

Planning Board Meeting Minutes

9/11/2025

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Chris Hitchcock: Regular meeting of the Old Orchard Beach Planning Board for September 11, 2025. My name is Chris Hitchcock. I'll be your chair tonight. Dave Walker usually chairs these meetings, but he's enjoying the golf day fishing out of state. Marianne Hubert is also absent, so Erin Moriarty...

Erin Moriarty: Present.

Chris Hitchcock: Will be a voting member tonight. I'd like to ask you first to join me in pledge to the flag. 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. Jeffrey, would you please call the roll?

Jeffrey Hinderlite: Sure. Ms. Moriarty?

Erin Moriarty: Present.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: And Chair Hitchcock?

Chris Hitchcock: Here. So we have four members adequate to run the meeting. The first item of business is the public hearing. We have two items in the public hearing segment. The first is a proposal for Contract Zone: 10 two-story, 16-unit buildings and 9 duplexes, for a total of 178 residential units. The applicant: Goosefare Crossing LLC. Location: Multiple properties of Smithwheel Road; Zoning R4 and Industrial District. We'll start the public hearing at 06:31. One thing to explain to everyone, is that we also on our agenda had this item for regular business, in which we would talk about the project at length. You'll find when we get to that portion that the applicant has asked for that to be tabled, so there won't be anything presented in detail. And in addition, so you know that a contract zone has two pieces.

One is the contract zone letter agreement with the town about how the project is handled. And the second is the plans, the detailed plans for the project. They could be done in parallel, but in most cases we found that the applicant wants to do the contract zone letter first so they make sure they're on solid ground to move forward, and then they do the detailed planning. So, if you're here for the public hearing, there isn't as much detail as you would get on a normal plane project. But we're still looking forward to any comments anybody has. And that said, if you'd like to come to the podium and talk about

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that item in the public hearing, please step forward to the podium, give us your name and address, and give us your comments.

Jill Sol: Hi, Jill Sol, 39 Smithwheel, Unit 21. I have no engineering background or anything like that. However, I'm just concerned about where it is going to be. We have the schools there, all the traffic, games, extracurricular activity. Traffic already on Smithwheel, you can't even get out. Today, the tourists are gone, and it still took me forever to get out by Dunks. Usually I come here because I don't go out of town as much. I'm coming down this way, but the traffic is already horrendous and I am wondering about will that be the room private road that they plow? Like where I live, we have to do our own plow. Is this going to be extra, work for public works? Is our sewer going to – we go from 9,000 to 65,000 or so in the summer. Can our sewer support all this extra? I'm definitely not against development. I'm just concerned about where it is, and the effect it's going to have on the town, that is all. I think that is it. I didn't have it compared...

Chris Hitchcock: Thank you for your comments.

Jill Sol: Off the top of my head. But, I'm sure that the fire and all that, the police department, and they've got that under control, I think. But do you know if the road is going to be plowed by the town and more on the public works?

Chris Hitchcock: We haven't crossed that bridge, but I would expect with a project of that size, it would have to be ultimately accepted by the town.

Jill Sol: I would think that that would be another huge public works. They work so darn hard all the time. They're out on the beach, you know, and all the stuff they do. And I remember after the storms, they were out there 24/7. Well, maybe not, but whenever I was there I saw them. Public works is a lot. And if they've got more roads to plow, that's it. Thank you.

Chris Hitchcock: Okay. Thank you.

Danielle: *[Inaudible]* [00:05:38] ask questions?

Chris Hitchcock: Well...

Danielle: Like is it for rental or...

Chris Hitchcock: No.

Danielle: Is it for purchase?

Chris Hitchcock: I didn't really hear your question. Why don't you step to the mic and?

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Danielle: Well, the question is, is this a project, is it for...

Jay Kelley: Can you step up to the mic, please?

Danielle: Sure. My name is Danielle. I live on 15 Fern Ave, but my question that I have is, is the project for rental units, is it for low income, or is it for just selling condos? What is the purpose of it?

Chris Hitchcock: There's a little of each, but, I think for the details, for the questions, you probably should wait till we got the project moving forward. Right now, this contract zone part is us trying to capture the essence of things like rentals and some is 55 plus get all that in an agreement that the town council has to review and accept before the applicant's going to give us the detailed proposal. So there'll be, I think, another public hearing, right Jeffrey?

Jeffrey Hinderlite: I can answer that, pretty quickly in kind of a 30,000, but as our chair said, actually, the development will include all of that. It will include apartments, age-restricted housing, 55 plus housing, condominium for sale, traditional for sale units, and also, not necessarily low-income housing, but housing that's more of the workforce type of housing that has to qualify for main state housing authority guidelines. And there will be additional public hearings. What the planning board does is they make a recommendation to council on the zoning part, and then the proposal goes to zoning part, and then the proposal goes to council for a final ruling. And then sometimes concurrently, but oftentimes after the proposal is then returned back to the town with the real technical, all the engineering plans, traffic studies, all of that. And, there are additional public hearings when we get to that point too.

Danielle: Okay, so there will be more details before the planning board actually votes? There'll be more details and more public hearings so the people of the town will have...

Chris Hitchcock: Correct.

Jeffrey Hinderlite: Yes.

Danielle: More information. Okay, good.

Chris Hitchcock: Good, and we will too.

Danielle: Okay, perfect. All right, thank you.

Chris Hitchcock: Thank you.

Jill Sol: That's something, I'm sorry, sorry, Jill Sol again and the other thing I forgot to mention is school. How many school age children, and as our school, I don't know our enrollment, if it can support how many more children in school. I think that's it.

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Chris Hitchcock: Okay. Thank you. Anyone else like to make comments? Okay. And I'll close the public hearing at 06:38. And we'll move on to the second public hearing item, which is:

Proposal: Conditional Use/Shoreland Nonconformity: Remove, rebuild, 30% expansion single-family dwelling. Applicant: Walter L. Wilson. Location: 11 Randall Ave, MBL: 324-13-3; Zoning: R3, RA and HAT. The time is 06:39. And let's see. Is there anyone that's here that would like to talk to that item like we did for the last one? All right, don't see anyone. So, we'll close the public hearing at 06:40.

Erin Moriarty: Sorry. Question for the board. Do we usually read in the letters that are submitted to the record or is it just?

Jeffrey Hinderlite: Yeah. Thank you. I skipped over that. That's good catch.

Chris Hitchcock: We have a choice of whether to read them or not. There are two letters, as Erin just pointed out from two different residents, and they will be put into the record. But they're both in favor of the project.

Danielle: I do want to step in, just because I know that you're having the hearing here, but can you explain a little bit about the project? Because when I ever hear expansion of Shoreland, usually there's a certain amount of feet that you should be from water, you know, to preserve. So, I'm trying to understand what the project is?

Chris Hitchcock: Well this item is on the regular agenda and we will be covering that very soon.

Danielle: Okay.

Chris Hitchcock: Okay. So that's the end of the public hearings. We will now switch to the rest of our agenda. The first thing is that there are in our packet. There are minutes for May, what was it, 9th?

Jeffrey Hinderlite: 8th.

Chris Hitchcock: May 8, 2025. Is there a discussion of, or any corrections to the minutes from the board members?

Erin Moriarty: I will have to recuse myself, because I was not on the board at that time. So I'm not sure if we have a quorum to vote. If the three of you were there or not.

Chris Hitchcock: We have a quorum. We need.

Robin Dube: Motion to accept.

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Jay Kelley: Second.

Chris Hitchcock: Okay. We've got a motion to accept by Robin, a second by Jay. And we only need three, but you make four, so we got plenty more. Okay. Just call the roll.

Jeffrey Hinderlite: Okay, yes. Thank you.

Chris Hitchcock: Call for the vote on that item.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: And Chair Hitchcock?

Chris Hitchcock: Yes. That carries four nothing. All right. Regular business. First item on our list is the contract zone that we've been talking about in the public hearing. We received a request from the applicant, regarding their submittals. The planning board had asked them for some details about phasing. That's not together yet and they asked us to table the item. We're probably going to do that anyhow, but they've asked us to do it. So will anyone make a motion?

Jay Kelley: Make a motion to table.

Robin Dube: Second.

Jay Kelley: That item.

Chris Hitchcock: Okay. We've got a motion by Jay, a second by Robin. Call for the vote, please.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

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Robin Dube: Yes.

Jeffrey Hinderlite: And Chair Hitchcock?

Chris Hitchcock: Yes. That carries 4/0. Our second item is:

Proposal: Conditional Use/Shoreland Nonconformity: Remove, rebuild, 30% expansion single-family dwelling. Action: Final Ruling. Applicant: Douglas Moon. Location: 6 West Tioga Ave, MBL: 320-13-2; Zoning: R3, RA, HAT. Is the applicant here and like to step forward.

Douglas Moon: Good evening, Douglas Moon. I reside at 6 West Tioga in Ocean Park.

Chris Hitchcock: Can you speak up a little bit? Because I'm not sure that mic is on. It might not be.

Robin Dube: We cannot hear you.

Douglas Moon: Hello?

Chris Hitchcock: Yep.

Robin Dube: Yes.

Chris Hitchcock: Talk into it.

Douglas Moon: Douglas Moon.

Jay Kelley: *[Overlapping conversation]* *[00:14:11]* can hear you.

Douglas Moon: Talk to the chief seats. Douglas Moon, I reside at 6 West Tioga Avenue, Ocean Park.

Chris Hitchcock: Great.

Douglas Moon: I'm here for the conditional use.

Chris Hitchcock: Okay.

Douglas Moon: Permit. I had a previous hearing where we submitted materials, and a conditional approval was granted pending submittal of some items and information that we were missing. So with our appearance tonight, we have brought forth the items that in question, volume and square footage calculations for the proposed structure. I had the existing and somehow did not have the proposed structure volume and area calculations with me at the time. Submission of the building elevation plans as deemed and requested by the members of the board for a better understanding of our elevation for the proposed

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structure. And then we've submitted to the best of our understanding, a flood plain permit application, for the flood hazard zone in terms of construction and compliance. And so with these materials, we believe that the application is complete, and we are just hoping for a favorable outcome.

Chris Hitchcock: Okay. I'd like to ask Jeffrey if you'd give us a background?

Jeffrey Hinderlite: Sure.

Chris Hitchcock: Anything more to say than we just heard?

Jeffrey Hinderlite: Yeah. I'll set it up a little bit for you all. So the board last considered this proposal at the July meeting, and before that, you also considered the proposal at the June meeting. At the June meeting, the board didn't approve the permit. What, the board did was determine the application as complete. But that determination was based on the applicant submitting three primary things by the August 25. First was the volume and square footage calculations for the proposed structures. Second was submission of completed flood plain permits and structure design to meet the floodplain standards. And then third was submission of building elevation plans showing the height measured in accordance with the Shoreland zoning definition of height.

So July rolled around, and the board held a public hearing, but, similar to the contract zone, we tabled the application at that meeting because the information requested was not quite ready. So when the board determined the application complete at the June meeting, they set a 25 August deadline. And the reason is, is our ordinance has time frames that the applicants and the planning board must abide by before that final ruling. There's time frames attached to the public hearing, and there's time frames attached to the determination of completeness. Because the public hearing fell after we went with the public hearing time frame, and that all fell – we already knew in advance it was going to fall on the August 25, for at least a submission deadline to get to the September meeting.

So, the deadline was actually during September, and I explained this in the memo. So the planning board, what this all means is the planning board has to make a decision, tonight. And, we requested the applicant provide us some information, and the applicant returns with a very good submission. On your table under the cover, you'll find, some additional information that has the cover of 6 West Tioga. And in the memo, you'll see that there are a couple of different options that I provide to the board. Of course, because the board must decide tonight I have to provide you with the option for denial, but that is not what I recommend. One of the other options, was for conditional approval. In the memo, I recommend the conditional approval, and I attached three conditions that would address some of the items that I felt we still needed to have in order for the proposal to move forward. But since writing the memo, we received additional information, which is on your desk tonight, and in my opinion now, this updated response successfully addresses all of our requests.

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So, I do recommend approval still, but I believe that you can exclude conditions one and conditions three, and any condition language in the motion. And the motion you'll find on page 17 of your memo. So, I recommend approval with one condition, and you can exclude conditions one and conditions three. And I did review it. It's very good, as was the rest of the packet. To push this over to the finish line we just needed a few more things.

Chris Hitchcock: Very good. Is there anything more you'd like to add, or between what you said and what he said, are we set?

Douglas Moon: Yeah.

Chris Hitchcock: This we are set?

Douglas Moon: Yeah we do. We covered it.

Chris Hitchcock: Okay. Is there anything that any member of the board would like to bring up before we move ahead?

Robin Dube: Okay. I will make a motion *[inaudible]* [00:20:51]. I make a motion to conditionally to Douglas Moon, conditional use, nonconforming structures in the Shoreland zone application with most recent date of 9/15/2025. Proposing to remove existing single-family structure and build a new single family structure, including a 30% expansion located at 6 West Tioga Ave, MBL: 320-13-2, with the following conditions. The first floor level 1 is used *[inaudible]* [00:21:30] shall be for garage space and storage purposes only, and shall not be used for any form of occupancy.

Chris Hitchcock: Okay. We have a motion by Robin. Anyone like to second?

Jay Kelley: Second.

Erin Moriarty: Second.

Chris Hitchcock: Since it's so close, let's give it to him.

Erin Moriarty: I'll second.

Chris Hitchcock: Okay. The tie goes to the new member.

Erin Moriarty: Very good.

Chris Hitchcock: So, Jeffrey, would you give us the vote?

Jeffrey Hinderlite: Sure. Mr. Kelley?



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Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderlite: And chair Hitchcock?

Chris Hitchcock: Yes. That passes 4/0. Congratulations. Thank you very much.

Douglas Moon: Thank you for your diligence.

Chris Hitchcock: Okay. Next item:

Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure tear down, rebuild, 30% expansion. Action: Final Ruling. Applicant: Walter L. Wilson. Location: 11 Randall Ave, MBL: 324-13-3; Zoning: R3, RA, HAT. Jeffrey?

Jeffrey Hinderlite: Thank you. And before I begin this, I'll just have a quick mention here of a question that came up about the distance you need to be from water bodies, and if you notice each of these three proposals that we have on the agenda tonight, you'll see that it's titled non-conforming structures. And the reason that each of the three are non-conforming is because they're existing structures within that water body setback. And, what the water body setback actually is, is 100 feet. But when you have a structure that is within that setback, even though it's nonconforming, you can do some things. You can rebuild it, you can expand it, you can move it around as long as the structure does not become any more non-conforming than what it is. And an example would be, if it can't get any closer to the water body than what this structure is.

It all falls under ordinances that are titled Shoreland zoning, and Shoreland zoning ordinances come from the state of Maine, and then each municipality has the responsibility of adopting at least the minimum DEP standards. So, Old Orchard Beach is one of the few communities in the entire state. Each of these structures that we see, if you were in a lot of communities in Maine, we wouldn't even see these. We probably wouldn't even see them at the planning board level because of normally single family dwellings fall under the sole jurisdiction of code enforcement, but Old Orchard Beach took an additional step for protection of our natural resources by having a higher level of review and a higher level of standards.

Also, we, in certain areas of town, primarily Ocean Park, there are areas that you would drive by and say – if you drive by a lot of these structures, you would say, there's no

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water body even close to it. Like, we have one particular proposal that's right by the library, this one, actually. You would see, you know, there's not a water body within a 100 feet, but what Old Orchard Beach has done is we've gone a step beyond and considered an elevation, and that elevation's based on the highest annual tide, and wherever that elevation is or under it, even if there's not a water body, we treat it the same as if it is a regulated water body. So what may look like they're surrounded by concrete, the elevation could trigger the Shoreland zone standard and the setback standard, and get this higher level of review.

So there's a lot more to Shoreland zone, and I'd be happy to chat with you anytime about it, but I just wanted to...

Robin Dube: I appreciate that.

Jeffrey Hinderlite: Sure. Yep. You're welcome. So with this proposal, you'll recall it from our last meeting, and it's another proposal to tear down and rebuild a non-conforming structure in the Shoreland zone. It was introduced to the board at the August meeting, and at that time the board determined the application complete, with the condition that the applicant submit the following by the August 25. A plan showing the highest annual tide setback distances at the rear for the existing and proposed structure, calculate all square footage and volume for both the existing and proposed structures. Existing and proposed structure lot coverage that was number three. Number four is the building height measurement based on the Shoreland zoning definition of height. And then number five was proof of Department of Environmental Protection permit submission or DEP permit approval.

So, for our meeting this month, the applicant complied with our condition from the August meeting by submitting all documents that I feel address the condition. In my opinion, there's nothing else the applicant needs to do. They really did a nice job. Once again, we had a beautiful set of plans, just like our previous applicant prepared for his two proposals on the agenda tonight. So, we appreciate the work, Walt. You know, it was really nice work. And nothing else needed. Oh, I do have one condition attached to this proposal for approval, and you'll find the motion on page 22.

Jay Kelley: 25.

Chris Hitchcock: 22.

Jay Kelley: 22?

Jeffrey Hinderlite: 22. Yeah. Just one standard condition for this. So, yep I recommend approval, and that's all.

Chris Hitchcock: Thank you.

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Jeffrey Hinderlite: Thank you.

Chris Hitchcock: Mr. Wilson.

Mr. Wilson: I agree with Jeff.

Jay Kelley: We're getting out of it easy.

Chris Hitchcock: Just tell us your full name and address for the record.

Walter Wilson: Walter Wilson from design company in Sacco.

Chris Hitchcock: And you're 11 Randall Ave?

Walter Wilson: Yes. This is for the project on Randall Ave.

Chris Hitchcock: Very good.

Robin Dube: Make a motion to conditionally approve Walter L. Wilson conditionally use nonconforming structure in the Shoreline Zone application. Proposal to remove existing single-family structure and build a new single-family structure including a 30% expansion located at 11 Randall Ave, MBL: 324-13-3. Jeffrey there is one condition.

Jeffrey Hinderlite: Yeah.

Robin Dube: Applicant or the representative shall submit applicable flood as a development permit to Old Orchard Beach Flood Camp plan coordinator and secure a full approval on these permit before any permit associated with the project is approved.

Jay Kelley: Second.

Chris Hitchcock: We have a motion by Robin, a second by Jay. Before we vote, sir, would you like to make any comments that we didn't give you a chance to make?

Walter Wilson: Pardon me.

Jay Kelley: Would you like to make any comments before we vote?

Walter Wilson: No.

Jay Kelley: Okay.

Chris Hitchcock: Would you call for the vote.

Jeffrey Hinderlite: Ms. Moriarty?

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Erin Moriarty: Yes.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: And Chair Hitchcock?

Chris Hitchcock: Yes. That passes 4/0.

Walter Wilson: Thank you very much. I want to give special thanks to Jeff and, Rick Castle for helping me. Thank you.

Chris Hitchcock: Thank you.

Jeffrey Hinderlite: Thanks, Walt. Good to see you again. Nice to see you again.

Walter Wilson: Nice to see you again.

Chris Hitchcock: Item four:

Proposal: Conditional Use/Shoreland Zoning: Nonconforming structure tear down, rebuild, 30% expansion. Action: Determination of Completeness; Schedule Public Hearing and Site Walk. Applicant: Jim Bernard. Location: 36 Winona Ave, MBL: 320-7-8; Zoning: R3, RA, HAT. Jeffrey?

Jeffrey Hinderlite: Sure. Item four are another Shoreland zone proposal. And again, it's a tear down, rebuild, and expansion of a nonconforming structure in the Shoreland zone. And like the other proposals tonight, the structure is nonconforming because it's within 100 feet of the HAT, the highest annual tide setback. One difference with this proposal is it's actually not in the coastal sand dune system, which we don't see that often. So a DEP permit for the development in the dune system is not required. And also like, all the Shoreland zone proposals we see when we receive proposals to replace and expand structures, nonconforming structures in the Shoreland zone, there are a few important ordinance standards that an applicant must meet.

Number one, there are two primary sets of standards. The conditional use standards and the special conditions that are attached to Shoreland zone applications, they must demonstrate they meet those standards. Two, the new structure must be set back to the greatest practical extent, set back away from the HAT to the greatest practical extent.

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Number three, expansion square footage and volume is limited to 30% of the existing structure's square footage and volume. And then finally, nonconformities can't become more nonconforming. You can't go any closer to the water than what exists.

So in your staff memo, I discussed the proposal's conformance with each of these standards, and, and I believe this is a solid submission, but as I stated in the memo, I thought we needed some additional information to put the applicant in a better position for approval. That info is documentation showing the driveway meets applicable driveway standards, lot coverage calcs, revised elevation and cross section plans with the height measured in accordance with the Shoreland zoning definition of height, and then draft flood hazard development permit. After the memo was prepared, the applicant followed up, by submitting all that info that I read. The applicant submitted that, and that is under the cover on your desk tonight, for 36 Winona.

I took a moment to review that information today, just to check the submissions, to ensure that all the requested info is there and it is all there. I didn't review for compliance. I mean, I did a quick check. I don't think we're going to have any problems, but for the purposes of where we are right now in the application, I just wanted to check if it was all there, and it is. So I recommend the board determine the application complete, and schedule a public hearing for the October 9. You'll find a motion on page 28, and, note that the condition language and reference to the conditions can be removed in that motion because with the information we just received, I believe those conditions that I originally stated in the memo are no longer necessary. Thank you.

Chris Hitchcock: Very good. Sir, would you like to address us?

Jim Bernard: Good evening, my name is Jim Bernard. I do business as Jim Bernard Custom Homes. I'm a designer and builder, based out of Biddeford. Done a few projects in Ocean Park over the past few years, and Jeffrey's been able to guide me through the process to make sure that we're meeting with the ordinance intentions. This client is Doug Burns and his wife Michelle. They own the property. Their parents built the property back in the 60s is what I understand. It was owned by he and his brother until recently, and then the deed has been changed over to Doug and Michelle where they're trying to do this project. They met with Jeffrey last summer, and Jeffrey suggested to them at the time that they first order a business to get a survey and figure out what they had.

So, they took care of that business, met again with Jeffrey, and then I came on board to try to help them out. So what we did is we got down with who had done the preliminary site plan survey to do the proposed layout. So in doing so and in moving the home and in order to try to get a garage that was at least 22 feet deep, we ended up having to go for a variance. So we completed that variance process and we received the paperwork from the ZBA. And in your packet you should have the filing list compiled to the registry. Again, Jeffrey's been guiding us along to make sure that we're not missing any steps.

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When I saw his comments from last Friday, I tried to address them best we could because we're trying to move this along in hopes that if we can get all the approvals in place that we can do construction before the heavy storm comes on this year. So they couldn't be here tonight, the Burns, but I'm here to answer any questions. And, I'll start by saying I'm a little hard of hearing. So, if you can help me with that, if you have any questions. It's tough in here.

Chris Hitchcock: Great. Thank you.

Jim Bernard: Thank you.

Chris Hitchcock: The board members have any questions of the applicant? Would someone like to make a motion?

Jay Kelley: Make a motion.

Chris Hitchcock: Jay? Jay's got it.

Robin Dube: Okay.

Jay Kelley: I make a motion to conditionally determine complete Jim Bernard's conditional use nonconforming structure in the Shoreland zone application proposing to remove an existing single-family structure and build a new single family structure, including a 30% expansion, located at 36 Winona Ave, MBL: 320-7-8 for the following conditions to be fulfilled before the planning board issues a final vote.

Robin Dube: Second.

Chris Hitchcock: Did you second?

Robin Dube: Second, yeah.

Chris Hitchcock: Okay, Jay made a motion. Robin has seconded. Call for the vote please, Jeffrey.

Jeffrey Hinderlite: Okay. Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

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Robin Dube: Yes.

Jeffrey Hinderlite: And chair Hitchcock?

Chris Hitchcock: Yes. That carries 4/0. Go forward. Thank you.

Jim Bernard: Hey. Thank you.

Chris Hitchcock: I appreciate your thoroughness.

Jeffrey Hinderlite: End of public hearing, Chris. Sorry.

Chris Hitchcock: Oh, yeah. The public hearing on the 9th?

Jeffrey Hinderlite: Yes.

Chris Hitchcock: You said of October. We also have in our packet a certificate of appropriateness ruling. Jeffrey, can you help us with that?

Jeffrey Hinderlite: I can try. Mike handles these proposals, so I really don't know that much about it. I asked Mike to provide a write up in the memo, which you have. I think that's the very last page. Basically, and more for, Erin because I don't think Erin is familiar with our process with the design review committee, but we have a design review committee that's not quite at the level of a historic preservation committee, so they don't use, like, the secretary of department of interior guidelines. They have their own ordinance, and their own ordinances has a lot of should be's as opposed to shalls.

So, the design review committee receives proposals primarily in our downtown districts, and, whenever someone's proposing some sort of exterior change, they can either qualify for administrative design review, which is handled entirely internally and you don't even see that, or they require full committee review. This particular proposal it was determined a full committee review was needed. It went through that review. I think it took a couple of months actually, and, the applicant did secure a favorable recommendation from the committee. And what the committee does, they can't approve or deny, they just make a recommendation to the planning board. So, there you go. It's up to the planning board to determine whether they'd like to accept the recommendation, modify it, or deny it.

Jay Kelley: Through the chair. Jeffrey, what building is this?

Jeffrey Hinderlite: Dynamite, is it the dynamite?

Robin Dube: The dynamite is that last one and timings I think, it's there in the...

Jeffrey Hinderlite: Yes.

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Jay Kelley: Beach.

Jeffrey Hinderlite: Beach. Yeah. Yeah. Beach, thank you. Beach Fantasy.

Jay Kelley: And what's the takeout window for?

Jeffrey Hinderlite: Food.

Chris Hitchcock: Trick question.

Erin Moriarty: Do you have an elevation on the height that it will be once it's open?

Chris Hitchcock: I think it's pretty low it's because I think they made it only halfway.

Jeffrey Hinderlite: I think it's actually already built.

Erin Moriarty: Okay great, here we go.

Chris Hitchcock: It's only halfway through.

Erin Moriarty: I just want to make sure someone doesn't walk into it and hit their head on it.

Jeffrey Hinderlite: Yeah. Yeah. Good question. And I apologize, Erin. I don't have that.

Erin Moriarty: Okay.

Jeffrey Hinderlite: We can walk down there after. Check it out.

Chris Hitchcock: He did it with our approval.

Robin Dube: I do have a quick question on this. Is this splitting the store down in half?

Jeffrey Hinderlite: I think the store was already split in half like a year or two ago, because I believe they had some other type of use in there. It might have been food or something. And, what this did was it piggybacked on top of what the former use was, and opened up a takeout window, by opening up a takeout window.

Jay Kelley: Through the chair, Jeffrey again has this building been inspected by us?

Jeffrey Hinderlite: Yes, and by the fire department.

Jay Kelley: Well, it's mixed use. So, has the fire department gone in and approved whatever the grill or?



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Jeffrey Hinderlite: I haven't been part of the code enforcement piece to it, but having been heard conversations with our fire inspector and the code department, I know that they have been active in this building, and, it had more issues than this right here. Including, I guess, sprinkler head covers.

Jay Kelley: It has to be separated.

Erin Moriarty: I mean, they never came to us before when you said they already did it.

Jay Kelley: And this is existing? That's my understanding.

Jeffrey Hinderlite: If you'd like to table this, Mike will be at the next meeting. He can help you more. Yeah. I apologize I don't know that much more. I know it exists, and that's about it.

Chris Hitchcock: Yeah. Okay.

Robin Dube: It was a pre-approved by before when it turned into a food gaming place. Because it never came in front of us. It's always been...

Jeffrey Hinderlite: Yeah, it wouldn't have to. The only reason it's front of you right now is because it had exterior changes that the DRC had to approve. You're not actually reviewing the use of it. It's just whether you agree with DRC's decision to approve the exterior changes.

Robin Dube: Health inspections and everything have been done in this whole building?

Jeffrey Hinderlite: I know fire department and codes have been active with inspections for the whole building. I don't know about the up top floor, but I know the bottom floors.

Jay Kelley: I'll make a motion to table this item until maybe next month, Jeffery.

Jeffrey Hinderlite: Sure.

Jay Kelley: We can get the owner or whoever is responsible for this to come before us and give us a little history here.

Erin Moriarty: I'll second that.

Chris Hitchcock: Okay. We have a motion by Jay, second by Erin. Call for the vote.

Jeffrey Hinderlite: Ms. Moriarty?

Erin Moriarty: Yes.

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Jeffrey Hinderlite: Mr. Kelley?

Jay Kelley: Yes.

Jeffrey Hinderlite: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderlite: And Chair Hitchcock?

Chris Hitchcock: Yes, it carries 4/0. All right, any other business? Good and welfare? Any motions to...

Robin Dube: Motion to adjourn.

Chris Hitchcock: Motion to adjourn? All in favor?

Board members: Aye.

Chris Hitchcock: Hearing no nays, we adjourn.

Jeffrey Hinderlite: Thank you.

Robin Dube: Thank you. Jay, I think on the other side of this, you've done it.

Jay Kelley: The what?

Robin Dube: The other side, and it might just weigh down the end, and now the noise in between.

Jay Kelley: Yeah. I know it's still – now that I see it. I didn't even know that was there, you know? I haven't been down that script forever.

Robin Dube: It has not been down there anymore.

Jay Kelley: All right.

Erin Moriarty: Well, apparently, there's a stuffed burger joint now that we all have to go try.

Chris Hitchcock: He wants to spike up this business.

Robin Dube: My understanding is that that's *[overlapping conversation]* [00:46:44].

Male Speaker: We're still on.

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Chris Hitchcock: Right. Yeah. There's still quite a few steps to move. Yeah.

Erin Moriarty: *[Overlapping conversation]* [00:46:51]. Turn the mic off or we will be on the *[inaudible]* [00:46:55].

Jeffrey Hinderlite: You'll only be notified.