

David Walker: This is April 10. My name is David Walker, and I'll be the chair tonight. First order of business will be a pledge of allegiance. So please join me. 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. All right. Thank you very much. Jeffrey, you want to do the roll call please?

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Roeber?

Graham Roeber: Here.

Jeffrey Hinderliter: Mr. Kelley?

Jay Kelley: Here.

Jeffrey Hinderliter: Vice Chair Hitchcock?

Chris Hitchcock: Here.

Jeffrey Hinderliter: And Chair Walker?

David Walker: Here. Marianne Hubert is excused tonight, and, Graham will be voting in her absence. We did not receive any minutes, due to a transcriber issue, so we'll move beyond that and right on to regular business. Item one:

Proposal: Subdivision Amendment: Adjust front setback for Country Club Estates Lot 10. Action: Rule on Amendment. Applicant: BH2M. Location: 23 Magnolia Dr., MBL: 105A-1-C10; Zoning: PMUD. And is this you, Michael Jeffrey?

Michael Jeffrey: Thank you. So, this application proposes a front setback change to a single lot in the Country Club Estates development that's located in Dunegrass. And how this front setback issue was found was when the home was built, a mortgage loan inspection was performed and the home, was located two feet from this front setback. The Planning Board approved a 10-foot front setback for the lots in Country Club Estates. And it may seem a little odd. It does to us. You know, isn't this a zoning board of appeals matter? Because it's a setback variance. But actually it's not. Because within our zoning ordinance, there's really one district that has setbacks that can actually be set by the planning board. And that's the planned Mixed Use Development District where Dunegrass is located. So when the planning board sets setbacks, which they have the authority and jurisdiction in this case, zoning board of appeals review is not required because it's actually not a setback that's already identified in the ordinance. It's a setback that's determined by the planning board during their review process. But that doesn't mean that if there is a setback encroachment that someone can just encroach it and get an

okay through the code enforcement or planning department. What that setback encroachment essentially does is it alters a setback and that alters a plan that was approved by the planning board.

So, when you have an alteration to a plan approved by the planning board that is considered a plan amendment. And that is exactly what the applicant is seeking is a plan amendment for this single lot to reduce the setback from 10 feet to two feet. And, really that's pretty much it. There's no specific standards that the planning board has for these sorts of amendments. But there are some common sense items such as ensuring that there's no impact to abutters, no impacts to the town, and no impacts to the function of the subdivision as a whole. This house already exists to my knowledge. There's been no impacts to anything, except their ability to continue with this home. So in my opinion, the encroachment's minor. It won't negatively impact the town of Butters and the function of the subdivision. It's not in the right of way, for example, it's still on this person's property.

So, I do recommend that the Planning Board approve this amendment. And just for future reference, unfortunately, we don't have these that often, but just for future reference I did put this in the memo. This should not be something that continues to occur. I think we have realized if it is a mistake. It's not a big mistake. But, let's just make sure that when the homes are located that they do meet the setbacks. So that's all.

David Walker: Okay. Is the applicant here? Good evening.

Andy Morrill: Good evening. Andy Morrill from BH2M. Jeffrey did a great job introducing that you guys. The only thing I'll add is so we did go out and survey the location of the building. The building is about two and a half feet off of the right of way at its closest point. Hence, we're asking for this two foot front setback.

David Walker: How did this happen? When they were constructing a foundation, was it a change in the road design?

Andy Morrill: It was not a change in the road design. So, I think what happened is so on Lot 10, as you're standing on Magnolia Drive looking at Lot 10, on the right hand side of the lot that section is the straight section of road, and then you get to the cul-de-sac. So, I think there was a distance pulled off of the right of way that the contractor used to hold the front of the house and then built towards the cul-de-sac, not realizing that the cul-de-sac kind of bended to the side. And that's why you can see it kind of encroached over on that that corner of the cul-de-sac.

David Walker: Yeah. I saw that on the map.

Andy Morrill: Yeah.

Chris Hitchcock: Yep.

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Andy Morrill: Yep.

Zach Siemens: Can I add to that?

David Walker: Sure.

Zach Siemens: We measured off.

David Walker: Your name is?

Zach Siemens: My name is Zach Siemens. I'm building that house. So, we measured off the pavement instead of the 50 foot right of way like he just said. So, just lack of due diligence, I guess on our part.

David Walker: All right. Will you buy drinks for everybody in the audience today? Anybody on the board, you have anything?

Graham Roeber: No.

David Walker: No. Thank you.

Male Speaker: My feeling is it's really sort of a waste of time for the planning board to change a plan post hoc, but I guess we've done it before, so we're going to do it again. Is that the right answer?

David Walker: I wouldn't necessarily say it's a waste of time. I mean, this is something that could be done administratively, but because the planning board actually signs off on the plan and the plan is a legal document it does require the planning board to do. You know, it is a weird thing, in our office, we try to provide flexibility with as much as we can to try to do some things administratively. But this was not that actual setback encroachment. So it seemed to take an extra level beyond our administrative jurisdiction.

Jay Kelley: Okay. Through the chair.

David Walker: Yep.

Jay Kelley: I'll make a motion to approve the amendment to Country Club Estates final plan by setting a two foot front setback for Lot 10, 23 Magnolia Dr., MBL: 105A-1-C10.

David Walker: Motion by Jay.

Robin Dube: Second.

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

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Roeber?

Graham Roeber: 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 5/0.

Andy Morrill: And we have revised plan for your signature at the end.

David Walker: Thank you.

Zach Siemens: Thank you.

David Walker: Item two:

Proposal: Subdivision Amendment: 27 single-family house lots, one lot with 45 townhouse units, two open space lots. Action: Preliminary Plan Review; Determination of Completeness; Schedule Public Hearing. Applicant: Atlantic Resources Consultants. Owner: D & E, LLC. Location: Dunegrass. Sections: D & E, Inverness Drive, Pebble Beach Ave, MBL: 105A-1-D, 105A-1-E, 105A-1-200. Location: Dunegrass. Sections D & E; Inverness Drive, Pebble Beach. Yeah. I already read that. And zoning in the PMUD. Okay. That's you, Michael?

Michael: Yes. So, this was scheduled for determination of completeness review at the March meeting, but it was tabled due to changes to the access, which wasn't included in the plan submission. And the applicant decided not to move forward with the access change so the original approved access from the Dunegrass master plan continues to be the access for this proposal. And a majority of the items requested at our 2024 meetings, have been addressed. The applicant's update on the traffic movement permit is that the process is underway and, scheduling of the DOT scoping meeting is pending, is the last step before permit issuance. And the town still needs to conduct our review with the peer review engineer which we now have under contract with Sebago Technics. And it's our hope that this concludes before the next planning board meeting.

Notes and details were added to the plan for the emergency gate access, the fire road section to show width of 22 feet, cul-de-sac widths. Plans were amended to show a privacy fence along the northern line boundary. Plan notes have also been amended to state that the emergency access road shall not be used for construction access. And if this proposal is approved, we recommend including the – shall not be used note as a condition for that. And the applicant states they'll meet with Public Works to document the Willow Ave conditions before pre-construction and the planning board may want to consider, adding the applicant's language as a condition.

Also, reviewing for sewer connections, inspections of sewer manhole and location of Forest Main, before final approval after consulting with Public Works Director we do recommend including this as a condition of the determination of completeness. And then, the applicant also indicated, needed easement areas would be delineated and added as the stormwater features are set, prior to the final subdivision submission. And we also recommend including that as a condition of determination of completeness. One of the comments we had previously was about the cart path and sidewalk intersecting and being shared at the entrance to Inverness, and those are now separated with a split rail fence added. We did receive the updated responses to, seven subdivision review criteria. And other plan updates for wetland impacts were also added to the plans or fixed on the plans.

The fire department also reviewed this and provided review comments, dated 03/12/2025. I believe the applicant responded to some of those, but they should address any remaining comments to the fire department's satisfaction before the planning board issues a final ruling. And sewer capacity, we did get a letter or email from Chris White, Wastewater Treatment Director, that Wright Pierce has determined there's capacity for build out of, sections D & E. And they just recommend to monitor build out as well as pump run times. And this Dunegrass area sewer goes to Halfway Pump Station and this is part of the upgrades, being enlarged for future flow.

And then regarding the civil engineer comments, most of these have been addressed. And as I mentioned earlier, we now have our new peer review engineer, Sebago Technics, under contract. We think it's a good idea if Sebago Technics and the applicant work together before the pre-construction meeting to address any remaining matters. And then for traffic engineer comments, this also still needs to be reviewed by Sebago Technics, and it's our hope that'll be complete before the next meeting.

So for recommendations, most of the remaining items are relatively minor and easy to address. There's a few outstanding items, but they shouldn't prevent the planning board from determining the application as complete. And just to remember, a determination of completeness is not approval or denial. It is the determination that the board has the information they need to conduct the final review. And then regarding the public hearing, the board should determine if they want to hold a second public hearing. I know this was previously discussed. A public hearing was held in May 2024. Because this is an amendment to an approved subdivision public hearings are optional, and not required by ordinance. And if you do have a public hearing, we'd recommend the May 8 for that. And there is a recommended motion at the top of page 6 in your memo.

David Walker: So, Michael, has this proposal been reviewed by Sebago Techniques?

Michael: Not yet. We just got them under contract, I believe earlier this week or late last week, this week.

David Walker: We can still determine this complete pending their review. Correct?

Michael: Yes.

David Walker: Okay. Just for the public's knowledge, we did receive a letter today when we came in. It was from Jin Zhang and Jerry Burt. And they live at 59 Wild Dunes Way. And, they've made some assertions. I want to thank them for their letter and their concern. Are they here tonight by the way?

Jeffrey Hinderliter: No.

David Walker: Okay. I'm not sure. They say there's been a lack of public engagement, and transparency. They're concerned about disruptions to private property need for residential centered review, compensation for damages. And then they summarize at the end and they addressed it to the planning board. So I think based on that, it might behoove us to hold a public hearing next month. Even though we did again, but I'm only one person making that recommendation. It's certainly up to all your board members, whether you want to have one. Before we move on that, is the applicant here? Jason? How are you?

Jason: Good.

David Walker: Good. Oh, you brought the big gun with you.

Dominic Poularis: Dressed in my Masters jacket or sweatshirt. You have the jacket.

David Walker: I came straight from the Masters.

Dominic Poularis: Yeah. Do you mind if I address that letter? So, Dominic Poularis, on Dunegrass and the applicant.

David Walker: Sure.

Dominic Poularis: The concern that she has, clearly, is because, we're going to need to put the new force main in, up while Dunes way. So, right up the parking lot, to the pump station, which is not in her front yard, as she asserts. It's in the public right of way. And we have made a note in our plan that we will – in the construction plan that we will return everything to the way it is. I think most of you know, I take Dunegrass very seriously, I take the way it looks, I take the way that we run it. That is a house I drive by every day,

five times a day. There is no way that I'm going to rip up this woman's lawn, and not bring it back to the way it was before it started.

I understand her concern, she doesn't know me. The reason she doesn't know me, she doesn't live here, she lives in the West Coast. That's an Airbnb for her, she spends a couple weeks a year there, and that's it. So the reason that she didn't know about this, I have no idea why, but I mean, this has seriously been going on for two and a half years now. So, I will give the board my guarantee, that whatever damage we do, which is in the public right of way, not her lawn, we will fix. Because, I mean, honestly, if I lived there, I wouldn't want someone to rip up my lawn and then not fix it right. And again, I drive by it five times a day, maybe six. So, I wanted to make sure that I address that. And if I see her, which I see her maybe once a year, I will let her know that.

David Walker: Okay. Thank you.

Dominic Poularis: All right.

David Walker: Appreciate it again. Hey, Tim?

Tim Swanson: Good evening planning board. Just one more thing. Tim Swanson. What a lot of people don't understand, because we're going through it with some other neighbors, is the town it's a 50 foot right of way for utilities, you name it. If the town has to put a new sewer line in and people think that they own all the way to the street, but they don't. That's just a simple way to put it.

David Walker: Yeah. Thank you. Hi, Jason.

Jason: I got all the politicking out of the way.

David Walker: Yeah.

Jason: So everybody, nice to see you again. Jason *[inaudible]* [00:20:07], Atlantic Resource Consultants. Yeah, you've got a pretty full packet there. I think I apologize a little bit for the confusion on the roadway entrance. I think that was an idea that's been discussed on multiple platforms and different levels of government. It looks like that the plan we have in front of you now is the preferred plan going forward. And I will remind you that this right of way actually already exists. So it was a bit of a burden for the town, I think, from my understanding of the discussions. Because I'll design anything they tell me to. I have no preference where this road comes out.

We have a right of way there. This has been approved for years. Seems like the best thing to do is to bring the road out there. It's a congested area. Anyway, there really is no good option for routing traffic. 95% of the trips are going to come right by where this entrance is anyway. So this is what we have. It does get reviewed by the MDOT, *[indiscernible]* [00:21:14] is a public road. It is in the urban compact, so the town will be part of that scoping meeting when we do the traffic movement, permanent scoping meeting. And,

that's really the, I think, the only thing that's kind of needed discussion. I worked really hard to get that cart path and sidewalk separate. There'll be a little bit of a bumper crashing maybe for people who don't drive their cars very well, but there's a fence there to separate them.

David Walker: I was wondering how long that poster rail fence was going to last.

Jason: We'll have to put some padding on it.

David Walker: Yeah.

Jason: And then like Mike said, we're waiting for third party peer review, coming back from Sebago, which they have the whole list of comments and everything so they can go through and check those and we'll work with them.

David Walker: We're anxious as well. So, yeah. All right. Any, comments from the board?

Chris Hitchcock: Through the chair.

David Walker: Yes, Chris?

Chris Hitchcock: Can I get clarification on that split rail? I feel like I missed a meeting about where that need came from?

Jason: Oh sure. Chris, do you remember that we brought the car path in right to the edge of the sidewalk right here?

Chris Hitchcock: Yep.

Jason: So it was a shared car path and sidewalk. Staff had some concerns that you're inviting pedestrians who may not be golfing to interact with cars that are coming through this way. So that we've kept those paths separate. So the car path is...

Chris Hitchcock: So, I couldn't see it on the plan. So there's vegetation you put in behind that house.

Jason: Yep.

Chris Hitchcock: And then there's, which is first.

Jason: So, then there's a car path.

Chris Hitchcock: Then car path.

Jason: Which is, actually the car path doesn't get moved. That car path is on the other path.

Chris Hitchcock: So, then there's a sidewalk.

Jason: And then there is a...

Chris Hitchcock: And a road.

Jason: Yep. So trees, car path, split rail, guardrail, sidewalk.

David Walker: Any other questions?

Chris Hitchcock: I have a question about the traffic study for clarification or confirmation. You once, last time we talked about traffic study, you said they would be looking at the traffic that comes flowing through from Daroga and also flowing to Daroga through the Bath Dunegrass community *[inaudible]* [00:23:39]. I couldn't tell from looking at that plan you submitted last month, if the traffic package, if that was done.

Jason: Yes. Yeah, it's...

Chris Hitchcock: Okay.

David Walker: But we're still waiting to have Sebeago...

Jason: Sebeago's trial.

David Walker: *[Overlapping conversation]* [00:23:56].

Michael: And if I may add a little bit on that, that was really part of the big discussion that we had, and as Mike said, the reason why we chose not to move forward with the application last month. We looked at several options with bringing the access out onto Daroga Drive somewhere. A couple things. The option that essentially became the final option was still a terrible option. It literally would have caused this cluster at the Daroga Drive, that little extension road where you'd have traffic coming from the transfer station, traffic coming from all ways of Dunegrass off of Wild Dunes Way. Then suddenly this access, going onto Daroga extension. Also what that would have done, very realistically is resulted in the removal of some of the work that our conservation commission has done to create the school street trail extension there.

We looked at some other options to extend it to Daroga Drive in another location. But that working with the public works director on that, that would interfere with some things that the public works is considering in the future in regards to the transfer, what they'd like to do with the transfer station. And both of those options that I just mentioned require easements from the town and, you know, they certainly put the effort in to try to make it work. And it was probably more of the town who said, this isn't going to work for the

town after we looked at this, than the applicant. So I just wanted to make sure that, you know, they didn't just look at it and think, you know, we're not going to do this anymore and then discard it. There was a fair amount of work that went into that decision and the decision to keep with what was already approved as part of the master plan.

David Walker: Thank you for that clarification.

Michael: You're welcome.

David Walker: Yeah.

Chris Hitchcock: I have one other thing to discuss. I brought it up before, so it's, shouldn't be a surprise, which is safety as related to particularly to the hit, the way the golf balls get hit on this hole and the way you've, at least tried through changing the direction that road goes, to mitigate that. But there's quite a stretch in there once that road starts turning, where that road is aimed directly at the tee box or at least the back tees, and coincidentally into the setting sun. We discussed this. In fact, Tim brought it up in June. We discussed it in Hall 10 where that road turns to avoid as much as possible golf balls hitting vehicles or people walking on the sidewalk. But this one is quite a bit closer than that and for quite a long stretch. And so I feel there should be something done about safety and I don't feel talented enough on that subject to tell you what it is. I have some ideas, but they're not, I'm not a safety engineer. Somebody that is probably, or could be consulted I suppose, to figure out the best thing.

Jason: You mean like a golf course architect?

Chris Hitchcock: Well, let me just finish. I'm almost done. You know, maybe there should be some vegetation that's in the way. Right now, there's a lot of trees where that road is, but maybe they're all gone once you start putting a road in there. There's those tee boxes have to be moved anyhow because of the roads that got pushed because of a confluence of changes like the Hall 9 wasn't built as originally designed in 1988. So returning people from nine go back toward the parking lot where they were not expected to, at least there was no car path provided then. And, the fact that the road is now encroaching on tee boxes raises an issue I think needs to be dealt with more directly than just moving the tee boxes and hoping people get lucky because those tee boxes are now aimed more directly. Did I say this...

Jason: Yeah.

Chris Hitchcock: At their road.

Jason: So, I think we did, well, I know we did discuss this. So what we did though, is I think, and that might not be shown on the plans, but we discussed kind of rotating the tee boxes and Dom and I had talked about there's a stand of trees that kind of come out into the fairway a little bit, like right here that taking some of those down and rotate the tee boxes kind of change that angle maybe just enough where this stretch of road is now

instead of being 35 degrees from the tee box, it's 50 degrees, right? In that angle, you know, the net safety benefit becomes palpable.

David Walker: You're going to buffer with shrubs along that. Yes?

Jason: Well, are shrubs going to stop a terrible hook for a lot.

David Walker: No. No. No.

Jason: Because I think if you're talking vegetation you need something a little taller and fuller.

Chris Hitchcock: Well, I know Dom to be, but a smart business...

Jason: Dom has a lot of opinions on that.

Chris Hitchcock: What is that?

Male Speaker 3: Smart businessman and he knows there's liability issues and whether they're on him or one of his, one of his customers there's problems potentially here. And I think, we collectively ought to figure out a way to do something about that.

Dominic Poularis: I think, if I may, I think the reason that you feel that way is because you envision the whole as it is today, right? And I don't think that you quite under – well, maybe you do, maybe you don't. I don't want to be presumptuous. But we left a 60 foot tree barrier all the way down south. So if everything goes the way I believe it's going to be, you won't even see the townhouses. You won't see the road. You'll only see the road from where it comes in from Wild Dunes Way, and then it bends to the left, and then it dives into the trees. So, the amount of road that's going to be actually exposed is very, very little. I mean, it can't be, 200 feet maybe, if I had to guess. And we're going to slide the tee boxes over enough that they're not going to be next to the road. And the people that play from the gold tees, none of us here are, well maybe you are, I don't know. But the people that play the gold tees, they're playing there because they're good. They're not playing there because they're bad golfers. So, they're the only ones that would have the most exposure to hitting anything. Where the white tee box are going to be, the road is already going to – have already turned left. And where the green tees are the road's already in the woods.

Chris Hitchcock: Well the road's turned left, so you can't hit them 20 yards from you, but you can hit it a 150 yards and hit them in the middle of that.

Dominic Poularis: No, because we have a 60 foot tree barrier.

Chris Hitchcock: Well, I didn't know that. That's why I said I don't know what you're doing about those trees. There's nothing I could find on any of the plans that showed any vegetation in that area.

Dominic Poularis: Well, so, let me, before you get in, let me just say, I was adamant when we did this that I didn't want to disrupt the golf course, as little as humanly possible. So, you're right, a 150, 200 yards, 250 yards down that's where the balls could hook in. So we left a 60 foot tree barrier. So right from where the road goes in, there's 60 feet all the way down the seventh hole. Because, listen, even though it's the golfers responsibility who hits the ball, who do you think they call? Whose office do they end up at?

Male Speaker 3: *[overlapping conversation]* [00:33:27].

Dominic Poularis: Right? It's always with me. So that's why, even before I got involved with this project, that I couldn't allow anyone else to get involved with it because it could create a problem for the golf course that is just untenable.

David Walker: Well, I hoped you had an answer because Tim Swenson's attempted, a fairly flipped answer was in June golf balls go wherever they want and they go all over the place, which said, we can't worry about it, because it's too hard. And that doesn't sound like you.

Dominic Poularis: That would not would be what I, I would not say that because, I mean, I think we spent, Jason and I spent an ordinate amount of hours planning this out to have the least impact on the golf course. And if you look at the houses on eight, if a house gets hit on eight, I'll pay for the damage, and it's not my responsibility. They're going to be so far back, they're not going to get hit. These townhouses aren't going to get hit. I mean, look, I live on the golf course, my house gets hit, right? I mean, and, you know.

David Walker: We aim for your house.

Dominic Poularis: Yeah, I know. Most people do. I think they think it's kind of a, it's a game now, right? But I'm just telling you, I spent a lot of time on this, Chris. This was not something we did.

Chris Hitchcock: Glad to hear that. Thank you.

David Walker: Good question, Chris. Thank you. Thank you, Dominic.

Jason: I think it's funny that Dom said that we consulted on it. He told me what to do. Right, and so, what I can do, is what you don't ever actually see is an aerial showing the existing trees with the limit of disturbance. What you'll see is like a tree liner. So, I'll actually give you, like, an 11 x 17 exhibit of this area with an aerial underneath with the lines and color. So you can see sort of where that vegetation remains. I think that would clear a lot.

David Walker: So we could have that next month?

Jason: Yeah.

David Walker: Great.

Chris Hitchcock: And I did note that road is somewhat elevated where it could be following the terrane and be lower. So that's nice to see that.

David Walker: Does that mean this becomes a par four now instead of a par five, no?

Dominic Poularis: No...

David Walker: It's distance *[overlapping conversation]* [00:35:43].

Dominic Poularis: You don't need to, because you're not going to shorten the hole.

David Walker: All right.

Dominic Poularis: We're just going to slide it to the right. It's really more than *[indiscernible]* [00:35:48] than anything, a white tool, we moved a little bit. For green test, you don't need *[inaudible]* [00:35:53]. We're going to slide more a little bit anyway, kind of change this a whole little bit out of shape, so a little bit better, but that's all. We're doing the green tee *[inaudible]* [00:36:03] ecstatic move, but white really doesn't need to be. It's going to get moved over probably 30, 20 feet anyway and then the goal will slide over even a little bit further. So we're going to take probably 10, 20 feet of trees up to the top of the hill.

David Walker: On the right side?

Dominic Poularis: On the right side.

David Walker: Good. All right. And the fairway slope is in that way anyway. So while you're in there, will you fix that?

Dominic Poularis: Remember, I'm a golf course only person *[inaudible]* [00:36:38].

David Walker: Just saying. Okay. Any other comments from the board? And you saw the letter from the fire department address those in your letter on notice.

Jason: Yes. Yeah. There's a little, I think there was some confusion there between projects, so we got that straightened up.

David Walker: Yeah.

Chris Hitchcock: We're probably not going over the conditions or whatever they're called where you responded.

Jason: I think the conditions as vocalized.

David Walker: Yeah. They would – get part of the record. I don't need to read them. There's some comment about there's no pond within 250 feet of anything, which seems inappropriate.

Jason: On the 742.

Chris Hitchcock: The proposed project is not within 250 feet of any pond. Now, maybe you don't call that thing to the left of 8, the pond, but I got a lot of balls in there.

Jason: It's not a pond as – not great pond is I think what the terminology is. So it's Schulman zoning classification.

Chris Hitchcock: Okay. And, I think that's it. All right.

David Walker: How does everybody feel about having a public hearing next month?

Female Speaker: I think like they've done this for two years now. They didn't hear that there was a meeting, why do we need to do that?

David Walker: Well, I listened to that public hearing once, and then I replayed it again last night. It was an awful lot about the abutters down below getting water from off of the development off of 10.

Female Speaker: Yeah, yeah.

David Walker: And maybe more than half of the comments.

Male Speaker 3: Three quarters at least. And it was all about – and the other *[inaudible]* *[00:38:55]*.

David Walker: Yeah. And now that doesn't say there's a bunch of people that wanted to talk about your project and didn't do it, but I was disappointed by the way that played out. So I have an instinct that should have another one, not because this letter we got, because there's a lot abutters and a lot of people care about this project. They probably cared about every other one. This happens to be the biggest one you've done.

Female Speaker: Like you said, though, they were all concerned about more water going on to that other piece of property. That's the big comment.

David Walker: Yeah.

Jason: I mean, I guess I see that the other way that that would be – you're probably inviting more than that, I think. Although, you guys are cleaned up in there. But the only

other thing is that there is another public meeting, would be probably specific to traffic, but the scoping meeting is publicly noticed meeting that can be attended by the public. Just in case you were wondering that there would be no more public hearings.

David Walker: I mean, when I listened to last June's meeting, was that the public hearing? No, that was me. Your comment was it was premature to have another public hearing. So I just assumed for the last eight months that we were doing this another. I was surprised to see a recommendation that we don't need it, but that's just one man's opinion.

Male Speaker 4: All right. I can go with that one. It's been done [*overlapping conversation*] [00:40:30] already happened.

Male Speaker 3: I think we should have another one. I really do. I think there's...

David Walker: Oh great.

Male Speaker 3: Certain things that have come up that...

Female Speaker 1: Do you David?

David Walker: I am on a tie breaker. That's why I get the big bucks, I guess.

Male Speaker 3: So certain things have come up that we probably want to take another look at, let people have another say, and then that's final. We move on from there.

David Walker: Yeah. I don't mind hearing from the public, actually. I enjoy it. So, I'm going to schedule a public hearing next month. All right at the May meeting. And, I'd also entertain a motion on this project as a determination of completeness.

Female Speaker: I make a motion.

David Walker: Yeah.

Female Speaker: To determine complete the Dunegrass Section D & E subdivision Amendment proposing 27 single-family house lot, one lot with 45 townhouse units, two open space lots located in Dunegrass Section D & E, MBL: 105A-1-D, 105A-1-E, 105A-1-200. Owner: D & E, LLC, Determination of Completeness is subject to the following works director for final vote. Applicant shall perform inspections of SFH-989 in location of post May after consulting with the Public Works Director and before final vote. Two applicants shall provide easement before final vote. Three, town review of the submitted traffic study before final vote.

Chris Hitchcock: Second.

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David Walker: All right. Motion by Robbins, second by Chris. You want to call for the vote, please, Jeffrey?

Jeffrey Hinderliter: Mr. Roeber?

Graham Roeber: 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: Chair Walker?

David Walker: Yes. That motion carries 5/0, and there will be a public hearing next month.

Jason: Thank you very much.

David Walker: Thank you very much.

Jason: We'll see you next month.

David Walker: Thank you. All right. One moment while I get organized. Okay. Item three. Proposal: Site Plan: Construct four story building with 11 dwelling units, one professional office, and ground floor parking. Action: Determination of Completeness; Schedule Site Walk; Schedule Public Hearing. Applicant: Trillium Engineering Group. Location: 95 West Grand Ave, MBL: 313-3-4; Zoning: DD2 district and this is Michael?

Michael Jeffrey: Yes. Yeah. I just wanted to make sure they're all set with the projector, but it looks like that's all coming together. So, yeah, this is the first review since the sketch plan, so there are a lot of review comments in the planning board memo that I'll try to summarize. But, for the complete comments, definitely look to that planning board memo, but I'll also try to include as much as I can for the public in the applicant and planning board right now. So this 11 residential condominium units and one office unit proposal, was last before the planning board as a sketch plan in September 2024, and the site is currently a paved parking lot. So for this month, we received the site plan application, project narrative, deed, maps and sketches, and plans. And then on Monday of this week, we did receive a traffic memo, a lighting photometrics plan, and additional

lighting information. But these weren't provided to you since they were submitted after the deadline.

Since this is in downtown district, it is required review by the Design Review Committee, or DRC, and the DRC reviewed this in December 2024, and a recommendation on conditional approval of the design has been provided. The recommended design review certificate is in your packets this month. No action on the design review certificate is needed because as part of site plan, the design review certificate is issued as part of the approval. So for curb cuts and driveway locations, two West Grand Ave curb cuts that currently exist will be closed off. The existing curb cut on Bay Ave will be reconfigured for access to the parking garage and for access from Bay Ave to the two exterior parking spaces at the rear.

New curb cuts are proposed on Camp Comfort Ave, one for access to the building parking garage and one for access from Camp Comfort to the other two rear parking spaces that are assigned to 93 West Grand Ave, across the street. Proposed curb cuts will need to be reviewed with town departments, including public works. It appears parking spaces on Camp Comfort Ave abutting this lot, will be impacted. There are specific, performance standards for parking access, including sight distance, driveway spacing, and offset from intersections that need to be considered. It appears that moving these existing curb cuts from the Main Street of West Grand Ave and utilize the existing and proposed curb cuts on Bay and Camp Comfort for access could be the better location than onto West Grand Ave. The planning board should discuss potential impacts.

And then for deviation from these standards, the parking waivers section allows for waivers from the standards in this division of the ordinance. The applicant will need to request and specify the ordinance standards they are looking to waive and then demonstrate the following for each. That the physical constraints of the site may compliance with design standards of this division and practical are technically infusible and that modification of those standards will not create unsafe conditions for vehicles or pedestrians.

Regarding the parking, 25 parking spaces are proposed, 23 of those are dedicated to the 95 West Grand Ave site with 19 spaces in the garage and six spaces proposed outside. As I mentioned, two parking spaces on this site are assigned to 93 West Grand Ave. Ave 93 West Grand, which is across the street on Camp Comfort. Multifamily residential requires one space per bedroom to a maximum of two spaces per unit. And downtown districts have residential and hotel and lodging parking requirements. For all other uses, such as the office, there's no parking requirement. There are parking lot requirements, specific to parking stalls being directly accessible only from off street parking aisles, and that stalls can't be accessed through another parking stall, this appears to apply specifically to parking lots. And the way this is designed, it seems as though the parking spaces would be considered driveways.

Use of the unit since one item that came up there is staff and planning board questions and it is how the condominium units will be used. For example, short term rentals can

have additional impacts to the neighborhood regarding noise, traffic, parking and additional solid waste that it should be considered. The proposed office use isn't specified other than being an office, so the office use should be discussed to determine potential impacts. We still need the site plan review criteria responses, which one of those is in regards to stormwater. So stormwater, needs to be considered. Regarding the rooftop decks these have private stair access, and is shown on the plans for access for just the three third floor units. Trip generation for traffic was provided in the site plan, and as I mentioned earlier, we did receive a traffic specific memo on Monday, but you haven't seen that yet. Snow storage and removals should be added to the plans or shown, or a plan for snow removal. Regarding the solid waste trash that will be handled inside the garage area. However will be removed or picked up from inside the garage.

Town department review, comments are pending, and the applicant will need ability to serve confirmation for both wastewater and water. And then for the peer engineer review as I mentioned earlier, we just secured Sebago Technics under contract. With site plans, we have had peer engineer review of the site plans, but not in all cases. This site is designed by an engineer, but a couple items that come to mind that are potential peer review items are review of waiver requests, lot grading and potential impacts to the street and abutters, as well as proposed utility connections. What are the planning board's thoughts on peer engineer review of this proposal? Is this something you think needs to be looked at?

And so for recommendations, since this proposal will most likely need waivers for the proposed and there's some additional information needed, we don't recommend a determination of completeness at this time. Remember, for determination of completeness, does the application contain all relevant information necessary for the planning board to make a reasonable and informed decision? A public hearing is required after the determination of completeness. Scheduling a public hearing prior to the determination could be beneficial to get public feedback early in the process. Where this is site plan review, if a public hearing is scheduled before the determination, a second public hearing will be required, once determined complete. So that's just important to keep in mind. And what are the planning board and applicant thoughts on having the public hearing prior to that determination of completeness? And that's all I have for comments right now.

David Walker: Thank you, Michael. Before this applicant even came to us, I had started hearing rumblings from neighbors in Camp Comfort, about what was going to be proposed. So, I know that a public hearing will be necessary and there will be a lot of concerns and I want to make sure that we have everything we need when the public comes in here and starts asking questions. So that would be an engineering review along with waivers, necessary waivers, and a complete package. So, appreciate you coming here tonight. And I love what you've done so far, but we need a lot more as you've just heard from staff. So, why do not you go through your presentation for us. I was a little bit confused because I'm old and the writing is very small on here. So, how the parking is going to go. I didn't know if you were showing the existing parking and then the new proposal. I'd just like to see what you got. So, if you don't mind?

Eric Dube: Absolutely. Thank you. Appreciate that.

David Walker: Yeah.

Eric Dube: So Eric Dube, Trillium Engineering. I'm here with David Matero, project architect. I'm the civil engineer on the project, structural engineer also on that. So, we can start to go through and hopefully we can answer a bunch of these questions. I know it sounds, I guess, maybe a little bit like, there's a lack of information. I'm a little confused because I think we provided a lot of information on this. But we'll go through that and then we'll get questions answered. So, this existing site plan, just so we're clear and we're showing the red because it's actually an existing/demolition plan. So what we essentially have here of, no, it works, it's green. So what we have here is, of course, we have West Grand Avenue and Bay Avenue. We have the existing parking lot outlined. We have this existing, hillside existing wooden building/shed on property. And we have the existing curb openings that are basically here, here, and then we have it over here, and then over here as well. So that's basically your existing, what we have out there as we see today and so on and so on with the existing utilities and that.

So if we look at the proposed plan, this is what we're trying to show and we try to do it with shading, obviously, trying to show you what's going to be put back, or put in place and kind of dealt with. So again, same orientation on this. As I think we stated this back in November when we came here just before we went to design review committee, you know, which was kind of that next step with the building itself, is, you know, infilling these curb cuts basically on West Grand because we don't want any access out there. We want to get a little bit of landscaping and a little bit of green space along that sidewalk that we have there. And then what we really wanted to do was utilize parking below the building. So, of course, we have a slope. So, this is high and then this is low and that's the way the drainage goes now, by the way. Basically, we have some – it's a sheet flow from that existing parking area and then goes across here. And because of the way Old Orchard soils work with sand, it basically most of your stormwater, you don't have stormwater systems out here in these existing streets. So, everything out there essentially infiltrates.

David Walker: So that grey building is the building envelope would possibly be?

Eric Dube: So, yeah. This dark shading...

David Walker: Yep.

Eric Dube: Is the actual building outline, and we have everything inside that building. We can look at the architectural elevations beyond that. And then we have added sidewalk here, you know, redoing sidewalks, of course, infilling of sidewalks to the proper elevation because those are low now. So they've got to be brought up with new curbing infill. And then we have that open, you know, curb cut here. And then we are trying to utilize as much parking as possible. We know here in Old Orchard parking is essential for

everybody out here. So, that's why we've gone ahead and shown parking below the building. These are columns basically for the building. And this is based on our experience with other similar type buildings, just around New England, like this. And then you are able to basically travel. That First Floor is going to remain the same. So, your lowest point above your car is here and then your highest point is down here.

So you'd be able to come in, you know, and park in these specific spaces and then be able to traverse through the building itself. And then we have areas like this, where we have elevators, stairs, stair in this corner, and then we have areas for utility rooms and then like, trash that we have, that was mentioned in the memo trash get picked up by private contractor that can easily access the building with a truck. Probably one ton, something like that and be able to take that trash off. So, we've got entrances to the actual sidewalk itself to the building and then, of course, entrances, to the ends. Off of this drive or entrance, we have a space here, and by the way, I'm sorry, we have electric for the entire building coming into this corner. So we have a transformer. It's going to be there with an underground line from this new pole. We've already talked to CMP extensively about this. They've got to put in a new pole for that, riser pole.

So, we're trying to capture existing parking spaces off of the aisle here. And I think we mentioned this or at least talked about this back in November. Although, it's basically we're trying to solidify that. We understand people are trying to limit, you know, driveways and access ways. But, you know, getting a double stack parking and there's many situations where they do it. They actually do it in this site just down below us. We're trying to utilize as much as possible, on-site for parking in general. So, that's why we've shown it the way we have it. And, you know, we can discuss that and how that works, but we think we can strategically, absolutely make this situation work. Right now we have an open curb cut. So we're really just looking at keeping that same curb cut here, establishing this curb cut along with that.

David Walker: So those are parking spaces on the outside?

Eric Dube: So, yeah, so basically, the way the grade works, of course, is where I grade out here, and then we're lower. So this will act as the building will act as a retaining wall itself. So the highest point of that retaining wall or at least the parking will be here. I say retaining wall. It'll be a wall, a building wall. The cars obviously are going to be close to grade here because this entire lot underneath the building will slope. That'll be paved. And then, we'll have a concrete structure above that to separate it, get our separations for fire code and that sort of stuff. Building be sprinkled, but yes, these two would be stacked spaces that would be shared, and controlled by the same person and same year. So that's what we're trying to utilize on the exterior of the building.

David Walker: How did they get there? How did they get to those spaces, those two spaces?

Eric Dube: Well, you pull right from Camp Comfort.

David Walker: From the kind of way you can pull straight in?

Eric Dube: Correct. Yep. I mean, unfortunately, in Old Orchard, that happened – I mean, even along Bay Avenue and Camp Comfort when you look at the aerials. I mean, that's what happens in a lot of spaces now.

Female Speaker: Did you say you had two spaces you were using that wasn't on this? That was on Camp Comfort?

Eric Dube: So, two of these spaces are dedicated to another building, by easement. So that's what the two spaces.

Female Speaker: That's the building that's up for sale right now, the restaurant?

David Matero: The restaurant is for sale direct and the top four is *[inaudible]* [01:00:41] our residential unit and that's the – the two spaces are for the top floor.

Eric Dube: So that's parking and that's layout of the buildings. Does that help explain that a little bit more? Sorry, we tried to do our best with shading as much as possible on that. But it is, you know, when you have buildings that you have zero lot lines and you have that, then, you know, you run into utilizing the same, and the rendering will help on that.

David Walker: So each one of these units is a two bedroom unit, three bedroom?

David Matero: I can skip that a little bit. We're still on the first floor *[inaudible]* [01:01:18]. Yeah, so the second floor, so an elevator is in stairs *[inaudible]* [01:01:32] is a...

David Walker: Could you go to the mic, sir?

David Matero: Yeah, I'm sorry, I'm sorry. And should introduce myself as David Matero, David Matero Architect and we have a small firm in Bath. So, directly above the parking area, we have one, two, three, four, five residential units. There is one bedroom living spaces, and a deck, obviously facing the water. And this is the one commercial unit here, which will be a small office. The bottom one is the third floor. One, two, three, four bedrooms, and it's split into thirds. So there's total of three units on the third floor with four bedrooms, living spaces and balconies facing east facing the water. Fourth floor essentially the same. Four bedrooms, balconies, and these all have private stairs that go up to the private roof deck. That roof deck, the building, allowable building height is not high enough to allow stairs and an elevator to the roof deck. So they cannot be private. They cannot be public. So these have to be private roof decks on the fourth floor. I mean, on the roof.

David Walker: And they have rooftop access?

Eric Dube: Correct.

David Matero: And then I'll let you continue and I can come back to the rendering.

David Walker: All right, Dave. Thank you.

Eric Dube: Thank you. We wanted to make sure we're clear about one bedroom versus two bedroom units, office space, because that's all, you know, kind of contained in the, I guess with this building, there's a lot of questions and that's why we're just trying to hopefully clear that up as much as possible. And that drawings don't always do as you had mentioned before. So basically, if we can zoom in to that chart on the right, David, just so we look at that. So, I wanted to mention about stormwater. So, stormwater in general, I think I just touched upon it a little bit, but what we have here is we have the lot coverage table. So you can see that in the existing, and what we have to that we have 9,057 square feet. So we have got a total increase for the site after we take some areas, some pavement out, and add some pavement and building in. We've got 9,895. So we have an increase of approximately around 830 square feet of new impervious. We have a flat roof system. We're going to use roof drains. And then we're essentially going to put the water right where it was before or right where it was going before which is, you know, essentially on the Camp Comfort Avenue side. And then it'll infiltrate, it'll be basically what we're talking about before. So the increase, the net increase, is a very small increase in impervious total. So that's what we're talking about with regards to stormwater. So just to kind of go through that piece on that.

Let's, go back to the, yeah, go back to here. So, I think we talked a little bit just about utilities in general. This is, so we talked about electrical. We have electrical that happens here.

Robin Dube: The heating unit's going to be on the roof of this one too?

Eric Dube: I'm sorry. They're going to be what?

Robin Dube: The heating unit's going to be on the roof of this too?

David Matero: Yes.

Robin Dube: Like we've already been through?

Eric Dube: Yes. Yes. They are.

David Matero: We have a good solution for that, which we'll show you soon.

Eric Dube: We don't have room on-site.

Robin Dube: I don't have room...

Eric Dube: Yeah. No. Exactly. Anyway, this is fine, David, right here. So we have, basically, what we have is we have water coming off of Bay Avenue to go in the utility room on that. That'll serve as both domestic and for sprinkler. We have, of course, that transformer that we have in this corner that we're already in conversations with CMP and, and basically with these three phase existing power that they have out here, and then on the low side, we have a sewer line out in the street. So we are connecting, of course, on the low side. So we don't have to do any pumping or anything like that, specifically with sewer. So that's essentially what we have for the layout of sewer itself. Yeah, we'd still go to the landscaping plan.

So Tony Coles landscape architect worked with us on doing some landscaping. Obviously, we have a tight site. We talked about this back in November, tried to get some green space, tried to do as much as we could in front. So we've got some, the landscaping plan that's shown in here, try to get some greenery, try to get a little bit of shrubs and some other stuff in between the sidewalk and the building. And strategically around the transformer and then other locations where we don't. So that's how we're trying to at least, you know, set the building, give it a little bit of green space in general and not just have pavement right up to the edge or anything else. You want to go over the...

David Matero: Yeah. We had originally shown this drawing as a lighting plan. We have a pretty basic lighting plan. We have two down fixtures that point directly down at the garage doors and we have light fixtures at the doors themselves.

Robin Dube: Cameras? Is there going to be cameras in that parking garage?

David Matero: Yeah, we haven't talked about security. I mean, it's not a bad idea. That has not come up yet with the owner. We have since provided a photo metrics plan. What we're showing with the photo metrics is that we have less than 0.5 foot candles crossing the lot line here. These lights for the parking spaces, and we have cut sheets, are just a full cut off, and they point straight down. So they provide a puddle of light at the ground, but it does not spread out past the 0.5 foot candle code requirement. Just so you know, there is a fence here. We ignored the fence. With the fence, we're at zero, but we did ignore the fence in our calculations. So these are the lights that are on the side of the building, as you can see, full cut off.

Eric Dube: So, I think you can go to the – right to the building elevations or your asymmetrics. Yeah, that's probably your best one right there. So, I'll just say this and I'll turn this over to David. So, the snow storage in general, obviously, most of the building and you can kind of see. So this, you know, the street view itself, we have the door on this side. We have the door, of course, on Camp Comfort side on that. So there's really once you get in the parking itself, you're not going to have a lot of snow storage. So the biggest snow storage we're going to have is really our entry and our exterior parking on that. So, that we do have on the exterior parking, we have a little bit of area there, but reality so we can push it there during a storm, and then we can remove it and provide removal services afterwards for the exterior pieces that we're talking about.

So, we do have a little bit. So, this is on the high side on the bay outside. So we have a little bit of a pitch that we have from here to here, and then from there, we have a little bit of pitch here and then down through the entire parking area on that. And that's to match the other side.

David Walker: This is cool because you can see the parking spaces on the exterior?

Eric Dube: Yes.

David Walker: Yeah.

Eric Dube: Yes. Correct. And you can see that we have, like, one cut. So, we have the pull off spaces. You have sidewalk here.

David Walker: Yep.

Eric Dube: This is that again...

David Walker: Transformer.

Eric Dube: Transformer that we have here. We had to have setbacks away from the building, by the way. That's why it's located where it is.

David Matero: Just the meters, and those are that we pushed into an alcove.

Eric Dube: Yep. So electrical meters, we have this base, that's right here. And then we have this base that's pull off, that we're trying to utilize on the exterior. And then there's that double stack space that you can see.

David Walker: Can we look at that back alley too? Can you get around that far?

Eric Dube: David can do just about anything with this program.

David Walker: This is really cool.

David Matero: Yeah. So we missed this curb cut. That's a sidewalk, but that's – we'd like that to be a curb cut so we can pull straight in.

Eric Dube: Or if we decided or the board decided if, you know, we're talking about having that allowed, we could provide a tip down curb where there could be a drive over curb too. So it doesn't look like another curb cut because of the use is really going to be pretty limited with those two cars. Same thing on the other side. Just so we're clear on that. So you can see the decks pull out. It's actually almost get like a covered, you know, covered carport on that, but does that help with that elevation looking at least on this side here?

David Walker: How many spaces you get back, four?

Eric Dube: So, two on this side and then double stack two on the Camp Comfort side. And then the rest of it is basically going to be that green space that we talked about on the back side of the building.

David Walker: All right. Can we go up and look at the roof? Okay. Nice.

Eric Dube: I'll turn that over to David.

David Matero: Yeah, I am going to take that.

David Walker: Well, there's nothing there. It's just a shed and an empty parking lot.

David Matero: So, these are the private roof decks. Yep. Here we go. So these are the private roof decks. They will have lighting, but the lighting is a pedestal lighting. You can just barely see them here. They're about two and a half feet off the ground and they point straight down, so there'll be no light pollution from these lights. We're creating sort of a pen in here. That's where all of the outdoor units will go for the mechanical system. Obviously though, for access, they'll have to go up through one of the apartments. They'll be part of, you know, requirements of that particular apartment. But the nice thing about setting these back from the street is that as you're walking – this is street level, you'll never see, you know, you'll never see the mechanical units on the roof.

I can continue, I guess, go down West Grand. We did meet with CMP. This is an existing poll right here and we have to add a new pole right there, so that we can bring underground power to that transformer because these power lines are three phase. There's a requirement to how far a building can be from those power lines. So, we've had to redesign our building a bit to allow pieces of the building to set back further. But what that does do, it creates some movement within our sort of elevation in our facade, so that there is some elevation happening in three dimension. We're putting nice detailed large cornices on here to create some shadows and some interest. And we're providing sort of residential scale windows on the West Grand side of the building. We are obviously a four-story building. It's a big building, but we're trying to create interest in the design of the building to help minimize its impact, creating color change from the base of the building as we move up, as it moves up to clapboards and then even providing shingles. So we have sort of texture changes, fenestration changes, and trying to create some interest in what to help hide the fact that it's a really large building.

We actually did a site, sun study too, which I can show you in a minute, if you'd like, to show how this building impacts the surrounding houses.

David Walker: I would love that. Yes.

Dave Matero: Okay. Let me just finish, I guess, the tour around the building, staying at street level. So this is the low side of the building and the other side of the garage door,

just so you know, this is a two-way road, 24 feet wide, and then you would be a very efficient sort of parking method.

David Walker: I don't think it's as wide as you show it on here, but...

David Matero: No. Okay, so this screen makes everything really wide and short.

David Walker: Yeah.

Eric Dube: So, he's talking about the parking lot, the actual road.

David Walker: Right.

David Matero: And then on the – obviously, we want really large windows. We need to take advantage of a pretty fantastic view. There's some amazing views from here. So there'll be some private balconies, some screening for privacy reasons. And even our balconies will have glass railings, just so we can see through them and incorporate a nicer view. So our direct neighbor on this side is sort of, it's a parking lot before you get to their house. We are really close to the neighbor on Bay Avenue. So that is basically a tour around the building.

Male Speaker 1: Can you show the two parking spaces on this?

David Matero: Oh, sure. Yeah, there's an existing fence right there.

Eric Dube: Just a quick point of clarification, actually where that slot is, there is a firm cut. But people do talk a lot as tree. But I believe, there's maybe from the corner 10, 15, 20 feet curving and then it is cut the rest of the way, and it is current. I think the other diagram shows a – is having curve *[inaudible]* [01:17:51].

David Matero: All right. So, here we go. Okay. So, let's start with worst case scenario, and this is in the winter. Obviously, because the sun is so low, I will pause, so the sun, this represents 07:00 in the morning and at the end represents 04:00 in the afternoon. This is our most depressing day in the entire year, December 21 and there's so little daylight. So in the wintertime as the sun rises, obviously, you know, everyone's in shadow, because it's so low. But, as we get towards, sort of 10:00 or 11:00 in noon, our building does shade across West Grand. And again, this is the worst case sort of scenario of December 21. But by noon, we're not shading the people across West Grand anymore. We do start to get into the restaurant at noon and afternoon. And then we don't affect the neighbor directly behind us until, you know, the end of the day. That's our next door neighbor on Long Bay. I guess we're starting to really shadow here. So, we were surprised that it didn't affect the neighborhood more, but that's during the winter time.

During the summer time, it looks much – oops, I'm sorry, I didn't open that. During the summertime, that's a much nicer scenario. Again, this is June 21, and it starts at 05:00 in the morning and ends at 07:00 in the evening. The sun is so much higher. So we start by,

I don't know, 08:00, 08:30 in the morning, we're off shadows for the neighbor across West Grand. And then, you know, there's not a lot of impact throughout the day until very, very late in the afternoon, probably towards 06:00, 05:30 in the afternoon, do we even start to hit the neighboring house? So, let's see. Yeah, if you have any questions, I'm more than happy to.

David Walker: No, that was a great demonstration. Thank you. I'm glad you shared it with us.

Eric Dube: So, I think the only thing we'll add beyond that is the fact that, you know, we understand that waivers are going to be required for this. And typically we work with towns, town staff, with you folks on whatever that requirement is. We're happy to do that in this situation and, you know, be able to, you know, hear your feedback and then work with, like I said, work directly with staff and make sure that we've got everything kind of taken care of.

David Walker: Okay. Anything from the board members?

Robin Dube: Is this thing at the height requirement or right at it?

Eric Dube: Right at it. Just below it.

David Matero: Yeah. We actually do *[inaudible]* [01:21:34]. I think it's 45 feet.

Graham Roeber: I think when we get to the public hearing part of this, better be ready. Because I'm hearing grumblings too about big rectangular box sitting on West Grand Avenue. You know, in amongst single family homes, cottages, couple of motels. It's not going to go well with the neighbors.

Eric Dube: Yeah. Yeah. So in therein lies the problem. I mean, we talked about this back in November, specifically in November and, you know, going back to the, you know, design review committee and talking about the building and making sure. So I mean, that's that process that we're talking about, right? So we're talking about some of the fenestration issues of breaking up that with colors, with other, you know, pieces of fenestration in general. The reality is, is that the code allows up to 45 feet. So, you know, we didn't break that and all we're trying to do is make sure we're within that bounds and also following the rules of you folks and the design review committee. So that's, I mean, that's what we can do.

Graham Roeber: Well, it's just a letter of the law. There's not a whole lot that can be brought up about it.

David Matero: We should also add to that.

Graham Roeber: It's still a rectangular box sitting on West Grand Avenue.

Eric Dube: Well, there's a subjective part, but yes. I mean, I don't, I guess the question is on that side is, if the designer, and this is a question, an honest question, I mean, if the design review committee is happy with that and we're meeting those requirements, I don't know. I guess we'll look to you for comments on that, but I don't know what else to do from our standpoint.

David Matero: Yeah.

Chris Hitchcock: I think it would be helpful to have the chair of that committee or some other person speak to us and tell us how it got to look so nice or however they'd like to express themselves. I mean, they're the experts, so they've worked with you to get this. And I think it would be nice to hear.

David Walker: I'll ask staff.

Chris Hitchcock: That discussion.

David Walker: Mike, were you at the design review meetings?

Michael: Yes.

David Walker: Can you enlighten us a little bit?

Michael: I can. I think most of the information is in that design review certificate that was in the packet.

David Walker: Yep.

Michael: And I don't know if I have a copy.

David Walker: I got it.

Michael: Yeah, I think we actually had a couple meetings to review that.

David Walker: I'm looking for an executive summary, not the lead packet, so...

Michael: Well, I was going to start right from the beginning. It's pretty early. Yeah, so I think the design review certificate that's in there is kind of self-explanatory if you read through it.

David Walker: Well, if you know – the lingo, I mean, there's a lot of lingo.

Michael: Yeah, and it was long enough ago that I'd have to have a copy to review and go over it with you.

David Walker: I still think a human being from the committee ought to tell us what this says, tell the public.

Michael: Yeah, I mean, the design review meetings are public meetings. We did have some public there. We can invite the chair of the committee to come to a meeting. Typically with other design reviews we've taken their recommendation as it is, which is what that design review certificate is, but, I'm sure they'd be more than happy to come to a meeting if you wanted to update on that process or I could give it as well. I'm just not prepared to do that tonight.

Male Speaker 2: You could add some credibility that the town collectively has done, had a role that was well performed. And people can decide if that's true or not.

David Walker: They can hear it from us.

Michael: We can also share the minutes from those meetings. Might be an interesting read.

Male Speaker 2: So, I was at two of those meetings, and I got almost nothing out of it. So, I think that's, you have to be able to talk in less than lingo style. So it sounds compassionate.

Robin Dube: You're going to do that on this building, you're going to do *[overlapping conversation]* [01:26:23].

Michael: Yes.

David Walker: *[Overlapping conversation]* [01:26:43] is what the applicant gave to the design review committee in terms of proposal, but nothing in terms of the meeting.

Jay Kelley: The outcome of the meeting.

David Walker: Or the outcome, or the exchange that went on.

Michael: Yeah, so if you can specify what you're looking for, I mean, I can invite the chair as I mentioned, or if we know exactly what you want from that because that is the recommendation, but I can break it down.

David Walker: So did they just get a proposal and then approve it, or was there discussion?

Michael: I think it was approximately two hours of discussion and review.

David Matero: I am happy to elaborate if you'd like?

David Walker: Sure.

David Matero: I was at both those meetings. When we came to the workshop here, we presented a very schematic, rough idea of a box and it didn't go over well. It was schematic. We spent a lot of time with a design very similar to what you're looking at now presented that to design review board. One thing, and that first meeting, one of the biggest challenges was the color. And, as I was, I'm looking at my screen, which is a building that looks like this, and you're looking at a really washed out projection screen over there. So, a lot of our initial discussions was on the color until we realized that that doesn't show up.

David Walker: So the issue was color?

David Matero: Well, that was a major focus. But we came prepared with materials and color samples of, you know, the trim, the windows, the siding, and especially in the second meeting resolved the color situation really well. They were happy with that. In terms, I think they appreciated the effort we put into the design of a four-story building as amongst one and two story buildings. There's no way around that. As we explained with the design review board and, you know, you should know here that in DD, in this zone, you want three and four story buildings. It says it in your ordinance. Two is allowed. Three and four are preferred. Four stories gives us a development that allows the owner to put a lot of money into this investment and obviously make some money back. This is a good use for this residential style building in Old Orchard Beach, that all of the parking is provided not only off-site or on this site, it's covered.

We do see six parking spaces that are outside, but we're not building a building that's elevated and then throwing 24 cars at the first level. We're providing an experience as you have pedestrian, as you're walking down the sidewalk with, you know, these cornices that are at a level, the building steps back as it gets taller, which we're doing our best to break up the mass, the proportion, and the volume of this building. I can't argue that it's not four stories. It's a big building, and it takes up the whole block. But you have very little, you have no setbacks in this zone and you want three and four story buildings.

This makes us a valuable piece of property, but we're doing our best to, you know, create some interesting architecture, interesting colors. And we went through two meetings with the design review board. There was a person design review who was not happy with it because she felt it's bringing outsiders in that has nothing to do with architecture. But in terms of the architecture, they seemed complimentary. And they gave us with not a lot of comments on changing the design, they gave us a certificate of appropriateness, or I don't know what you call that at approval.

David Walker: Thank you. That clarifies it. These units are going to be condominium units. Will there be an HOA?

Eric Dube: Typically, you would need an HOA in a condominium, so yes.

David Walker: Yeah, typically. And so...

Eric Dube: So there will *[inaudible]* [01:31:04].

David Walker: So you will have HOA docs drawn up?

Eric Dube: We will have. Yes.

David Walker: And will there be an allowance for short term rentals?

Scott: I am Scott *[indiscernible]* [01:31:14], I am the owner of the LLC that owns the parking lot. Yes, typically, we would allow short term rentals, but we would not do nightly rentals. We'd probably do maybe three, four, five night minimums, maybe weekly minimums, something along those lines. I can tell you that at least one of the six units on the third or fourth Floor will be occupied by me, so that won't be a short-term rental. I know that I've been approached by someone who wants to actually develop and build the building. He wants one of the units for himself, so, I think this is going to be a very desirable building, and typically at the price point where these units should sell, although, we will allow short-term rentals, I think we'll get a good mixture of people who want to live there year round, and people who want to do the short-term rentals.

David Walker: So, we have an issue with short-term rentals in that Airbnb will go in and rent for a week. A bunch of kids will do the rental. They'll come in for a bachelor party. They'll tear the place up. They'll ruin it on you and there'll be a nuisance to the neighbors. So, typically, yeah, well he can be upstairs all he wants.

Robin Dube: You'll be downstairs.

David Walker: I know, you can't evict a person once they've rented the place for a week. You can try, you can call the police, but let me tell you, it's not very successful.

Male Speaker 2: Not going to make it.

David Walker: I'm sorry.

Male Speaker 2: I just said we are not going to make it, you call the police. They're not going to get there.

David Walker: Right. So, typically we would prefer a thirty day rental minimum. I can't mandate that. But when you come back looking for waivers, it is going to be a consideration that we will weigh on very seriously. So, you should go back and think about restricting those rentals to a 30-day minimum.

Scott: And just for the record, I own the building or I used to own the building and now I own one of the condo units at 3 Bay.

David Walker: Yeah.

Scott: And I did the third floor, I added the third floor and, you know, I rent probably in a similar price point. And my experience has been a lot different.

David Walker: Yep.

Scott: People that are paying that much per night, typically have been among the best tenants I've ever had in my life. With all due respect, I'm not saying that can't happen, but generally speaking, I don't find that to be the issue with someone who's paying \$1,000 a night for, you know, an Airbnb. But that is just again, that has been my experience.

David Walker: Yeah. Okay. Well, I'm sharing your mind. So we can agree to disagree. Anyone else? Well, it was a great presentation. I think I want to see our engineering firm weigh in on this before I make a determination of completeness. And I'm not going to schedule a public hearing until I have that determination of completeness. So, if there's nothing else, I'll say thank you.

David Matero: Excuse me.

David Walker: Yes.

David Matero: I just have one question. Is there going to be a need for a sidewalk?

David Walker: For a what?

David Matero: A sidewalk here?

David Walker: I don't think so. I mean, I'm familiar with it. Everybody is. It's an empty parking lot right now, and I think we just site walked, with new proposal on it. So great presentation. Thank you.

David Matero: Thank you.

Eric Dube: So I guess, probably the biggest question is that probably an engineering review is not going to accomplish is really the parking spaces, the additional parking spaces that we're talking about. So, just like to get some feedback on that. And I'm talking about the additional curb cuts, I will say. So, you know, if we're going to go to that next step, if we've determined that we're not complete, which I guess that's a subjective term. But, you know, at least we'd like some feedback on that information. Because that determines waivers, that determines, you know, things that shouldn't be in my opinion, done by a third party engineer. They really should be done by the people representing the town.

Robin Dube: The parking outback of the building is *[overlapping conversation]* *[01:35:41]*.

Eric Dube: Yeah. Basically, the two, yeah...

Robin Dube: Reason why you could not do it as long as the tenant know that they owe right out to the road, because they drive, you know, we end up in there and...

David Walker: My concern would be that they weren't all the way in, tucked in, and they're blocking the sidewalk, the public access. That would be a big concern of mine.

Robin Dube: What you can do about that though?

Eric Dube: No. No. We would – so just to be clear, just to go through the details on that. We would absolutely make sure that we have two long enough spaces. They wouldn't be compact. So that you have issues with, like you say, vans or whatever else. And people would pull in. We'd also have to make sure that those two – so there's four total, just so we're clear. The two double stack units are going to have to be managed by the same tenant. Otherwise, it just doesn't work. You can't have two different owners. So let's just say it's a two bedroom in that in the unit if that's what we choose or the office space. That would have to be managed by the same owner.

Robin Dube: So that to be over the sidewalk. It can't be on the sidewalk.

Eric Dube: No. No. No. No. We have enough room to tuck them both in. Just so we're clear about that.

David Walker: So, planning manager wants to weigh in?

Michael: I think what will be important is that those spaces are not for units that offer short term rentals. Because if they have short term rentals attached to those spaces, they're people who, if you have year round or more permanent tenants, then they're going to have more ownership of how those spaces are managed because they're there year round or more. So, I think if you allow those spaces, you ensure that both the condo docks and that there's a condition attached to approval that they are for permanent.

David Walker: One other thing we didn't talk about was snow removal. Do you have a plan for snow removal?

Eric Dube: Yeah. No. We talked about that a little bit. So snow removal would be – so most of the site is below. So we don't have snow that falls on there. I mean, you have snow from cars, but that's going to melt and then work. So snow is going to be in the winter months. So, you know, you're going to have an opportunity where the spaces are not going to be utilized that way like they are in the summer. So you have some opportunity on the outside where you can push snow on the side until you have an opportunity to come and then have a private contractor remove that snow. And we're not talking about a lot of snow. We're talking about essentially the just the spaces is in general on that. So you could utilize that.

David Walker: You're also going to have the snow that the town plows up on the side of the road.

Eric Dube: Correct.

David Walker: To deal with as well.

Eric Dube: Yeah. Correct. So like on, Bay Avenue, you can, you know, you'd be able to pull in and be able to push that snow left and right. Be able to stack it at least for a little while until you can have somebody come in and really utilize like a bobcat skid steer or something like that. And then be able to, remove that snow in general. So, I agree with Jeff, just so we're clear. That you, in order to have those double stacked, you really need to. You can't have just typical renters. It doesn't work like that. We all know that. You can try to sit there and say one thing or another, but it just doesn't work. You need to have some sort of ownership, you know, with those spaces on that, but I guess the real question is that, you know, from what I'm hearing, unless somebody disagrees with that, it sounds like, you know, additional curb cuts, you know, you could be in favor of that presented the right way or like we presented in having the legal language written. Is that correct?

Robin Dube: I don't see why not. I mean, they got to have access to the parking spots, you know.

David Walker: Okay.

Robin Dube: As long as it's not, you know, way beyond getting in and out of there.

Eric Dube: No. We're trying to make sure that, again, those spaces have ample pull in spots. So, you're not overhanging the curb or the sidewalk. We absolutely don't want that.

David Walker: Well, without my input it looks like you got a pretty favorable response from the other board members.

Eric Dube: Yeah.

Male Speaker 2: Through the chair. Can I just ask one more thing?

David Walker: Sure.

Male Speaker 2: I don't know if we talked about it much, but the business portion of the building.

Eric Dube: Yeah. We don't know.

Male Speaker 2: T-shirt shop or an office?

Eric Dube: No. It's a good question on that. So, we don't know exactly what it's going to be to answer the question fair enough.

Male Speaker 2: People coming and going?

Eric Dube: We're hoping that it can be, you know, an office space that's attributed with the building itself or something like that.

Male Speaker 2: Okay.

Eric Dube: That's, you know, what the hope is. But again, you know, that's going to be determined. It's not a spot where we have, so like T-shirt, you know, typically, you'd want retail to be right on, you know, West Grand. Well, we're not. We're actually in a back. So it's not going to be a spot that's going to be utilized for that.

Male Speaker 2: So, it's not going to be a store or something?

Eric Dube: No. We don't see them. Even if it was, it'd be mostly walking people that would have to, you know, to do that.

Male Speaker 2: People grabbing stuff to go to the beach or something.

Eric Dube: Yeah. Yeah. But we're hoping it's mostly going to be associated with the building for that business space.

Male Speaker 2: Okay.

Eric Dube: Sorry to not touch on that before. Any other questions for us? Or there's a lot of information in there. We get it.

David Walker: Yeah. No. I'm pretty good. I just want to make, I want to see my engineers report before I do anything. So, you haven't done any traffic studies?

Eric Dube: We did.

David Walker: Okay.

Eric Dube: It's in there.

David Walker: Okay.

Eric Dube: That's why I'm asking. So typically and forgive me, so typically we would, and maybe it's changed on this, but I've been on planning board before. So typically, we would, you know, those items that we're talking about are engineering type items or

something. So it would be a completeness and then it would go to the review engineer. That's the way I've typically done it. But, I don't know how you folks work because – otherwise, the engineers are reviewing stuff that isn't complete. So, I'm kind of in the middle of just don't...

David Walker: Well, you should get back to staff.

Graham Roeber: Yeah, I was just going to say as designed, it doesn't meet the ordinance. So determining it complete is complicated without having those waiver request and what is specifically requested to be waived. And then we'd have to have that reviewed to determine the safety and, whatever is being waived won't create any issues.

Eric Dube: Okay. We'll work with staff on that.

David Walker: All right. Thank you.

Eric Dube: Thank you so much.

David Walker: Maybe we'll see you next month.

Eric Dube: Thank you.

David Walker: Yeah.

Eric Dube: Thank you very much.

David Walker: Thank you.

Male Speaker 1: Just one thing I wanted to clarify with the chair is did you want to invite the DRC chair to the next meeting, or are you all set on that?

David Walker: I'm all set. It's just a matter of whether Chris wants.

Male Speaker 3: I was suggesting it for the public hearing.

Male Speaker 1: I know, I'm sure they'd be more than happy to come and share. I think they've looked for more involvement with the planning board in the past, so I think they'd be more than happy to come and share information if you want that.

Male Speaker 3: I mean, they could come to any other meetings of ours, but I think the public would be.

Male Speaker 1: All right. I'll bring it up at my next meeting and we can talk in between now.

David Walker: It seems that other board members are also interested in them attending.

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Male Speaker 1: Okay. Thank you.

David Walker: Public hearing portion anyways. Okay. Thank you. All right.

Audience: Thank you.

David Walker: Thank you. Other business. Is there anyone here for other business? Good and welfare? All right. Motion to adjourn.

Audience: So moved.

David Walker: All right. It is unanimous.

Male Speaker 1: Thank you.

David Walker: Thank you. Good evening to the public. Well, that was a toughie.

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 10 April 2025.

Jeffrey Hinderliter, Town Planner