

Planning Board January 9, 2025 Minutes

David Walker: Public hearing and regular meeting for January 9, 2025. We because always, we begin the meeting with a pledge of allegiance to the flag. So please join in.

Attendees: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

David Walker: Thank you very much. Jeffrey, would you conduct the roll call, please?

Jeffrey Hinderliter: Sure. Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Here.

Jeffrey Hinderliter: Vice chair Hitchcock?

Chris Hitchcock: Here.

Jeffrey Hinderliter: And chair Walker?

David Walker: Here. I would like to acknowledge the resignation of Win Winch after 20 years on this board. He attended his last meeting last month, and, we wish him well. He's a resource that will be sorely missed. And I'd like to welcome Jay Kelley as a regular member, now in his place as well as Chris Hitchcock and Robin Dube who were all appointed Tuesday night during the council meeting. So good job, Maryann.

Marianne Hubert: Me.

David Walker: And were you appointed last night, Tuesday night as well, Maryann?

Marianne Hubert: Yes.

David Walker: So, I'm the only one present at the job...

Jeffrey Hinderliter: You are both you and Robin were already appointed.

David Walker: Yeah. All right. Well, good job. Anyways, I was hoping I didn't have a job. So, as usual, my role as chair ended in 2025, and it's our responsibility, 2024, the

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end of 2024, and it's our responsibility to appoint a new chair for this board for 2025. So at this time, I'll accept nomination.

Chris Hitchcock: I'd like to make a motion that David Walker...

Marianne Hubert: Second.

Chris Hitchcock: Be considered for chair.

David Walker: Motion by Chris.

Marianne Hubert: I'll second.

David Walker: Second by Maryann.

Marianne Hubert: Already did put.

David Walker: Okay. Do you want to call for a vote?

Jeffrey Hinderliter: Kelley?

Jay Kelley: Reluctantly, but yeah.

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Hitchcock?

Chris Hitchcock: Yes.

Jeffrey Hinderliter: And Mr. Walker?

David Walker: Yes. That motion carries 50. I would like to now make a motion that Chris Hitchcock be vice chair.

Marianne Hubert: Second.

David Walker: Okay. One call for the vote, please.

Jeffrey Hinderliter: Hubert?

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Marianne Hubert: Yes.

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderliter: And chair Walker?

David Walker: Yes.

Jeffrey Hinderliter: And...

David Walker: Ms. Laine?

Laine: Why they didn't?

David Walker: All right. That that motion carries 40 with one extension. Great. Glad to get that out of the way. Jeffrey, I didn't nobody had minutes in your packet?

Jeffrey Hinderliter: No. I thought the, transcriber would have them finished by this meeting, but we haven't, we didn't receive that.

David Walker: So I'm probably pass by that obligation for this month and pick it up next month.

Jeffrey Hinderliter: Yeah.

David Walker: Great. All right. Public hearing, proposal, conditional use, shoreland nonconformity, remove, rebuild, 30% expansion, single family dwelling. Applicant is Diane Doyle. The location is 190 West Grand Avenue, MBL 323-15-1 zoning in the R3 RA at district. We will start this public hearing at 6:34. Anybody wishing to speak from the public? Please step up to the podium, give your name and address. All right. Hearing nobody, we will end this public hearing at 6:30, 4 and 3 quarters. All right. Regular business. Item 1, site plan. Conditional use establishment of a 100 site RV campground, two phases. Action, preliminary plan review, determination of completeness, scheduled public hearing. The applicant is Tammy Erne and Archie St. Hilaire, and the location is Portland Avenue, MBL 101-1-1 and 101-2-8 zoning in the RD district. Jeff?

Jeffrey Hinderliter: Thank you. And I'm pretty brief, actually, with all of these tonight, including this one, because there's just no real reason to blab on about this. The planning board has done a very good review on the proposal. We've been reviewing this since February in some respects. There were some matters that we had to resolve very early on

in the process, and then it took some time for the applicant to prepare a formal application to get to the preliminary review with the objective of getting a, a determination of completeness. So the proposal is for the establishment of a new 100 site RV campground. The proposed campground is located on two properties off Portland Ave, close both are close to the Scarborough Town line with the main property abutting the, Scarborough Town line. The larger property, which is where the campsites will be located, and the smaller property is used for all for maintenance building.

Campground units will be entirely park models, which means there will be no tent sites and, or mobile RVs. It's not a transient campground. Occupancy will be May to October. This is restricted in our ordinance. Public water will serve both properties. Sewer is provided from septic system. As I said, the board has reviewed this proposal over several meetings, but have, not yet determined complete. With the applicant's January submission, this month's submission, I believe, we now have the info needed to conduct the final review. Therefore, I recommend that the board determine the application is complete and schedule a public hearing for the 13th February. There are a few outstanding items with the primary one being ensuring that our consulting engineer, and staff are satisfied with our consulting engineer's comments. So, that work is ongoing. In fact, we're working on scheduling a meeting with our consulting engineer and the applicants that'll we're trying to get that for next week. But I see no reason to not determine it's complete at this point, and I would recommend that the planning board make that motion, which you'll find on Page 3, and also schedule the public hearing for the 13th February.

David Walker: Okay. Thank you. Thank you. Bill, do you want to say anything?

Bill: Just a couple things. Jeffrey, you know, pointed out for a detail of where we are in the process. We've had two review periods coming back from Wright Pierce. They have a few details and some of the language and some of the notes. Nothing of any significance that would keep us from moving toward a final approval. So again the project we just completed plans, details, and, the information will go back. And we do have planning, a meeting with Wright Pierce, Matt or the engineer. We want to work out the final engineer. We want to work out the final few items. But, again, I think we're there and appreciate Jeffrey supporting a complete application. And we'd like to move it to that point and then schedule a public hearing.

David Walker: Anybody from the board, with anything for the applicant?

David: I have a couple questions if nobody else does. So we have to grade the, the setback, the three foot setback. I'd like to see some landscape design plans for that area so that it, what it will look like after the grading is done, if that's at all possible, by the way, you did a great job with the lighting. The architect that you had to do that work that was in our packet was fantastic, and I want to thank you and call you out for that. The other question is that Wright Pears as well as other people have made comments about the porous fill on the roadways.

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David Walker: The pavement?

David: Yeah. And the thickness and whether or not you it will hold up to those units that are coming in there. And my question is, are you going to put that down before you put the units in?

Jeffrey Hinderliter: Yes.

David: So the units are going to come in and they're going to disturb that.

Jeffrey Hinderliter: Yeah. Well, yeah, they got an access over it. But the design and the integrity of the porous pavement is going to withstand any of that. They actually use porous pavement on highways. There's a section in front of the mall in South Portland. We went and looked at it to see how does this hold up. That that's been there for quite a while, and it doesn't move. And it's handled the stormwater design that was intended. So this pavement will with the specifications of how it's, how it's installed, we do not anticipate any issues.

David: So, are there engineering specifications?

Jeffrey Hinderliter: We can look into the background of it and what it would support for wheel loads and so forth.

David: Yeah. I think that would be great. And that'd be helpful with you during your meeting with Wright Pears as well.

Jeffrey Hinderliter: Yep.

David: Those are, and then, of course, we're concerned about the septic system and how that's going to be engineered. And I don't think you completed that work yet.

Jeffrey Hinderliter: Okay. Yeah. They'll be engineered to meet the state standards for residential use. And, based on the soil types, groundwater, all of that will be submitted as a request for a septic system to support the one or two units.

David: So, Wright Pears asked was the clubhouse going to be included in the septic system with showers and such? The answer was yes. But I'm still not clear. Are they going to have their own standalone septic system? I think you indicated that they'd be tied in, but I don't know how that means you're going to have three sites on one septic system.

Jeffrey Hinderliter: We'll take a look at that, David. See how that...

David: Because a 100 units X 2 is 56.

Jeffrey Hinderliter: Correct.

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David: Yeah.

Jeffrey Hinderliter: Correct. Yep. Yep. We will, we'll get back to you on that to make sure. Obviously, it'll be sized for whatever the flows are anticipated with the clubhouse use. And then if there are one or two RV units connected, the system will be designed for those flows. But we'll take a look at that and see exactly how that's, being proposed.

David: Okay. Great. Thanks.

David Walker: Yep. Anybody else? All right. I'm done. Anybody want to make a motion?

Robin Dube: I will make a motion. To determine complete the site plan and conditional use applications proposing a 100 site. Campground, applicant Tammy Hearn and Archie Saint O'Leary, scheduled public hearing for February 13th.

David Walker: Motion by Robin.

Marianne Hubert: I second.

David Walker: Second by Maryann. Can I call for the vote, please, Jeffrey?

Jeffrey Hinderliter: Sure. Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Vice chair Hitchcock?

Chris Hitchcock: Yes.

Jeffrey Hinderliter: And chair Walker?

David Walker: Yes. That motion carries 50. So we'll see you next month.

Jeffrey Hinderliter: Thank you.

David Walker: Okay. And just so you know, I think there's some Bill, I think there's some people here who will speak during the during the good welfare. If you might be interested to hear what their concerns are too. It was ahead of time. Okay. Item 2, proposed conditional use, nonconformity, remove, rebuild, 30% expansion, single family dwelling. Action is final ruling. Applicant is Diane Doyle, and location is 190 West Grand Avenue, MBL 323-15-1 and zoning in the R3, RA and HAT. And we have public hearing just the matter of 30 minutes ago. So Jeffrey?

Jeffrey Hinderliter: Thank you. Proposed expansion of a nonconforming single family dwelling located in the shoreland zone. And the primary purpose of this expansion is to make the structure more resilient to flooding. At the December meeting, the planning board determined the application complete, subject to meeting certain conditions, which were included, certain condition conditions which included submission of the following. Number 1, responses to the standard conditions in the shoreland zone. Number 2, a plot plan that shows the HAT location as well as the existing and proposed structures and any applicable setbacks. Number 3, volume and square footage calculations of existing and proposed structures and this shall include the 30% calculations. Number 4, completed floodplain permits and structure design to meet floodplain standards. And number 5, building elevation plans showing the building height as measured using the shoreland zone definition of height.

The applicant followed up with a January submission, that acceptable that acceptably, addresses most of the conditions. For those conditions that I was expecting a bit of a more thorough, response, I believe attaching some conditions to the actual approval of the application will achieve the same thing that we would seek to achieve through the planning board process. So, there is a motion for conditional approval, as well as the conditions on Page 16 of your staff memo. Thank you.

David Walker: Diane, do you want to address the board?

Diane Doyle: So, you know, can't find ourselves in this situation where I didn't realize that that we needed to come to the planning board because of, of thinking that it wasn't that really wasn't too much involved because our house is obviously gets flooded. It's in the most flood prone place in all of Ocean Park, and it gets every single storm, it gets flooded. So I think that, you know, to lift the house up, to get it out of the harm's way, and to allow the curchees just remain in their home, that's just not a big deal. But it might need, we might need to look at the rules a little bit closer because the last, kind of, stumbling block was a square footage, and where you're allowed to only expand by 30%, and where a crawl space doesn't have any square footage. And now, you've got to lift that whole house up, you know, to get it out of harm's way. And so we really are being limited to how much we can lift it up, not by the height. We're well under, what, the 35 feet.

But it's just that now we've got to have the square footage that comes into play. So we've been working with Jeffrey to kind of make sure this will satisfy the board and the rules as they exist now. But it's just been I just think with the way that the flooding has been

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increasing that we that the rules should be, looked at a little bit more to allow. Because we're going to be able make it work in this situation, but it was just it's just, we probably would've been more comfortable felt more comfortable lifting up a little bit higher because of the square foot, you know, expansion 30%. So, but thank you for considering it. And it's been a pleasure working with Jeff. We're trying to make it work. So I do appreciate that.

David Walker: Okay. Thank you. Anybody have anything for the applicant?

Veronica: I would like, I have a comment.

David Walker: Sure.

Veronica: I'd like to comment that normally a project cannot start until they have a permit, and that's the project has started. And I'd just like to note it for the record.

David Walker: Okay. Okay. Anyone else?

Veronica: I'll make a motion.

David Walker: Yeah. All right. Great. The motion to roll today, Veronica.

Veronica: I seem to be. I make a motion to conditionally approve Doyle Enterprises conditional use application proposing to lift constructive foundation and expand a non-performing structure in the shoreland zone located at 190 West Grand Avenue, MBL 319-12-4 with three conditions. Number 1, applicant shall submit existing proposed square footage calculations to planning staff. Building permits shall not be approved until staff verify the proposal meets the 30% square footage standards. Yeah. Number 2, proposal shall meet applicable flood hazard development ordinance. It's the rules of which, but is not limited to submission of flood hazard development permits associated with the proposal to the code enforcement office. Number 3, applicants shall demonstrate to the code enforcement officer that the proposed structure height complies with the shoreline zoning definition of height.

David Walker: So we have a motion by Robin. Jeffrey, just for clarification, they don't have a permit to do the work that they're doing down there now?

Jeffrey Hinderliter: Correct. They originally submitted a building permit to do that work. And, it was then brought to my attention, and I determined that it required the planning board process. I know they have a permit that has been submitted and is basically they're ready to move forward as soon as the planning board makes their decision.

David Walker: So they're not in violation of anything so far? . Oh, okay. Thank you. All right. We have a motion. Do we have a second?

Jay Kelley: Second.

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David Walker: Second by Jay, motion by Robin. Jeffrey, you want to call for the vote, please?

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderliter: Vice chair Hitchcock?

Chris Hitchcock: Yes.

Jeffrey Hinderliter: And chair Walker?

David Walker: Yes. That motion carries 50. Thank you. Have a good night. All right. Item 3. Contract zone for 10 two-story, 16 unit buildings, and 9 duplexes for a total of a 178 residential units. Actions, review, schedule public hearing. Applicants is Goose Fair Crossing LLC. Location is multiple properties off Smith Wheel Road, zoning in the R4, in the ID district. All right, Jeffrey. You're up.

Jeffrey Hinderliter: All right. So this proposal is for a new contract zone that proposes a 178 unit residential development. The proposed development includes 10 two-story buildings and 6 with 16 units in each building and 9 duplexes. There are several parking lots associated with this proposal with a total of 200 spaces, right around 200 spaces right now. We're still in the contract zone process, so things will be refined over time. There is a clubhouse and a pool available for the residents. The development location is a little different. There's probably about five or six lots that are part of this, this proposal. And, but all of these lots are off of Smith Wheel Road, with the residential units proposed residential units, proposed to be located off of Smith Wheel Road. And you probably wouldn't even see this development if you drove on Smith Wheel Road. It's that far back.

There are two proposed entrance and exits. Both are on Smith Wheel Road. Development currently is located in the zoning district with a small portion in the residential fort district. And I think what's really important and as the planning board is becoming familiar with these contract zoning proposals, what they do is they allow us to negotiate public benefits. And I think we've done a pretty good job with this proposal. And so the proposed public benefits right now are the creation of a new public park, the creation of public trails, or a money contribution to the Conservation Commission for public trail

purposes. So it's kind of an either or. I think it was 5,000 linear feet of new public trails, or, or the, a \$20,000 contribution to the conservation commission for public trail purposes. Also, something that I think is important is conservation easements to protect land and water bodies throughout that property. And then, when we get it what's good about these public benefits is there's a variety. It's not just, like, kind of in one group of the with the same topic. So we have public trail conservation benefits.

We also have a public transportation benefit related to improvements that include a new public transportation stop. And then finally and what's very is construction of new affordable with a very minimum guarantee of 10% of the total units dedicated to being affordable according to main state housing guidelines. And for this proposed work to actually come into any sort of existence, there's a number of waivers and modifications to the ordinance that's required. And, really, one of the big ones is the density. The residential uses are allowed in the industrial zone, but the density is very high. And the R4 district has a pretty high density too. So you could get nowhere near the amount of units under current ordinance standards. So like all contract zones, this proposal must meet the contract zoning ordinance which includes there factors. And those three factors are, number 1, is conformance with the comp plan. And number 2 is consistency with existing uses and allowed uses in the zoning districts. And number 3 is to meet the purpose of the contract zone. And a big piece of the purpose of the contract zone is providing public benefits.

Contract zoning proposal was introduced to the planning board back in September of 2024. Board reviewed at that time and provided feedback. One of the recommendations at that time was the public transportation, public benefit. And now for tonight's meeting, the applicant returns with a more formal proposal. This submission is definitely its good. It's really good to see that the applicant has listened to the board, listened to staff in building the framework for a con contract zone. But in my opinion, the submission that we have is just not quite there yet, and there's really three primary pieces that I believe that the applicant should provide in order to get there. Number 1 is to create a formal contract zone agreement. We have the whereas, the hereby, all that standard type of language that's in a formal legal agreement. We need to have that. Basically, it's already all there in the letter. It just needs to be in that legal language, that legal agreement language.

Number 2, is the agreement must identify how the proposed use is consistent with allowed uses in that, in the original zone. This is a very important one because that's related to one is a very important one because that's related to one of the three contract zoning factors. And as a reminder, this in order for a contract zone, number 1, to get a favorable recommendation from the planning board, and number 2, to be approved by the council, it needs to meet all three factors. If you don't meet 1, you're out. And then, the 3rd primary item the applicant should address is, the applicant should include ordinance citations and a bit more of a description for the ordinance standards that are being waived or modified. I provide an example in the staff memo of a recent contract zone where the applicant provides the specific ordinance standard that's being changed the citation of the section, and then explains the modification, in a bit more detail. Why that's important is

we need to know what standard is being modified, number 1. Number 2, we need to know how is it being modified, because if we just have, just, like, a blanket statement, we're changing the setbacks. Okay. What are you changing them to? Which setbacks? Where? Because there's so we need those specifics to tighten up the waiver modification request.

So finally, if the applicant can complete and submit the above by the 24th June, I recommend the Planning Board schedule a public hearing for 13th of February. If the applicant needs more time, I recommend the, the planning board wait to schedule that public hearing until after we receive this additional information. And that's a decision that the planning board can make. It's just a recommendation. But if you do go with the 24th, it will be very important to have that agreement. It has to be done by that point. I can't emphasize that enough. The reason is because I'm advertising for the public hearing, so the public needs to know what is what that agreement is. There's no motion. This is a contract zone. It's not a conditional use subdivision or anything like that at this point. We eventually reach that if the contract zone's approved but, so there's no motion to move forward or anything like that.

Male Participant: So only you will know if they have the application ready by the 24th?

Jeffrey Hinderliter: Correct.

Male Participant: So if they do, I'm sure we're amicable to a public hearing in February. So...

Jeffrey Hinderliter: Okay.

Male Participant: I guess we can leave that in your shop. I do have some questions about the benefits. 10% of the units will be offered at affordable rents, and then 10% of units designated as 55 and older. So is that 20% of the units can be affordable rents and on the 55 be all just 10%?

Jeffrey Hinderliter: Those are separate. So 20% total.

Male Participant: Yeah. 20% total.

Jeffrey Hinderliter: Yeah.

Male Participant: That's what we're looking at. Okay. On the bus schedule, will you construct a shelter for people waiting for the buses or is that done by the bus company?

Jeffrey Hinderliter: I believe that would be our responsibility. The first step for that will be making sure that there's actually a transit route that goes to this location. They're actually willing to come to this area, but we would provide the shelter for that.

Male Participant: By the 24th, will you know if they're able to schedule that start or not?

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Jeffrey Hinderliter: I know we've reached out initially and it's it was pretty difficult getting a response. So I'm not sure if we can have that finalized by 24th. I don't know if that's something we could have as a condition of approval where if they say they are willing, then we will put it in if that would be sufficient.

Male Participant 2: Yeah. I think that's oh, okay.

Jeffrey Hinderliter: Go ahead.

Male Participant 2: Oh, okay. Thank you. I think that's something that is a bit the applicant is agreeing to it, but the ultimate decision isn't up to the applicant to do it. So the applicant can put require, the planning board can require it as part of a condition, that's included in the contract zone. But put in you know, if the transportation company does not agree to it, then it's no longer...

Jeffrey Hinderliter: A benefit to the town.

Male Participant 2: Right. Right. Right. Because they can't do it.

Jeffrey Hinderliter: Okay. All right. And then create a public park. There's all kinds of definitions for a park, and nothing really is designed here. We are talking about playground, sheds, we are talking about benches, what are we talking about?

Male Participant 2: Yeah. We are talking about couple of different playgrounds. If we add to our site plan here, we have one located here. I don't know about this area from where open sources are and such that we act. But we do have some designated partner spaces for those use as well.

Jeffrey Hinderliter: Yeah. I saw that, but what's, what is the park?

Male Participant 2: Yeah. It's generally playground equipment and maintaining a lawn area.

Jeffrey Hinderliter: Okay. So lawn area and playground?

Male Participant 2: Yeah.

Jeffrey Hinderliter: Okay. All right.

Robin Dube: Are all the units will be for rent or there's only some?

Jeffrey Hinderliter: That's still up for debate. I haven't ironed that out with the owner yet. I think at this point, it's likely to be a mix. I think what his goal is going to be the duplexes will be for sale, and then the rest will be rentals.

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Male Participant 2: In the HOA docks, is there some form of rental agreement that will be there, like, nothing will be there, like, nothing under 30 days?

David Walker: Is that referring to the short term rental topic? The short term rental topic that I know Jeffrey brought up in his memo. I was going to speak to that in a bit. But to your point, we haven't ironed out those HOA documents yet. Again, this isn't a really the really preliminary stages. So yeah, we don't have those quite ironed out yet.

Male Participant 2: Its own application.

David Walker: Yeah. Exactly.

Male Participant 2: That before us. Yeah. And we're going to be firing all these packages. So yeah. I get it.

David Walker: Sure. Unfortunately, Ken wasn't able to make the meeting tonight. I'm sure he would have had some more input on this, but he had a surgery earlier this week. I know he wanted to be here.

Male Participant 2: But I just want you to get a flavor for where we are.

David Walker: Oh, sure.

Male Participant 2: You know?

David Walker: Exactly. Okay. Anybody else?

Male Participant 3: Well, by mic.

David Walker: Yes.

Male Participant 3: Yeah. I have a lot of interest in this connection, literal and figurative connection between Smith wheel and this development through the, what is it, 70, 51 Smith wheel. I expressed some interest in safety concerns last time we talked with you about it. I'd just like to ask one thing tonight, I think is that the letter talks about or your package talks about square foot per unit. And it parenthetically says this value includes existing 28 units at 51 Smith wheel. So is 51 Smith wheel only in there to get you the access? Is there anything else going on in 51 Smith wheel that has to do with this development?

Jeffrey Hinderliter: No. It is a separate development. And I do recall you bringing up the access issue at the meeting in September. We did include an offset improvements plan or technically off-site where we are proposing extra crosswalks and sidewalks to help with the safety issue. I also did want to point out that within our application, we did inadvertently say that that site was condos. That actually is owned by the applicant as well, and those are all rental units. So he does have the rights himself to these additional

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improvements there. But other than the pedestrian safety and access, there's no other changes for that area. So, yes, it mainly is included just so we can get to Smith Wheel.

Robin Dube: So where is it located on the map?

Male Participant 3: That's this area.

Robin Dube: Oh, so those okay.

Male Participant 3: Yes.

David Walker: And there was no traffic study done in terms of impact on Smith Wheel and Saco Ave. Right?

Jeffrey Hinderliter: That hasn't been done yet. Like, it was mentioned in the memo. It's very likely that a DOT permit will be needed for a project this large, so we're fully expecting to have to do a full traffic study.

David Walker: Yeah. And counsel's going to be on you on that too. So.

Jeffrey Hinderliter: Sure.

Chris Hitchcock: Let me clarify what I was trying to drive that with. Safety is a big issue, and we'll come back to that at some point. But you use their square footage to create the amount of square foot square footage per unit as if 51 Smith wheel is part of it.

Jeffrey Hinderliter: Well, the end goal is going to be for all of these lots to be combined into one, so I did want to include them all in that calculation. Obviously, if we didn't include that, yeah, the number would be a bit smaller.

Chris Hitchcock: Yeah. I think we've it would be good to know that number because that's where the density really is. It's not in 51 Smithfield.

Robin Dube: So 51 Smithfield, is they are condos or they are single homes?

Jeffrey Hinderliter: Those are apartments.

Robin Dube: Apartment buildings?

Jeffrey Hinderliter: Yeah.

Robin Dube: Okay.

Jeffrey Hinderliter: And they're owned by the same road into the development goes right between two buildings.

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Robin Dube: Okay.

Jeffrey Hinderliter: In fact, it become it goes right between four buildings.

Robin Dube: Which King owns two?

Chris Hitchcock: And your diagram that you gave us is separate, which you call an off-site effort.

Jeffrey Hinderliter: Yeah. It's not technically off-site, but it's that felt a little odd, especially after I read the square footage.

Chris Hitchcock: Sure. So you had me come and going. But, you also show two of the buildings as proposed buildings, so that's an old diagram.

Jeffrey Hinderliter: It's an old plan. Yeah. I can have that clarified.

Chris Hitchcock: For a while too.

Jeffrey Hinderliter: Sorry about that.

Chris Hitchcock: And the fact that there's two different Colindale. Is there there's another legal entity that's Colindale other than the one that run runs the current?

Jeffrey Hinderliter: I'm not sure what the other one is. I know King owns this site as well.

Chris Hitchcock: Yeah. I don't know what the second one is. There's typos. One of them has two and one has one. Well, I should say one has two and one has three.

Jeffrey Hinderliter: Sure. Yeah. I can get that adjusted for the final application.

Chris Hitchcock: It may be two legal entities because one of your legal documents that was in the packet, it looked at like it's one of the one of the parcels came from some organization called Colindale, I wrote the note. I can't even read it. Associates, Colindale Associates. So I got just really confused about.

Jeffrey Hinderliter: Yeah. I'm not sure if that was the original group that might have developed the site, and then King took it over from there. I'm guessing that maybe the case.

Chris Hitchcock: Sort of looked like.

Jeffrey Hinderliter: But, yeah. I can get that sorted out, though. I'm not sure exactly.

David Walker: Thank you. Thank you, Chris. That was great. Anybody else? All right. If you can get all the work done to playing the problems of approval by the 24th, this would

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give you a lot of time, we'll have a public hearing next month. Otherwise, we'll go over what you've resubmitted and make recommendations...

Jeffrey Hinderliter: Okay.

David Walker: Based on that.

Jeffrey Hinderliter: Yeah. I'm confident we can address those items. I don't think there's anything too substantial that's left iron out.

David Walker: Okay. All right. Perfect. Well, thank you for coming tonight. We appreciate it, Barry.

Barry: Thank you.

David Walker: All right. Other business. Other business. Other business. Just a reminder, I think, Kim sent out notifications that some of you need to do MFA.

Kim: I'm in.

David Walker: Yeah.

Male Participant: All done.

Kim: All done.

David Walker: All done? Okay.

Kim: Thank you. Yeah. It's all done.

David Walker: I wasn't I think it was...

Male Participant: It was done that day.

David Walker: Yeah. Okay. Good. That's an efficient board. What an efficient board do. All right. Good and welfare. Is there any good and welfare tonight?

Kim: You promised not to talk.

David Walker: No. No. No.

Kim: No. No. No. You're renegeing.

David Walker: One at a time, but from the game. Can we get one can we only have one person talk?

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Male Participant: No. Because we're speaking here on behalf of the conservation commission. This is Chairman Kim Bart Smith, and my name is Mark Koenig. We're both, all that voted by the town council to be.

David Walker: And we wore our team shirts? You see we get...

Male Participant: Without bouncing off your LOB team shirts.

David Walker: The trails down at the Blueberry Hills?

Male Participant: Oh, and we're your neighbors. Yeah. I'm saying so...

Mark Koenigs: So my name is Mark Koenigs, and, this is Kenborg Smith. As I said, he's the chair of conservation commission. We wanted to introduce ourselves to you. We, I, as a planning board member for the past, in the past, I've probably served with all of you except for Mr. Kelley, when he was on the town council and I was on the conservation I'm on the planning board. So I've been on the commission for probably about 8 or 9 years and kind of primarily focused on trails. And, the town has acquired land through various means. But one of the most recent land that was acquired was from the family, from David Ahern. And we want to thank the Ahern family for donating that land. It's across from the property on Portland Ave.

David Walker: Very generous. Yes.

Male Participant: Yeah, very generous. And it has requirements similar to the agreements of the Milliken family. Janice, Andrew Milliken's property is 50 acres, which we've been spending probably the last almost 15 years developing trails, crossings, roadway crossings on Portland Ave.

Male Participant: Boardwalks.

Mark Koenigs: And, yeah, Boardwalks. The animal shelter is still kind of like a place where we can store materials and stuff. So, anyway, so we're here to, want to have more interaction. I mean, over the period of time, we kind of, like, kind of moved away from getting the plans before as the plans are coming in. The last one that was done was probably about six years ago when we did Sumter. And, one of our members, you might remember, attended the meetings, came to the planning board meetings is as during the public hearings. Preliminarily gave comments to the trails. We went to the site walk and those trails just benefit in education. Those trails are out there. We have kiosks there. And, we work hand hammered the developer. They announced that the pins that are probably pretty much done, and we're still developing the trails and making them, noticeable and, you know, and making sure the public is aware that the trails exist. Right?

And that the homeowners and the homeowners association understand that the trails are there for their use as to, and the connections through the eastern trail states to the eastern trail. As that project goes into Saco, it's the vision. Right? They have the partial. They

had, like, a do 15 house lots, and then they got to do the other one for the other exit that they're doing. So this is just kind of a meet and greet. Let's use Good and Welfare to introduce ourselves to you. Want to know that through the, planning department, we'd like to receive the plans for the development, especially the one that was just here on your docket that had land that they were onto under their contract zone and selling it to the town, but they want to have a different density that they're going to have, you know, parks and trails and connectivity for easements and set aside open space. So we're all about open space having the community grow in a way that the planning of these subdivisions provide the residents of those subdivisions good access to the outdoors and to the environment, and that they become stewards of the land around them that's open space, and they monitor it.

They notify public officials when there's things that need to be done, whether there's trash dumping, you know, illicit use of the land, in any way like that. So, I appreciate what you guys do as a past planning board member. I know that most of the work actually happens when you're not in front of the public in reading all the packets and, understanding the rules that you're trying to judge each project on. I've given my comments as a member of the conservation commission. And, yes, as Jeffrey pointed out in the emails, in the conversations, I do kind of slide back into engineer mode. There's some things missing. You could take them for or leave them. You know, that's up to you guys. You're judges here on this one, for the project that we're talking about as far as the Atwood project. I would like to spend time after the meeting to at least introduce myself, you know, to the applicant, of that project and to understand what their vision is for that area, as far as how their users or their, owners, future owners are going to use the adjacent properties that are available to them to reach the Eastern trail.

I see that there was an effort by the town planner to encourage them to put an easement through the town owned property to put a trail in there and on that property to locate it. And that's what showed up on the plans that I received from the planning department. And that kind of concern me is that why is it easement be putting on the town property to get to the eastern trail when it's all the town property? I didn't understand that process. So, anyway, Kim Burke, is there anything you wanted to say?

Kim Burke: No.

Mark Koenigs: All right. But again, thank you for the time, and I know there's a football game that everybody wants to get to. So.

David Walker: Well, that's not as important as being connected by committees and boards. So, I just don't know how we work that out because you meet at different times. We meet at different times.

Mark Koenigs: Yeah. But I think the opportunity is through the town planner to share. And I think you started sharing the agenda obviously directly with the chair, and then the chair can disseminate each one as he sees fit. The chair may change from year to year as you're had to vote. We have to vote to our chairs, but we're confident that we know who

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the chair is going to be. I won't be at the next meeting. And unfortunately, I think the thing that I wanted to point out is I will try to add whatever public hearing comments that are still out there when the is the applicant going to submit another set of plans or no? Plans are done? I'm sorry. Are the plans are these plans done for the Atwood? There's not going to be another set of plans to address any of the issues that you raised with right here?

Jeffrey Hinderliter: There might be. I'll know after the 24th.

Mark Koenigs: They're more specific to technical things that engineer like Wright Pierce's.

Jeffrey Hinderliter: Yes. That that's what I would expect.

Mark Koenigs: No. So, I mean, my comments you've already received about trails. I would like to see connection trails. There's already trails that are shown on the survey that show that there was clearly a trail where people walked from the town on land onto the, Bay Hearn property, the outward project property to get out to look into Bailey's field or whatever. But, if those rights of access are stopped at the property line with signage, that's fine. But we're more than willing to allow the residents of the new property or the proposal to come onto the town property from that access point. That's up to them too. Right? That's for a conversation probably offline.

David Walker: It is. Yeah. Probably. Yep. Okay. I have one question for you guys.

Mark Koenigs: Okay.

David Walker: Was it just coincidence that you wore the same shirt tonight?

Mark Koenigs: Honestly, I didn't notice it. He just looked like Kim Bart to me, and I was like and he said, Mark, we got the same shirts. I said, well, my son, she literally had LOB. And I just pulled out the nice clean shirt for the number. I'm just teasing. Just teasing.

David Walker: Thank you for coming tonight.

Mark Koenigs: Yeah. Appreciate it.

Chris Hitchcock: Thank you.

David Walker: All right. Just a reminder to the board, we do have some plan sets to sign before you leave tonight. Any motions to adjourn?

Robin Dube: We make a motion.

Male Participant: Planning defend.

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David Walker: Planning defend. Okay.

Robin Dube: I make a motion to adjourn.

David Walker: Okay. Anonymous, end the meeting.

Chris Hitchcock: Great.

Jeffrey Hinderliter: Thank you.

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

Jeffrey Hinderliter, Town Planner