

Planning Board Meeting Minutes (Draft)

8/14/2025

David Walker: Beach planning board, public hearing notice and regular meeting. My name is David Walker and I'll be your chair tonight. Our first order of business is to pledge allegiance to the flag, so please stand and join. 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. Great stuff. There were no minutes in the packet.

Jeffrey Hinderlite: Yeah. We've been having problems again with the minutes. I think it's straightened out once again. I have the seven out of 10 minutes and I think it was the five out of eight minutes so be in your next package.

David Walker: Okay. Thank you, Jeffrey.

Jeffrey Hinderlite: Yeah.

David Walker: Would you please, call the roll?

Jeffrey Hinderlite: Sure. Mr. Kelley?

Jay Kelley: Here.

Jeffrey Hinderlite: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderlite: Ms. Dube.

Robin Dube: Yes.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderlite: And Chair Walker?

David Walker: Yes. Excuse tonight is, vice chair, Chris Hitchcock and alternate Graham Roeber. And Erin – will be Erin Moriarty will be a voting member tonight. Our first order of business is a public hearing for: Proposal: Site Plan: 16-unit multifamily residential development. Applicant: DM Roma Engineers. Location: 215 Saco Ave, MBL: 211-9-1; GB1 Zone.

This public hearing will begin at 06:32. And I would ask anybody that wishes to speak to go to the podium, announce your name and your address, and then speak clearly to the board. Thank you. I feel like we should be playing that song. All right. Seeing nobody at the podium are interested in making any comments for this public hearing, I will close it at 06:33. Regular Business: ITEM 1: Proposal: Site Plan: 16-unit multifamily residential

Planning Board Meeting Minutes (Draft)

8/14/2025

development. Action: Final Ruling. Applicant: DM Roma Engineers. Location: 215 Saco Ave, MBL: 211-9-1; GB1 Zone. Jeffrey?

Jeffrey Hinderlite: Sure. Thank you.

David Walker: Thank you.

Jeffrey Hinderlite: And, just so you're aware, on your desk this evening, we did receive comment from the wastewater treatment director. And, and you have that on your table. We got that this week. So, it wasn't in the memo or in your packet.

David Walker: Thank you.

Jeffrey Hinderlite: You're welcome.

David Walker: So at the July meeting, the board determined this proposal complete. And as a reminder, it's a 16 unit, 4 building with 4 units. Jeffrey, excuse me, is your mic on?

Jeffrey Hinderlite: Hello?

David Walker: Much better.

Jeffrey Hinderlite: Oh, okay. Thank you.

David Walker: Thanks.

Jeffrey Hinderlite: Board determined this application complete at the July meeting. And as a reminder, it's a 16 unit proposal located on a back area of Jimmy the Greek's restaurant property. So, we had two remaining items identified at that meeting. Number one was to provide test pit data to our peer review engineer before a pre-construction meeting. And what this test data, why this was requested was, our peer review engineer wanted to, confirm the depth to ground water and the suitability of the on-site soils, because they were also very close – the storm water systems are also very close to abutting property lines. So that was one. Provide that data to our peer review engineer. Number two was to get comment from the wastewater department. So tonight, there was nothing else, and tonight, the proposal's up for final review. I think the applicant has done a great job working with us throughout this entire process and, really doing, very timely in addressing all of our comments, our peer review comments, getting exactly what we needed. So, I really appreciate that Jay. It's been great.

And, it's seldom do we have proposals that reach this point that have no conditions to attach. I can't recall any, but I think that's the case with this one. They've addressed all planning board comments, as far as I'm aware, all of our, the town staff comments, worked with the fire department, that was a big one. And all of the peer review comments now. That test pit data, which was one of the outstanding items, Jay, the engineer did

Planning Board Meeting Minutes (Draft)

8/14/2025

secure that information. We got it to our engineer. Our engineer reviewed it and signed off. They are comfortable.

Regarding the wastewater department we did receive a response, which is on your desk from the, superintendent of the wastewater department. And as he says in that response, he can only answer for capacity and the capacity is fine. In regards to the other infrastructure associated with wastewater, indicates public works director is responsible for commenting that, and the public works director didn't have any comments on that in prior meetings. So at this point, staff and, peer review engineer, we have no additional comment and no additional review needed. And assuming that there were no red flags at the public hearing, we recommend the planning board approve, and there is a motion on page three of your memo.

David Walker: Thank you, Jeff.

Jeffrey Hinderlite: That's all. Thank you.

David Walker: Jason, good evening.

Jason Haskell: Good evening. Jason Haskell with DM Roma Engineers.

David Walker: Right. You deserve a raise by the way. I've never heard him praise anybody like that, so.

Jeffrey Hinderlite: Or at least a pizza. At least a pizza.

David Walker: Sorry. Go ahead.

Jason Haskell: No. Jimmy is definitely ready to go move forward with the building construction and getting everything fixed up around the parking lot. So, hopefully, we can get final approval, and, any questions you have, just let me know.

Marianne Hubert: I do have a question, Mr. Chair. I'm sorry I missed the last couple months to ask that question, but do you have any wetland impact there?

Jason Haskell: Not that we know.

Marianne Hubert: This spring, earlier, you know, this summer, I heard a lot of frogs back there.

Jason Haskell: Okay.

Marianne Hubert: And I was wondering if there was any wetlands near the development of the buildings.

Planning Board Meeting Minutes (Draft)  
8/14/2025

Jason Haskell: Since most of the ward is already developed, we didn't think it was warranted to go back there, but – that is when we went through and dug the test pits there was all sand. I mean there was...

Marianne Hubert: But it a high...

Jason Haskell: Chained all the way down to the ground and *[inaudible]* *[00:08:30]* mentioned about piping down.

Marianne Hubert: Yeah. Okay.

Jason Haskell: So probably you want to *[inaudible]* *[00:08:32]*.

Marianne Hubert: Okay. Yeah.

David Walker: Jeffrey do they need a DEP permit?

Jeffrey Hinderlite: No.

Jason Haskell: No.

David Walker: Okay. Any other questions from the board?

Erin Moriarty: I actually had a question.

David Walker: Go ahead, Erin.

Erin Moriarty: This is my first meeting on the board, so I apologize for not being present in your previous presentations. Is the intent to keep the parking lot as it is today and just to reuse it in the current layout?

Jason Haskell: So there's the internal, like everything off to the west is going to stay the same. The parking lot and everything on there. There will be some additional, parking. Right now it is not very well utilized in the outside of the parking lot. It is definitely more pavement that is needed. So we consider having everyone that is a resident have to walk through parking lot we're just lining the exterior of the residential parking spaces. They are going to be reserved.

Erin Moriarty: Okay. I guess that was kind of what my observation was that even in this layout, there seems to be a lot of pavement in that kind of triangular area that is unnecessary.

Jason Haskell: Yeah. We do have some relatively large trucks that they do bring into, that they kind of back into this area right here.

Erin Moriarty: Mm-hm.

Planning Board Meeting Minutes (Draft)

8/14/2025

Jason Haskell: So having the additional new rings will probably help those as well.

Erin Moriarty: Certainly yes. And how are pedestrians at the residential area meant to access either the restaurant or Saco Ave?

Jason Haskell: So, the restaurant will have to go through the parking lot and having the parking spaces on the exterior. They don't need to go through the more turn over parking spaces. They will just walk behind either in front of them, you know, whenever there is no snow on the ground. They will be able to walk in front or behind up to a walkway to each one of the buildings.

Erin Moriarty: I guess I was wondering if there had been any investigation to see if there was enough room for a sidewalk or a pathway, like, in between the parking spaces and the grass, like an area for the pedestrians to kind of skirt the parking lot instead of having to cross it.

Jason Haskell: Yeah. I'm sorry, through the parking lot or around the outside of it?

Erin Moriarty: Around the outside.

Jason Haskell: So, one of the issues out here is everything is dead flat. If we're going to raise something six inches, that's about the amount of pitch they have all the way around this parking lot. So we wouldn't be able to get a lot of the grading to work the way we have it right now. There should be really no reason for any of the people in the restaurant to be able to go out this way, but, we try to mitigate some of the crossing of the two uses by keeping everyone that's a residence outside the overall restaurant parking lot.

David Walker: And the spaces are clearly identified resident?

Jason Haskell: There'll be a different paint color. And signs that say resident apartment between these signs with probably two intermediate one, so.

David Walker: Yeah, you did a lot of work with that. Thank you.

Jay Kelley: Probably yeah, *[inaudible]* [00:12:04]. We designed it, so it'd be on the *[inaudible]* [00:12:09] of the parking lot and that's *[inaudible]* [00:12:12] perimeter and we have multiple means of egress in and out. We also had a *[inaudible]* [00:12:21].

Erin Moriarty: Okay, great. Thanks for the update.

David Walker: Thanks Erin. Anybody else?

Robin Dube: Nope. I'll make a motion.

David Walker: Please go ahead.

Planning Board Meeting Minutes (Draft)

8/14/2025

Robin Dube: Make a motion to approve a proposal for the construction of a 16 residential unit multifamily development consisting of four buildings with four units in each building located at 215 Saco Avenue, MBL: 211-9-1. Applicant, DM Roma Consulting Engineers, owner, Sierra Investment LLC.

Jay Kelley: Second.

David Walker: Motion by Robin, second by Jay. Did I hear that correct?

Robin Dube: Yeah, you did.

David Walker: You may call for vote, please Jeffrey.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderlite: And Chair Walker?

David Walker: Yes. That motion carries 5/0.

Jason Haskell: Thank you very much.

David Walker: Thank you. All right. Item two: Proposal: Sketch Plan: Retail Agriculture Center. Action: Discussion, Recommendations. Applicant: Robillard's Garden Center. Location: 48 Ross Road, MBL: 103-1-11; RD Zone. Jeffrey?

Jeffrey Hinderlite: Thank you.

David Walker: Thank you.

Jeffrey Hinderlite: So for this agenda item tonight, it's really focused on ensuring that we have planning board support of staff's interpretation of a definition in the ordinance that

Planning Board Meeting Minutes (Draft)

8/14/2025

we attach to this use. And so what is this use? So, a lot of you, or probably all of you, may know where Robillard's is located. We approved it a little while ago, but I think a lot of you were on the board at that time. And they've been a really a great partner to have here in town. And, good for them they've outgrown their space. So they've been actively looking for other locations. And not all of these locations are, unfortunately in Old Orchard Beach. So Brian Robillard approached me, and we discussed a couple of things and he found, a lot that would work for their needs. And, we reviewed the ordinance. And this particular lot is in the rural district.

One of the land uses in the rural district is agriculture. And, you know, when we typically think of agriculture we really associate it with farmers growing crops and, livestock hanging out and roaming around. But Old Orchard Beach has a pretty broad definition and a bit of a different definition for agriculture. It's production keeping or maintenance for sale or lease, those are key terms of plants and/or animals, and it's including but not limited to. And then it goes on and gives a couple of, examples. And it ends with greenhouse products, which could be quite a bit. So, we thought that, this definition, Brian and I discussed the proposal. Hey, Brian. And we thought this definition fit the use. But before Brian makes a significant investment into this property, we just wanted to make sure that the planning board was comfortable supporting our interpretation of this, of this use, before we moved forward.

So really, it's just about that. It's also an introduction of the proposal to you folks. And, we're really hoping to retain Brian, his family, and his business in here. It's been a real benefit to the town of Old Orchard Beach. It's a big lot out there, it's in the rural district. There's a lot more area to maneuver around there compared to where they're located at right now. So, I expect that if the planning board does support our interpretation, then the next step for the applicant will be the real investment in to the application proposal, which is getting the engineer services and so on. So, no formal vote or anything like that tonight. We just want to make sure that you're okay with the use that we identified for the project.

David Walker: So, Jeffrey, I think we have a precedent that's in the rural district already, with greenhouses and agricultural, sales going on in Portland?

Jeffrey Hinderlite: Yes.

David Walker: So, if we have a precedent, why would we even be concerned about it?

Jeffrey Hinderlite: I just wanted to, you know, make sure so, Brian had the go ahead, the green light for the project.

David Walker: Any other thoughts on the board?

Jay Kelley: No, the only thing I can say is, you know, this is exactly what we want for that area up there. It looks like a great project. And if it's half as good as his place on Cascade Road, it's a win-win.

Planning Board Meeting Minutes (Draft)

8/14/2025

David Walker: Yes.

Jay Kelley: That's my feeling.

David Walker: Yeah. I remember us going through the approval process, the Cascade Road, and there were some concerns that we had, and I got to tell you, it came out so much better than what we had even thought. It was a great job. So Brian, I have a question for you.

Brian: Yeah.

David Walker: What's going to happen with the old space?

Marianne Hubert: Yeah. That's with my question to.

David Walker: You're going to sell it to a competitor. Obviously not.

Brian Robillard: I don't exactly know. I think maybe, you know, that district NC-4 has a lot of uses, so potentially a rental. I wouldn't keep it as like two locations or anything like that. With the, you know, I think that if the Ross Road works out, I think that'll be enough plan. I do not think we will need to search for a upper place, but we just outgrew it faster than we do.

Marianne Hubert: Yeah. But what's going to be happening to it after you move?

Brian Robillard: As of right now, we would either sell it or rent it. But it wouldn't remain. We wouldn't have two yard centers.

David Walker: So, but somebody renting it could compete against you in that space, right?

Brian Robillard: Not if the landlord has anything to do with it.

Jay Kelley: Right, I was just going to say that.

Brian Robillard: So no, we wouldn't have two yard centers.

David Walker: Okay.

Brian Robillard: And they would not, but the NC-4 District, the originally why I was really attracted to that has some great uses. You know, you guys know that the biggest residential friendly, you know, business type. So, I think, you know, the building was done well, you know, with your help and engineers help and it was for the entrance and the exit I think it still served a really good purpose there. I do not need to go back to this residential.



Planning Board Meeting Minutes (Draft)  
8/14/2025

David Walker: Okay thank you.

Jay Kelley: So Brian, is this the old Parker residence?

Brian Robillard: Yeah.

Jay Kelley: Yeah. Great piece of land.

Marianne Hubert: Nicest piece of property in town.

Brian Robillard: Yeah. And it's right around, you know, I live over by there, and we take a night ride by, and you know, talk to him about it. We're excited and hopes, you know, we've got a long ways to go. And, you know, the Garden Center Cascade Board has been great. It's awesome. We really enjoy it. It's just we're like, I mean, how are we going scoop this plan over to put another, like, just have road, it is just, and not in our *[inaudible]* [00:21:38] it's huge, this is great. This is more of a *[inaudible]* [00:21:42]. I think it's here. This?

Female Speaker: Probably.

Brian Robillard: 07? Okay. There is just two types, so. Yep.

Robin Dube: Does this *[indiscernible]* [00:21:52] off the Ross Road or Portland Avenue?

Brian Robillard: Ross Road.

Female Speaker: Ross Road.

Robin Dube: Okay. So people can walk by where the farm houses up there *[inaudible]* [00:21:59]...

Male Speaker: That's a beautiful piece, I mean.

Marianne Hubert: Yeah, all righty.

David Walker: All right. Well, we're not going to manage this sketch right now, but I think we're pretty much on board with its use and we wish you all the luck coming back to us with a nice plan,

Brian Robillard: Yeah.

David Walker: Development plan.

Jay Kelley: Full speed ahead.

David Walker: Yep. Okay, Jeffrey?

Jeffrey Hinderlite: Yeah. Thank you.

David Walker: You're welcome.

Brian Robillard: Thank you very much.

David Walker: Thanks Brian. All right. All right. Item three? Proposal: Contract Zone: 10 two-story, 16-unit buildings, and nine duplexes, for a total of 178 residential units. Action: Review; Schedule Public Hearing. Applicant: Goosefare Crossing LLC. Location: Multiple properties off Smithwheel Road; Zoning: R4 and industrial district. Jeff?

Jeffrey Hinderlite: Okay. Thank you. So, just kind of a reminder about this project. It's a contract zone that is proposing a 178 unit residential development. The proposed development includes, multiple, I think it was 10 two story buildings with 16 units in each, and also, nine duplexes. 10% of the units will meet the main state housing affordability requirements. And, also 10% of the units will be age restricted to 55 plus. So, those that are now in that age bracket, we thank you. Several parking lots will service this development. There'll be a clubhouse pool, various amenities for the residents. And where is the development? You know, if you drive by Smithwheel, you think, where the hell can you put a 178 unit on a property out there?

Well, it's actually behind the lots that are currently out there. It's kind of, you have to look at the aerial to get a better understanding. But there is some acreage out there. The applicant is proposing two entrance and exits to Smithwheel. And a couple things in addition to affordable housing and the age restricted housing, there are several public benefits attached to this proposal. They include creation of a public park, creation of public trails, or money contributed to the conservation commission for public trail purposes, Conservation easements to protect land and water bodies. Public transportation related improvements, including a new public transportation stop.

Those are all kind of cool, you know, we are still a little town to get that sort of stuff and to get some help with our public transportation network and then to conserve our important water bodies is really critical. And I think it's one of the advantages that we have with contract zones. And that gets us to the purpose of this. It's a contract zone. Planning Board knows that we've seen quite a few of these recently. We had one in like 20 years, and I think we've had seven in five years. So, for this particular contract zone, the primary reason they're going through the contract zoning process is because it doesn't meet the space in bulk requirements, specifically the density. They could get nowhere. I think it was 16 or 20 units total if you went through the traditional density standards for development out here.

So like all contract zones, the proposal must meet three primary criteria. They say primary. There's other criteria, but really when the planning board makes a recommendation and also when the council votes on a proposal, they have to look at three primary things. One, is it in conformance with our comprehensive plan? Number two, is it the proposal consistent with existing uses? That's like existing uses that are on the ground in the field today. And, allowed uses in the zoning district. And then number three, does it meet the purpose of the contract zoning?

Part of the purpose of the contract zoning, and something that we push quite a bit, is the public benefit part. So the public park, the trails, the affordability, age restricted that is all part of the public benefit, that is also associated with the purpose of contract zoning. So the last time you reviewed this was January of this year and at that time, there were several matters that we identified. But really there were just a handful that we felt that the applicant needed to address before we scheduled a public hearing. The first one was creation of the formal contract zone agreement. We had all the pieces there in the narrative, we just didn't actually have that contract zone agreement.

Number two, was when the agreement is, is created is to identify how the proposed use is consistent with the allowed uses in the original zone. That relates to the second standard, second of the three standards that you use to determine whether you can recommend it to the council or not. And then number three was to identify the specific ordinance standards that do not work, and an explanation for each modified or waived standard. And you did a great job on that. That's in the narrative. There are pieces in the contract zone agreement, the pieces that you needed, but what we were looking for was an explanation that didn't need to be in the contract zone agreement itself. So, we got a great narrative attached to the contract zone and I think they did a good job explaining this.

A fourth piece to this, which is very important is attorney review. Paul Weinstein, the attorney for this project worked on and developed the contract zone agreement. We worked with our town attorney to check the language in the contract zone agreement to make sure everything was okay. And we all came to an agreement that it's legally solid. So that's very important. And we wanted to get that out of the way early before it got to council, just so the planning board would have the reassurance that it has received legal review. So, to conclude applicant I really appreciate the work you did with this submission. It's well prepared, and, I feel addresses all the items that we need to schedule a public hearing.

Therefore, I recommend that the board schedule a public hearing for the September 11. And just one final note, there were other miscellaneous comments in the memo. I'm sure members have their own comments. And, the recommendation to move forward it's not like a conditional use or site. We don't have a determination of completeness. All's we have to do is schedule a public hearing. We could have had the last meeting, but we wanted a real solid proposal to present to the public in a contract zone agreement format before we schedule that. Now, we have that. So I recommend we schedule that public hearing.

Planning Board Meeting Minutes (Draft)

8/14/2025

David Walker: Thank you, Jeffrey.

Jeffrey Hinderlite: You're welcome.

David Walker: Good evening.

Drew Wojowski: Good evening. Drew Wojowski with Haley Ward. Firstly, I just want to say, Erin you can't escape King's projects that easily.

Erin Moriarty: I cannot.

Drew Wojowski: Everywhere. So, yeah, Jeffrey, I appreciate the memo. Overall, I think you did a good job clarifying where we're at and just some minor things that board might have questions on. I wasn't sure if you guys wanted to offer your own questions first. I was just going to address some of Jeffrey's comments within the memo, where ever you guys want to?

David Walker: Well, I have a bunch, you know, having gone through the packet. I mean, conceptually, I think it's a nice, nice, nice project, but our responsibility is for the well-being of the residents there that are going to go there and for the rest of the town. And concerns that I see as I went through the packet was your request for setback at 20 feet. The duplexes that you have with 20 feet, do they have a double under garage?

Drew Wojowski: I bet they don't know.

David Walker: So there's no place for car except in the dry 20 foot driveway.

Drew Wojowski: I'd actually need to check with the owner because he has already *[inaudible]* [00:32:45], he does have garages. And I assume they will use the same model for the rest of these. These are over here.

David Walker: So these do have garages. You're not talking in the mic, so...

Drew Wojowski: I'm sorry. These units do have garages. These duplexes here. It's just the larger 16 unit buildings. Those have the parking.

David Walker: So each one of those has to go to a parking lot?

Drew Wojowski: Just for the large buildings over here.

David Walker: Yeah. But what about the duplex?

Drew Wojowski: Those have garages. Yeah. *[Overlapping conversation]* [00:33:17].

David Walker: They have garages that's what I'm asking.

Drew Wojowski: Yep. They do.

David Walker: So are they front to back, two car garage?

Drew Wojowski: That's right.

David Walker: All right, on both sides.

Drew Wojowski: Yep. If you drive by there, King already built the first one. So you can see what that's going to look like.

David Walker: Yeah. I get it.

Female Speaker: Yeah. You got it. You get to look at the *[inaudible]* *[00:33:35]* risk.

David Walker: I don't need to look at one. I just need to know that both cars...

Drew Wojowski: Yeah.

David Walker: For that duplex, one side have a front to back garage.

Drew Wojowski: Yeah.

David Walker: So, the cars won't be out in the driveway, at a 20 foot driveway. And then, if they have somebody visiting, they can park in that driveway space that's 20 feet long. Is there any reason why those could only be 20 foot frontage?

Drew Wojowski: We didn't have a specific reason for that. That was more for the livability of, more of the internal portions of the site. We want to be able to suck in those buildings close to the roadway, just to create more space behind the buildings. That was kind of the goal with this development was really to hide the parking and create these livable spaces in front of the buildings. So that, that was our reason for that frontage.

David Walker: So there is room for more frontage.

Drew Wojowski: Yeah.

David Walker: At the duplex level? Okay.

Drew Wojowski: Yeah.

David Walker: But my concern mainly was with parking of the vehicles for those units, and you explained that. Thank you very much.

Drew Wojowski: Yep.

Planning Board Meeting Minutes (Draft)  
8/14/2025

David Walker: I also have a concern about the design for the private way road. And I'm not an expert in road design, but I'm going to ask Jeffrey to have our engineering group, Sebago Technics, evaluate that please as it is proposed because...

Marianne Hubert: You mean the width, the width of the driveway.

David Walker: There's more than just the width.

Jay Kelley: Yeah.

David Walker: And the turning radius and, you know, and then we haven't had any input from fire department in terms of access, accessibility for their fire trucks, but we can do that down the road, but I'm concerned about the private way design. Do we have an ability to serve from main water?

Drew Wojowski: That's not something that we've done yet. It's been a process.

David Walker: Yeah, so this is just contract zone?

Drew Wojowski: Yeah, exactly.

David Walker: Yeah, yeah, yeah. Okay. Got it. My other concern was short-term rentals of seven days. We've done other projects like this, and we've had 30 days as a maximum...

Marianne Hubert: Minimum.

David Walker: Minimum for short term rentals. I think seven is going to be a problem, and it'd be a problem for me because you're talking about, you know, weekend party goers coming and going in a residential area, I think that'd be very tough. So, something to consider as far as that. You haven't designed hydrants or any of that, so that'll come much, much later. Clocking for Tom Hals has already got to that. And then, of course, the biggest impact overall is going to be the 300 plus daily trips in and out of Smithwheel Road. And we do have a project that's scheduled for a light at that location, a smart light. And I did talk to, Kenny Blow, who's heading up that project for the town to see if we could move that light and coordinate it perhaps with this project or this project could be phased so, that it meets that light installation. So that would be a concern of mine as well. Other than that, I will defer to my other board members.

Jay Kelley: I have a question.

David Walker: Yeah Jay.

Jay Kelley: It has to do with the phase. Is this a phased in project or is it a start to finish and then people will move in?

Planning Board Meeting Minutes (Draft)

8/14/2025

Drew Wojowski: It's likely that it'll be done in phase. With a project this size, it's pretty typical to build some of the units first and sell them to help finance the rest of the project. So that is expected. It's not something that we've outlined yet at this point in the process, but if the board would like to see that, we can definitely put it in there.

Jay Kelley: So during construction, there'll be people living there?

Drew Wojowski: That's right.

Jay Kelley: Okay.

David Walker: Anybody else?

Robin Dube: Is this, what was it called, *[indiscernible]* [00:37:54]? Is that going between two houses going up in there?

Drew Wojowski: That's right. There's an existing driveway that terminates right here.

Robin Dube: A little driveway that, I remember we had some talk about that before.

David Walker: We did.

Robin Dube: Where them, going up through there, and the residents had already lived in those two houses.

Drew Wojowski: We did provide one plan that showed some theoretical improvements to that site to help with pedestrian safety. We showed some new sidewalks and crosswalks. So again, that's something that we'll look at closer when we get to that point, but it is something that we're planning on addressing.

Robin Dube: Does King own all those other little houses too?

Drew Wojowski: Yep, he does.

David Walker: So these are concessions that are built into this plan, and we have to make a recommendation to counsel based on this plan. And I don't think I can make a favorable recommendation based on what I'm seeing right now. So, I just want you to know that I'm only one vote on this board, but, I do want to hear back from Sebago Technics and we can have a public hearing and I'm sure many of these things are going to come out of the public hearing as well, so.

Erin Moriarty: I have a question.

David Walker: Go ahead, Erin.

Planning Board Meeting Minutes (Draft)

8/14/2025

Erin Moriarty: It might be for Jeffrey. Actually, I'm just wondering what the general process is in Old Orchard for a contract zone and a subdivision, is that they have to come back in for a full subdivision review?

Jeffrey Hinderlite: Correct. Yeah. They can run concurrently, but let's say if they're running along the same path, subdivision and contract zone, a final decision on the subdivision cannot be made until the contract zone is approved.

Erin Moriarty: Sure.

Jeffrey Hinderlite: But what we see most folks do, they run the contract zone portion of the app process to its conclusion, then they come back for a subdivision site plan review, whatever it may be.

Erin Moriarty: Okay. But part of this contract zone includes the concept plan, which is sort of whatever.

David Walker: Yeah. And council, regardless of whether we give a favorable recommendation or an unfavorable recommendation, council still has the right to issue a contract zone and make modifications as they see fit. So if they don't like the 10% affordable housing, they can request 20%.

Erin Moriarty: And then second question was that there was some more information here, on the desk when we got here. Here, and I wasn't sure who these people are.

Jeffrey Hinderlite: Yeah, sure. Thank you, Erin.

Erin Moriarty: You're welcome.

Jeffrey Hinderlite: The Conservation Commission, and Erin, I don't like to give you guys weight material unless I feel like you need it. But we just got that from the Conservation Commission yesterday. And, they had a number of comments. I sent those along to the applicant, too. And I did speak to Paul Weinstein this morning about those comments. And he seemed pretty confident that a lot of the things that conservation commission brought up, you folks would have no problem addressing it. There's some things though, that might be out of your control, like, central main power easements working through that sort of stuff.

Drew Wojowski: Yep. That sums it up. Yeah. They had some recommendations to some tweaks to the proposed trail locations that we had and we don't see any issues with modifying those.

Erin Moriarty: Have you done your survey yet?



Planning Board Meeting Minutes (Draft)  
8/14/2025

Drew Wojowski: We haven't no. We have an ALTA survey that was done as part of the CMP easement, but we definitely are going to want to do some updated survey if this moves forward.

Erin Moriarty: Okay. Great. Yep. My only comment for the concept plan, Drew, would be that I'd like to see the sidewalks extend all the way to Smithwheeler Road. It looks like there's some internal sidewalks around the larger multifamily buildings to get residents to the parking lots I assume, and also the clubhouse, but then they are not in front of the duplexes. And assuming that the residents of the duplexes are allowed to use the clubhouse, it'd be nice to have it.

Drew Wojowski: Sure.

Erin Moriarty: Make sure amenities there.

Marianne Hubert: What would be outstanding projects or *[inaudible]* [00:42:25], any of them finished?

Drew Wojowski: In Old Orchard or anywhere?

Marianne Hubert: Yeah. No, I'm normally worried about Old Orchard.

Drew Wojowski: *[Overlapping conversation]* [00:42:31] Old Orchard, I'm not sure. I can't speak to that.

Erin Moriarty: I think we would also want to see the phasing plan is going to be a big part of that. And I know in previous King projects that I've reviewed, highlighting when the clubhouse and amenities are going to be phased in is also key to the overall concept plan, so that we can ensure that the early residents that get to move in still have some kind of amenity and don't have to wait until the final completion of construction before there's a trailer or a clubhouse.

David Walker: Drew, thank you very much. I'm going to schedule or recommend that we have a public hearing on September 11 on our next meeting and hopefully you will be there for that. We appreciate it very much. Thank you.

Drew Wojowski: Thank you.

David Walker: Okay. All right. One more, folks. And then other business and good and welfare. Item four. Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure tear down, rebuild, 30% expansion. Action: Determination of Completeness; Schedule Site Walk & Public Hearing. Applicant: Walter L. Wilson. Location: 11 Randall Ave, MBL: 324-13-3; R3, RA, HAT and CAT Zones. Jeffrey?

Jeffrey Hinderlite: Okay. Thank you. Another Shoreland zoning proposal. And, this application, just like the ones that is no different than the ones that we normally see. It is

an existing single family home and they want to remove that single family home, build a new one, and expand that structure too using the 30% expansion standards. So, the reason Planning Board is reviewing this proposal is because the structure is within the 100 foot highest annual tide setback. Therefore, it's a nonconforming structure. And the new structure, will continue to be within that 100 foot setback.

And, there's a number of different Shoreland standards, but really, it comes down, with these sorts of proposals, it comes down to *[inaudible]* *[00:45:14]* standards that it's important for an applicant to address. Number one is that the proposal must demonstrate it meets the conditional use standards. It is a conditional use proposal. They have to meet the conditional use standards as well as the standard conditions in the Shoreland zone. Number two is that the new structure must be set back from the wetland highest annual tide to the greatest practical extent. Number three, expansions to this new structures are allowed, but the square footage and volume cannot exceed the existing structure square footage and volume by more than 30%. And then, finally, nonconformities cannot become more nonconforming. And, for example, if you're already within the setback, let's say you're a 50 feet, the setback's a 100, you can't build a structure that's 49 feet. It becomes more nonconforming, and more into the setback.

So in your staff memo, I discussed this proposal's conformance with these standards. And, as I state in the memo, beautifully drawn plans, really. It's just like total hard work. And I know Walt really cares and does a good job with these proposals. And, will certainly create one that, meets the standards. But, you know, as I say, if we could vote on the drawing, I mean, we give Walter a plaque and say, this is what you need to do to come to the planning board, it still should, but, you know, unfortunately, we have to be brought back down to reality. And we have standards that we have to ensure that are met. And there were a couple of standards. We wanted to make sure that the new structure meets the HAT setback, at least as far away from what the existing structure is. So I couldn't quite tell whether that was going to happen based on the plan. I'm pretty sure it will, but we needed to confirm that.

Number two is to calculate all the square footage for existing and proposed structures, all. Volume, wasn't a problem. Square footage, I believe it was for the second floor, for both the existing and proposed structures as I recall, it wasn't included in the 30% calculations. Existing and proposed structure lot coverage. I think this is something Walter's certainly aware of and easy to come up with. Building height measurement, based on the Shoreland zone definition it's a little different than our normal zoning definition in our ordinances. And also proof of DEP permit submission or permit approval. Even though more information, I believe, is needed, I know Walter, he already submitted some of this information. I'm quite confident he'll be able to submit the rest by the August 25, which is the September meeting submission deadline.

So I see no reason, to hold this up. And, I would recommend that we schedule a public hearing for the September 11. Site walk is not required. It's optional. I think it's a very, it's a very visible location, so you can all check it out yourself too, if you'd like. And you'll find a motion on the bottom of page 22. And that's all. Thank you.

Planning Board Meeting Minutes (Draft)  
8/14/2025

David Walker: Jeffrey, thank you.

Jeffrey Hinderlite: Mm-hm.

David Walker: Walter, good evening.

Walter: Good evening.

David Walker: Good to see you. My wife told me you were coming tonight. So Debbie Walker told me you were coming, my wife. Yeah. So, I looked at the volume of the square footage for the current building, which is 2,457, something like that. But I couldn't find the new square footage for the new home. And maybe you could lead me to that somewhere?

Walter Wilson: Yeah. Well, let me first make that application. I could not, so I did not include the square footage of the existing building and that proposed one.

David Walker: Yeah.

Walter Wilson: Or I've done that, I dropped off a copy yesterday.

David Walker: Oh okay. So it's not on here?

Walter Wilson: Yeah. And I can tell you with *[inaudible]* [00:50:28] square footage for, of course, the existing building, the 3404 *[inaudible]* [00:50:39], I think.

Marianne Hubert: However, it was already expanded a couple of times, right? It was...

Walter Wilson: I'm sorry. *[Inaudible]* [00:50:48] is not quite exclusive...

Marianne Hubert: It was expanded. The building was expanded a couple of times since construction.

Walter Wilson: Yeah, expanded prior to '87.

Marianne Hubert: Okay.

Walter Wilson: Once or once earlier and then the last time they had a garage in the site, plans to draw in '86, and I think they did it in '86, if I remember, okay? But the drilling department was taken out and the work was started before '87, *[inaudible]* [00:51:15].

Marianne Hubert: Okay.

Walter Wilson: Everything was done after that, I think in 2001 we had *[inaudible]* [00:51:23] issue.

Planning Board Meeting Minutes (Draft)  
8/14/2025

Marianne Hubert: Okay.

David Walker: Okay. Back to – so you said 3,400 square feet was the...

Walter Wilson: Yes, and 30% of the volume and you're allowed to go 4,426. *[Overlapping conversation] [00:51:38]*.

David Walker: And the new square footage is going to be what?

Walter Wilson: We have proposed 4,412.

David Walker: It's a big house.

Walter Wilson: And will allow 4,426.

David Walker: Holy moly. Okay.

Robin Dube: Not one stair more.

David Walker: So I'm assuming we'll see the new plans with next month's submission, right?

Jeffrey Hinderlite: Yeah.

David Walker: Okay.

Walter Wilson: I do drop off to the town the DEP application that was made, and whoever is the – paperwork with city to approve that re-drawal for DEP. And also there was a note from Jeff's written stuff. He was worried about the soils and stuff. We got a geological survey done. And, so I went here and explained why it has to be on the piling system that's on and all the construction for the concrete work and all that. So I brought that to Jeff as well. Also, I did the height calculations of the building. I used the average front brick as a mean and Jeff brought to my attention has to be lower grade, which is a side of the building. I re-did that, it makes a difference of six inches. So I brought the roof pitch down after they got the six inches that we had to do with it. So, I am still under the 35 square foot – 35 foot.

Couple of other concerns Jeff had. One was the little elm in the back of the house. He was worried about relocating it, making slightly different shed outside thought of being too close to the half line. Right now it is 13 feet. We are moving it over, it is going to be 25 feet, so little more that from the half line and the thing I'm waiting on, which I have not got the answer to yet, but anticipating one. It's from down *[indiscernible] [00:53:49]*. They could have half line one that site. I think Jeff *[inaudible] [00:53:57]* 6.2 elevation across the site. Check *[inaudible] [00:54:00]* just closer to the Randall Street, it's only two or three minutes from Randall Street. And so that may affect some of the looking at

Planning Board Meeting Minutes (Draft)

8/14/2025

as far as the distance back in the half line. The half line in the survey claim was wrong. I called them up. They are supposed to look into it. The guy who's doing the work is on vacation all week. He's back next week. Hope we'll have all that information before the 25th so you can read that.

David Walker: Have you selected a builder yet?

Walter Wilson: I'm sorry?

David Walker: Do you mind if I ask, did you select a builder yet?

Walter Wilson: I'm sorry?

David Walker: A builder. Did you select a builder?

Walter Wilson: Yes, *Dickson Builders* [phonetic] [00:54:43].

David Walker: Okay. Thank you.

Walter Wilson: I have a hard time [overlapping conversation] [00:54:47].

David Walker: Oh, yes. Yep. We're spending millions of dollars to upgrade the acoustics here. Okay. Anybody else with questions for the applicant?

Robin Dube: This is a single family home right?

David Walker: Yes. You want to move in?

Robin Dube: Marianne Hubert: No.

David Walker: You want to make a motion?

Robin Dube: What page did you say?

David Walker: I got it. Never mind.

Jeffrey Hinderlite: 22.

David Walker: 22.

Robin Dube: Do we need to make a motion? Because I'd like to see the finalized design before I make a motion.

David Walker: Well, you can still make a motion.

Robin Dube: Okay.

Planning Board Meeting Minutes (Draft)

8/14/2025

David Walker: You just can vote.

Jeffrey Hinderlite: Yeah. You can still make the motion. There's a couple of conditions that will require the finalized design. So, need to make the motion to determine its complete.

Robin Dube: Yeah. No, but it doesn't matter.

David Walker: You want me to do it? Okay.

Robin Dube: Yeah, go ahead.

David Walker: I make a motion to conditionally determine Walter L Wilson, conditional use nonconforming structure in a Shoreland zone application, proposing to remove an existing single family structure and build a new single family structure, including a 30% expansion located at 11 Randall Ave, MBL 324-13-3, as complete with the following conditions to be fulfilled on or before the August 25, 2025. Submission of a plan showing HAT setback distances at rear for existing and proposed structures. Submission of all square footage calculations for existing and proposed structures. Three, submission of existing and proposed structure lot coverage. Four, submission of documentation showing building height measurement in accordance with the town Shoreline zoning definition of height and five submission of proof of the DEP permits submission or permit approval.

Robin Dube: Second.

David Walker: Motion by Chair Walker. Second by Robin. You want to call for the vote, please?

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Hubert?

Marianne Hubert: No.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

David Walker: And Chair Walker?

Planning Board Meeting Minutes (Draft)

8/14/2025

David Walker: Yes. And motion carries 4/1. And, I would ask staff to schedule a public hearing on September 11 our next regular meeting. Walter, thank you very much.

Walter Wilson: Thank you.

David Walker: We appreciate it. All right. On to other business. Is there any other business? Jeffrey?

Jeffrey Hinderlite: Yep.

David Walker: How about an update on the license approval for around marijuana?

Jeffrey Hinderlite: Oh, jeez. Are you crazy? Six years. Six years, that project. Believe it or not, that all began during the – it was voted on to allow, adult use marijuana at the Trump versus Biden presidential election vote, 2019, November 2019. And the lawsuits, all the public meetings, all the everything with marijuana, it finally concluded at the last council meeting, where the council granted the one license that is available to Theory Wellness, for that small building, located by OOB Campground. And, I expect, right now they're securing their final state approvals or their final state license. And, I expect we'll see them begin operations shortly, very soon.

David Walker: And then I hear all lawsuits have been dropped?

Jeffrey Hinderlite: As far as I know.

David Walker: Yeah.

Jeffrey Hinderlite: As far as I...

Robin Dube: Lot of money wasted.

Jeffrey Hinderlite: I know. All that. All that. It amazes me, like, the amount of, like, mental energy, physical time, everything to that project. And, you know, I'm glad it's getting behind us. And I wish everyone the best of luck. But, man, you just wish you put, you know, the project was this beautiful project for the entire town to enjoy and, you know, all kinds of things. Right? You know, it's crazy.

David Walker: So okay. Thank you for that update. Also, for board members and for your benefit, I will not be available for next month's meeting. I'll be on a golf trip in New York.

Jay Kelley: Unacceptable.

Jeffrey Hinderlite: Unacceptable. Denied.

Planning Board Meeting Minutes (Draft)  
8/14/2025

David Walker: Yeah.

Jeffrey Hinderlite: Denied.

David Walker: Motion to adjourn.

Robin Dube: Second.

David Walker: All in favor?

Jeffrey Hinderlite: Thank you.

David Walker: That's it. End of the night. Good night.

Robin Dube: Nice to meet you.

Erin Moriarty: Nice to meet you. Yeah, thanks.

David Walker: I see a potential new chair over there.

Marianne Hubert: What is your background Erin?

Erin Moriarty: I have a master's in planning.

Marianne Hubert: In what?

Erin Moriarty: City planning.

Marianne Hubert: Oh, in city planning?

Erin Moriarty: Yes.

David Walker: Are you are you still over at Stanford?

Erin Moriarty: City planner. No.

David Walker: No?

Erin Moriarty: No. Yeah, that is right.

Marianne Hubert: You were doing what?

Erin Moriarty: I used to work for the city of Stanford.

Marianne Hubert: Oh all right.



Planning Board Meeting Minutes (Draft)

8/14/2025

Jeffrey Hinderlite: You didn't get a check. Did you get your...

Erin Moriarty: Yeah. *[Overlapping conversation]* [01:00:50] the whole time.

Marianne Hubert: Oh okay.

Erin Moriarty: I just – I own a café down *[overlapping conversation]* [01:00:54] and...

Jeffrey Hinderlite: Did you give me your information?

Marianne Hubert: Oh, the little café *[overlapping conversation]* [01:00:58].

Erin Moriarty: Yeah. That's mine. And I just decided I was going to *[overlapping conversation]* [01:01:03].

Jeffrey Hinderlite: That is weird because we actually should have not want to mention the...