

Chair David Walker: Meeting for the month of May. My name is David Walker. I will be your chair tonight and I would appreciate it if you join me in a pledge of allegiance to the flag right now. Thank you. 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. Wonderful. Thank you so much. Mike, you want to do a roll call?

Michael Jefferey: Yes. Graham Roeber?

Graham Roeber: Present.

Michael Jefferey: Robin Dube?

Robin Dube: Here.

Michael Jefferey: Chris Hitchcock?

Chris Hitchcock: Here.

Michael Jefferey: And David Walker?

Chair David Walker: Present. Marianne Hubert has recused herself tonight and is in the audience as an abutter, which is an appropriate move. And then, Mr. Kelly, Jay Kelley has a planned excuse tonight. So that's it. Now let's see. I'm going to do the public hearing before the minutes, I guess.

Public hearing: Proposal: Subdivision Amendment: 27 single-family house lots, 1 lot with 45 townhouse units, 2 open space lots. 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.

I would just like to let everybody know in the audience who plans to speak tonight that this board has been working on this for nearly a year and a half. So it is not like just tonight that we have decided to make a decision. But this is your opportunity to get your feelings on record. So when you approach the microphone, please state your name clearly for the audience at home and for the transcribers, and for me by the way. And then your address as well. I appreciate it. So, if anybody wishes to speak, I'll open this meeting now at 06:34. By the way, I recognize a lot of you anyways.

Jeff Layton: Thank you, Mr. Chair and members of the committee. I appreciate you taking the time to hear our concerns. Jeff Layton, live at 57 Wild Dunes Way and, been there for a little three and a half years now. So I understand the project. I know what it's going to entail and I would just appreciate it when this project does commence that the developers will relocate our sprinkler line systems and redo the sod. Those are my biggest concern. I mean, I'm all for the project. I think Dominic does a great job. I don't think there's any concerns whatsoever, but I just want to make sure that that's part of the

record and that is part of your approval process that these things are in writing so that we don't have to negotiate this down the road if everything that's going to be in your plan.

Chair David Walker: I believe you sent us a letter on that, didn't you?

Jeff Layton: We did. I did, I know June did, my neighbor.

Chair David Walker: Right.

Jeff Layton: So those are my biggest concerns. And again, I have nothing, but the utmost confidence that Dominic will do this job properly. And like he said to me, I go by your project, your property about five, six times a day. And, I want to make sure it looks good.

Chair David Walker: Great. Thank you very much.

Jeff Layton: Thank you very much. Appreciate it.

Chair David Walker: Yeah. Thanks, Jeff. Anybody else wishing to speak?

Brian Bates: Good evening.

Chair David Walker: How are you?

Brian Bates: Good. I live at 5 Willow Ave. My name is Brian Bates.

Chair David Walker: All right.

Brian Bates: We've lived there for six years. Old Orchard Beach is a nice place. I'll say that.

Chair David Walker: Okay.

Brian Bates: We didn't get anything in the mail, but I'm told that between Number 5 and Number 7, which is my neighbor's house, there's going to be a rope that runs right through there. We never got anything. I was kind of – I thought that was kind of strange. The other thing I thought was strange is I've walked back there. It seems like its wetlands. How can they be building in wetlands out back there? I really don't understand that.

Chair David Walker: Okay. Well, they have the, DEP has a process for them to build wherever there wetlands. And where they cannot build is also defined, and they'll be monitoring it very closely and providing permits for them.

Brian Bates: Okay. All right. And the other thing I noticed is, ever since these people with the Dunegrass and, I guess, the price of progress but I noticed, like, some of our, in

the eight years I've lived here, like, our sump pump run a lot. The *[inaudible]* [00:05:44] sump pump runs a lot. I mean, it just seems like it's just too wet for anything back there.

Chair David Walker: Yeah. I don't know about that. That hasn't really got anything to do with what we're doing tonight, but...

Brian Bates: Yeah.

Chair David Walker: You could bring that to the DPW. Would that be – The DEP? No DPW, sump pump you're talking about, right?

Brian Bates: Right.

Chair David Walker: Yeah. For your wastewater. That's the basic.

Brian Bates: I mean, we just have, like...

Chair David Walker: Just a basement sump.

Brian Bates: Water in a basement, a little basement.

Chair David Walker: Oh, okay. Yeah. Well, then it's not the DPW. You need to get a plumber in there. It'll take a little while, I would think.

Brian Bates: Okay. All right. Thank you.

Chair David Walker: All right, Brian. Thank you. Good evening.

Tom Bennett: Good evening. Yeah, *[inaudible]* [00:06:35]. His issue that he's talking about is something that's with the people across the street.

Robin Dude: What's your name, honey?

Tom Bennett: My name's Tom Bennett.

Chair David Walker: Tom.

Tom Bennett: And the people across the street at *[inaudible]* [00:06:46], they've been getting water because they still don't have that retention pond built on that new subdivision on the other side of Willow.

Chair David Walker: Right.

Tom Bennett: So water is coming over our sump pumps. We have two of them. And they're going way more than they ever have, and there's still water coming across. So

that's that issue. And, I don't know, was it decided that there's going to be an emergency road between five and seven?

Chair David Walker: There's a gate on Willow that will be emergency access and lock key. Yeah.

Tom Bennett: Okay. So now, is there a way that you guys are going to put that, like, when this council or this committee is gone or whatever, in 20 years, that's still just going to be an emergency road. They're not going to turn it into a road, because that's what everybody's saying. The commission that's in, okay, yeah, it's just an emergency road. And then things change, and the town council changes, and whatever. And then they change it to a road.

Chair David Walker: I don't know. My crystal ball is cloudy. But what this board is saying is that that's emergency access only with a lockbox key.

Tom Bennett: Forever.

Chair David Walker: Yeah.

Robin Dube: We can't talk about the future.

Chair David Walker: But I don't know what forever is because...

Tom Bennett: You can't predict the future.

Robin Dube: It all depends on who you vote for.

Chair David Walker: Yeah.

Tom Bennett: You know, but, like, over there on that other thing, that's why they didn't come this time.

Chair David Walker: But it's deeded this way. So, for it to change you would have to come, what, to this board Michael, or council?

Michael Jeffery: Town council usually for, road acceptance.

Chair David Walker: Yeah.

Tom Bennett: But that area, do you know what the width of the road has to be? Because that area there is only, like, 52 feet. I don't think that's wide enough for a street, emergency road, probably, but not enough for a street, right?

Chair David Walker: Yeah. But we're not going to deal with that now because that's not really what we're here for because I don't really know what's going to happen 40 years from now. I won't be around.

Tom Bennett: Okay. I understand what we're here for.

Robin Dube: We strictly put it in as emergency road only.

Tom Bennett: Okay.

Robin Dube: So that it's not going to be a street or whatever.

Tom Bennett: Right.

Robin Dube: It would have to be the people that.

Tom Bennett: This is for the prop, the stuff going on behind our houses.

Chair David Walker: Yeah.

Tom Bennett: That I understand that. But you guys approved across the street in Dunegrass that he's talking about and I'm talking about and the other people talked about last meeting that water is still coming because that retention pond still is not done. And that's why we're getting water in our basements. The one on Magnolia.

Chair David Walker: I know, but that's under the purview of the planning department now. We've already closed that chapter and moved on. And I know, Mike, you've been down there?

Michael: Yeah. And we can go back and visit. This is the first update I've heard in a little while that there were still issues out there. So we can definitely follow-up on that.

Tom Bennett: The previous meeting, the people at *[inaudible]* [00:10:01], they came, the Gray House. And, yeah, they burned out two sump pumps since that thing started. So there was a running stream. So who's that, the planning, do they have?

Chair David Walker: Planning department. Yeah. Yeah.

Tom Bennett: *[Inaudible]* [00:10:19]?

Chair David Walker: This is Michael Foster. He's the assistant planner.

Michael: We do, inspections with our third party engineer out there.

Tom Bennett: Okay.

Michael: So, we'll follow-up. And we'll also be out there soon for some erosion and sedimentation control inspections so we can look into that.

Tom Bennett: Right. Mike, the guy that's public works, I think he still Public works? He came and looked at all that and he was the one that said to bring it up at the previous meeting and again at this one, because he said *[inaudible]* [00:10:53]. He does not have anything to do with it.

Michael: Right.

Chair David Walker: All right. Thank you.

Tom Bennett: Thank you.

Jin Zhang: Good evening, everyone. My name is Jin Zhang. My address is 59 Wild Dune's Way, Old Orchard Beach, which is right next to the parking lot, or the clubhouse. I have a few concerns I'd like to share tonight. The first thing is lack of transparency and communication. We have been in the community for over three years. I know Dominic has said that, you know, as you mentioned also, this has been going on for over a year. Starting April, last month, is the first time we actually heard about it. So, we never knew this was this big development that was going to happen so close to our house. So, you know, Dominic said communication has been sent, but somehow we have not received it, so that's one thing I'm really concerned about.

The second thing is, you know, there was a plan and Mike knows, we've talked several times, it's not clear the impact on us. There's always saying that, you know, our lawn is going to get teared up and there's going to be sewer being put in, but there's no exact description of what's happening to our property. And we put in a brand new landscape last year with beautiful trees and lawns and, you know, obviously, it's very nerve wracking to know that that will be turned up. So lack of information, lack of communication is something that I really worry about. And only tonight when I saw Dominic, that's when he told us that he promised to return our property the way it is, which is great to hear. It's a big relief, but I like that to be clearly documented. And I will request that all the properties, I mean, you see all of these people here, we're all impacted by this development. All of us need to know what exactly is happening to our house, to our property, and that communication for courtesy, for respect, for being good neighbors, should be communicated to all the resident in the community.

Lastly, I'm also concerned about traffic. There's a lot of people already coming to the clubhouse to play golf. Nicholson Road was built so dense, and this is yet going to be another highly populated dense community. What's the traffic pattern research and can that information be released to the public, so we have a time to understand and evaluate and give you feedback on that as well. So, transparency, communication, need to know exactly what's happening and promise of what the outcome would be, and traffic study, so we can understand what's the impact to our life. Thank you for listening.

Chair David Walker: Thank you very much. And you all need to know that all your comments become part of the public record tonight. So I appreciate them.

Larry Mead: Good evening.

Chair David Walker: Good evening. I have two letters from you. Are you going to address those letters or should I read them into the record?

Larry Mead: I'm going to address them. I'm not going to read them, but I'm going to address them.

Chair David Walker: Okay. Yeah.

Larry Mead: Thank you. My name's Larry Mead and I live Cherry Hills Road. And, yes, I submitted a couple of memos to the planning board and, I appreciate you taking the time to look at those and take into account. So there's two issues I wanted to address tonight. One is short-term rentals. And I'm not asking the planning board to prohibit short-term rentals. You don't have that authority anyway. But what I'm asking is what that planning board ask of the applicant, whether or not in the covenants that will be created for this subdivision, whether short-term rentals will be permitted within the subdivision. And I think it is really important for the planning board to get that answer, to get that information so that when you are looking at the infrastructure it is related to parking and traffic and in the proposed subdivision, but you can take that into account. Because there's really is a difference way properties are used for routine single family residential use, and the more commercial use that is the reality of short-term rentals.

If you just look next door at the turn, which has probably been in place eight or 10 years now, maybe eight, maybe six, I don't know, but that's 24 units. And in talking to the residents who live there and also looking at myself at the activity that takes place there, I can assure you that at least a third of those units have been or are being used for short-term rentals. Eight could be more, but I know of eight. They're not all licensed. So, if you go to the town and ask that doesn't mean that they're not being used for short-term rentals. But eight out of 24, 30%, 33%, it's very significant. And the result of that is that in that particular subdivision, when these properties are being used parking is an issue. The driveways are not that big to begin with. The garages that are there often aren't used by the people who are there for short-term rentals, or perhaps they're not allowed to be used.

There's often parking in some of these units on the grass, in the lawn. There's also parking that takes place on Wild Dunes Way on the sidewalk obstructing the sidewalk for extended periods of time because there just isn't enough parking in that subdivision or in those units. So if you're looking at this subdivision, which is more units and a different, you know, one of them is single family and one of them is single family use, but townhouse style. It's important to figure out where the parking is going to be if short-term rentals are going to be allowed. And if the applicant says, oh, they're not going to be allowed, we're going to say clearly in the covenants that that's not a permitted use, then

what I would hope is that the planning board would include that in the conditions that are part of the approval. Because it's one thing to say it can't be done, and it's another thing to enforce it. And if it's only in the covenants, the town has no role in enforcement whatsoever.

It falls to the other property owners within the subdivision. And it can add up to spending a lot of your own money to fight that battle with individuals who are making money off of short-term rentals. It can be thousands and thousands of dollars to do that. And so there's a disincentive for the homeowners association to tackle this issue. It gets overwhelming for people sometimes. So that's what I would hope would take place with this, subdivision so that you know going into it and the public knows going into it and the homeowners who are going to buy the properties know going into it what the deal is. Sometimes it can say that it's single family residential use only, and that's not clear enough. Or sometimes it says commercial use is not permitted in the covenants, but the homeowner who's renting for short-term rentals says, well, it's not a commercial use. I'm just doing rentals as if, you know, it's a residential rentals. So, I would ask that that be cleared in your findings, if indeed this is going to potentially be used.

The second issue, has to do with the vocation of Inverness Drive. And I spoke to this a year ago to you all. I think it's the wrong place to put it. I think it's not a safe location. I know it's part of the original approvals in the 1988 subdivision for this, but it is interesting listening to Tom. It is Tom?

Tom Bennett: Yeah.

Larry Mead: Talk about emergency access road that's part of this proposal. Because in the 1988 subdivision, the connection between Dirigo Road and Wild Dunes Way was emergency access only. It was a gate and Wild Dunes Way was supposed to be horse shoe access only, two points on Ross Road, but no cut through going over to Emerson Cummings or Smithfield Road. Things changed. The road ended up not being a private road, but being a public road rather early in the development. And I don't think there's really a record of how it happened. I think the town very well could have either done it deliberately or looked the other way as it happened, because it's a really convenient thing to do. I use it all the time. But it changed significantly what that subdivision was. It was no longer just traffic going to the golf course, or within the residential units themselves. And we don't have a traffic study yet. And I'm not faulting the applicant for that. It is within all of the times that we have done subdivisions of Wilde Dunes Way including when I was account manager, we didn't get the traffic studies to figure out what's going on, really, on Wild Dunes Way.

But my guess from living there for 13 years is, is at least half of the traffic. It's easy for me to throw that out, but that's at least half of the traffic that's going up, there is traveling through, not stopping in Dunegrass. So, I had proposed looking at the connection from Dirigo road near the landfill entrance to the transfer station, that would, you would drive along down Dirigo and as if you were going to be going to the transfer station, but before you get there, the road would swing left over what is the school street right of way, town

owned property, and then cut across the Seventh Fairway, kind of where the green teas are now, I think, somewhere. I remember when we did the field trip a year ago that we were kind of looking at that. I know Jeffrey last week, Jeffrey Hinderliter said that the town staff had looked at this option off of Dirigo. But they didn't look at the option that I had proposed or suggested.

What they looked at was an option where instead of access Inverness coming off of Dirigo Drive, it would come off of Dirigo Drive extension, that little emergency road. In the middle of that, where the walking path is, that was the proposal potentially from the applicant for the road to go in there. And I agree with the staff's reaction to that, that that's just not workable because you're only, what, 50 feet from two roads with the primary access. But I think the one that I have suggested is worth looking at, really looking at where the road is located now would have been fine if this was not a cut through road with a lot more traffic, but because of what it is now, that intersection with Dirigo Road at the entrance to the clubhouse is a really busy place, you know? And not just vehicles, but golf carts, pedestrians, and whatnot. And I don't know about you, but sometimes when I'm in the golf cart, I've had a couple drinks, and my judgment may not be as good as it should be. And so it's a significant area of congestion for a number of reasons, and I really think it's worth taking a look at. I would hope that we can get the traffic study before we make a final decision about what's happening here so that we can have some data to take a look at it. Thanks. Appreciate your time.

Chair David Walker: Larry, thank you.

Arlene Smith: My name is Arlene Smith. I live at 5 Mickelson Way. I concur with several of the comments that have previous being made this evening voicing concerns for traffic, overcrowding, people on Mickelson Way and Woods, parking wherever on the street, on gravel, on grass, on the sidewalks, on Wild Dunes Way. At my home earlier this year, I had a gas emergency. I think the entire fire department from Old Archer Beach got my house. And it had been snowing, and they couldn't get the fire engine all the way down the street, and the firemen and police had to walk, but we just worked through it. But that's just one example of what happens when we have people that are crowding into short-term rentals.

They don't take the same pride in their environment as people who live there year round. And I know that when I bought my property, I felt it was a single family property. No mention was made that could be rented. That other people would be renting in my neighborhood. I wanted a neighborhood where you have people that know you, people that you can be friends with, not people coming and going and this, that, and the other thing. And, I know that other people feel the same way I do, that we need to look at the environment in which we are living. And the environment has changed since 1988 when this all came about. I think we're all aware of that.

And another issue that is very dear to my heart is the environment. The oxygen that we breathe, the trees that are growing, we rely on that. The wildlife deserves to live there. This has been their home. And if we don't take care of the environment now, the trees,

the grass, the marshes, the wildlife, we are not going to have that in 10 years. And we're not going to be able to sit and say, oh, we should have done this, we should have done that. The time to act is now. So, I'm asking you to protect the neighborhoods, look to see what the traffic flow is going to be, how crowded it is going to be, how many people are going to be in this small little area over the summer. It gets much more crowded than it is in the winter. And look to the environment. It's in your hands. You are in the position to act. And I hope that you do step forward and make decisions that are good, not only for people, but for the environment and the animals that live there. Thank you so much. I appreciate you listening.

Chair David Walker: Thank you, Ms. Smith. Thank you. Anyone else? Okay. If not, I have a few letters that I need to read into the record. As a protocol, the first is to the members of the planning board dated May 2, 2025 from Larry Mead 6 Cherry Hill Road, potential short-term rental activity and Dunegrass sections D & E was the subject. The proposed Dunegrass sections D & E sub Division has been submitted as a residential subdivision consisting of 27 single family house lots and 45 townhouse units. Given the size and density of the proposed subdivision, it is prudent and appropriate that the applicant inform the planning board during its review whether short-term rentals will be allowable and allowable use under the subdivision covenants. And if such commercial activity is to be permitted, whether the covenants will specify on a number of guests permitted per unit.

Possessing this information, the planning board can then apply the appropriate standards for parking on street and off street, driveway and garage dimensions, street width, and projected traffic counts. The relevance of addressing the potential for commercial short-term rentals is informed by the experience within the neighboring 24 unit subdivision, the Turin. In its review of the Turin subdivision, the planning board applied road and parking standards for an anticipated standard residential use. However, as informed by observation over year round residents in the term, approximately a third of the homes are being used for short-term rental activity.

This extensive commercial use combined with small driveways, narrow streets, and a lack of overflow parking has resulted in crowded streets, blocked sidewalks, and front lawns serving as parking spaces. The planning board should determine the future use of short-term rentals in this subdivision so that it can apply applicable standards during its review process. The traffic counts can incorporate the likely increased vehicular traffic activity. In short, commercial rentals are to be permitted if short-term commercial rentals are to be permitted in sections D & E and may warrant inclusion of overflow parking in the single family and/or townhouse section. In addition, the likelihood that on street parking will occur during multiple vehicles using short-term rental properties should be considered in establishing road width and drive way dimensions. Sincerely, Larry Mead. This was also - a letter was also sent to the town planner, Jeff Hinderliter, and the assistant town planner, Michael Foster.

All right. I also have another letter from Larry Mead, dated May 2, 2025. Two members of the planning board from Larry Mead, 6 Cherry Hills Road, location of Inverness Drive

on Wild Dunes Way. While this proposed Inverness Drive is located as it was situated in the Dunegrass site plan approved by the planning board in 1988, there have been substantiated and significant modifications to that plan in the ensuing 37 years that warrant considering a different location. This is an opportunity for the planning board to address the unforeseen increased traffic volume on Wild Dunes Way stemming from changes to the original 1988 Dunegrass approval. I believe a better alternative applicant's proposed location of Inverness Drive is to locate it off Dirigo Drive at the intersection of School Street Row near the entrance to the town's former transfer station.

The next most fundamental change, the most fundamental change in Dunegrass is its connection to Deerville Drive, just opposite the clubhouse entrance. The plan approved in 1988 envisioned Dunegrass as a privately maintained community with only two points of access. Both from Ross Road at northern edge of the development. Wild Dunes Way and all roads in the development were to be private roads in the care of Dunegrass Residents Association. As, designed and approved in 1988, essentially all traffic on Wild Dunes Way would be destination traffic accessing neighborhood residences, the golf course, and the restaurant. The connection to Dirigo Drive was gated and proposed for emergency use only. That design vision quickly fell by the wayside when the original owner developer entered into a contract with the state to locate the virtues of Wild Dunes Way with the reclaiming at Wilde Dunes Way be publicly owned and maintained. Subsequently, the horse was out of the barn to speak, and other roads in Dunegrass were accepted by the town as they were developed.

In addition, and of greatest consequence, Dirigo Drive transitioned from gated emergency access to a freely traveled road that connected Wild Dune Way and by extension Cascade Road to Emerson Cummings Boulevard, Smith Wheel Drive, Saco Ave, and the I-95 spur connector, to the main turnpike. For many motorists, the shortest distance between two points became Wild Dunes Way providing a convenient route to and from the Old Orchard Beach schools, the ballpark, the transfer station, BBI, Casella, DPW, Police Fire, Ocean Park Road, Hannah Foods, McDonald's, and many, many other locations. With respect to the original vision of Dunegrass as a private country club community opening up the access route Dirigo Drive was a game changer. To my knowledge, no formal traffic study had been completed in the Dunegrass neighborhood. We don't actually know the traffic counts or the percentage of traffic that is through traffic versus Dunegrass destination traffic.

Having lived here in the neighborhood for 12 years, my layman s assessment is that well over 50% of Wild Dunes Way traffic is passing through, not stopping by. It is indisputable that the volume of traffic is substantially greater than envisioned in 1988 when the planning board approved a closed loop, limiting access road systems. The background is relevant to section D &E proposal because prosed Inverness drive is located between Woods Lane and Dirigo at the center of Dunegrass activities traffic, where there are multiple competing uses in a limited area, motor vehicles, pedestrians, golf carts, bicyclists, golf course, maintenance vehicles, all coming to and from multiple access points, clubhouse, restaurant, bike paths, sidewalk, Sixth Green, Seventh Green,

T9, green to the 10A, maintenance shop, Woods Lane, Dirigo Drive extension, and the proposed Section D & E subdivision.

Another unplanned factor is the proximity to the turn subdivision to the proposed roadway less than 100 feet away, putting an additional access road in the area only added to the confluence of competing uses in the proximity to Dirigo Drive Intersection. The better alternative is to locate the access road off Dirigo at its intersection with School Street Road. This will be safer, more integrated, have better flow and be more cohesive for the multiple types of uses, present in the development built around an 18-hole golf course, restaurant and banquet center. It as the aerial photo and he attaches an aerial photo, as it illustrates the access road could connect to Dirigo Drive, where it intersects with the School Street row just before the entrance to the town's former transfer station.

It would cut across the applicant's property and merge with the currently proposed road approximately 400 feet from Wild Dunes Way. The seven T locations would be relocated to the easterly side of the new access road. This T-box location would eliminate safety issues that the proposed road location presents due to guaranteed shots. An additional benefit would be the potential for properly aligning the entrance to the restaurant and clubhouse with an improved Dirigo Drive Wilderness Way intersection.

Given the many substantive changes to the 1988 plan, this board is not obligated to accept locating Iverness Drive in a proposed location. A connection with Dirigo Drive provides an opportunity to serve a safer, less congested location for road access. Two sections, D & E. And then, again, that was Larry Mead. So that's two. I'll put that aside.

One more letter. And this is dated May 5, 2025 to the planning board members from Diana Asanza, town manager regarding Dunegrass Sections D & E. She also copied Jeffrey Hinderlite, town planner, Michael Foster, associate town planner. Dear planning board members, I am writing to you to express my concerns regarding the memo from Larry Mead dated May 2, 2025 asking the Planning Board to add conditions related to short-term rentals in the Dunegrass Section D & E Subdivision, particularly in the absence of any short-term rental ordinances in Old Orchard Beach. The only authority to amend or create ordinances is with the town counsel. Therefore, Mr. Mead's concerns about potential short-term rentals should be brought to the town council, not the planning board, implementing short-term rental conditions through the planning board process without an established ordinance creates ambiguity and inconsistency without a clear framework to regulate short-term rentals and closing such conditions. Enforcing such conditions will most likely lead to appeals and legal challenges with the potential for incurring sizable legal fees for the town.

According to the current DMU district, the developer has followed the appropriate ordinances and standards to build 27 single family homes and 45 townhouses with the guidance of the planning department. This project application has been deemed complete as of April 2025 planning board meet and brings this concern to the board at a time that is inappropriate, causes confusion and necessary delays. I urge you to the planning board not to consider adding short-term rental conditions to the Dunegrass Sections, D & E

subdivision, but to vote for final approval with the three conditions outlined by the town planner. Any short-term rental regulations would start with the town council with an approach centered on developing clear regulations through shared input from the community, facilitating a balanced growth strategy to ensure the best interests of the town are met. Respectfully, Diana Asanza, town manager.

Okay. So with all those comments, I will conclude this public hearing at 07:12 PM. I thank you all for your comments tonight. I appreciate it very much. All right, we had minutes from March 13 and we had minutes from April 10 in our dockets.

Chris Hitchcock: I make a motion to approve all sets.

Robin Dube: Second.

Chair David Walker: Motion by Chris. Second by Robin. Michael, you want to call for the vote?

Michael Jeffrey: Yes. Mr. Roeber?

Graham Roeber: Yes.

Michael Jeffrey: Ms. Dube?

Robin Dube: Yes.

Michael Jeffrey: Vice Chair Hitchcock?

Chris Hitchcock: Yes.

Michael Jeffrey: And Chair Walker?

Chair David Walker: Yes. That motion carries 4/0. I would ask you to be quiet while you're still in the audience, please, because it's hard to hear here. Everything echoes. All right. Moving on to regular business. Item one:

Proposal: Subdivision Amendment: 27 single-family house lots, 1 lot with 45 townhouse units, 2 open space lots. Action: Final Review. 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; Zoning: PMUD District. Michael, you're up?

Michael Jeffrey: Yes, good evening.

Chair David Walker: Good evening.

Michael Jeffrey: So, last month, this application was determined as complete, subject to conditions and the second public hearing was just held. It's important to update the board on the status of the three determination of completeness conditions. As you recall, the board determined this application complete, subject to the following. One, applicant shall perform inspections of sewer manhole 989 and location of force main after consulting with the public works director and before final vote. Number two, applicant shall provide easements before final vote, and, number three, town review of these submitted traffic study before final vote.

In the May memo, we note conditions one and two have not been met. After the memo was completed, the applicant followed up with staff on both conditions, and this week we received the following. One, an inspection report and location of sewer manhole and location of the force main has been submitted. One note, the condition incorrectly stated sewer manhole number 989 and the numbers 2840, just, for reference. And number two, we now have more clarity on the easement matter. This had to do with stormwater and ponds in D & E will be controlled by the golf course because these ponds are part of the stormwater system there's a requirement for them to be maintained. And the town needs a stormwater maintenance agreement and assurance that the golf course will have the right to access and maintain the ponds. And this information is now provided to the town. And you'll find the documentation associated with the condition one and two in additional materials provided to you this evening.

Note, determination of completeness condition three which was related to the traffic study has been met. Although the condition has been met, the town through its engineer will participate in continued review of the traffic movement permit. If there are substantive changes to the traffic related matters, we'd like to reserve the right, to come back to the board.

In the April comments, we requested the applicant address the fire department comments to their satisfaction. As the writing of this memo, we didn't receive an update from the fire department, so that's included as a recommended condition.

Chair David Walker: Yep.

Michael Jeffrey: And, now that you have this information, we can provide you with a recommendation to approve with conditions. So, there is a recommended motion on page 4 of your memo and that's followed by the applicant responses to the subdivision criteria on pages 5 and 6.

Male Speaker: Right.

Chair David Walker: Thank you.

Michael Jeffery: Thank you.

Chair David Walker: Good evening, Jason.

Jason: Hey. Good evening, everybody. Jason Maffianas, Atlantic Resource Consultants/[indiscernible] [00:45:41]. We sold the company, emerged with a larger company. So, yeah. Thank you, Michael. Thanks for, you know, public hearing. I think it was all stuff that, we've been through a few times here before. I do want to flush out the traffic issues because a couple of times people said that there's no traffic study submitted, which actually is incorrect. So, I'm almost positive you have this. I must have had a stroke if you don't, but. So, we submitted a traffic, it's probably called a traffic impact memo. Mike, do you?

Michael Jeffrey: Yeah. I believe it was in the March submission?

Jason: Yeah. It was in the March middle. So all of that information there is actually what goes in the traffic study. So that exact same format is part of the DOT process. So anything that the town has, there's no more traffic work to be done. The permit is in process. So all of the traffic counts, crash data, like, all that stuff is part of the record and available for review, for anybody who wants to review it. So I just, you know, just a little education on a traffic movement permit process. So the traffic movement permit process is any project that generates more than a 100 trips, peak hour trips, requires an additional level of review from the state of Maine's Department of Transportation. We don't trigger a 100 peak hour trips, but because other sections of Dunegrass have been built within the last 10 years, those trips get added to because it was all one subdivision approval. If these were separate subdivisions, you'd never see a traffic study on this unless you specifically asked for it.

So, but where Dunegrass has won master approval, we had to go back and count all the houses that were built in the last 10 years and include those in our traffic study. And you'll see that in that document that you have. So once that was completed, we go to the – I say we, I'm not a traffic engineer, so this happens outside of my office. But, our sub-consultant traffic engineer goes to the DOT, confirms where we do the traffic counts, when we're allowed to do the traffic counts. Because, obviously, things like school, summer traffic, or beach, they're different. So we're given specific times. We did those counts within the parameters of DOT's guidelines. Pulled that together, resubmitted that package to which the DOT then pushed it back to us and said, we're now looking at pedestrian connectivity. So, the traffic engineers actually, we have mapped, and this is part of the DOT process. So this isn't part of any town process. We've mapped all the sidewalks, basically, from downtown all the way out to Dunegrass, both sides.

And this is the type of thing that DOT looks at. They've been hit pretty hard about bicycle and pedestrian paths. So that's all part of their purview. So this gets a pretty solid level of review from the DOT. And that permit is, you know, DOT worth at their own pace. So just like the DEP, there's no statutory time line for that permit to come in. So like any other condition permit that would fall into that category.

Chris Hitchcock: Okay.

Chair David Walker: Great.

Jason: I know you probably have some questions, Chris?

Chris Hitchcock: Thank you for that clarity.

Jason: On what?

Chris Hitchcock: I saw your wheels turn and, well, we've had a lot of discussions about traffic and studies that are, or aren't done. I mean, when I heard the study wasn't done, I was amazed because you told me it was the, Sebago Technics said they reviewed the submittal, but there is nothing for us to formally review as the memo provided does not contain analysis or recommendations or conclusions. But it has counts.

Jason: Yeah. Right.

Chris Hitchcock: But did they get to see the counts? Because the counts wasn't in the document you gave us.

Jason: The counts are not in that document?

Chris Hitchcock: I didn't see anything that was – I was a math major once. I didn't see anything that looked like counting.

Jason: No. No. The counts have all been done, and they should be part of that document.

Michael Jeffery: And I mean, trip generation – well, I guess.

Chris Hitchcock: Yeah. Well so you've clarified some of it just by your explanation. I appreciate that. But, it does seem odd that we weren't able to really get some meaningful feedback from Sebago Technics that gave us some comfort about the purported problem. And I guess we have to wait for the...

Jason: Yes.

Chris Hitchcock: And that P to look at it and say, boy, that's a real problem or, that's great.

Jason: Right. Right. And my understanding is that because traffic is not something that town staff feels all that comfortable with that Sebago Technics would fill in for the town's role and the participation of those. Yeah. Rightly so, we you know? So I think that was more the focus of the Sebago because I talked to Matt, their engineer about it. And he said, yeah, we'll do this through the scoping process at the state level. Your level of comfort, obviously, right? I mean, you as a planning board.

Chair David Walker: We have a condition, under the approval motion all right? That'll be reviewed by the town engineering, Sebago Tektronix prior to the, pre-construction meeting.

Jason: Yes.

Jason: Granted, I'm here speaking on behalf of my client, but even with bringing back the last 10 years, we had, like, 108 trips. I have never seen any substantive changes to any traffic movement permit that didn't exceed 200 peak hour trips. So it's just a level of review that you can check your head and say, sign off. I mean, obviously my breadth of experience is different than what you guys see.

Chair David Walker: Thank you.

Chris Hitchcock: So we're left with Kentucky windage to figure out, where is there an issue of traffic and how do we ameliorate? And so maybe we, you know, we've heard proposals. I thought it was a pretty good one to have the road come in a different angle so that it didn't mix on Wild Dunes way.

Jason: We're trying to make a management decision based on zero real analysis of the product. Just like you do in all the other projects of this size. Yeah.

Chris Hitchcock: Okay. Just thought I'd set the record straight.

Chair David Walker: Robin you get anything?

Robin Dube: You don't want to hear *[inaudible]* [00:53:05].

Chair David Walker: I'm going to make a motion to conditionally approve D & E LLC amendment, to approve Dunegrass, subdivision application proposal 27 single-family house lots, 1 lot with 45 townhouse units, 2 open space lots, Dunegrass sections, D & E MBL: 105A-1-D, 105A-1-E, 105A-1-200; Zoning in the PMUD District with the following conditions. One approval is dependent upon and limited to the proposal and plans contained in the application dated December 21, 2023 and all supporting documents and oral representations submitted and affirmed by the applicant and its agents and conditions, if any imposed by the planning board, any variation from such proposals, plans, supporting documents and representations are subject to review and approval by the planning board provided that de minimis variation is subject to review and approval by the town planner.

Two, applicant to provide DEP permit to the town prior to any land disturbance. Three, emergency access roads shall be used for construction access only.

Robin Dube: Shall not.

Chair David Walker: Shall not. Excuse me. Yeah, shall not. I think you're going to be there for a short spell. Jason running some lines in, right? It's what I read.

Jason: Sorry. I think I'm...

Chair David Walker: You do, I'm going to do some construction on that road bringing in septic lines, sewer lines.

Jason: Water.

Chair David Walker: Water.

Jason: Yeah.

Chair David Walker: Okay. Yeah. But that should be a week, you said a week, maybe?

Jason: Gary's on here. Yeah. I mean, typically we do these steps in a day.

Chair David Walker: But for all other construction, you're going to go out to wherever they strive.

Jason: Yes.

Chair David Walker: Okay. Thank you. Understood.

Robin Dube: I do have one quick question before you finish, David. Is a lot of equipment going to be involved with that, putting in those lines?

Jason: Just doing the water tap? Nope. It's just an excavator.

Robin Dube: Nothing up and down. The excavators are the worst. They make the most noise.

Jason: EJ Prescott will bring their tapping rig down. You ever see one of those? Too technical. So, they'll bring their tapping rig down. We'll dig a hole. So there'll be a trailer with a dump truck with a excavator on the back of the trailer, dig the hole, cut the pavement out, live tap the valve, put in one stick of pipe, and seal it up. I mean, typically, we do taps in a day.

Robin Dube: Those pipes are not going to be laid on Willow Ave, right?

Jason: No, no, no.

Robin Dube: They're going to be laid on your little emergency exit road or something?

Jason: Not like you see for a wire.

Robin Dube: Like, what's going on or in town here where they're on everybody's yard.

Jason: Those are different projects. Yeah.

Chair David Walker: Okay.

Robin Dube: That's okay. That's all I need.

Chair David Walker: Back to three. Thank you, Robin. Emergency access road shall not be used for construction access. Number four, applicant shall meet with public works to document the Willow Ave conditions prior to the preconstruction meeting. Number five, the applicant to provide a signed and recorded maintenance agreement for post construction BMPs prior to the preconstruction meeting. Number six, provide confirmation that the five department comments have been addressed prior to the preconstruction meeting. And lastly, number seven, the traffic movement permit shall be submitted and reviewed by the town engineer prior to the preconstruction meeting. That's the motion.

Robin Dube: Second.

Graham Roeber: Second.

Chair David Walker: Second by Graham, motion by Dave. You want to call for the vote, please, Mike?

Michael Jeffery: Yes. Mr. Roeber?

Graham Roeber: Yes.

Michael Jeffrey: Ms. Dube?

Robin Dube: Yes.

Michael Jeffrey: Vice Chair Hitchcock?

Chris Hitchcock: No.

Michael Jeffrey: Chair Walker?

Chair David Walker: Yes. That motion carries 3/1.

Chris Hitchcock: Could I make a point of order, please?

Chair David Walker: Sure.

Chris Hitchcock: We, skipped the discussion of short-term rental that they had in the packet where we were supposed to ask if they were planning on limiting short-term rentals.

Robin Dube: To read the town plans?

Chair David Walker: We skipped it.

Male Speaker: We ignored it. I don't think we have legal grounds to address them.

Chris Hitchcock: We have legal grounds to ask them what their plan is.

Male Speaker: No, we don't.

Chris Hitchcock: Okay.

Male Speaker: So that's just a point of disagreement amongst the members.

Chair David Walker: Thank you. All right. Other business. Is there any other business? You do have some board members, you do have some forms to sign tonight here for...

Michael Jeffrey: Red Oak plans.

Chair David Walker: Red Oak plans to sign? Anybody here for good and welfare? Okay. Then motion to adjourn.

Robin Dube: Adjourn. Motion.

Chair David Walker: Thank you.

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 11 September 2025.

Jeffrey Hinderliter, Town Planner