

**PLANNING BOARD JANUARY 2026 MEETING MINUTES (Draft)**

Graham Roeber, Marianne Hubert, Chair David Walker, Robin Dube, Erin Moriarty.  
Roll call by Jeffrey Hinderliter

[background conversation]

**Chair David Walker:** You probably all think I know what I'm doing, but I really don't. There it is. Good evening, everybody, and welcome to the January 8th meeting of the Planning Board. My name is Dave Walker. I'll be your chair tonight. We always start the meeting off with A Pledge of Allegiance to the Flag, so if you'd please stand and join me, it'd be appreciated.

**All:** 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.

**Chair David Walker:** Thank you very much. Jeffrey, you want to do the roll call, please? Looks like we've got a full team.

**Jeffrey Hinderliter:** Sure, yes. Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Present.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Present.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Here.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Here. We've got a complete board tonight. Thank you, Jeffrey.

**Jeffrey Hinderliter:** You're welcome.

**Chair David Walker:** All right, it is now 6:31, and I'm going to start this public hearing. Ordinance amendments. Chapter 34, Section 34-26. Chapter 78, Section 78-1, 78-12A, 78-13B-- that's 78-213B, 78-171, 78-21, 78-471, 78-750, 78-802, 78-805, 78-832, 78-835, 78-992, 78-994, 78-2128, and it is J-1 visa holders housing density and site ordinance changes. The applicant is the town of Orchard. Again, we'll start this public meeting. If you'd like to speak, please approach the podium. Identify yourself by name and address and speak clearly into the mic. Good evening.

**Brian Pelletier:** Hi, Brian Pelletier, Sea Cliff Motel, 2 Sea Cliff Avenue.

**Chair David Walker:** Hi, Brian.

**Brian Pelletier:** I'm in favor of this. Old Orchard Beach needs J-1s. All us businesses do. Anything that can make it a positive for the students and for the business, I think we need to do. Thank you.

**Chair David Walker:** Thank you very much. I think it took me longer to read the ordinance than it is for you to speak. [chuckles] Anyone else? No? All right. Then I'll close this public hearing. It's 6:33. Thank you, Brian, for that. Minutes. I didn't see any minutes in the packet.

**Jeffrey Hinderliter:** No minutes.

**Chair David Walker:** Either that or you were holding them back from me. Let's move on to regular business. Item 1. Oh God, here we go again. Proposal. Ordinance amendments. Chapter 34. Section 34-26. Chapter 78, Sections 78-1, 78-212A, 78-213B, 78-171, 78-21, 78-471, 78-750, 78-802, 78-805, 78-832, 78-835, 78-992, 78-994, 78-2128, J-1 visa holders, housing density and site ordinance changes. Action recommendation vote would make it to the town council and the applicant is the town of Old Orchard Beach. Jeffrey?

**Jeffrey Hinderliter:** Sure, thank you.

**Chair David Walker:** Thank you.

**Jeffrey Hinderliter:** As our chair said, as Dave said, these ordinance amendments are prepared for the purpose of increasing J-1 visa holders housing opportunities. What we found was that one of the barriers to these housing opportunities was our zoning standards. In particular, our density requirements, parking requirements, and also the lengthy review needed to add higher density. [clears throat] What we decided with these amendments is if we could only make it simple in just one word or two words, but the way that ordinances are structured, and in particular our ordinances, you have to have all those different sections to make sure that it's a solid amendment.

Really what those amendments do is they exempt housing for J-1 visa holders from those zoning requirements, density, parking requirements, and Planning Board review. Although they exempt the J-1 visa holders from those zoning requirements, [clears throat] it doesn't mean that there are no longer any restrictions at all. There are still occupancy limits. They're only allowed in specific districts. Owners of J-1 visa holder housing can't use that lower density for another use, in other words, get the J-1 density bonus, and then try to grandfather it for another use down the line. We have protections in the ordinance in place for that.

We removed the requirement for formal Planning Board review. In your memo, we recommend that the board move forward with the ordinance and provide a favorable recommendation to council. After development of the memo, we received some comments from our town manager, which you have on your desk. Our town manager [clears throat] has had some initial discussions with the individual council members, and they're in favor of these ordinances. What they'd like to see is that we include H-2B visa holders as well. The comments raise valid points, but to address those comments, it will require further amendments to the proposed ordinance language.

I don't expect those amendments to significantly change the language. I don't think that at all, that they'll significantly change. We'll just need to insert H-2B visa holders. To put this ordinance in a more favorable position when it gets to council, what I recommend is a change to the motion. You have that amended motion on your desk. I recommend that you rule on that motion. That's all.

**Chair David Walker:** We have that. Thank you, Jeffrey.

**Jeffrey Hinderliter:** You're welcome.

**Chair David Walker:** Any comments from the board?

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

**Chair David Walker:** Please.

**Robin Dube:** I motion to recommend council approve the amendments to the following ordinances. The amendments to the following ordinances-- What is it? CH 34, Section 34-26. Chapter 78, Section 71-8, 78-22A, 78-213B, 78-717-1, 78-721, 78-747-1, 78-750, 78-802, 78-805, 78-832, 78-835, 78-992, 78-994, 78-2128. With the condition that the ordinance presented to council include additional amendments that incorporate H-2B visa holders.

**Chair David Walker:** That's a favorable recommendation, correct?

**Robin Dube:** Yes.

**Chair David Walker:** Motion by Robin.

**Erin Moriarty:** I'll second that.

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

**Jeffrey Hinderliter:** Sure. Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. The motion carries 5-0. Thank you very much.

**Jeffrey Hinderliter:** Thank you all. Appreciate that.

[pause 00:10:28]

**Chair David Walker:** Item 2, proposal. Site plan. Construct four-story building with 11 dwelling units, 1 professional office, and ground floor parking. Action is final ruling. Applicant is Durp LLC. The location is 95 West Grand Ave, MBL: 313-3-4, in the DD2 District. Michael?

**Michael Foster:** Yes, thank you. In November, the public hearing was held. The Planning Board tabled this proposal until the December meeting for the applicant to address the following, update site plan criteria and address peer engineer review comments. The Planning Board also requested that the applicant respond to the public hearing comments. Then last month for December, this was up for a final ruling, but we received a 30-day extension request that the Planning Board granted. There's two main items that the Planning Board's most recently been discussing with this, and that's the building design and meeting the design standards, and then the two waiver requests.

Last month, the Planning Board requested that planning staff ask the town peer review engineer to review their waiver request. We provided that email from Matt Orr dated 12/12/2025. Then also in your packets is the peer engineer December review memo of the updated materials. In the states in general, peer review comments previously made have been addressed by the response materials, supplemental stormwater information, and the revised plans. It's recommended that conditions requiring ability to serve letter for sewer to be included in a final ruling vote. We did receive an ability to serve letter for main water after the submission deadline, and it was provided to you tonight for reference.

The applicant submitted a handful of materials updated for this month, including revised site plans, updated narrative addressing design standards, response to public comment from public hearing, updated responses to site plan review criteria, responses to peer review comments, an excerpt of sample condominium rules, and an ability to serve letter from a snow removal contractor. Regarding the waivers, there's two waivers being requested. That most recent request was in the letter from Gordon Smith with Verrill Law in your November packets dated 10/27/25.

Two items requesting to be waived are Section 78-1491F, which has to do with the minimum 100-foot separation between driveways and intersecting arterial street, and Section 78-1466C, which has to do with site distances from driveways and requires 257 feet in either direction on streets with a speed limit of 25. The Planning Board should vote on those two waivers requested before making a final ruling. Without the waivers, the proposed plan doesn't meet the ordinance.

Included in your packets is that email I referenced from Matt Orr to address the waiver request and help assist the Planning Board with your review. The two things the applicant needs to demonstrate for waiver request is that the physical constraints of the site meet compliance with the design standards of this division, impractical or technically unfeasible, and that modification of those standards will not create unsafe conditions for vehicles or pedestrians. Then regarding the design review certificate,

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the bill and design has been updated to address Planning Board and public comments.

An updated design review certificate begins on page 10 of the memo to reflect the proposed design. Then just for projects requiring Planning Board review, the design review certificate shall be issued as part of the site plan approval. For recommendation, the applicant has updated the bill and design to reduce the overall mass. We also received favorable review from Sebago Technics regarding the waiver request. The applicant has provided updated materials as requested. Really any approval condition should be included to address the sewer ability to serve letter. Then, as I mentioned, the two requested waivers should be voted on before ruling on the plan. Motions begin on page 7 in your memo and responses to site plan criteria are on page 8. I believe the applicant team also has a presentation.

**Chair David Walker:** Okay, thanks Michael. Did you all see the letter from Matthew Orr? Okay, just wanted to be sure. Gordon, welcome.

**Gordon Smith:** Thank you Mr. Chair and members of the board. Good to see you again. That was an excellent summary by Mike and I want to thank Mike and Jeffrey for all the help they've given us through this process. [clears throat] Essentially, the project has been signed off on by the peer reviewer and the peer reviewer has found that the variances are justified.

In that December 12th email from Sebago Technics regarding the variances-- the waivers, I'm sorry, Sebago Technics found that the need for the waiver was due to the unique nature of the lot dimensions and that [clears throat] the speed and volume for traffic for the driveways that are proposed should allow for safe movements exiting the proposed development. That this would create a safer environment for both pedestrians on the sidewalks as well as vehicles in the travelways by moving the curb cuts off of West Grand Avenue and onto the lower traffic side streets. [clears throat]

As you know, the Design Review Committee signed off on the original design quite a while ago. Based on comments we got from the Board and from the public, there was a significant redesign to decrease the mass and scale. In addition to what was already signed off on by the Design Review Committee and David Matero, the architect, can walk you through those changes in his presentation.

**Chair David Walker:** Thank you.

**David Matero:** Thank you. Yes, my name is David Matero. My company, David Matero Architecture, is located--

**Chair David Walker:** Dave, could you move the microphone a little closer to you please?

**David Matero:** Yes.

**Chair David Walker:** Thanks.

[silence]

**David Matero:** There we go. Yes, so David Matero. My company, David Matero Architecture, is located in Bath. I think we're all familiar with the site. It's currently a parking lot. These are the curb cuts that are on West Grand that we'd like to remove and put those on the side streets where the traffic is-- well, much less traffic and a lot slower. [clears throat] I know you're all familiar with the building. I will run through it quickly and I'll point out some of the revisions we have made to the design based on comments from the public as well as the Planning Board.

It should be noted, too, that the width of the building, we're using the Old Orchard Beach standards, which is an 18-foot deep parking space, a 25-foot wide aisle, and then an 18-foot deep parking space. That's the width of the building. It's no wider than it needs to be. This is the most efficient method of parking. It's a single aisle with perpendicular parking on both sides. You can see these dashed lines, that's the column line. To create a four-story building, this first story is going to have a concrete platform. We need a three-hour rating between the parking area and the wood frame building above.

We have a neighbor, doesn't show up in this drawing, but there's a neighbor really close to this lot right here. We have removed the windows in the parking garage. Obviously, the parking area would be the highest hazard for this building. After that, it's just residential and commercial space. We removed the windows, created a three-hour-rated wall around the perimeter of the parking garage. In addition, the entire building is sprinkler. There were concerns about safety. I'm pointing out one of the things we did to address the safety that this neighbor here had.

On the second floor, we have five residential units. We laid out an office unit in this corner to create a multi-use building. As you can see, we have a pretty generous office space, an ADA-compliant toilet, a little small waiting area with kitchenette, and potential for a little conference and assistant reception area. That is the potential office layout for that commercial space. We wanted to lay out an example of an office space to show that this is a legitimate office space. [clears throat] Knowing from experience in some commercial buildings in Bath, these are easily rentable because they can go to sole proprietors, a therapist, artists, architects, attorneys. This is a legitimate office space.

As part of the comments from the public, we did remove the balcony out here. There are windows, but we removed the balcony because that balcony was really close to the neighbor. On the second and third floor, to reduce the mass of the building, in yellow is what we moved in, the facade of the building. We had to take away a bedroom from each of the end units. We originally had four bedroom units on the ends, and now there are three bedroom units on both third and fourth floor to reduce the scale of the building after the second floor. Highlighted in yellow are the areas that we manipulated to reduce the mass and scale of the building.

The other thing that we did is we moved the balconies that used to be at the edges, and we moved them inboard just so that the corner is more pronounced and so there's less structure out at the corners. That is the third floor, and that is the fourth floor, and that's what you're looking at. This is the third floor looking at the roof below because the second floor is wider. Those are some of the major changes we made to the plan to reduce the scale. I will bring up the model. [clears throat] As I said

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before, the colors are a little bit more vibrant on my computer screen than they are on the projector, but the massing and the details are all the same.

This entire facade here is pushed back 4 feet from the original design. We have this large cornice detail that pops up at the corners and at the sides, both on the West Grand and Bay and Camp Comfort side are reduced. Let me just get this going here. You can see here it's more pronounced where the second floor has a-- this is where that roof is because this entire facade here is pushed back, and you can see how much more it is pushed from the facade of the building. This neighbor is the closest by far to our building. What's interesting is that based on our setbacks, this house is right on the sidewalk.

The view from their front door currently is a parking lot, but as you can see as you get closer, much of this is forward of the building, which I think is helpful. Now, obviously, we're close. Their buildings are close together. That happens throughout Old Orchard Beach. Going up to even the first balcony of the one-bedroom space-- first of all, there's a view out to the water, which is nice, but this person, they're certainly close to the house, but I wouldn't say they're right on top by removing this balcony that used to be right there. I think that was certainly beneficial and a good comment by the public, and honestly, we don't need a balcony for a commercial space.

As we go up to other spaces-- oops, let me go up. We're even further away from the house, and of course, the view is much improved. Our other neighbor that is close, there's a substantial parking lot between this house and our building on West Grand, and I imagine the focus of their view would be out towards the water, but this is looking at the back of the building. These are obviously really large windows, big sliding doors. Of course, we're going to take advantage of this amazing view, and that's why so many people are here, because of the water.

As we enter into the more residential component, our windows are residential in nature. Other than these here at the corner, everything else is now double-hung windows with a muntin pattern that is much more residential in scale. You can see how this building up here is pushed back again. We removed the windows in the parking area just to create better fire ratings. Creating a pattern of a light blue, this is a board siding that has a nice deep reveal. It doesn't quite show up so much in the rendering, but you can see the reveal. That's a Dutch lap siding, so that'll be a nice shadow line at the base of the building.

Two-over-two residential-scale windows. Up here would be clapboard siding, again, utilizing residential-style materials. In large cornice details, which is something that the DD2 zone requests when you have buildings of this size in nature, should be pointed out that the DD2 zone wants three-story and four-story buildings, that's the request from your zoning ordinance. They do not want one and two-story buildings. However, we know this is a big building and it's four stories, but we added a lot of detail [clears throat] and difference in facade treatment to minimize its impact on the scale and the mass.

CMP is forcing us to put in our transformer at the corner. We have no options there. We also have to move this utility pole per CMP, and we have to add a utility pole here in the corner per CMP. Those are requirements that CMP is making us do. One

of the reasons is because they have a-- I don't know what this thing is called, but [chuckles] they're adding these throughout the entire state, but they allow CMP to monitor electric usage and power outage from a central location. Because of that, that's why this is in its three-phase power. There's a lot of things going on with CMP, and that actually forced us to do a bit of redesign in the building as well.

**Chair David Walker:** Dave, can you take us down and show us the transformer?

**David Matero:** Yes. Well, actually, I'd prefer not to because it's not very pretty to look at, but this is the-- I don't know what the exact size is. I guess I don't know the size of the transformer. This is a model that we took from this program. It is requested that we add more plantings around that, which we can certainly do, but with the transformer in that location, you can see what we did with the power.

We actually inset the electrical panels over here, and so we did try to hide them a bit, but with the transformer here and the electrical panels here, there's just no other place to put the transformer. We don't have room in the back of the building, and CMP didn't want-- they wanted it near this three-phase power. Let me get this. This would be your street view.

**Chair David Walker:** Do you have a dumpster?

**David Matero:** No. Inside the building, we have areas for mail, which was added, areas for trash. There'll be no dumpster. It'll all be in-wheel barrels that will be done by a private garbage company.

**Chair David Walker:** Can you show me inside where that will be, please?

[silence]

**David Matero:** At the front, this is the main entrance. This is one of the stairways. That will be the elevator. There's a mail room for packages. This area is assigned for trash and recycling. This is an electrical room, and this will be a sprinkler room with an exterior door that typically the fire department wants an exterior door for the sprinkler. There'll be a storage connection that's been added. Oh, yes, there is 5-inch storage connection. There's a Knox box. Those are some things that the fire department has asked for. That's where the trash and recycling will be. Then garbage will come in. They'll have access to the garage doors.

This is a parking garage on the first floor, but we're covering it. It's expensive to cover a parking garage. It helps the streetscape not to have open-air parking, ideally. Then we're expecting all of the mechanical units to be on the roof. That just shows up here in the model. We're hiding those mechanical units. You can't even see them until--

**Chair David Walker:** Oops, let's go back.

**David Matero:** They're set back from the face of the building. There's actually a wall wrapping around them, so you can't even see the mechanical units until you're up here. We're expecting them to be located here. We're expecting all of the units to have mini-splits, heating, ventilation, and cooling. There'll be areas for hot water

heaters inside each of the units. There is-- I'm trying to think of other utilities, and the sprinkler system, of course, that's located, as I explained earlier.

Then these are private roof decks that only the three units on the upper floors would be able to use. We're not allowed to make this a public roof deck because we don't have two means of egress from the upper floors because we can't make the building any taller. It's already at its limit. The views from these three top units are going to be pretty spectacular.

**Chair David Walker:** The only access to the roof will be for maintenance personnel?

**David Matero:** No, access will be-- these little blocks that I'm showing right there are staircases that have a roof over it so that the upper unit will have their own personal rooftop deck. It's just for that unit, meaning the whole building won't have access to it. I can show you the staircase on the fourth floor. That's these guys. This is, you walk in, you have a bedroom, a bedroom, a bedroom. This has a private bath. That has a shared bath. In the great room, which have amazing views out to the water, was a living room, dining room, kitchen.

Then the staircase will go up to that roof hatch. Underneath the staircase is a little pantry for the kitchen. This unit and that unit and that unit will have their own private access to a rooftop deck.

**Erin Moriarty:** Sorry, did you say it's a hatch?

**David Matero:** Yes.

**Erin Moriarty:** When they get up to the top of the stairs, it's like a--

**David Matero:** Yes, it's like a hydraulic roof that opens up. It's not ideal. It's ideal in terms of that allows them to have access to the roof. Ideally, this elevator and this staircase and that staircase would go higher, but it would be above our limit.

**Chair David Walker:** Maximum height.

**David Matero:** I know other people have tried to say it's just a staircase, it's not usable space, but we tried and it's not going to be allowed. Anyway, these are private roof decks up there. We've made great effort, we feel, to provide a lot of architectural details. We know it's a big building, but we are trying to minimize its impact on the neighborhood. All of these details do come at a cost. I believe that we're making great effort to create a piece of nice architecture that can have 11 dwelling units and 1 commercial unit, and cover the parking area.

**Robin Dube:** Thank you, David.

**Gordon Smith:** Just very briefly. As Mike said, there's the question of the waivers that the board should address first. Then the question is, does the project meet the standards in the ordinance. There are the DD2 design standards, and that's what David was talking about specifically. The one that's been talked about most is mass and scale, but there are others. David provided an excellent narrative in the most recent submission, which is an update of his prior narrative that talks about how the building meets the design standards in DD2.

Then there's also-- I provided the responses to site plan review criteria, which include both the site plan review criteria, the DD2 standards, and the performance standards in the zoning ordinance. That's in the packet that the board has where it addresses every single standard. I believe those standards have been met. The planning staff has recommended an approval. With that, happy to answer any questions or go to deliberation.

**Chair David Walker:** Any questions from the Board?

**Erin Moriarty:** You know I do.

**Gordon Smith:** Oh, yes, I know you do. Go for it.

**Erin Moriarty:** Okay, great. I would love to discuss the waivers for just a moment before we move on. In general, I would say I agree with the town's peer review, that relocating those curb cuts to the side streets and off of the arterial is definitely an improvement in safety conditions. As far as site distance goes, I think 257 feet is extreme in any intersection. I am wondering if the direction of traffic in the parking garage is two-way or one-way?

**Gordon Smith:** It's one-way.

**David Matero:** No.

**Gordon Smith:** It's two-way? Okay, sorry.

**David Matero:** 25 feet wide is two-way. To have the perpendicular parking, as shown, being the most efficient method or most efficient way to park, even if we removed one whole side of parking, we'd still need to provide the 25-foot aisle. This 25-foot aisle with this perpendicular parking is required by Old Orchard Beach Code. It should be noted that most towns, it's 24 feet, but it's 25 feet here.

**Public 1:** Excuse me. Is your question, we're going to come in from one side and go all the way up, even though--

**Erin Moriarty:** That is my question because it's not denoted on the site plan. I have concerns with cars pulling out onto Camp Comfort because there's not really any site distance due to the walls of the garage. In order to pull out onto Camp Comfort, car would have to be essentially crossing the sidewalk before they'd be able to see if there's any vehicles coming. That side looks great for exiting.

**David Matero:** Yes. No, that's a good comment. I was referring to inside, but you're right. To create a safer access, you're saying we should only come out this side right here?

**Erin Moriarty:** Correct. There seems to be an-- [crosstalk]

**David Matero:** Yes. That's a good point. There's no reason why we should not do that. It'd be one way in and out of the garage, but two-way inside the garage. It doesn't really matter. [crosstalk] Yes, you're going to go-- It's essentially one way. I see what you're saying. I would agree with that. I would agree with that.

**Erin Moriarty:** I don't really mind if the two exterior parking spaces on this side are entering from this side, but they're not going to be able to fall all the way through the garage in order to get their outside spots. That's why I like that.

**Chair David Walker:** I'm not following. What is the problem with--

**Erin Moriarty:** The problem is on the other side of the building, if a car is exiting the garage-

**David Matero:** There's nowhere to stop.

**Erin Moriarty:** -the sidewalk is right there. There's no way to see if there's someone coming-

**Chair David Walker:** On the sidewalk.

**Erin Moriarty:** -on the sidewalk or on the road, really.

**Chair David Walker:** You could put up mirrors, right?

**Erin Moriarty:** No, I'd prefer they just exit onto the bay up. It also is a safer traffic movement to not be crossing the on-coming traffic.

**David Matero:** I agree with that. I agree with that.

**Gordon Smith:** Not making a left-hand turn across. You're making a right. Everyone's going to go to the West Grand Avenue. Just trying to find the safe plan.

**Public 2:** [inaudible 00:40:45]

**Public 1:** If we agree to go in Camp Comfort and out Bay, would that take care of-- [crosstalk]

**Erin Moriarty:** That sounds great. I actually have a draft.

**Chair David Walker:** Memo?

**Erin Moriarty:** It's not a whole memo.

**Chair David Walker:** A waiver?

**Robin Dube:** Waiver.

**David Matero:** I think that does make sense, coming in Camp Comfort and out Bay Avenue. Do you want to make a waiver then?

**Erin Moriarty:** The first one is about the other, but I'm happy to read that one too if we want to move on or if we have other questions.

**Chair David Walker:** If you have another recommendation, let's hear it first before we make any waivers.

**Erin Moriarty:** My other questions were regarding the parking easement for 93 West Grand and whether or not that was going to be denoted on the plan because it had at one point been designated as the two spots to the rear, and that was removed.

**Gordon Smith:** That was removed because those two spots where they were designated are compact spaces. The resident at 93 didn't want those to be allocated in compact spaces. We took that designation off and they'll get--

**Erin Moriarty:** I think the spaces have actually been altered to be-- [crosstalk]

**David Matero:** Yes, they were altered so they're not compact spaces, but we have not assigned yet any spaces. We know by deed they need two parking spaces on this site. That is assigned and it's noted. We just haven't noted which specific ones they are.

**Erin Moriarty:** That's fine. I think it would be a cleaner easement if it was denoted on the site plan, but you're probably not going to assign them a parking space within the garage.

**David Matero:** Correct. I think one of the reasons we haven't is because if this were approved as it was, then we could assign two, but if one was not allowed or one of those parking spaces had to be omitted based on this meeting, then we'd have to change it. Would you have any problem assigning two parking spaces to your neighbor?

**Public 1:** Sorry, I can't hear everyone here when you talk. What was the question again or what's the issue? I know the issue is the 93 West Grand parking. Are you saying you want me to assign them here tonight?

**Erin Moriarty:** I think it would be a cleaner easement agreement to have it shown on the site plan. If both parties are in agreement with the situation as is, that's fine. I was not here for the last meeting when they spoke, so I'm not sure.

**Public 1:** I'll just say, if I may, I think the agreement, the parking easement speaks for itself. I would prefer the additional flexibility to wait until when it gets approved and then assign them, but if you need me to assign them, I can do that if that's a condition.

**Erin Moriarty:** I don't know that it is. Do you feel that it was necessary based on the conversation with the letter?

**Chair David Walker:** No, not really. I don't like them, but I can't change the easement. At least they were budding the parking lot that's next to that.

**Gordon Smith:** The easement is--

**Erin Moriarty:** Very loose.

**Gordon Smith:** It's a property rights instrument that's outside the Planning Board's scope of authority. That easement exists. The parties have to abide by the terms of that easement.

**Robin Dube:** It's on the table anyway. We're not going to--

**Erin Moriarty:** The site plan's on the table. We could require it. It was previously shown on the site plan, so it's fine if that neighbor is okay with that. Do you have any plans for if that trash and recycling location are not adequate, what you would be--

**David Matero:** We would have to change the frequency of garbage pickup. If one week isn't enough, it's going to have to be twice a week. Whatever the--

**Erin Moriarty:** I just was wondering if there's any plan to convert one of the parking spaces to additional, or if that would-- [crosstalk]

**David Matero:** No, I think parking is pretty valuable in this town. [clears throat] These are going to be nice apartments. I don't think anyone's going to be happy if garbage is overflowing into the garage.

**Erin Moriarty:** I agree. Any other questions?

**Chair David Walker:** No. You want to make a motion on the driveway offsets from intersections 78-1491F?

**Erin Moriarty:** Sure. I will make a motion to grant the waiver for Section 78-1491F, driveway offsets from intersections as shown on site plan dated 12/17/2025.

**Robin Dube:** Second.

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

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. You're halfway there.

**Erin Moriarty:** Great. I would like to make a motion to grant a waiver for Section 78-1466C, dimensional requirements for driveway site distances with the condition that the site plan dated 12/17/2025 be updated to indicate one-way traffic flow through the garage in a southerly direction with vehicles entering the garage from Camp

Comfort Ave and exiting the garage onto Bay Ave to allow for adequate site distance of pedestrians utilizing the public sidewalk with the revisions to be reviewed and approved by town staff.

**Chair David Walker:** Motion by Erin.

**Robin Dube:** Second.

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

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** [clears throat] Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. That motion carries 5-0. Recommended design review certificate motion.

**Erin Moriarty:** You want me to keep going? I can keep going. That's fine.

**Chair David Walker:** I can make it.

**Erin Moriarty:** Am I there? Oh, I see it. Okay. I would like to make a motion to issue the design review certificate as presented for 95 West Grand Ave, MBL: 313-3-4; Zoning: DD2 with the following conditions. Number one, all improvements will be implemented in accordance with application, plans, and proposal received. Any additional changes must be approved by staff prior to completion. Number two, prior to the commencement of any construction activities, all applicable federal, state, and local permits shall be secured. Number three, provide buffering as allowed to shield electric transformer from the view of the sidewalk, street, and abutters.

Number four, if practical, locate electric transformer proposed on the corner of Bay Ave and West Grand Ave to an area out of view from the street and sidewalk.

**Chair David Walker:** Motion by Erin.

**Robin Dube:** Second.

**Chair David Walker:** Second by Robin. Call for the vote, please.

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. That motion carries 5-0. Now, I'm going to spare you all the headache of reading the criteria for approval, site plan criteria, [chuckles] because it's six pages long and it's part of the submission, so we will just include that as part of the record, Jeffrey, and spare everybody reading it since it's a public domain anyways.

**Jeffrey Hinderliter:** One thing I recommend is if any of the board members has questions on a particular criteria, to discuss that first.

**Chair David Walker:** Sure. Does anybody have any questions?

**Marianne Hubert:** I don't have.

**Graham Roeber:** No.

**Erin Moriarty:** We're going to keep going.

**Chair David Walker:** They like the expedited effort, so we'll spare that. Then the recommended final ruling motion. We have the ability to serve, so that number two is not needed anymore. There are just two conditions to that motion if anybody wants to make that.

**Robin Dube:** Can I see that letter I gave you, sir?

**Chair David Walker:** You're taking it back?

**Robin Dube:** No. Just for a second. I have a question here for you guys because you're talking about wastewater and stuff. What is this that was done on November 19th, 2025 about the stormwater review and all of those things? Is that pertaining to what you were saying we are trying to get a hold of or waiting for them?

**Erin Moriarty:** It's different. The sewer.

**Chair David Walker:** That's sewer.

**Erin Moriarty:** The wastewater department were waiting for--

**Robin Dube:** No, no, it's just not sewer.

**Graham Roeber:** I don't either.

**Robin Dube:** No?

**David Matero:** We're waiting for sewer Ability to Serve, and that's from Town Wastewater. I'm not sure when it was requested, but I know part of the holdup on getting a response is I don't believe there's currently a wastewater superintendent due to staff changes.

**Robin Dube:** Is there any in line coming up to step up to this job, or?

**David Matero:** I believe they've recently posted hiring, and I don't know where that is in the process, but that's why we included it as a condition.

**Robin Dube:** No, [unintelligible 00:50:28]. Anyway, it was just how long you hold somebody up because we can't get employees. That was just my question.

**Jeffrey Hinderliter:** We actually began interviews today for that position.

**Robin Dube:** That's what we're going to do. I'll make a motion to conditionally approve the proposal for the construction of an 11-residential unit building with one professional office, mixed-use development, including the design review certificate located at 95 West Grand Avenue, MBL 313-3-4, applicant DURP, D-U-R-P, LLC, with the following conditions. One, the ability to serve determination from the wastewater department shall be supplied prior to scheduling a pre-construction meeting, and two, no brown disturbances are permitted before the pre-construction meeting is held.

**Chair David Walker:** Motion by Robin.

**Erin Moriarty:** I'll second that.

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

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes, that motion carries 5-0. I want to thank the applicant for their flexibility in meeting some of the things that this board has asked of them, and you can see it's paid in approval. Congratulations. Good night.

**Gordon Smith:** Thank you.

**Chair David Walker:** You're welcome.

**Gordon Smith:** Thank you very much to the members of the board. We appreciate it.

**Chair David Walker:** All right, that was tough, but thank you, everybody.

**Robin Dube:** Excuse me? You've got something to say?

**Chair David Walker:** Shh, no.

**Speaker:** [inaudible 00:52:16]

**Chair David Walker:** This is not the forum. I'm sorry that she asked you.

**Speaker:** She asked me to talk.

**Chair David Walker:** Yes, I know, but she's wrong. She's out of order, so no.

**Speaker:** Thank you.

**Chair David Walker:** You're welcome. You know you have to go through the chair if you want to say something. No, I don't care. He doesn't know what he doesn't know. Oh boy. All right, item three. I'll wait for everybody to leave. Good evening.

**Speaker 2:** Hey, good evening.

**Chair David Walker:** Just hang on, okay? Item three, conditional use, amendment to adult use marijuana store, conditional use approval, action rule on amendment, applicant theory, wellness of Maine for LLC, location 11 Ocean Park Road, MBL 210-10-2, zoning in the GV1 district. Jeffrey.

**Jeffrey Hinderliter:** This agenda item is associated with the proposal to amend the conditional use permit for a adult use marijuana store that was approved earlier this year. The proposed amendments include changes to a freestanding sign and changes to the fence that was part of that approval. At our December meeting, the planning board requested more information before a decision was issued on this.

What that information requested was documentation showing that the existing fence, which is what they intend to use as opposed to what was approved as part of the original plan, to ensure that that existing fence visually obstructs the abutting property. I believe it was to the west and documentation showing that there are clear sight lines with the freestanding sign location, from both the driveway and also from that Melvin Ave intersection.

The applicant returns for our January meeting and they provided some photographs, recent photographs, as well as a letter explaining their position from our December meeting. Based on my review, I find the fence sign changes, they meet applicable ordinance standards. In fact, with the one particular fence, it's better just to use the existing fence, because I could see where the proposed fence would extend into a sight line. I recommend planning board approve motion at the top of page 29 of your memo.

**Chair David Walker:** Jeffrey, the picture of the fence that I see here is the one that abuts the storage units. If you go up this side, there's another fence next to a commercial business that has a wind fence hanging over it. What's the deal with that? That's the fence that I was talking about. You know where the front door is, if you go past the side of the building--

**Robin Dube:** Right here it becomes Melvin. This fence here? That's part of the motel.

**Chair David Walker:** Yes, but it's their property and it looks like hell.

**Erin Moriarty:** I know this motel. [inaudible 00:56:27]

**Jeffrey Hinderliter:** I spoke to code enforcement not long after our last meeting. Our head code enforcement officer has unfortunately been ill for the past few weeks. He's just not been in to address it, but he is aware of that. I suspect we'll be working with the applicants on that.

**Chair David Walker:** All right. Good evening.

**Nicholas Friedman:** Good evening. My name is Nicholas Friedman. I'm here just on behalf of Theory of Wellness to answer questions of the board. Thank you for your time.

**Chair David Walker:** Sure. Any questions?

**Robin Dube:** No. It is what it is.

**Chair David Walker:** Any recommendations? It's on page 21.

**Robin Dube:** Actually, I would like to ask a question. Are you guys happy with where the sign is now, the size of the sign and everything like that?

**Jeffrey Hinderliter:** Yes. What's on it, really, as long as it doesn't violate the state statutes associated with marijuana so they can't market it to children, there's not much that we can do about it and it's fine. I would have preferred the original one. I thought it was a little nicer, but--

**Chair David Walker:** Beach Boys doesn't market to children at all, does it?

**Jeffrey Hinderliter:** According to the state, no.

**Robin Dube:** That's a soft answer.

**Chair David Walker:** All right. I motion to approve the fence and sign revision request as represented in the Theory of Wellness of Maine for LLC 112425 and 121725 submissions, and amend the 102424 approval of the Theory of Wellness of Maine for LLC Adult Use Marijuana Store Conditional Use Permit by including these revisions.

**Robin Dube:** Second.

**Chair David Walker:** Motion by Chair Walker, second by Robin. Call for the vote, please.

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. The motion carries 5-0.

**Nicholas Friedman:** Thank you all.

**Chair David Walker:** You didn't even need to show up, did you? Thank you for coming. All right. Item number four, conditional use shoreland zoning, non-conforming garage tear-down, rebuild, 30% expansion, action determination of completeness, schedule a site walk and public hearing. Applicant Cynthia Lyons, location 21 Winona Avenue, MDL 321-6-3 in the R3, RA, and HAT zones. All right. You?

**Jeffrey Hinderliter:** Yes, me. This one's a little different. We're used to single-family dwellings that are non-conforming in the shoreland zone. We don't often get garages or storage buildings or sheds. Interestingly enough, it's an accessory structure. That garage or shed, I think it's 80 square feet where they do have some flexibility, but if it's over that and it's a non-conforming structure for the 100-foot highest annual tide setback, the structure has the same rules that apply to it as single family dwellings, so we review garages, accessory structures the same way.

This structure is 100 feet, so that's within the HAT, and that's why we're reviewing it. In your staff memo, I discussed the proposal's conformance with the applicable shoreland zoning standards. As you're all used to by now, we look at the 30% calculations. We look at can the structure move to the greatest practical extent away

from the resource? Is it becoming more non-conforming? I think it's pretty obvious that the structure, to me, will comply with all those standards. There's just two points I want to make.

First, I excluded the square foot in volume for the first floor from the 30% calculations because it is built to meet the floodplain standards. It will not be used for habitation purposes and is for storage only. That's really why the applicant is constructing this or tearing down and rebuilding is because they are experiencing flooding events and they do continue to use it for storage only. We have done this in the past where as long as it's floodplain compliant, we have excluded that area from the 30% calculations.

Second, one thing I thought we needed just a little more information and that is showing what the actual setbacks, distances from the garage to the closest point of the highest annual tide. I think that's a relatively easy number to come up with. I could come up with it myself, but it's just an estimate based on GIS so I asked for a little more definitive information. Overall, I think it's fine. If you're okay determining complete, I recommend scheduling a public hearing for the 12th of February. Site walk is optional and can be scheduled for the 5th of February. You'll find a motion on the top of page 36.

One question you may have, and it's certainly a question that I've had, is it looks like it could easily be turned into a dwelling. What I debated on was should we include a condition or should I look at this in any different way to ensure that it remains a storage/garage? Then I thought, that's not really fair to the property owner because with the changes that we will soon see associated with the density requirements with recent enactment of state laws, they may be able to do that. It's just not fair if we take away that option from them.

**Chair David Walker:** I was going to ask that question. Could they put an additional living unit up there and would they get more allowable density other than the 30%?

**Jim:** Can I address the board?

**Chair David Walker:** Yes, sure. Come on up, Jim.

**Jim:** I'm the property owner. It's my wife's thing. The intention is only storage. We're not going to have any plumbing in there. It's going to be difficult to connect to the main house plumbing anyway. Unless we do it as part of the beginning, we're not going to be able to do it down the road. We wouldn't be able to have it as a dwelling because it's not going to be any plumbing. [crosstalk] It's going to be electrical just for lights, but it's intended really just for storage. There's no attention for it.

**Chair David Walker:** All right. I'm trying to throw you a bone here.

**Jim:** It's so small. It's really not usable space anyway.

**Chair David Walker:** You might be able to increase the size of it, right?

**Jeffrey Hinderliter:** Currently, no. In the future, yes.

**Jim:** Yes, but we're only going up one story. That should give us plenty more storage than we have now. That's really what we're looking for.

**Chair David Walker:** I just thought you might want the grandkids to sleep out there.

**Jim:** I appreciate that but it's really just intended for storage at this point.

**Erin Moriarty:** Or a nice-looking storage closet.

**Jim:** My wife may have it.

**Erin Moriarty:** Good. Kudos to her.

**Chair David Walker:** Any questions from the board? Is there a palette to visit this site? We've been there before. They did their house over, if you recall. I only live six doors up from them.

**Jim:** [inaudible 01:05:26]

**Chair David Walker:** I used to rake leaves over their farms. Do you want to do a site?

**Erin Moriarty:** No. We can go on our own.

**Chair David Walker:** All right. They're going to go on their own then. All right. Do we have a motion?

**Jeffrey Hinderliter:** On top of page 36.

**Chair David Walker:** Oh, I'm sorry.

**Robin Dube:** I was going to do it. I make a motion to conditionally determine complete St. Charles Alliance conditional use non-conforming structure in the shoreland zone application proposing to remove an existing accessory structure and build a new structure including a 30% expansion located at 21 Renoir Avenue with the following condition to be fulfilled before the planning board issues a vote, final vote. Submission of a plan showing the garage setback distances as measured from the overhang to the high-water table area located south of the property into the southern and eastern property boundary lines.

**Graham Roeber:** Second.

**Chair David Walker:** Motion by Mary Ann. Second by Graham. Want to call for the vote.

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. That motion carries four yeses and one mm-hmm. Jim, you know you have to get some--

**Jim:** Yes, additional **[unintelligible 01:06:53]**. We're actually going to have Walt Wilson do the plan, so that's going to be the next thing we'll do. I just want to thank Jeffrey and the town for all the help in getting the approval. Thank you.

**Chair David Walker:** Welcome. All right. He's a hell of a guy, Jim. Hell of a guy, despite what everybody says about him. Thank you. You can go.

**Robin Dube:** **[inaudible 01:07:15]** The public hearing one. Is this February 4th?

**Chair David Walker:** No, that's for a walk. That's for a site visit. The public hearing will be on the 12th.

**Robin Dube:** **[inaudible 01:07:30]** to tell the public that.

**Chair David Walker:** No, when you're a chair, you can do that.

**Robin Dube:** Next year.

**Chair David Walker:** Next year **[inaudible 01:07:38]** All right. Item five, proposal. Cam, you've been waiting all night for this, huh? All right. Subdivision, 100-unit site, campground, Atwood Landing. Action is pre-application review. Applicant is Cammy Ahern and Atta St. Hilaire. Portland Avenue, MBL 101-1-1. Location Portland Avenue, MBL 101-1-1. Is that you, Jeffrey?

**Jeffrey Hinderliter:** Yes. Atwood Campground. This item proposes to convert a 100-site campground with a single owner to a 100-site campground, no change in the site number, with multiple owners of the individual sites. Because the ownership structure is changing, subdivision review is required. I think all of you will recall this from November. I don't think Erin was at the November meeting.

**Erin Moriarty:** I wasn't on the board when it was approved.

**Jeffrey Hinderliter:** When it was approved. At the November meeting, after speaking with the folks from Atwood who are here tonight, the most difficult part for me was wrapping my head around the concept, and I'm still having a little trouble with that. Not that it's my own problem and part of what I have to deal with when I review the proposal. Ultimately, what this is is it's allowed to be done. It's been done in Maine before. Because it is changing the ownership structure to three or more

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owners to sale to three or more people within a five-year period, it triggers subdivision. We looked at this, batted it around, discussed it, and we said, "Yes, it is.

Come back to us. We'll review it as a subdivision." The board identified a couple of issues. I shouldn't say issues. A couple of things that they wanted to ensure of, and two of the big ones were ensuring that it continues to operate as a campground, that it doesn't become a single family lot subdivision, and that it doesn't become a mobile home park. It continues to operate as a campground.

One of the concerns was, is this going to be a massive short-term rental site? With both of those concerns, the applicant has assured us in this early process that the only way they can continue this proposal as a subdivision and get some of the relief from some of the typical subdivision rules, like road requirements, is to continue to operate it within the campground standard. It has to operate as a campground. That includes the seasonal aspect. This can't be year-round. It must abide by the same season as every campground does. Short-term rental restrictions, one of the concerns. The Atwood folks, they don't want to see this become a short-term rental development too, and they have proposed some thoughts on what rental restrictions they intend to attach to this proposal. Those are some of the concerns. The Atwood folks took it, considered it, and said, "Yes, we're looking at all the options we have to market this campground, so let's move forward with the subdivision review."

Atwood returns this month to begin that subdivision review process with the pre-application. As with all pre-applications, this is more of the informal part of the application process. I like to think that this is a good time for the planning board to throw out anything out there and see if it attaches in some way, even if it's not related to the ordinance. It's a good time for that if the planning board has any miscellaneous comments. You're not making any formal decisions tonight. No, none of that tonight. It's just really an introduction to the subdivision.

In your staff memo, there are a few comments, including one of the big ones is the waiver request with this. What I recommend, we need more information on the waiver request right now. It's a blanket. We want this section waived. Some of the standards in a particular section are entirely applicable and can be done by the applicant. I'll pick out an easy one, putting a north arrow on the plan. You already have it, but that is one of the standards that would be waived if we do the blanket waiver for some of these requests.

What I recommend is that the applicant identify the specific items they'd like to waive, and then make sure that they justify their waiver through use of our ordinance language. As I spoke in the memo, there are certain requirements that an applicant must meet in order for the planning board to grant a waiver. That's a big one. Another comment, details on the septic systems. How will it be managed? What I think there is, all of a sudden there's a blowout in one of the fields and stuff's pumping out of it. Code enforcement gets a call. Who's code enforcement going to call in order to get that problem immediately addressed? Those are some things.

When you have a single owner, it's easier for the town to manage issues. When you have multiple owners, even if it's a condo association, it's more difficult. Especially if with this, where something could happen in the off-season, maybe the head of the association is back in Florida or somewhere, how are we going to manage it? Which

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gets to one of the points where submission of the association documents are important. I know that we don't enforce associations, and we shouldn't enforce associations, but I think in this particular case, I don't think we should enforce associations.

I feel that we need the association documents very early in the review because we need to ensure that the homeowners or the unit owners know what they're getting, the responsibilities that they're bound to if they're purchasing sites in Atwood. We need to lock in the rental restriction language just to make sure we know exactly what that means. Ensuring all roads remain private. I like to say private in perpetuity. That would be ideal, but forever is forever. Ensuring Atwood meets those campground standards, which is still my biggest problem.

When I look at this subdivision, I expect to write comment, bullet, and drive you all nuts with stuff, but there's really not much to add to this. There really isn't because it's already approved. It's not proposing to change. It's just the ownership that's changing. I think our primary responsibility is to make sure that it continues to be a campground, that we lessen any potential impacts to the abutters by regulating rentals, and by ensuring that there is a strong association who can take care of issues if they arise, the townhouse contact, and that the owners know exactly what they're getting involved with. We don't get the calls.

**Chair David Walker:** Oh, you're going to get the calls because instead of one owner now, you have 100 owners.

**Marianne Hubert:** Yes, but it's an association.

**Speaker:** Can I speak to that?

**Chair David Walker:** Yes, sure.

**Speaker:** We're going to have a full-time, year-round maintenance person live on the property. If anything happens, there'll be someone there. That's going to happen whether we **[inaudible 01:18:01]**

**Chair David Walker:** I know, but when you have one person to go to, it's a hell of a lot easier when it's 100 different people. I did not know that. That's great. Then another question I have is, do you regulate whether they put a park model in or whether they bring in a trailer?

**Speaker:** Yes, it's park models only.

**Chair David Walker:** Park models only.

**Marianne Hubert:** What is a park model?

**Robin Dube:** It's a structure. It's not on wheels. It doesn't have it.

**Speaker:** Yes, it has to be on wheels.

**Chair David Walker:** It's on wheels, but it's standalone, and they build-- **[crosstalk]**

**Speaker:** It's just a fancy trailer.

**Marianne Hubert:** It's like a tiny house. Okay.

**Robin Dube:** I have a question. Does it change the DEP permit? I don't know. I don't remember if I asked that before.

**Mike:** It won't change the permit itself at the time. If this moves forward and is approved, then you would file a change in ownership as to who the entity, so that the permit would be under the Responsibility Association.

**Robin Dube:** It doesn't change the permit?

**Mike:** Correct.

**Chair David Walker:** There's currently an existing campground that has sold their parcels like this in the state of Maine, right?

**Robin Dube:** Yes.

**Speaker:** In Wells.

**Chair David Walker:** Have you talked to your peer in Wells, Jeffrey?

**Jeffrey Hinderliter:** No.

**Chair David Walker:** Would it be appropriate to do that?

**Jeffrey Hinderliter:** Sure.

**Chair David Walker:** Maybe find out some of the pitfalls that they ran into so we're not reinventing the wheel? Great.

**Erin Moriarty:** Will they be required to get a business license still as a campground?

**Chair David Walker:** I'm sorry, what?

**Robin Dube:** I would imagine, yes.

**Erin Moriarty:** Will they be required to get a business license as a campground, even though it's a subdivision?

**Chair David Walker:** I don't know.

**Mike:** I think the subdivision component just allows for the model of ownership such that a condominium association can be developed to allow for individuals to own their parcel, but it'll be in fee interest, not necessarily in land like you would on a single-family house lot.

**Chair David Walker:** Then there's still an individual fee for each unit?

**Mike:** Correct.

**Chair David Walker:** And land tax?

**Mike:** Correct.

**Jeffrey Hinderliter:** The way our license program works is if an individual is renting their site, they would need a business license just for that site that they're renting.

**Erin Moriarty:** Really? Just want to make sure that the zoning ordinance isn't tied to the business license. I've seen in some communities, the zoning just refers to the language of the business license, and if they're not required to have a business license, like for instance, a seasonality, is that listed in the zoning ordinance or is that listed in the business license?

**Jeffrey Hinderliter:** In the business license ordinance, yes.

**Erin Moriarty:** They would need to get a campground business license?

**Jeffrey Hinderliter:** Not for the campground itself, but if someone was renting an individual's site, that person would need to get a business license to rent that site.

**Erin Moriarty:** We can't hold the subdivision to be seasonal unless the entire subdivision falls under a campground business license?

**Jeffrey Hinderliter:** Oh, I'm sorry. If you're thinking of the seasonal aspect, we can hold it to be seasonal through the campground overlay.

**Chair David Walker:** Overlay is where it's [crosstalk]

**Jeffrey Hinderliter:** I apologize.

**Erin Moriarty:** That's okay. That's fine. I just wanted to make sure that we were covered there. Since I wasn't here for the first approval, I just got that when I sat down, but I was just looking. Is everything planning to stay the same as far as the pavement and lighting?

**Mike:** Yes.

**Erin Moriarty:** It looked like the subject systems all were the same. I thought I saw somewhere forest pavement. Are you really planning to do that?

**Mike:** Yes. Due to the seasonality, it's not going to be operated during the wintertime, so taking advantage of that, for one, so there's minimal maintenance involved in that respect. For two, looking at traditional stormwater options, there was a lot more fill necessary on the site, so development costs would have been much higher to do a traditional outfall with catch-raising systems to a pond and the light. It's a relatively flat site today across the whole thing, so to get from A to B, it was quite a bit of change in the landscape.

**Erin Moriarty:** Okay. You know those have to be vacuumed, like a Zamboni, smooths the ice. There's a large vacuum street cleaner that has to go up and down the street.

**Mike:** Again, it'll come as part of routine inspections at the time of when that maintenance needs to take place, but certainly by not having the winter sands and the salts, and year-round, the likelihood of that maintenance--

**Erin Moriarty:** Shall last longer.

**Mike:** Correct. Okay.

**Erin Moriarty:** Okay, last question. Sorry. I don't know if this is part of it or if the fire department ever weighs in on these things. Is there any signage of the parcels/spots that indicate what number you're at? Was that part of the approval? In campgrounds I've approved in the past, the fire department wanted very clear signage so that they could tell specifically for ambulance emergency services. Yes, there's streets, and I assume maybe street signs, but also as they're driving through, if there's any placard.

**Speaker:** [unintelligible 01:24:49] Yes, it's all numbered.

**Mike:** Yes, we did get E911 addressing and review of the street names as well as lot numbering.

**Erin Moriarty:** That'll be actually numbered somewhere in the field. Okay, great.

**Graham Roeber:** I just have one brief question, comment. The applicant mentioned the onsite, year-round maintenance person. Does that need to be considered in one of these units, or is it currently as far as the seasonal nature? Just for future submissions, if that's something that needs to be considered.

**Mike:** The intent, they would likely be within the clubhouse building, not in one of the camping units or the park model units.

**Erin Moriarty:** Right at the entrance?

**Jeffrey Hinderliter:** Good question, though. It's something, I think, in the next submissions that we'll just need to lock down. It gets to what Aaron said, too. Would that then open up even a portion of the road for winter plowing, which could impact the forest? Would the fire department be aware that there is someone there year-round? Thank you, Mike.

**Chair David Walker:** Thank you.

**Jeffrey Hinderliter:** Something to consider.

**Chair David Walker:** All right, anything else? All right, Jeffrey. We're counting on you to get in touch with your peer down in Wells and report back. They're going to develop a plan to submit to us, and we can move forward.

**Jeffrey Hinderliter:** Just so the planning board's aware, I wouldn't expect many changes from what you're already looking at because the plan is really just primarily an ownership change. In the next submission, if you really are looking for that big set of round papers and binder full of--

**Chair David Walker:** Oh, we look forward to that, yes.

**Jeffrey Hinderliter:** Just in case I forget to say that, just so you're aware when that next submission comes in. It's not going to be your typical. I don't expect it at least.

**Chair David Walker:** All we want to do is just ensure that we don't miss anything so that down the road we're kicking ourselves. Yes?

**Speaker 3:** Just a couple of comments, basically.

**Chair David Walker:** Yes, sure. You're the guy with all the experience.

**Speaker 3:** Just in response to the questions regarding the licensing of the campground. One, we already have an approved campground so the licensing isn't going to change. That campground, under any other form, is still going to be subject to the campground overlay provisions of the ordinance. In addition, the campground has to be licensed in two different ways through the state of Maine. It's subject to inspection and regulation by the Department of Human Services and the other I forget. Those requirements still exist. There's going to be at least three levels of licensing and regulation.

As far as looking at this proposal, I've been working my way through, and I'm probably 75% of the way through drafting the Declaration of Condominium, which is the governing document for this version. That's why we're doing the subdivision permitting, which allows for it to be condominiumized. I'm about 75% of the way through that document. I would anticipate that you'll be asking for it, and we will be furnishing it to you.

Quite frankly, the documentation in the Condominium Declaration will be significantly more restrictive than the campground that's already been approved for a number of different reasons. It is easier to be, in the 14 years that I ran the campground that was exclusively seasonal, 550 seasonal sites, I referred to myself and my partner as benevolent despots, that we got to dictate all of the rules. We got to change the rules when we felt they needed to be changed.

If this campground ends up being a condominium campground, then all of those rules need to be in place to start with because they're much harder to change than when the benevolent despot says, "I'm going to change the rules." What Jeffrey will see in the declaration of condominium will be far more restrictive than what is now approved. Just to make it clear that what Atwood is doing at this point is it's keeping its options open. It has received feedback from those who want to have a vested interest in their seasonal campground, who are complaining about the big guys keep on going up on the rates every year, every year, every year, and that they can no longer afford it.

They want to have some say in the way the campground is managed and the cost of being a seasonal there. Atwood is keeping its options open. It can go forward with the existing plan and formulate its own rules and regulations and change them as it goes along. Depending upon the market, depending upon what feedback it receives, we're going through this subdivision condominium process just to keep that option open.

We fully intend to give you all of the documentation that you feel you need in order to grant subdivision approval without any assurance that we'll file the condominium documents the day after you approve it and go forward with that, or that we see how the campground develops and the interest develops in it. The final point, just in terms of the taxation, is that whether it is a condominium or whether it is a site plan approved campground, the town taxes the land. It also taxes each unit, each park model RV that is placed on a site that is on the site on April 1st of each year. It taxes that, it taxes the deck, it taxes the shed that may be associated with it, all as personal property tax.

The best analogy in town now is Seacoast RV. That's not a condominium campground, but it is exclusively a park model campground. The typical personal property tax for a unit at Seacoast RV is around \$700 or \$800 per unit, not counting the land and not counting the improvements to it. You multiply that times 100, plus you toss the land into it, and you're getting a significant tax contribution with virtually no demand on municipal services. You don't pick up the trash, you don't plow the roads, you don't provide sewer or any municipal services. An occasional ambulance call, perhaps, and no kids in school. It's pure profit as far as the municipal finances are concerned.

**Chair David Walker:** Thank you.

**Robin Dube:** I have a question. Not only are you talking around about the unit, but it sounds like this is going to turn into little condos. You're selling the land that these people are going to put their trailers on? Am I understanding that correctly?

**Speaker:** Instead of them paying a seasonal rate to us every year, they own the land, and they're going to have an HOA for two or three years.

**Robin Dube:** Technically, you own all the land right now-

**Speaker:** We do.

**Robin Dube:** -and you're just going to be piecemealing as to who wants to buy it?

**Speaker 3:** It's just all of them own it in common. They own the entire campground in common.

**Robin Dube:** That pushes away from a campground when everybody's buying their own individual little lots.

**Speaker:** It's still going to stay a campground. It's just that they will have ownership of their actual lot.

**Robin Dube:** I understand that.

**Speaker:** We're not going to mix them up, seasonal, [unintelligible 01:35:04].

**Chair David Walker:** There's no chance you'd do 50 condos and 50 regular?

**Speaker:** No, never. It will always stay a campground.

**Erin Moriarty:** If anything, it'll be more difficult to develop it in the future because they'd have to get every individual owner on board with selling rather than one ownership.

**Speaker 3:** A condo is a form of ownership that doesn't represent anything else. Summer Winds Cottage is on Sako Avenue. That's a condominium. Each cottage is owned separately. The entire complex is owned in common by the members of the association. As I pointed out the last time, the individual lots at Summer Winds are smaller than they will be at this campground.

**Chair David Walker:** Thank you. Anything else?

**Erin Moriarty:** Does any of this change as far as applications go seeing those new owners stepping in?

**Speaker:** Our challenge is to own everything. We'll be in charge until 75% is sold.

**Robin Dube:** You're just talking the individuals owning their own little pieces or you've got more?

**Mike:** Correct. It's no different than any other subdivision that comes forward. A developer brings forward the subdivision after approval.

**Robin Dube:** We usually know who's trying to do this situation.

**Mike:** The applicant's on the form.

**Erin Moriarty:** It's just one person owns it before they sell the houses. Yes, it's not different than that.

**Robin Dube:** There's more than two people now.

**Erin Moriarty:** They haven't sold the houses yet.

**Mike:** We don't have the right to have more than one ownership at the moment.

**Chair David Walker:** All right. Thank you very much. I'm going to move on to item six. [unintelligible 01:37:02] Item six, draft one comprehensive plan introduction.

**Robin Dube:** What's the timeframe for this?

**Jeffrey Hinderliter:** Adoption, spring 2026. Jeffrey leaves summer 2026.

**Robin Dube:** You are leaving?

**Jeffrey Hinderliter:** After the adoption of this.

**Marianne Hubert:** You're kidding. You're retiring or vacationing?

**Robin Dube:** No, no, no, no.

**Chair David Walker:** They're going to fire him if he doesn't get it.

**Jeffrey Hinderliter:** They're going to fire me.

**Erin Moriarty:** The key is to quit before you're fired. Just kidding.

**Jeffrey Hinderliter:** You can't fire me. I quit.

**Robin Dube:** Is that [unintelligible 01:38:00] where ambition's going? Jeffrey, it's very cold.

**Erin Moriarty:** It's good. Keep [unintelligible 01:38:10]

**Chair David Walker:** Is the same one you did for the council?

**Jeffrey Hinderliter:** Exactly.

**Chair David Walker:** I was here for that.

**Jeffrey Hinderliter:** [unintelligible 01:38:19]

**Erin Moriarty:** You're excused.

**Chair David Walker:** I'm just going to snooze through it.

**Jeffrey Hinderliter:** I'm going to make this one a bit quicker.

**Chair David Walker:** No, it's fine.

**Jeffrey Hinderliter:** All right. The comprehensive plan is finally a draft. It's finally done after years and years and years. The last draft which we actually had-- Let me grab the microphone.

Thank you everyone. Our first draft of the comprehensive plan is complete. After many years of trying to get to this point, you could actually say maybe many decades. It's been that long. '92 was the last one and the one that is currently adopted. We're finally here with a draft 1. Anytime you speak to me or Mike or our committee members at this particular time right now, I always emphasize that it is Draft 1 because it's a working draft. I was actually a little hesitant to release the Draft 1, knowing that it's not fully complete, but I thought, you know what, really pretty much everything is there right now. There will be changes, but what will change won't be substantial. I thought this light introduction might help folks get an advance on review of it and understanding of it. Here we are.

What is a comprehensive plan? A comprehensive plan is a document created by a municipality that addresses a broad range of topics in a unified way. What the plan does, it analyzes conditions and trends, what exists today, what happened in the past. It sets forth goals, policies, and strategies. A big one, and a big one that relates to all of you, is it creates a foundation for future zoning changes. What's very important, if you speak to any of our committee members, is it provides guidelines to implement what we're drafting.

The process of comprehensive plan, and this is also an important point, a comprehensive plan is a plan. It's a direction on how we move forward. The future

land use plan, as formal as it may look, is still a plan. It's not an ordinance. It's not a zoning map. Really, what the plan is, it's a foundation to help guide our policy decisions, our budgeting, economic development, housing. Thought went into the creation of the plan, and the actions that we take for the next 10 years can be referenced back to the plan.

What does a comprehensive plan include? It includes a lot of stuff, but in my opinion, the comprehensive plan includes three primary chapters. Number one is the inventory, two, goals, policies, and strategies, and then number three is the future land use plan and map. First, the inventory. What the inventory does is it evaluates existing conditions for each section of a comp plan. Comp plan has multiple sections, from economy to natural resources to fiscal capacity, transportation, land use. It evaluates the existing conditions of these sections and provides that hard data.

A lot of the data that you'll find within the inventory is actually from the state or federal government. The census is a big resource for data for a comprehensive plan. If you think of the inventory, think of it as a snapshot of where we were and where we are today. I have a little picture of a photo that we have in the comp plan inventory, historic and archaeological section. If you want to find out some interesting stuff about Old Orchard Beach, look at that historic and archaeological section.

I bet even Robin would be surprised what she learns.

**Marianne Hubert:** [laughs] What page number?

**Jeffrey Hinderliter:** Top of page 39. Inventory, the snapshot of where we were and where we are. That lays the foundation. Goals, policies, and strategies. The goals, policies, and strategies create a plan that outlines the future actions the town should take over the next 10 years. This chapter identifies where we want to go and how we get there. This is the true action piece of the plan. If you want to figure out what we're thinking about doing housing, that's a snapshot of our housing goals, policies, and strategies. This is where to look because the inventory's great. It's the foundation. You'll learn a lot.

It's the goals, policies, and strategies. That's the part of the plan that we are really going to use when it comes to implementation. Now, for the big piece for a planning board is the future land use plan. The future land use plan and map is an overall guide for future land use policies and ordinances in the town. While the map and the plan they're not zoning ordinances and zoning maps, it is definitely the basis for new zoning ordinances and maps.

If you want an idea about the future zoning, this is the chapter to review. Often, you'll recall when we look at contract zoning, for example, one of the keys to having a successful contract zone is that it's consistent with the comprehensive plan. We will look at this to ensure that it's consistent. That right there, it does look like a zoning map, but that's actually a future land use map.

Does the comp plan include anything else? Yes. The comp plan includes documents associated with the public process. We've had several public processes over the years. The most recent one being a survey at the end of 2024. That survey and the results are in the comprehensive plan. Implementation. Now this is a key, and this is

something that the committee has beat into Mike and I that we absolutely need and is one of the problems with our former comprehensive plan. We specifically created an implementation plan to make sure that all this work that we do actually gets done.

The implementation portion of the plan, that chapter provides some guidance on how we're going to implement the plan. Capital improvement plan, that's a requirement of the state that we include a capital improvement plan, and you'll see that in the plan. That's a 10-year projection for the large ticket capital infrastructure type of items that the town budgets for. What did we, as the committee, learn through the process? Here's just some notable. We learned a lot, but here's some notable findings. Short-term rentals represent the largest number of transient accommodation rooms in Old Orchard Beach. They exceed hotel rooms. It's a big, big industry in Old Orchard Beach.

**Marianne Hubert:** That's based on bedroom or units?

**Jeffrey Hinderliter:** Units. How we got that data was from our licensing stuff. From 2000 to 2020, there was a notable decrease in all age groups under 54, especially ages 25 through 44, and a notable increase in all age groups over 55, especially ages 60 to 74, and I'll show you something on that in a minute. Our current zoning is really pretty antiquated, and it does not support economic growth and affordable housing needs, which is really a focus of the state right now.

Protection of natural resources through beach management, stormwater management, and climate change adaptations. Those three natural resource-related items were some of the most important parts that folks identified through our surveys that they wanted the town to focus on to protect our natural resources. I thought it was very interesting that it said stormwater management. Importance of public infrastructure, especially sidewalks and stormwater facilities. Once again, stormwater facilities comes up as a notable finding, and parking. Downtown areas critical to OOB's economic vitality and the importance of building appearance, especially one and two-family dwellings. How about an example? If you remember the notable increase and decrease in age groups, if you look here with the age groups, for the dark blue is the year 2000, the white blue is 2020. In the 35 to 54, you can see that age group was the majority of our population, close to 20% during 2000. In 2020, just 20 years later, that age group dropped below 10%.

**Marianne Hubert:** I have a problem with your graph. If you look at the age distribution, it's not the same across the board. You have 5 years, and then the 25 to 34, that's 10 years. 35 to 44, that's 10 years. 45 to 54, that's 10. Then it's 5, 5, 10, 10. I question the quality of the data.

**Jeffrey Hinderliter:** It's straight from the census.

**Board member 2:** They group people who are in their [unintelligible 01:51:39]

**Marianne Hubert:** Yes, they group people, but then it doesn't. It's false distribution.

**Chair David Walker:** You think it's intentionally.

**Marianne Hubert:** Yes, it's create a bell curve that's an enhanced bell curve.

**Board member 2:** It should be 15 to 24. It's not that bad. Yes, it has changed over the two timeframe, but it's not as bad as it could be, that it looks.

**Jeffrey Hinderliter:** After 54, you go to 59.

**Chair David Walker:** Again, you go to 5. They're dropping to 5 years because there's a large change in movement and career.

**Marianne Hubert:** Yes, but they created a bell curve.

**Chair David Walker:** I understand statistically what you're saying, but people don't move during their career. They move before and after, so they're lumping the people that are into their career. As a general whole, I see the point.

**Marianne Hubert:** It's flatter.

**Chair David Walker:** All right. We don't want to debate today.

**Jeffrey Hinderliter:** Yes, and this we can't change. It's literally from the census.

**Marianne Hubert:** It's not as bad as it[inaudible 01:52:48].

**Jeffrey Hinderliter:** Nonetheless, still, we can see how these two age groups, and they're both 9 years, 35 to 44, and 65 to 74, have completely switched. That's the point I wanted to make with that. That's important to know because what that means, and it may be obvious to all of us. We hear about it on the news, the aging population, but the comp plan, what it does, it affirms what we hear, and then it takes that data and plans actions on that. We're not just saying it. The comp plan's charting a path forward to actually act on it.

Moving to the future, did the comp plan committee provide any recommendations? Yes, there are recommendations throughout the plan. Really, the goals, policies, and strategies chapter is all recommendations in some manner. Amend the zoning ordinances to allow higher density, residential density, and more flexible development review, especially in the downtown area. Ensure ordinances include strong, enforceable standards associated with building upkeep. Find ways to attract and keep a younger population. Address short-term rentals. Address the use of the ballpark. Prioritize the protection of water quality.

Link our goals, policies, and strategies to the capital improvements items because the goals, policies, and strategies, in order to achieve those, some of them will require infrastructure improvements. We want to make sure that's carried forward and recognized in the capital improvement plan. Perform a comprehensive review of parking, including public space availability, public space needs, fees, and ordinance requirements. Recognize the importance of tourism and take steps to retain and attract businesses and activities that support tourism.

The plan is a large document. Any recommendations on reviewing? Again, with Draft 1, for planning board purposes, the inventory is interesting. The goals, policies, and strategies, there are planning board-related items in there. I recommend if you were to concentrate anywhere, look at the future land use plan and map. Next steps. Draft 1, public comment is available from the 17th of December until the end of January.

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After the Draft 1 public comment concludes, the complaint committee will reconvene, and we'll prepare Draft 2. The Draft 2 will be sent to the state and, once again, will open up to public comment. It'll be a bit more formal with Draft 2, with public hearings. In fact, the planning board will host a public hearing. After we receive state and public comment, the committee will prepare the final draft for state determination of consistency and council adoption. It's our hope that that happens the spring of this year, maybe summer.

Once the 31st hits of January hits, we're going to get right onto Draft 2 with the comp plan committee. Where can I see the plan? We have a page created on our website. I provided everyone with the link. Hard copies are available at Town Hall, Libby Library, and Ocean Park Association. Also on our website, there's an easy way to contact us via email, and plus you all have our email addresses. Then, finally, how can I offer comment? Email, letter, phone call. You can meet with us. Just remember, for Draft 1, comment period concludes 1/31/2026, so the end of this month.

**Marianne Hubert:** Good job, Jeffrey.

**Jeffrey Hinderliter:** Thank you.

**Chair David Walker:** Is Wynn still actively involved?

**Jeffrey Hinderliter:** Yes, Wynn's still active.

**Chair David Walker:** Good.

**Jeffrey Hinderliter:** It's good to see Wynn. Wynn's been part of it all along.

**Chair David Walker:** Any questions from the board?

**Marianne Hubert:** Should we create a meeting like we used to meet on the alternate Thursday, to discuss it and work together on it?

**Jeffrey Hinderliter:** I would suggest that we review the future land use plan. Once that Draft 2 work is done, something like a workshop just for the planning board, that's something that I would like to do. I'd need to find out who to include, how to structure it. One thing, I have to work with the committee on that to see what they want. One thing the planning board will definitely have is a public hearing.

**Marianne Hubert:** Are their meetings open meetings?

**Jeffrey Hinderliter:** Yes.

**Marianne Hubert:** They can go to the open meetings.

**Board member 2:** Yes, but it would be good to have us just discuss it. I don't know, work on it.

**Jeffrey Hinderliter:** We'll do it after they get to Draft 2. Exactly. I wasn't even going to do this whole Draft 1 part, but I thought, let's get it out there, and let's give people an opportunity to provide some initial comment.

**Chair David Walker:** No, we appreciate it. Thank you.

**Marianne Hubert:** Are you considering changing the zoning maps, too, or no?

**Jeffrey Hinderliter:** Big time, yes.

**Marianne Hubert:** Oh, big time.

**Jeffrey Hinderliter:** Yes. When you open that link, if you look at the future land use plan and map, you'll see it right there.

**Marianne Hubert:** If I go to the town hall to get my paper copy. How thick is it? Like this?

**Board member 2:** It's thick.

**Jeffrey Hinderliter:** It's about 400 pages.

**Marianne Hubert:** 400 pages?

**Jeffrey Hinderliter:** Yes, that's why. It's easy to navigate on the website. If you need help, Marianne, please swing by and I'll-

**Marianne Hubert:** I still like the paper.

**Jeffrey Hinderliter:** Yes, I do too. This slide right here, that is potentially the new zoning map. It's the future land use map.

**Marianne Hubert:** Great, now I'm going to have comments. [laughs]

**Chair David Walker:** All right, Jeffrey, I'm going to move on to other business.

**Jeffrey Hinderliter:** Okay. Thank you, everyone.

**Chair David Walker:** Planning board update, modification of stormwater improvement for Sea Glass Terrace, MBL 205-16-100-109. It's you, Mike?

**Mike:** Yes. Sea Glass Terrace is an incomplete nine-unit subdivision, originally approved in 2007. Why I say incomplete is there's two homes remaining to be built. A big piece of incompleteness, and why we're looking at this today, is to get the stormwater improvements that were never completed. If you're not familiar with the location of Sea Glass Terrace, it's off Cascade Road, just across the street from Landry's Shopping Plaza.

The plan was amended in 2017 to create individual lots because it was previously condos. There's nine units. That amendment was conditioned upon the impervious surface calculations being verified by staff. It doesn't look like that ever happened, from what my research found. Then in 2019, the previous owner/developer was issued a notice of violation from code enforcement for a few different items, one of the big ones being that the stormwater wet pond hadn't been constructed.

The current owner, and one of them is here tonight, is trying to correct this by providing a stormwater management plan with a new proposed location for the wet pond. That's already received satisfactory review by the town's peer review engineer. The reason for this new location of the wet pond is it needs to be located where water can actually get to it and where it can be sized to meet those stormwater requirements. With the stormwater plan and wet pond construction, it will bring this development into conformance with our Chapter 71 post-construction stormwater management section.

Originally, we thought we could approve this wet pond modification administratively, especially with the 2017 amendment having staff verify calculations. With the new location of the wet pond, it appeared that this would be considered a modification. With the subdivision, modifications require an amendment to the subdivision or does allow in Section 74-65 for modification of location or design of improvements, which allows for the appointed town engineer to authorize modifications with approval from the planning board.

It's staff's determination that unforeseen conditions, that included previous developer bankruptcy, make it necessary to modify that location of the stormwater systems, which is an improvement, and the town engineer needed to review and improve those improvements. We asked our town engineer to provide the approval in writing or recommendation to the planning board and to transmit a copy of the letter to us, and that was in your packets.

I realized after discussing this with a couple of planning board members that I didn't include a copy of that plan in your packets. I do have one here if you want to see it. Like I said, the biggest change is really just the location of where that stormwater pond was due to the fact that, as originally shown on the plan, water couldn't get there, and it wasn't sized appropriately. That's why we're where we're at now.

**Chair David Walker:** Is there a proposal for us to motion on the plan?

**Marianne Hubert:** No, but it looks like it's ready.

**Chair David Walker:** Oh, great.

**Mike:** If you accept those copies, that'll at least show you--

**[inaudible 02:04:44]**

**Marianne Hubert:** How many acres is the whole thing?

**Speaker 5:** The whole thing? All nine lots are around one acre. It's not big. All the disturbance that we have to do for the detention pond and stuff we're doing is only 8,000 square feet.

**Chair David Walker:** Where was it originally planned on here?

**Speaker 5:** It was originally going to go-- I can point to your plan here. It was originally going to go right in the back corner of the subdivision. The reason for that is it was originally going to be all new **[unintelligible 02:05:23]**, everything was going to be right along the road. In that whole back corner, there was nothing in that

back corner. When they redid it and went to single-family homes in 2017, they started building houses, and my house is right where the detention pond was supposed to be.

When they went through and did the survey, my house is higher than the road. There's no way to get water to there anymore. The only place that's left for water to actually flow to is where I redesigned it down in the front corner.

**Marianne Hubert:** When did you say it started? '17?

**Speaker 5:** The Old Orchard Beach gave a new approval to do single-family homes in 2017.

**Mike:** The original developer was Tom Gillis, and I believe the first plan was approved in 2007 and then 2017.

**Speaker 5:** The 2007 plan was for all duplexes. The first duplex was built in the road, and one duplex was built, and then it sat--

**Chair David Walker:** They just sat there for years. Long time.

**Speaker 5:** Then they redid it to do single-family homes, and a foundation went in, and that sat for a long time. Then, finally, a whole spurt of houses all went at once. I'm the last person to buy in 2020, lot three. Mike and I have been talking about this development since 2020. I've been trying to do this since I bought in. I ended up getting the foundation. I own lot three and lot five, and another guy in the development owns lot four and lot two. Him and I went together.

It went into basically a bankruptcy proceeding. The hard money lenders that took it from Tom Gillis were going into bankruptcy again, so we ended up getting it through the court process. One of the guys in the development is a lawyer, and I'm a civil engineer. Between the two of us, we've been trying to get it all redone. I've been working with Mike and the town engineers. It started with Wright Pierce, and now the final approval that we got.

I've also gone through all the processes with the state of Maine DEP, and I have all the information that it's too small for the state of Maine DEP to even get involved because it's only 8,000 square feet at this point. I have all the sign-offs from them. I have the sign-offs from the city engineer. We're ready to try to just get it done. Basically, what we're going to be doing is digging the detention pond in, cleaning all that up. We're going to redo the front part of the road.

If you look on the map, the blue, all of that pavement gets ripped up and redone. It's just garbage, and we need to redo it anyway to get the water to go to the right spot. We've been working with all the other people in the development. We love the development. My wife and I, and we have our three kids. We live in New Hampshire, but this is our second home. We live in Old Orchard Beach, and commute to work and school is the way we joke. We're here every weekend. We're here all summer long. We love the place. We plan on just keeping three and five forever in our family. We want to be a part of Old Orchard Beach.

**Chair David Walker:** They're the age group that we want here. We need to do something about this.

**Speaker 5:** My kids are 16, 14, and 12, and they've grown up in Old Orchard Beach since 2020.

**Chair David Walker:** Is there a motion you want us to make on this?

**Mike:** Yes. The reason there isn't a motion with this is because the way the modification of location of design improvements is is that the planning board just needs to okay the engineer--

**Chair David Walker:** Memo?

**Erin Moriarty:** Not even that. We just have to say that we're okay with the engineer's memo and town staff taking care of this change. We don't feel like we need to do a full subdivision review.

**Robin Dube:** [crosstalk] what Erin just said.

**Erin Moriarty:** We just need to say, yes, we're comfortable with--

**Graham Roeber:** He lives there, and he's making the changes. He's not going to make it worse.

**Speaker 5:** Oh, no. It's in my very best interest. I own two of them, so it's in my very best interest for this to be--

**Chair David Walker:** You couldn't do any worse than Tom Gillis did, so you have my stamp of approval.

**Erin Moriarty:** Can we give you a motion?

**Mike:** I don't think we need a motion if people just want to take general agreement for them to proceed.

**Chair David Walker:** You want to do a roll call, Jeffrey? Please.

**Marianne Hubert:** One issue that I'd like to bring up is that the pond is right next to the sidewalk. Isn't there a sidewalk here on that side, too?

**Speaker 5:** On Cascade Road?

**Chair David Walker:** I don't believe there's an internal sidewalk. [crosstalk]

**Speaker 5:** Even if we put that chunk of sidewalk in, it's far enough away. We're going to end up putting a road. You know the way there's arborvities along the whole front of it across from Landers right now? We're going to have those arborvities go the rest of the way.

**Marianne Hubert:** Oh, okay.

**Speaker 5:** The detention pond will be separate from Cascade.

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**Marianne Hubert:** Okay. Sounds good.

**Chair David Walker:** You want to call for the vote, please? Somebody?

**Jeffrey Hinderliter:** Yes. Ms. Moriarty?

**Erin Moriarty:** Yes.

**Jeffrey Hinderliter:** Ms. Dube?

**Robin Dube:** Yes.

**Jeffrey Hinderliter:** Ms. Hubert?

**Marianne Hubert:** Yes.

**Jeffrey Hinderliter:** Mr. Roeber?

**Graham Roeber:** Yes.

**Jeffrey Hinderliter:** Chair Walker?

**Chair David Walker:** Yes. You're on your way.

**Erin Moriarty:** Great job.

**Speaker 5:** Thank you.

**Chair David Walker:** It's been [unintelligible 02:11:15] to have you.

**Speaker 5:** Thank you, everyone.

**Chair David Walker:** All right. Motion to adjourn?

**Erin Moriarty:** Yes.

**Chair David Walker:** It's unanimous. We're out of here. Who are you rooting for, by the way?

**Graham Roeber:** [unintelligible 02:11:34]

**Chair David Walker:** Oh, geez.

**Graham Roeber:** I had to wait until it turned on TV to see what was going on.

**Marianne Hubert:** I will not be here in February, next month. [crosstalk] I'm going to Mexico to see the butterflies.

**Jeffrey Hinderliter:** I'll tell you, Marianne, you've got the best-- [crosstalk]

**[02:12:43] [END OF AUDIO]**