porous pavement, and, just under 82% of all developed areas. That's all, the grass and impervious surfaces combined. With that happy, as Bill mentioned, we did submit all materials to DEP. So that's currently under their review. And, yeah, their statutory deadline is, July of 2025, which is quite a ways out there, but they're backed up at the moment with a lot of projects and have certainly been taking their time on those items. But happy to answer any other questions as far as they might relate to utilities if anybody has any.

David Walker: Any questions?

Female Speaker: No.

David Walker: We appreciate your patience over last month's fiasco and, just ask that you have a very good plan so far, but if you just tighten up those things that staff has asked about and come back next month, I'm sure we could issue a complete set, a vote of completion file and scheduled public hearing, which would be, let's see February. And after the public hearing, if it's acceptable rule favorably on the plan. So, we're not too far away. We'll be well ahead of DEP in the July time frame.

Matt Orr: Absolutely.

David Walker: Yeah. Anybody else got anything? No? All right. Thank you, Matt. Anybody get a motion?

Robin Dube: I'll make a motion. I'll make a motion to table the germination of completeness for the site plan, the conditional use applications proposing a 100 site campground off Portland Avenue. Applicants: Tammy Ahearn & Archie St. Hilaire until the applicant has an opportunity to address and submit the items identified in the memo.

Chris Hitchcock: Second.

David Walker: Motion by Robin, second by Chris Hitchcock. We'll vote now. Marianne?

Marianne Hubert: Yes.

David Walker: Winch?

Winthrop Winch: Yes.

Robin Dube: Yes.

David Walker: Robin, yes.

Chris Hitchcock: Yes.

David Walker: Chris. And, yes, that carries 5-0. So we'll see you next month with a complete set. Okay? And thank you very much. Appreciate it.

Robin Dube: Merry Christmas.

Audience: Thank you.

David Walker: We'll see you next year. All right. Item 2. Proposal: Conditional Use/Shoreland Nonconformity: Remove, rebuild, 30% expansion single-family dwelling. Action: Determination of Completeness; Schedule Public Hearing; Site Walk Plan. Applicant: Diane Doyle. Location: 190 West Grand Ave, MBL: 323-15-1; Zoning: R3, RA & HAT. All right. Let's try this again. This proposal is to lift an existing single family home for the purpose of complying with recently adopted FEMA floodplain standards. These standards include an increase to the height of flooding events and homeowners want to meet the new heights requirement. The project also includes a garage in the space created and adjacent to the deck on Colby outside – on the Colby side of the property.

The proposed project is in the same footprint as the existing building. The reason this is before the planning board is because the proposal involves an expansion of a nonconforming structure in the shoreland zone. The structure is nonconforming because it's within a 100 feet of the highest annual tide. Replacement of foundations associated with nonconforming structures has a specific standings. "If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with section (A) above and the foundation does not cause the structure to be elevated by more than three additional feet as measured from the uphill side of the structure, from the original ground level to the bottom of the first floor sill it shall be considered to be an expansion of the structure. The proposed foundation will elevate the structure by more than three feet, five feet five inches according to the submissions. Therefore, it's considered an expansion of the structure.

Shoreland zoning conformance. As stated above, the structure on this property is within a 100 feet of the highest annual tag, which makes it nonconforming. Any removal, rebuilding, and expansion of nonconforming structures in the Shoreland zone must meet certain Shoreland zoning ordinance requirements, including a proposal that conforms to 78-34 standard conditions of any Shoreland zone. 2. Proposal conforms to section 78-1240 conditional use standards. 3. Removed and replaced structures must be relocated from the HAT and wetland, which have a 100 foot setback to the greatest extent possible. And 4. Proposal does not increase the nonconformity of the structure, eg, structure located closer to the water setback. 5. Structure expansion since January 1, 1989 does not exceed 30% expansion in floor area or volume. Regarding this proposal's conformance with each of the above, this is again from staff. Did you get this Diane?

Diane: I did.

David Walker: All right. So, I can just go over it quickly.

Diane: Okay.

David Walker: Okay. So there were some Shoreland zoning conditions and conditional use standards that needed to be met. Also, structures setback to the greatest extent, I think according to the plot plan, it is already as far away as possible. Proposal cannot increase the non-conformity of the structure. Five limited to 30%, but it's hard to tell what the plans we have, what the height and what the volume is in the building. So that needs to be addressed. So let's see.

The recommendation from staff is emission in the application I had to ignore, especially considering the emissions are related to submissions that are critical for planning board review of the application. The question is how can the planning board determine compliance with shoreline zone conditions if responses to the conditions aren't provided? How can the planning board determine structure meets 30% without the calculations, yada, yada, yada? Why is this important information? Because it is directly related to demonstrating conformance with Shoreland zoning standards. And remember, the standards are not solely created by OOB. They are DEP standards that the town is required by state law to enforce. The frustration that we have is that, you know, any delay is only punitive to the landowner, and it is not this board's intention to be punitive, but we do need that information in order to make an informed decision. So, that's, you know, that's pretty much all that staff had to say. There's some other notes on there that you can read. And if you have any questions, you can ask them at this time. Anybody?

Marianne Hubert: Yeah. I have a question.

David Walker: Yeah.

Marianne Hubert: In the letter, it say states that there was an expansion that occurred in 2006 already. You expended the facility, right? By 30%? So that needs to be already to be taken in consideration for the calculations as that expansion occurred. It's only a one time only 30% since 2000, I mean...

David Walker: '89.

Marianne Hubert: 1989.

David Walker: Yeah.

Marianne Hubert: Yes. So that needs...

David Walker: Yeah. You can come up to the podium, Diane, if you want. Board members this is Diane Doyle, the applicant.

Diane Doyle: I'm Diane Doyle. I am representing the Kirkjies who are here. So, their house, you probably saw it, it was on the front of the Portland Press Herald, because it

was hit by so much water in that area. That elevation, there is pretty much the lowest of all in Ocean Park, so all the water goes there. The water came up over four feet in that area. And the Kirkjies, and they had lifted the house to meet the FEMA flood code, which was nine plus one is 10. So they put a foundation underneath, which was less than three feet, which doesn't count as an expansion.

David Walker: Which doesn't count in the *[overlapping conversation]* [00:37:03].

Diane Doyle: Right. So they lifted it up to, nine plus one, its 10 and they actually lifted it a little bit higher than that, so it was just under 11. But in this last storm, the water came. There's a watermark underneath, and it came within, like, one and a half inches of hitting the next floor up. So the problem is that, you know, we've been known that the steam of flood is the height is going to change. We've known it for 10 years, and it was at 14. So we've been building everything to elevation 14, which is what it really should be. And what happened was then it was contested by – the height contested by Old Orchard Beach.

I'm not sure who did that, and so instead of raising the FEMA flood height being 14, they only lifted it from nine to elevation 10, which isn't enough. I mean, these people have a lot of anxiety every time the water comes up because they know the last time they were within an inch of having their house, you know, filled with water even though they did meet the FEMA flood height requirement. So even now at elevation 10, one plus one is 11, they're still very vulnerable to these floods, and we know it's just going to get worse. So I take responsibility for where we are right now, which is trying to get all this information to you in a short amount of time, because I thought that since we were just – basically just lifting the house up, staying on the exactly same foundation, lifting it up just to make their home safe from what's, you know, happening in that area, that it wasn't a question for the planning board, because we're not asking you to say, can you go anywhere else? Is there any place better to put it? We're just lifting it up to make it safe for them. So I did not ask Jeffrey if we needed to go to planning board.

Normally, when I have a house, the first thing I do is, you know, send the information to Jeffrey and say, do we need to go to planning board? But where I thought this was nothing, you know, there was no input really needed, it just had to meet the requirements that I didn't ask Jeffrey. So I gave the plan to Code, and Code had a plan for a number of weeks. They contacted me a number of times asking me different questions, but nothing was ever brought up with where's the planning board? You know, where's the planning board approval? So the Kirkjies went forward and found out a rental, got two different rentals, one for their mother with the dog and one for themselves with their children, got their rental. We had been talking. I've been told that the plan was been approved. Tim had plan approved the plan. It was just sitting on Rick's desk. And then, so we're getting ready to start because we don't want them to be displaced any longer than they had to be. So that Monday morning, I was going to pick up the permit, and we had the dumpster there. We were taking off the...

David Walker: Front steps.

Diane Doyle: Yeah. We're taking off the decks because we're getting ready to we're going to lift the house up and we're going to do it in a short amount of time. And that morning at 9:30, I got an email from Jeffrey saying that you have to go to planning board. And so what I basically was – if he had asked me, so I said, well, I think I can probably get things together for you for tomorrow because that's when you had to get this memo to you. So I did what I could, but, unfortunately, that house has a lot of to figure out the volume, it has a lot of different, you know, overlays and things like that and there's different dormers and stuff like that. And I didn't feel comfortable making the call, and so I had to call somebody else in. So I did get that information, Jeffrey. We did figure out the volume. We did figure out that we couldn't go 5.5 feet. We could only go just five feet to lift it, within the 30%. And, I did get – we had information on the height, and there was one other thing was missing, which was the standards of condition for the shoreline zoning, which I inadvertently left out. So, he does have all that, and I don't think he got it to you. But he does – we do have all that. So I was just, I'm here to ask you if I'm not sure how it would work, but, that we have the ability for next meeting to be able for you to be able to say this is fine versus having to wait until the February 13th meeting, which would be an additional two months that they would be displaced. So...

David Walker: Okay, Diane. Thank you. We do have an alternate motion here for it, if you want to consider that, and that is a conditional approval, but all that information needs to be to him no later than 4:00 on, 23rd December. And you say you already have that.

Diane Doyle: I already gave it to him.

David Walker: So I would just recommend that you check back with him before that date and time.

Diane Doyle: Sure.

David Walker: All right? To be sure everything is adequate.

Diane Doyle: Right.

David Walker: Yeah. That's the motion that the board wants to make.

Female Speaker 1: So, Dave, can we table this for another month? Can we table this for another month and make a determination tonight?

David Walker: We can. We have that option.

Robin Dube: I mean, that *[overlapping conversation]* [00:42:24]...

David Walker: Because we do not have the materials here, but...

Robin Dube: Table it till she gets her things together and...

David Walker: Sure.

Diane Doyle: Well, my only – and I understand that and that’s perfectly fine. I feel that because we have been working with the town, we weren’t notified we needed to go to the planning board. The Kirkjies has already moved out. By tabling it, it pushes the – the soonest we could have the approval would be in February now, and then we would get started. So, you know, then we’re pushing it down the road even further for them. So, I was hoping we could eliminate that month. But if the board is not comfortable with that, you know, I understand that. But – so, I don’t know.

Male Speaker: The thought I have is either way, she’s got to come up with the same points for the next week.

Diane Doyle: Right.

Male Speaker: Basically, so it’s like, I hate to hurt the applicant like yourself.

David Walker: Yeah.

Male Speaker: And yeah, the bottom line is, we are going to have this information next meeting anyways.

David Walker: Yeah.

Robin Dube: Exactly. So that’s why I sent it *[overlapping conversation]* [00:43:22]...

Male Speaker: That’s understood that it’s not complete, doesn’t happens, so at least in the interim we can...

David Walker: And then we can schedule a safe walk and a public hearing?

Male Speaker: Yeah.

David Walker: Okay.

Male Speaker: Yeah. So let me just say, *[inaudible]* [00:43:34], that’s all.

David Walker: Marianne?

Marianne Hubert: Yeah, that doesn’t mean that it will go forward, but, yeah, we could give it as a temporary approval.

David Walker: Anybody want to make a motion? Holy-moly. Come on.

Robin Dube: I'll make a motion to table it till the next meeting in January for this to be completed. And I know you've been here many times, so you should know the rules.

Diane Doyle: No, and I'm saying I take responsibility because I should have asked him, but I didn't, so.

Robin Dube: Yeah. No, I understand. I mean, not just to assume, just the...

David Walker: All right. We'll make a motion then, Robin.

Robin Dube: I did. I'll make a motion to table this meeting till the January, what's the date of meeting?

Mark Kirkjies: Can I say something? I'm sorry.

Robin Dube: Yep.

David Walker: Sure.

Mark Kirkjies: My name is Mark Kirkjies. I'm here on behalf of my mom, Sandra, my wife, Danielle, our two kids, we all live together at 190 West Grand. Diane did already touch on a few of the points that I was going to speak about tonight. I hope coming from me, they might carry some more weight. First, I did want to thank the board for seeing us tonight and putting us on the agenda. I know that was, unorthodox the way that we got in there last minute. From my understanding, what was a mistake made by Diane that resulted in a clerical error that that kind of missed the window to get on the agenda in the proper amount of time.

So I do understand that due process, the reason why it exists, and all of the conditions for just the state as well as the town and FEMA and everybody. But I cannot stress the emotional burden. I know Mr. Walker, Mr. Winch, most of you are familiar with the deep water issues in Ocean Park. We've been fortunate at this point, in terms of many of our neighbors have not. But, you know, this is a process that we started a year ago, looking for a builder that could work with us to do what we envisioned in terms of not moving, not knocking down our house, and rebuilding. Just keeping the structure as is and just going higher. We found Diane. She came highly recommended. She did two of our neighbor's houses directly. So, I know that she's familiar with the conditions in which, she had to do those new builds. And, you know, it used to be a thing where it only happened once every three years and you get an extra water in your yard. And you maybe lose some trash cans or something like this. But as Diane said, last year, you know, it almost came into our house, and our house sits three feet above our yard. And we've got a normal crawl space underneath. But having to evacuate three times in the last two years was finally enough where we said that, you know, we should really invest our resources to try and do that if we want to stay here, which we do. So, as Diane mentioned, you know, we're already out. There's no way to get in and out of the house.

We can't move back in. We're being burdened financially with paying for an apartment for myself and my wife and our two kids to live in for what we thought would be a 12 week project at the most. If we table it to push it two more months, I mean, that's five months and we're butting up against the summer season. So we would have to find a second place to live. And, my mom is rehabbing a broken hip. So she's off with our dog in a separate, unit with my brother-in-law. Yeah, I mean, like I said, it's an emotional burden as well as a financial one. I do understand and respect the rules. I mean, we're here tonight intentionally to plead with you to do what you can to put us forward on the next meeting of January. Then we've only lost a month as opposed to three. And, you know, the disruption for our kids and their schooling and us and our work would be shorter. So again, thank you for getting us at least on the agenda tonight. Appreciate that.

David Walker: Thank you.

Robin Dube: Rock in a hard place. I mean, I'm only saying tabled if nobody agrees to me, you put a second to it, then we have another vote if somebody else wants to make the full motion?

David Walker: Well then we will make the full motion.

Robin Dube: Make the...

David Walker: You did not make a full motion.

Robin Dube: I did say I'd like the table.

Chris Hitchcock: Oh, you're not going to read all the *[overlapping conversation]* *[00:48:06]*.

Robin Dube: There's nothing to read here. It's number 3, table, you know? If somebody wants to make a motion on this either way, then go right ahead.

Chris Hitchcock: So you think you have a motion on the table? You didn't get a second?

Robin Dube: Exactly. That's what I just said.

Chris Hitchcock: Oh, okay.

Robin Dube: If I don't get a second, then somebody else come up with another motion and, you know?

David Walker: So, I guess that Robins made a motion to table, all right? Nobody gave her a second.

Robin Dube: Right.

Chris Hitchcock: So we need another motion.

David Walker: So is there another motion?

Marianne Hubert: Can we see the number 1 or number 2. So I'll make a motion that we conditionally determine that it's acceptable. Is that all right?

David Walker: No.

Marianne Hubert: So we have to say yay or nay?

David Walker: No. If it's conditional, it has to be conditional, based on...

Marianne Hubert: Yeah. That's just number 2.

David Walker: Yeah.

Chris Hitchcock: You have to read it all.

Marianne Hubert: Read the whole thing?

Robin Dube: Yeah, so I read it. That's what I mean.

David Walker: Okay.

Chris Hitchcock: Here we go.

Marianne Hubert: So, I make a motion to conditionally determine Doyle Enterprise conditional use application proposing to lift constructive foundation and expand a non-conforming structure in the shoreland zone located at 190 West Grand, MBL: 323-12-4 as complete with the following condition to be fulfilled on or before December 23, 2024. Submission of complete responses to the standard condition in any shoreland zone, submission of a plot plan that shows the high water table location as well as the existing and proposed structures and any applicable setbacks, submission of volume and square footage calculation of existing and proposed structures. This shall include 30% calculation, and I would add to this that it needs to be from 1989. Submission complete of floodplains permits and structure designed to meet floodplain standards. Submission of building elevation plans showing building height is measured using the shoreland zoning definition of height.

Winthrop Winch: I'll second.

David Walker: So motion by Marianne, second by Winch. Now we will have a vote. Robin?

Robin Dube: Yes.

David Walker: Chris?

Chris Hitchcock: Yes.

David Walker: Marianne?

Marianne Hubert: Yes.

David Walker: Winch?

Winthrop Winch: Yes.

David Walker: Dave? And I will be the oddball and say no, but the motion carries 4-1. So that means that you need to check with the planning office before the 23rd, get all your submittals in, all right? And then I will schedule – does anybody want to do a site walk? I know where the property is.

Robin Dube: Yes.

David Walker: Site walk?

Robin Dube: I bet it. Before the snow.

Marianne Hubert: I don't need one.

David Walker: All right. So the site walk would have to be 3:30 in the afternoon for daylight purposes, and that would be on January 2nd. So Diane, can you be there for that?

Diane Doyle: Yes.

David Walker: All right and then we will schedule a public hearing for January 9th, prior to voting on the rule. So that takes care of everything for you folks.

Robin Dube: Except just remember, there's weekends in between there, Diane. You have probably got a week to get this paperwork to the planning department.

Diane Doyle: *[Inaudible]* [00:51:59] and I'll sit down with the *[inaudible]* [00:52:02].

Robin Dube: Stay on it.

David Walker: If you don't get an answer back from him right away this week, he's a little under the weather, but I don't know, next week.

Diane Doyle: *[Inaudible]* [00:52:10].

David Walker: Okay. All right. All right. Thank you very much. We appreciate your attendance tonight.

Chris Hitchcock: Good luck folks.

David Walker: Good to see Ocean Park is here.

Robin Dube: I've lived here my whole life, so I know how Ocean Park floods too. I feel for you, you know?

David Walker: So any other business? I don't see Mamoru's is here. I would just like to wish everybody a Merry Christmas and a happy New Year.

Male Speaker 1: You also.

Audience: Merry Christmas to you.

Marianne Hubert: You too, honey. Thank you.

Robin Dube: Thank you.

David Walker: Any good and welfare?

Chris Hitchcock: Nope.

David Walker: No good and welfare. Motion to adjourn?

Chris Hitchcock: Adjourned.

David Walker: All right. It's unanimous 5-0.

**I attest the above minutes were approved by the Old Orchard Beach Planning Board on 13 February 2025.**

***Jeffrey Hinderliter, Town Planner***