

TOWN OF OLD ORCHARD BEACH  
COMPREHENSIVE PLAN COMMITTEE MINUTES  
May 1, 2024 – 6:00 PM  
Council Chambers  
(Draft)

**In attendance:**

Lou Valentine  
Win Winch  
Mary Pat Donnellon  
Peter Guidi  
Sarah Petrin  
Marc Guimont  
Planner Michael Foster  
Planner Jeffrey Hinderliter

**Open Meeting**

**Meeting opened at 6:00PM**

Planner Jeffrey Hinderliter reviewed the agenda with the committee. They should focus on item two and wrap up discussion on the future land use plan (FLUP). They are half way through. And get their overall thoughts on the FLUP. The next meeting they will work on how to organize public sessions for the public introduction. What to do, surveys, and all that.

Also, number four, discussion to set regular monthly meeting date. It was suggested since we didn't have quorum over winter, if we have a regular date that might help with attendance. He needs to get the comprehensive plan update complete as soon as possible, especially now with local pressure. What the council did is they gave some extra money in the budget so they could get assistance with the data part, the inventory section. Southern Maine Planning does have the ability to do that. Setting the regular monthly meetings is something he wants to discuss. Zoom has been discussed. This fall and winter after public sessions, once they are done with the FLUP that might be an option.

The fifth item, schedule towards completion. They will discuss this at a later date. For tonight they will to conclude the FLUP piece and pick up where they left off with the downtown districts. You have a document in your packets titled FLUP right up top, the second page downtown districts. We completed all the other districts and that's what you see with all the scribbles. (He pointed to rough draft FLUP map as reference) In January, February of this year, based on comments and new members lets look at this again with a new perspective.

**Future Land Use Plan Discussion: District Goals and Map Exercise**

They will start on the downtown districts. The exercise is simple. On the other sheet it says 1<sup>st</sup> of May 2024 Comp Plan Future Land Use district goal and location discussion. They are doing two things: reviewing the purpose statement goal, the overall thing we are trying to achieve for each district. Then for each district there is a growth area applied which has been changed a bit since some of you have been here. Growth area one, growth area two, growth area three, and then the rural area. They will look at the statement, and then figure out if the want to continue with that district and the general location where it should be placed on the map. What do you think about the district statement and where should the district be? He envisions downtown one as the core where businesses, services, all of those are all mixed in together. He sees downtown two as an extension of that but it gets more into hotel and motel types of uses. With downtown residential there is a pocket that is over here, the area of Imperial, and streets over there. It's more residential than downtown one or two. That is his thoughts. For Downtown one especially the thought is to encourage the ability for this space to evolve. The next part to get into will be how do they do that. There are zoning techniques and other things they will add. But with

these goal statements they wanted to put in the overall statement for what they are trying to do with key words that we can use when creating the goals, policies, and strategies.  
What do we think of the goal statement for downtown one? It could be ok as is and after we go through public sessions we find we need to tweak it.

Mary Pat doesn't see the visual standards and standardizing the language so it is consistent as they discussed for other districts. There is different language. Maybe it is different for downtown than entryway. If there are design or aesthetic guidelines it should be consistent throughout.

Lou should they talk about the streets that border what they are talking about?

Jeffrey that is the next part of discussion with placing it on the map. If we are comfortable with the statement where would we like that statement to apply?

Sarah DD-1 talks about year round entertainment, DD-2 does not. Maybe just seeing the boundaries of DD-1 and DD-2. We did talk about naming them something else.

Peter the DD-1 and DD-2 are much alike and there should be the opportunity to build business and fulfill Old Orchards traditional role as a tourist town. He doesn't see a big difference between the two. He would like to see DD-2 expanded, larger.

Win one of the big difference with DD-2 is there is much more off street parking.

Jeffrey for zoning right now the big difference is DD-1 has more uses, drinking establishments. In DD-1 the standards are a little looser too, like where you may not have a minimum lot size, so you can have multiple units without thinking of the square footage of the property, having a very high density. In DD-2 you can have high density but there is more control in zoning with space and bulk requirements.

Mary Pat is within a downtown district and there is a lot of year round residents.

Jeffrey the Milliken street parking lot is a municipal district. Then they have the Beachfront Business Residential and Beachfront Resort up top. The general area beachfront business residential goes on East Grand side to around Brown and on West Grand side to around Staple Street. They could always extend DD-2 into that area. Would it help to see current DD-1 and DD-2?

Win they have had some rebuilds a few year ago. Over the Strike Zone they were going to put second floor condos but didn't, but structurally it will hold it. Any encouragement about year round residential downtown and being near transportation.

Jeffrey they have new goal statements which helps but when they get to that piece they can get more specific with the language. He showed current zoning DD-1 and DD-2 on the map and described boundaries. With DD-2 they may need to look into applying different regulations.

Peter what would happen if the amusement district went away? Is that addressed in any way?

Jeffrey that would be DD-1. The amusement district is an overlay with DD-1 underneath it.

Marc Guimont asked about the district color on the map at the other parts of the map.

Jeffrey those are GB-1 and GB-2 that are a similar color on the map.

Mike if DD-2 was going to go to where it ends now which is Walnut, it should be carried beyond Walnut because that is a main way down to the beach especially considering the public parking lot.

Marc asked if it would stop where the condos end?

Jeffrey it would go to the railroad track were his thoughts.

Jeffrey for DD-2 what about the Saco Ave area where Walgreens is, Dollar Store. Keep that DD-2?

Committee gave general agreement.

Win they have off street parking.

Jeffrey downtown residential he was thinking this area. Why can't that just be combined with an R district? One reason he thought downtown residential should be a separate district is if DD-2 extends there is nowhere for it to go except into this area. Also, this district is a bit different than some of the other R-2 districts. Downtown residential could be an appropriate district for that.

Mary Pat how are they different?

Jeffrey this area has more of a mixed used component than the other R-2 districts. And for its position it is surrounded by other nonresidential types of districts.

Mike how do you create a district that balances residential and commercial, thinking for future growth, if it is either commercial demand or residential and setting it up so either one of those could go in but with minimal impacts?

Jeffery it is all about compatibility.

Peter sometimes it is good to have maximum impact and not the minimum impact. The notion of things having a minimum impact as the right answer is not the case. Sometimes development should have the maximum impact. Sometimes things need to change.

Jeffery one way is to require any change of use go through a planning board process and with that process they would have the ability to go beyond what they can do as the comp plan to evaluate those.

Peter if there is any neighborhood and the area that is really primed for significant change it is that one.

Mike proximity to downtown and it is higher. I don't know with shoreland it looks like it is out of that and I think it would be out of flood. As far as prime future development whether commercial or residential whatever the needs are at the time.

Win with the exception of this street out here it is mostly residential with off-street parking. You could include it in the Downtown District where this street is all commercial and dense.

Jeffrey for this area right now is downtown residential ok?

The committee gave general agreement.

Jeffrey now we go into residential districts. They will start with Ross Road districts. They could have one or three Ross Rd districts. What the Ross Rd districts are focused on is the lots that directly abut Ross Rd for its length. There is a growth one and growth two district. If you go back to the sheet, growth one, areas that encourage the most growth and development over the next ten years that have public water and public sewer. Growth two, encourage growth but in a more limited way and these don't have public water and public sewer. With Ross Rd 1 and Ross Rd 2, really Ross Rd 1, it is more of a high growth area because portions of it have water and sewer. A sewer map was provided. Water actually extends beyond sewer.

Marc they have a nice GIS system. Does Maine Water allow water utilities to be shared?

Jeffrey they used to have it but he can find it now.

Sarah what about the old sewer or water pipes that are down by the beach that have popped up now with the erosion. What about removing that old infrastructure?

Jeffrey something like that could be part of the comp plan, not necessarily under the FLUP, but under the public facilities section they could look towards adding something in our goals, policies, and strategies.

Mike is there old infrastructure that's not used? There is some large storm water drainage.

Sarah there's old corroded piping going from the commercial area down to the ocean.

Marc they haven't invested money in that. They should check on the status. I would bet most of these things are still in use.

Peter those pipes were all exposed in the late 70's and after storms all those pipes popped up. They were there for a season or two and then they were gone as the beach shifts around.

Jeffrey if they are pointed out to the ocean they might be the actual outfalls.

Sarah at a minimum the infrastructure that is there needs to be checked to see if it is still in functional use or up to standard. It looks like a total hazard to me on the beach like an accident waiting to happen, having these corroded pipes on the shoreline.

Jeffrey will check in with Diana [town manager] and public works on that.

The Ross Rd Districts, right now there are two, the growth one and growth two identified for Ross Rd one district.

The descriptions for Ross Rd one and Ross Rd two were provided.

Jeffrey the way he envisioned this is these would be brand new districts that would include frontage or a portion of lots with frontage on Ross Rd throughout. First, what do we think of the statements?

Win you are telling it the way it is.

Jeffrey would you like me to share with you where I thought these districts should be? So, for Ross Rd one it would be from Saco Town line across to Portland Ave and then this stretch to Scarborough would be Ross Rd two.

Marc pointed out the depth of development isn't the same on the Scarborough end as it is on the Saco end.

Jeffrey pointed out Ross Rd sewer line from Seacoast RV. He sees that area as part of the rural district. To preserve it they can allow some limited development.

Marc asked if they should exclude two family?

Jeffrey it would be for lots abutting it or for larger lots it would be 500 feet or a thousand feet in on those lots.

Sarah the only other addition to add to Ross Rd would be increasing public transportation in that area. And between the downtown and residential areas.

The committee discussed transportation needs and infrastructure along Ross Road and connecting to Rte. 1 and Scarborough. An area along the road for people to walk and bike is needed.

Jeffrey identified Ross Rd 1 and Ross Rd 2 on the FLUP map. For Rural Residential 2 it is more of a higher density, more residential types of uses. You could have smaller lots in the RR2. There is more public water and sewer out along that way. They have 3 residential districts. What is the difference? The higher the number the higher the density. He read the descriptions for the districts highlighting the differences.

Marc asked about RR2 wouldn't it be less dense with no utilities out there. Should they need swap the numbering?

Peter thinks there is confusion. They have RR2, they really need Ross Rd 1 and Ross Rd 2, and then when you switch to residential you are using the same vernacular, so it gets a little confusing.

Jeffrey Residential 1 is different than Ross Road and may be a natural extension of the Ross Road 2. We may want to change it all to Residential 1. The vernacular is a little confusing.

They should look at the Rural districts too because they are both kind of residential when they are considering these R1s. They have a lot of pockets that have no districts attached with this exercise. One thing they should agree on is the Ocean Park district. Then they can take that area out of the discussion. Planner Foster always thought of it going down West Grand from the Marsh down.

Jeffrey pointed out the area on the map. They have DD2 then the Beachfront Business Residential from Atlantic Ave to Seacliff. Then the rest of this area would be the Ocean Park district. This is a growth 3 district where what would be built into zoning standards is analysis of environmental impacts and natural resources. From Ocean Ave to Saco line, to the railroad tracks.

The committee discussed the area of Ocean Park.

Jeffrey lets flip back to the Rural districts. The primary change is they are not growth areas, they will be defined as rural areas. The state requires some areas be identified as rural. He read the description for rural.

Peter mentioned land along Portland Ave being donated to the town and in conservation that won't be developed. Are they using that land to their needs?

Jeffrey pointed out the land that is identified as municipal and allows municipal uses. You never know, look at the ballpark for example, that could be leased.

Peter doesn't think there is rural land in Old Orchard Beach. If there are large tracts of land that can't be developed because they are in trusts it seems they could meet obligations by having public access to those places.

Jeffrey pointed out the large Bailey property and they were interested in putting a campground there. In his opinion you have shoreland zone but you still need base districts. He thinks this is the remaining rural area in town. Maybe they get rid of Rural Residential and just have a Rural district.

Mary Pat it seems R2 could be that too?

Jeffrey needs to tighten up the Rural statement.

Lou anything in that area needs septic or maybe it isn't allowed environmentally because of the drainage.

Marc mentioned Homewood Park can't connect to Portland Ave. They don't want through traffic.

Jeffrey keep that thought until we get to that section of the FLUP. For the Rural district, would we think of that area would just a changed name? We will work through the details. Do we need Rural Residential?

The committee discussed not having that district and agreed less is better.

Jeffrey now back to page 2 and we have the three residential districts. For really that is the rest of the land. He pointed out the areas on the map. R3 is highest density area, R2 is medium density, and then R1 is low density and R1 does not allow multifamily according to this. I know Mike has opinions on that. This is all coming together and making sense to the point we will have a good first draft of this.

Peter with some exceptions I'm sure, any residential property that borders a DD zone or GB zone should be an R3 zone. If you're between DD zone and GB zone you should be R3, not R1.

Marc with what they are doing should they think about the tax base, and they are really a residential tax base.

Do they have opportunities for commercial and business that would help because if they are strictly residential it is going to be hard tax wise?

Jeffrey that gets to the piece of zoning that is overlooked. You get caught in what you allow and what you can do, but there are tax repercussions. How do you find that balance?

Marc when you talk about affordable housing you are talking more children and more education. That all has tax consequences but are we providing opportunities for enhancing our tax base?

Jeffrey to balance out you do it in areas where you plan to have that type of growth. If we identify a Saco Ave district, don't tie it up with so many standards that are prohibitive to business. So you identify areas for business and then encourage it through zoning standards. What if you had an entire town with no zoning districts and you planned land use based on how things form? You then consider how impacts would be as you go along.

Marc how do you afford to survive?

Jeffrey the question will come up, what is this going to do to my taxes?

Peter there used to be more tourism but the business is being hurt. The beach will keep the motel full, but it's the restaurants, retail, and services that are in trouble. The ballpark, there used to be 20 concerts a year that brought in hundreds of thousands of people and millions and millions of dollars in business.

Sarah where is the ballpark?

Jeffrey pointed out the location on the map.

Planner Foster are those example when contract zoning can be used, whether business or residential?

Jeffrey explained contract zoning to the committee and how it has been used. There are three conditions and one is that it must meet the comp plan.

Mary Pat what was said is a good point. Where they identified business areas they should understand how to make it friendly and build those up. The answer isn't to put the business in the neighborhoods. How can they make things easier, more seamless and attractive to get businesses they want in here?

Jeffrey the standards don't encourage it. Three districts left. He pointed out the R districts on the map and the committee discussed them.

Peter asked if with state law changes if there is still such a thing as a single-family dwelling?

Jeffrey single-family dwellings are still allowed. Accessory dwelling units (ADUs) are a different type of use and unit. They are separately defined and have different standards. They are also not two-family when it comes to the definition and space and bulk requirements. With two-family you still need to meet the density requirements.

The ADU ordinance and requirements were discussed.

### **Future Land Use Plan Discussion: Thoughts on Future Land Use Plan**

Jeffrey for the rest, the overlay districts, the contract zone districts, he will add to the map. Congratulations, there is the Future Land Use Map. That is a big step. What do you think about this so far?

Planner Foster there does seem to be a lot of districts. The more colors and letters add confusion.

Sarah it is good for now keeping in mind for most people simplicity is best.

Peter people get confused you need to know the zone and then read it.

Jeffrey zoning needs to be in legal language and you need to explain it. For next meeting they will begin preparing for public sessions. There are ways to be more effective than others.

Marc how do they ensure the plan is looked at and doesn't collect dust?

Jeffrey this was recognized and there will be an implementation committee immediately following adoption of the plan that will work through the goals, policies, and strategies and priority levels.

### **Discussion: Set regular monthly meeting date**

Jeffrey for the next meeting, I know some of you are just getting back and it is summer, would you be up to a specific meeting date each month? With my schedule the last two weeks of the month are mostly open.

The committee discussed having meetings the third Wednesday of the month and agreed. Future meeting dates were discussed.

Sarah can we clarify if zoom is a preference or actual regulations? Is this your preference or is it a town rule.

Jeffrey for the FLUP this is his preference because it is more interactive. For town rule, if you are a committee you need to have the language, because you are a public body, to allow for different meeting settings so the public has the ability to access.

The committee discussed having options to connect remotely.

Jeffrey will look into the remote meeting policy.

### **Adjourn**

Meeting adjourned at 7:55PM