

PLANNING BOARD MEETING MINUTES, March 12, 2026

Robin Dube, Marianne Hubert, Brian Cloutier, Erin Moriarity. Chair David Walker is absent.

Roll call by Jeffrey Hinderliter

[silence]

[laughter]

Robin Dube: Well, Erin should be here any minute.

Marianne Hubert: No, Erin's not coming [inaudible 00:00:24]

Robin Dube: Yes, she is.

Brian Cloutier: I thought she was. She was in earlier and got her packet.

Marianne Hubert: Oh, okay.

Robin Dube: She's just a couple of minutes away.

[audio feedback]

[pause 00:00:37]

Marianne Hubert: Isn't there an opening comment?

Robin Dube: I'll call the order to meeting and pledge to the flags.

[background chatter]

Erin Moriarty: Good evening, and welcome to the March 12th Old Orchard Beach Planning Board meeting. It is currently 6:33 PM. I apologize for my tardiness, and we will call the meeting to order. Can we please have a pledge to the flag?

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.

Erin Moriarty: Thank you. Jeffrey, can we please have the roll call?

Jeffrey Hinderliter: Sure. Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Present.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Our new member, welcome.

Brian Cloutier: Thank you.

Jeffrey Hinderliter: Ms. Moriarty?

Erin Moriarty: Present. Thank you. The first item on the agenda tonight is a public hearing. The proposal is for a conditional use and shoreland zoning: non-conforming garage tear-down, rebuild, and 30% expansion. The applicant is Cynthia Lyons, and the location is 21 Winona Ave. MBL: 321-6-3; R3, RA, HAT Zones. Jeffrey, is there any background?

Jeffrey Hinderliter: We'll just open the public hearing if that's okay, and we'll comment on the background once we get to Item 1.

Erin Moriarty: On the agenda?

Jeffrey Hinderliter: On the agenda.

Erin Moriarty: Okay, great. I will hereby open the public hearing. Any comments from the public? Please step up to the microphone and announce your name and your address, and then speak towards this item on the agenda, either for or against.

John Ladding: Good evening. How is everybody?

Erin Moriarty: Great.

John Ladding: My name is John Ladding. I own the property next door to 21 Winona, so I'm at 19 Winona. I did have a few things. I appreciate the opportunity to speak to you all. I have some photographs that I want to refer to. Is it okay if I come up and give those to you, or should I--? What's the protocol on that?

Erin Moriarty: Sure. We'll pass them down, one each.

John Ladding: There's three packets.

Brian Cloutier: Thank you.

Erin Moriarty: Yes, we can share.

Marianne Hubert: We can share.

[background chatter]

John Latting: Again, my name's John Ladding. I own the next-door property. I otherwise live in Atlanta and flew up for this because it's important to me and my family, this matter. Just a quick word about our family's history in Ocean Park. I'm married to

Caroline Folene, and the Folenes have been in Ocean Park for generations. Her grandparents, in fact, own 19 Winona, Harold, and Grace Folene. Managed the gift shop there on the square for decades. They sold the property to our Uncle Fred in about 1954, who owned it for a long time. Then Caroline and I bought it from Fred in 2002. For the last 24 years, we've owned it. Every single summer, have been here and come up with our kids. We'll do that for generations to come. Generations in the past and generations going forward as well.

Just in terms of this proposal, we are familiar with it, have read through it, and oppose it. I urge the board to do so. Just a few reasons for that, not just one reason. There are problems with the conforming nature of the plan. Just in terms of the lack of setback, the dramatic doubling in size of the structure. Others can speak a little bit more about that. I think Neil's going to do that.

Another reason is just in terms of being a steward of the coastal environment, I urge the board to take seriously the increasing threat of flooding and management of that. FEMA really does recommend giving heightened scrutiny to any projects that increase flood displacement and also runoff impact. This project would do that. In moving from just a gravel, not a foundation at all, then going to a slab foundation, and just increasing runoff and again flood risk.

I think really the key points that are specific to our property, one is, and I referred to the first photo there that I handed out, it's just so close to our cottage. It's only a few feet away. That first photo gives you a visual on that. It's just too close to put a garage. With combustible materials, it creates clear risk to our cottage just a few feet away. We're very concerned about that.

The fourth reason, and really the most important one and personal one, is just the effect of quality of life for us at 19 Winona. This is a more than 20-foot-high structure. If you look at the other two photos, you can see the view out to the west, so from our cottage facing 21 Winona that is to the west. Again, for almost 100 years, my family has looked out to the west to that skyline, to the sky and the trees and everything. This project, we would be looking at a wall just a few feet away. Not only from our kitchen, but even from upstairs out the master bedroom, it would be a wall. The structure is taller than our cottages.

The code for Old Orchard specifically requires an assessment to consider solar access and light coming in. I did discuss this briefly with Jim and mentioned that if we remove trees on our property, we could get more light into our cottage. We don't want to cut trees down on our property.

Also related to quality of life, the value of our property would be negative. Just my final point here. In fact, we're not going to sell our property. The value is something that is theoretical. This is something real to us. We are nearing retirement. Caroline and I, we're going to be spending not just the summers, but a lot more time up in Ocean Park. We're going to do that for hopefully decades to come. Our kids will be coming and they'll inherit the cottage. They'll be coming for generations.

It's just a really important thing to us. We just think this is a misguided project. It's giving up a lot of quality of life for more storage. That's the things I wanted to say. We do, again, strongly oppose the project. I'm really thankful for this opportunity to address you all. I appreciate that, but urge you to deny the application. Thank you so much.

Erin Moriarty: Thank you for your comments.

[background chatter]

Erin Moriarty: You are the applicant. Am I correct? I think that we save applicants for the presentation. Any other abutters?

Robin Dube: This is the abutter.

Joyce Provencher: I'm Joyce Provencher. I own 14 Winona. It's across the street from 21. We support the project. We think it would enhance the neighborhood. I've seen the plans and everything. I've been coming here all my life. It's always been a garage. I remember the woman that lived there backing her car out of the garage. She had a really hard time doing it. Anyway, yes, we support the project. I think it would enhance the neighborhood. Thank you.

Erin Moriarty: Okay, thank you.

Neil Weinstein: I'm Neil Weinstein. I'm an attorney. I represent Mr. Latting next door. We have a number of problems with this. First of all, even though it is an old garage, it's not damaged or destroyed beyond 50% or anything of that. They just want to rip it down and put a new place up. They're going to be increasing the nonconformity by adding a full foundation underneath it and a slab that doesn't exist now.

Any increase under your rules, damaged or nonconforming structures, should any nonconforming structure be destroyed or damaged by any means beyond the owner's control, shall be rebuilt or restored. This is not beyond the owner's control. They're claiming they have water problems. They just put a new unit underneath their house. They jacked their house up within a few years back and put a whole new solid foundation that took away water drainage and everything else, displaced the water.

If they have water problems, they created it themselves. They took out the public sidewalk that was there and they're using that for parking and extended their lawn out to the street. That sidewalk, you can go onto GIS or any of the mapping thing, you'll see the sidewalk that used to be there, which is a problem. Even though they are allowed vertical increases, it can't be a different change of use. This is absolutely going to be something that cannot be controlled by the town for a change of use. It cannot be controlled as a two-story garage or even storage because, first of all, they're adding power. It doesn't have it now.

That's a change of use to add power to it. It could be a music room. Maybe they have their kids. They want to put the drum set out there. They want to put a clubhouse out there so they can have a big screen with an Xbox, huge surround sound music. It's 10

feet from my client's bedroom if they built the second floor up there. There's no way to control what they're going to use it for. If they want to make it an extra bedroom for friends to come up, put a hide-a-bed in there, put bunk beds in there. If they want to make it an art studio, who's going to police that? You don't go back and police it and say, "You violated the ordinance, you have to rip it down." Nothing's going to happen.

This is not the appropriate place and time for this. They already jacked up the house. They had 30% on that. This is doubling the size of this particular non-conformity. Non-conformities, under certain conditions, can only be expanded if certain under 78178. The use of this structure does not change unless the change is in compliance with the other sections. This is changing the use because now you're giving them an open room that's not limited to storage. It cannot be limited by what you tell them for storage.

It's certainly not a garage upstairs there either. There's no foundation there. I don't think there's even a slab foundation there. From the street, you can see it appears to be just gravel. It doesn't appear to even be a structure as defined with three or more posts into the ground, but appears to be similar to putting just a storage shed on your back property that doesn't conform to anything, and then coming to the town and asking for, "Oh, we want to take our storage shed and make it double the height or add it on and put another room above a storage shed and add a whole new foundation."

You're taking what was similar to when this was probably built in the '30s or '40s, maybe even in the early '50s, putting this garage or whatever it is into turning it into a full structure that doesn't exist now. That's a substantial change. There's no reason to rip down the existing structure because the damage, if any, has been caused by their own displacement of the water from their basement, which covers most of their lot, and would flood it. They can also avoid having flooding by putting in a dry well or drainage ditch or anything else they want to do from the street to provide an access to it.

Those are some of the big things. You can't change the use. You can't change what you can't control once you give them permission to do this. This is just too big of a project, too close to their house. Let them move it on the other side of their lot or move it somewhere else. Again, you can't control what they do, whether no one's going to be around to police it.

In addition, as my client said, this is going to be a wood structure. It's going to be within 10 feet of their house. It's going to completely block their solar view, block their view, block the air with just a solid wall. It will end in a fire hazard because you're so close to their building that there's no way to avoid a problem. Even if they claim they're going to put in non-combustible materials, they still burn. It'll still be a fire because internally, all the framing, everything in it, the floors are all wood.

I think this is just too big of a project. They just had a 30% or at least a 30% expansion by expanding their house, the principal structure. This is a detached garage, which is supposed to have a 15-foot setback on the side and a 20-foot setback on the rear. There's no setbacks that they comply with. Now they want to increase the use of it is what they're doing, is changing the use to a different use than storage. If they wanted

storage, they could have used under their house that they converted and they chose not to. They chose to make it another living space. They had that option. They could get a storage shed somewhere on the lot next to the garage if they want to use it as a garage.

This is just inappropriate and it does affect the neighbors severely and their quality of life, which is something that shouldn't happen. It's R3, which is supposed to be small or single-use private residences, or it could be two families on small lots. Increasing the use by allowing just an open room with lighting, with power, it could be anything up there. As I said, from a clubhouse to art studio to music playroom for the kids, to throwing drum sets up there, anything. That's just not what the ordinance is designed to assist somebody if they want to do an expansion of a non-conforming use under these ordinances, either now or in the future. Thank you.

[background chatter]

Erin Moriarty: I'm sorry, Jeffrey. Does the applicant have an option to speak during the public hearing?

Jeffrey Hinderliter: The public hearing is for abutters, whatever, and just wants you to get to all the introductory comments, and then the applicant has the opportunity to speak.

Erin Moriarty: Thank you for that clarity. Any other members of the public, abutters?

Ray Provencher: I'd like to say something.

Erin Moriarty: Sure.

Ray Provencher: My name is Ray Provencher. I live at 14 Winona, across the street. He talks about being there all the time. He rents the place probably two-thirds of the summer, and there's a minimum of four vehicles that park in his yard. Not by the street, in his yard. There's four families there at one time. They need a place to park. That's illegal. He's not watching it.

Erin Moriarty: Just if you could clarify who the "he" is that you are referring to. The applicant?

Ray Provencher: The applicant, yes.

Robin Dube: The abutter.

Ray Provencher: The abutters, excuse me.

Erin Moriarty: The abutters at 19 Winona. Just wanted to clarify that.

Ray Paventure: I'm sure he's clarified to rent it, but don't say that he's there all summer and that he's blocking things. He's got four vehicles that park in there. Every tenant that comes in has four families, and they need four places to park. They park right in the

yard. How safe is that? That's just something that should be ordinances or whatever. By saying that he's there all summer, he's not. Maybe he will be.

We just retired a few years ago, and we're there all summer. It's great. To go say that it's a safety issue or a flood issue-- it's a cottage. It has no insulation. It has very little heat, I'm sure. I've never been in it. You don't stay there in the wintertime. If he wants to upgrade it for winter, that's great. I'll support it. Right now, it's a seasonal place. That's all it is. That's all I have to say.

Erin Moriarty: Thank you for your comments. Oh, no, you've had your turn. Thank you, sir. Anyone else?

Neil Weinstein: Can I respond to that?

Erin Moriarty: No, actually. Any other members of the public with a comment on this proposal? We take comments from online. Is there anyone online? Do we take comments?

Jeffrey Hinderliter: Thank you for asking. **[inaudible 00:26:35]** you received a comment after the packet was submitted to you, and you have that right there. You can accept that into the record if you want to read it, whatever is comfortable with that.

Erin Moriarty: Do you want to read it?

Marianne Hubert: I'll read it. It came from Steve Rogers. I don't know the address. "I am concerned about the proposed variance being sought by my neighbors in Ocean Park 21 Winona Avenue. The owners are requesting a major rebuild of their sheds. Although I do not object to them updating, the scale of their plan is very extensive, and I fear it will change the water table and result in flooding to myself and other neighbors.

I'm anxious as this happened to me right after I purchased my property on Winona and had major water damage to my property, costing thousands of dollars. This immediately followed the major renovation to the property next door to me, which continues to cause some impact. I don't know the family seeking this variance, but I would hope that they would share this concern and consider a resolve of a smaller scale. I'm out of state and cannot attend meetings, so I thought I should send my concern to you. I appreciate that you do what you do and also your attention to these concerns. Steve Rogers."

Erin Moriarty: Thank you. Any other comments received in the interim? Last call. Any other comments in the audience? With that, I will close this public hearing, and we will move on to the next item in the agenda, which are the minutes from December 11th of 2025.

Robin Dube: Motion to accept as written.

Erin Moriarty: Do I have a second?

Marianne Hubert: Second.

Erin Moriarty: Jeffrey, if you could call for the vote.

Jeffrey Hinderliter: Sure. Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Ms. Moriarty?

Erin Moriarty: Yes. Followed by the minutes from the January 8th, 2026 meeting. Do we have a motion to approve?

Marianne Hubert: I'll make a motion to accept January 8th minutes.

Erin Moriarty: Do I have a second?

Brian Cloutier: Second.

Erin Moriarty: That was tied, so I'll leave it up to the scribe on that. Can you please call the roll?

Jeffrey Hinderliter: Ms. Dube.

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert.

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier.

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty.

Erin Moriarty: Yes. Thank you. Moving on to regular business. Item number one is, again, the proposal for a conditional use/shoreland zoning: nonconforming garage tear down, rebuild, 30% expansion. The action tonight is for a final vote. The applicant is Cynthia Lyons. The location is 21 Winona Ave, MBL: 321-6-3 in the Zones R3, RA, and the HAT zones. Jeffrey, can you please give us some background?

Jeffrey Hinderliter: Thank you. At the 24th is January meeting, just to bring this back a little, we had a meeting scheduled upon February, but we did not have quorum for that meeting, so I'm going back to January briefly with my opening comments. At the January meeting, the board determined that proposal for **21 Winona** was complete, and they conditioned that determination of completeness based on the **applicants submitting a** plan showing that the garage setback distance, as measured from the overhang to the HAT area, which is the highest annual tide located south of the property on the southern and eastern property boundary.

What the board wanted was a complete site plan that showed the setbacks of the existing structure to the property lines and to the HAT. The purpose of this condition was to ensure that the proposed structure footprint is not closer to the property lines and HAT when compared to the footprint of the existing structure. That's a very important test of non-conforming structures. You are permitted to build within the existing footprint without any special relief, but you can't get any closer to whatever the setback is for whatever you're measuring it from. If it was 5 feet from the property line as it exists, you can't be 4 feet from the property line. It would be 5 or more. That was one of the big questions, and some of that was mentioned by **[inaudible 00:31:54]** from the abutters tonight.

As I said, the planning board's meeting, February meeting was canceled due to no quorum. Fast forwarding to our March meeting, the applicant returns with that updated site plan showing the requested distances to the property lines and the highest annual tide. One note on the highest annual tide, it's a little hard to see the line on the plan, but it says 2.88 feet, just so you're aware there is a measurement there.

In addition to the site plan, the planning board received updated conditional use criteria responses as well as information addressing a lot of concerns. Of course, we have some new concerns tonight. The applicant hasn't had the opportunity to address the new concerns yet. The concerns that the applicant addressed were those that we received during February.

Regarding the public comments, you have several in your packets, which I recommend you enter into the record. We will, with whatever the plan is, the packet you turn out to be. Then one additional comment that we had, we received after, which was 21 Winona abutter comments written. Plus, we had Neil, you have his comments in there that he provided on **[inaudible 00:33:34]**. I'll get right to it.

In my opinion, the planning board has two options for tonight. The first option is to postpone your decision to allow more time for the board to consider public comment and for the applicant to address comments we recently received that they're just hearing tonight. If you choose this option, you'll find a motion to postpone the final vote on page 4 of the staff memo. The second option is to approve with conditions. You'll find those in the conditional approval on page 4 of your staff memo. Of course, there is a third option, which is to deny, but I recommend you avoid this because the applicant should have an opportunity to address any concerns.

One note, and it's something that I was in discussion very early on in the process with the applicant, is when I looked at the proposal, it was probably the best-looking shed I've ever seen. With the second level, I did have some concerns about the use of space. One of my primary concerns was, is this turning into a dwelling unit or not? Not saying that they're not allowed to do it, but if it is turning into a dwelling unit or anything other than a garage, the use is in fact changing. That would change the planning board's review.

The applicant assured me that it was exclusively for storage. Also, what made me more comfortable that it wasn't turning into a dwelling unit was a sewer and water are not being extended to the structure, but as it was stated tonight, electricity is. I just wanted to let folks know that one of the big concerns, one of my concerns, was that turning into a dwelling unit. I'll turn it over to y'all. I'll be up in a second.

Erin Moriarty: Thank you. Thank you, Jeffrey.

Jeffrey Hinderliter: You're welcome.

Marianne Hubert:: I'll make a motion.

Robin Dube: We need to listen to them first.

Erin Moriarty: If you'd like to have a-- Please, at the microphone. Please introduce yourself and, of course, your address, please.

Jim Lyons: My name is Jim Lyons. It's my wife and I property at 21 Winona. I don't want to go through all of the details. I think I sent a response that you guys may have seen about the abutter comments. I'm not going to read through every one. Just some general comments. The garage, there's numbers that John had put in about 1990. We bought it almost 30 years ago, the house. The garage was old when we bought it. It was built in the '20s, '30s, '40s. I don't know when it was built, but it's definitely older than 1990.

The garage doesn't have a foundation. It has an asphalt base because it was used as a garage. All the wood structure around it has been flooded multiple times. As everybody knows, we get floods every five years, four years. That wood is rotting. The structure is starting to get weaker. Part of our plan was to be able to rebuild the structure and be able to bring it up. As far as the foundation, by putting the foundation in, we're still going to put flow-through vents.

There'll still be water. Per whatever the requirements are, and that's in our plans. If the water does come up, it'll go through the flood vent. We're not trying to isolate the garage to keep the water out. That wasn't the intention. If the water comes up, which I can't control the water-- I know everybody's getting flooded, but that's the way it works. As the water comes up, it'll go through the vents, and the flooding will basically equalize between all the sides.

Really, our goal in doing this was because we were building it, my wife looked at structures that we liked, and one that we thought would be nice. The one that we liked basically had a second floor that would give us a little bit more storage. We said, "Let's have the second floor since we're going to build it anyway. We're allowed to go up to 35 feet, but we're just going to add that second floor," which basically raises the height about 6 feet, 7 feet from what it is now. It's not twice the size. It's not any of that stuff.

There's a lot of misconceptions. The lawyer is just repeating what John was saying. Don't plan on turning it into a disco or a bar or a family, whatever it's going to be. It's really just going to be storage. We're going to use it that way. That's really our intention. We would like to have power. I have power now by bringing our extension cords and doing other things like that, but we would want to have power in it so that we can't have lights and so on and so forth. That's really our goal.

The intention was not-- it's really to take a structure. One of the things that John had said about the trees, there's two trees that are overgrown between the two houses. They've been there since we bought the house. One is almost leaning on John's house, even though they're both on our land. The opportunity is once we get the garage out, we can take those two trees out. That 10-foot area now that's basically covered with weeds and leaves and other junk that's in there, could now become a 10-foot usable space that I'm willing to let him use part of our space, as well as his space.

If I put a fence along that, he basically has 3 feet of land between his house and where the fence is. I'm trying to avoid trying to be a jerk about trying to isolate the land. The goal would be get the trees out, make that more of a usable space. We get drainage. We'll add rocks to the water. Hopefully, we'll decimate it to the ground and not go everywhere else. That's our whole goal in the build process.

I can go through every one of the items, but you guys can read through them if you want to see it. As far as fire safety, it's exactly the same. The garage is just going to be a newer garage. It's going to have whatever conforming is required for fire; we'll take care of that. Flooding, we'll basically have whatever the vents are required, whatever's to code, we'll end up doing that. We're not going to cut corners in anything. We're trying to make it look aesthetically nicer in the neighborhood.

As far as the sun blocking, I have some pictures that are in there. It blocks the rear window. Right now, the garage already blocks the kitchen windows, so it really has no effect on those. As far as the top bedroom window, it does have some blockage of that. It'll be a couple of feet, but it's not going to be-- If we cut the trees out, they'll actually get more sunlight than they have right now. It's really, if anything, it should hopefully improve that area rather than making it worse. We're not doing it for spite. We're just really trying to take down an old garage that's getting damaged, that's wet, ready to fall down, and turn it into something that's a little bit more aesthetically pleasing for the neighborhood. Anything, comments, questions?

Erin Moriarty: I did have a question about the trees in question. Has it been clarified which property they actually are located on?

Jim Lyons: They're actually on our land. If you look at the property line, but they've grown, so they start off being a single tree that was planted years ago on our property, and it's migrated into a double tree now. That's part of it, actually, on their land and our land, but the tree is really part of it is on our land. If anything, I would want to get rid of it. I don't know why you'd want to keep those trees because they block the window. They put leaves and crap all over the roofs, and they just make that area look like crap. If it was up to me, I would definitely want to get rid of the two trees. Anyway. Any comments or anything else I got?

Robin Dube: As far as the second floor goes, is there any walls, anything up there to separate any of those--? [crosstalk]

Jim Lyons: No, it's just an open area. All the walls are open. I think you guys have the plans. Part of the problem is going to be there's two windows on one side for light, just so it's not a dark area. The stairway is going to make it so that space is probably going to be like-- I think it's like an 8 foot by 10-foot space. It's really not going to be we're barely going to be able to put racks to put storage in there. As far as being able to use it for a playroom with 10 kids, that's not what it's intended for.

It's really just intended to be able to put some storage area that we can get some dry storage on. Any of the things below will have Tupperware totes that we can put on racks, and that way, if the water did come in, it wouldn't get damaged. As far as the raising of the house, that was done because we were getting killed in flooding. Our downstairs was just trashed. We even got flooded this last storm. We lost our refrigerator. We lost a bunch of stuff. Washer and dryer, not refrigerator. Washer and dryer, a bunch of things.

Robin Dube: How thick is the pavement that's in there now?

Jim Lyons: It's asphalt. It's probably six inches thick. [crosstalk]

Robin Dube: It's probably thick as a pad or something. Yes.

Jim Lyons: At one time, they talked about wanting to be able to do the asphalt along the stone driveway now, but we don't really have any intention of that. With just stone there, it actually makes it so we can absorb some of the water, so it's actually better to have stone. Where the shed is located, we don't have any extra land. That was one of the things, putting it in a different spot. You guys saw the plot. The plot's included. It's the garage, the house, and there's a 20-foot area in the back that's our lot, other than a 6-foot strip along the other side of the house. We have no other land to move the garage.

Robin Dube: What about the sidewalk he's talking about? Was that originally there?

Jim Lyons: What ended up happening, it was a sidewalk, but it was deformed a little bit.

Robin Dube: Yes, the sidewalks.

Jim Lyons: Now it's ended up just being part of it. People do use it as a sidewalk because it doesn't block the whole street, so people do come down that side. We don't consider it part of the yard. Plus, because the grass has not really grown that well anyway, so we don't really use it as a--

Robin Dube: Is there any more on the street? Does it follow down through?

Jim Lyons: Yes, it continues on. Our neighbor has his that's next to it, but people can come down and walk through the side. Where the cars are parked, there's actually a walkway where the telephone pole is, so people walk down through that as well to meet up to the sidewalk on the other side. We don't block it off. It's not something that we try to do. Any other questions or comments? Like I said, I don't want to read through this whole response packet, but I tried to address every concern as far as the fire safety, being able to access for the fire department, flood storage, all that kind of stuff. I tried to address all the comments and make sense of it.

Robin Dube: It's our job to read that anyway. We have it in front of us.

Jim Lyons: Yes, I don't want to read the whole thing, but I think as far as the taking the trees down, we're actually trying to make that improvement. Instead of a dead space area that's covered with weeds and crap, we're really trying to make that a usable space. It's 10 feet wide. It's not a couple of feet. It's actually 10 feet wide between the garage and their house.

Erin Moriarty: Okay, great. Thank you so much.

Jim Lyons: Sure. [crosstalk]

Cynthia Lyons: My name is Cynthia Lyons, and I am the person on the deed. I just want to address some of the falsehoods put forward tonight, again, one of them being the sidewalk. Since we've owned the house, which is going on 30 years, there's never been a defined sidewalk. It ends at John's house, and like our neighbor said, most of the time it's parked on by his renters. We're five generations up here, so we've been up here a very long time also. I've been up here since I've been a little girl. My husband recently retired, so last summer we spent the entire summer up in Ocean Park, and we enjoyed it. We are here. Like my neighbor, Ray, said, they rent their property almost the entire summer. Us ruining his quality of life is not happening.

Robin Dube: It's the other way around. Tenants.

Cynthia Lyons: When you have 15, 18 people in your house on a weekly basis, yes, it's our quality of life. We don't complain to them, we just handle it. As far as the garage goes, the reason that we want to tear it down is because it does have damage. It's been flooded. No fault of our own. We've had historic floods up in Ocean Park, as you all know. Nothing we can do to control it. We can't control the people behind us if they get flooded. It has nothing to do with us. John can honestly say our property has never flooded his.

If his property was flooded, it was because of the storm that we got two years ago. In my garage, we had to throw away just about everything in there. Lawnmower, brand new refrigerator, anything that I had stored in there, even though they were in Tupperware. Once the water gets high enough, Tupperware, it tips over, and it's not waterproof. We threw thousands of dollars' worth of things away also. I wasn't going to get up to speak tonight, but I can't have somebody coming up here and saying stuff that's not true.

The garage is no closer to his house with a new garage than it is now. We're not moving it off of the footprint because you can't. He keeps saying to us, "Can you move it into your backyard?" If he knew the rules, he knows you can't do that. We've been put through a lot of stress. My husband has spent hours and hours and hours working with our architect, working with a civil engineer. We didn't just throw something together and present it to you. A lot of time and thought and a lot of money has gone into this to make this comply.

Anything that we needed to do for the town, we have done it. I don't know what else to say. We're doing everything that we're supposed to do. The garage is adorable. It's cute. If anything, it's going to increase the value of the property, not the thing that we have up there now. As far as it's only being used for storage, we have no storage in our house. When you come up and you're coming up from your other property, you're bringing all your stuff for the summer. We have no place to put it.

We'd like to have a second story on our garage just in case we have another one of those historical floods and everything gets flooded again. We cannot take the chance of putting valuable things in the bottom of a garage, no matter if it has a foundation or whatever, because everybody knows the water was this high last storm. That's all I have to say. I just hope that you'll take into consideration that we have done what we were supposed to do. We're not trying to ruin his life. We're not trying to ruin his property. Trying to just enhance it and make it better for us. It's our property. That's all I have to say. Thank you.

Erin Moriarty: Thank you. I had a couple of clarifying questions, if I could, Jeffrey. There were a few things that were brought up in a number of the abutter letters. One was, I believe, a falsehood that this is going for a variance. This is actually a conditional use. Is that correct? They did not need a variance? Thank you. [phone ringing]

Jeffrey Hinderliter: If it was outside the footprint, they would need a variance.

Erin Moriarty: Okay. Then, the HAT zone, which is the high annual tide zone, they are not closer to that. Correct.

Jeffrey Hinderliter: [unintelligible 00:50:03].

Erin Moriarty: Then the size of the proposed is not increasing the lot coverage because it's proposed to be the same size as the existing. Correct.

Jeffrey Hinderliter: [unintelligible 00:50:17] you said vertical?

Erin Moriarty: Vertical, correct. There's really no increase to the flooding risk or lot coverage than what is already in place. Then my understanding is that the safe fire distance between structures is 10 feet, generally speaking, with the Maine state code?

Jeffrey Hinderliter: I have heard 3 feet. I have heard 5 feet, but it depends on the construction of the walls themselves. It's one of the reasons why I'm suggesting that if this is approved, that is-- because I couldn't get 100% clarity from those. If this is approved, I can certainly do try to get that. It's one of the reasons why I was pushing this to the code since it falls more under their jurisdiction anyway.

Erin Moriarty: Okay. Thank you.

Jim Lyons: Can I address that, too? According to the architect, they think when there's 5 feet, that's a special fire requirement that he put that in place. That was what he had told me, not the thing. I would assume he knows from the architect, but maybe he can give me a check on it. I don't remember right now.

Erin Moriarty: Sure. Code enforcement would be the ones that are approving the building permit following planning board.

Robin Dube: Right. [unintelligible 00:51:41].

Erin Moriarty: I believe as long as it's 10 feet, that that is what the state fire marshal looks for. Any other questions from the board?

Robin Dube: No.

Neil Weinstein: Can I address some of the claims of falsehood that were made against me?

Erin Moriarty: Oh, no, sir. You had your time during the public hearing, and it was an extended five minute.

Neil Weinstein: I didn't do that. [crosstalk]

Erin Moriarty: Excuse me, sir.

Neil Weinstein: I'm Attorney Weinstein. You're denying me that my client due process here because claims have been made against us, against me for--

Erin Moriarty: The due process is the process of this board, and I am the chair.

Neil Weinstein: The due process is to reply when a claim of falsehood is being made against me. You've allowed that.

Erin Moriarty: This is not legal court.

Neil Weinstein: Excuse me?

Robin Dube: You're not in court.

Erin Moriarty: This is not court.

Neil Weinstein: I know we're not in court. We still have due process rights in a public hearing for--

Erin Moriarty: This is not your due process. Your due process is that you can make an appeal following the decision of this board.

Neil Weinstein: That's part of it. I also have the right to speak at the hearing right now.

Erin Moriarty: You did have your speak. The public hearing has been closed.

Neil Weinstein: The evidence of the sidewalk is in the 2024 pictures. You can still see it.

Erin Moriarty: We did close the public hearing,-

Neil Weinstein: I'm just responding to the claims of falsehoods.

Erin Moriarty: -and so I'm asking you to please take your seat or remove yourself from the council chambers.

Neil Weinstein: I'm not going to either, it's a punlic-- I can speak here. You allowed him to speak. Public. You allowed him to speak.

Robin Dube: [unintelligible 00:53:06].

Erin Moriarty: He is the applicant, and it is his turn to speak because--

Neil Weinstein: It wasn't. He just barged out and started speaking, and you allowed him to do and talk to Jeffrey without him being recognized by--

Erin Moriarty: The only one barging right now is you, sir. Please sit down. Thank you. Any other questions from the board?

Neil Weinstein: Smicky smile, an attitude you have through the meeting is very inappropriate for somebody running a meeting. Thank you.

Robin Dube: I have one more quick question for you guys.

Erin Moriarty: Sure.

Robin Dube: If it was feasible, would you put that sidewalk back there, or would you work with the town to--

Cynthia Lyons: We absolutely would. We'd never take it away [crosstalk]

Robin Dube: I understand that. I'm just saying it seems to be a problem.

Cynthia Lyons: The thing is that right now, all it is crushed rock and grass thrown after it.

Robin Dube: It isn't technically a cement sidewalk. It's a crushed rock-type gravel thing?

Cynthia Lyons: Our driveway is crushed rock.

Robin Dube: Right, and I'm talking the old sidewalk.

Cynthia Lyons: So the sidewalk-- There's the street, and then there's the farm.

Erin Moriarty: Sorry, could you actually just come up to the microphone so that it can be captured on the record? Thank you.

Cynthia Lyons: There's the street, and then there's the berm. The sidewalk is parallel with the berm. That just has grown over.

Robin Dube: Lack of maintenance.

Cynthia Lyons: We have never seen a sidewalk. It just ended, and grass grew. We have no problem because it's not used.

Robin Dube: It was just a quick [crosstalk]

Cynthia Lyons: Yes.

Jim Lyons: [unintelligible 00:54:48] spacing. If you park along the road, so whether that's covered up with grass [unintelligible 00:54:53].

Robin Dube: Yes. It would make pulling over the sidewalk and parking in front of anybody's house--

Jim Lyons: No, the parking was next to the berm, so it happens to the berm there and the sidewalk. People park on the berm. It's the same with John's house. He's got a berm and a sidewalk. People park on the berm. [unintelligible 00:55:14].

Robin Dube: It was just a quick question.

Cynthia Lyons: Again, it doesn't affect our parking.

Jim Lyons: From our perspective, you'd still go park on the berm. Instead of walking on the strip of grass, walk on the sidewalk. Either one of the two doesn't matter. That's how the parking happens.

Robin Dube: I'll make a motion.

Neil Weinstein : I just wanted to make a comment. A point of order. I think Ms. Moriarty has a coffee shop in Ocean Park.

Robin Dube: Why does it matter?

Neil Weinstein: If these are clients of her coffee shop, then that would represent a conflict of interest because it would be a direct or indirect pecuniary.

Cynthia Lyons: I don't know what he's talking about.

Robin Dube: I don't think they personally know each other.

Cynthia Lyons: Who are you talking about? I haven't met this woman in my life.

Neil Weinstein: I'm not talking to you. Thank you.

Cynthia Lyon: You're just rude.

Robin Dube: Again, I'll make a motion to conditionally approve Cynthia Lyons's conditionally used non-conforming structure in the shoreland zone application proposing to remove an existing accessory structure and build a new accessory structure, including a 30% expansion located at 21 Winona Avenue, with the following conditions. Do they still need these conditions, Jeffrey?

Jeffrey Hinderliter: [unintelligible 00:56:28].

Robin Dube: One, applicable. What's that? Yes? Applicable Maine Department Environmental Protection permits for this project shall be approved before construction activity begins. Applicable flood hazard development permits for this project shall be approved before construction activity begins. I need a second.

Erin Moriarty: Do we have a second?

Robin Dube: You are allowed to second.

Erin Moriarty: I will second that. Then any comments from the board, additional conditions?

Marianne Hubert: Personally, I think we should postpone this discussion.

Robin Dube: It's already been a motion. We're not postponing.

Marianne Hubert: I would like to make a counter motion to postpone the final votes for this application to have a chance to discuss the new information that we received.

Erin Moriarty: I think the process is to vote on the stated motion. If that motion fails, then we can make a new motion.

Robin Dube: We don't have a second on that one.

Brian Cloutier: I'll second that.

Erin Moriarty: Sorry. We are still on the first motion, which is a motion to conditionally approve made by Robin and seconded by myself. Jeffrey, can you please call the vote?

Jeffrey Hinderliter: Yes. Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty?

Erin Moriarty: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: No.

Robin Dube: Passes 3-1. Correct?

Erin Moriarty: Correct. Motion passes. Thank you for your time and comments.

Robin Dube: I'd just like to say Ocean Park is changing today. If you go down any of those streets down there, these houses are so big. It's not the little cottage community that it used to be.

Cynthia Lyon: It's turning into someplace that--

Robin Dube: It is in town, too. They could go 35 feet instead of 20.

Neil Weinstein: They should just replace the existing one with a one-story existing [unintelligible 00:58:37].

?Speaker: That's an opportunity to sell.

Robin Dube: They can. They can go 35 feet.

?Speaker: [unintelligible 00:58:41].

Robin Dube: They're only going 20.

Erin Moriarty: We're going to the next item on the agenda tonight. Item 2 is a proposal for a contract zone, which is a 16-detached unit, single-family residential contract zone. The action is a recommendation on contract zone proposal or schedule a public hearing. The applicant is Saland Development, Inc. The location is 4 New Colony Drive, MDL 103-1-59RD. Jeffrey, do we have any background?

Jeffrey Hinderliter: Sure. Thank you. This contract zone is actually been floating around for a while, I guarantee it. The last time the planning board revisited this contract zone was at our assembly meeting. At that meeting, the applicant provided an update to the contract zone, which included changes to the contract zone agreement so that it provides public benefits. One of the primary reasons why this fell off our radar for a little while was because the contract bill, as proposed, really didn't provide real public evidence.

Without that, what Gary received writing on the wall, I think we all know that it was going to be difficult for this proposal to move forward. Gary took it off the agenda and then came back late last year to say, "Hey, Jeffrey, I want everyone to reconsider this. Let's take a look at it and see what we can talk about on the public benefits." Gary included in his revision of each of the proposed public benefits and what those benefits are in his revision. Number one is the construction of the sidewalk along Ross Road for the economy drive to Portland Ave-Ross Road intersection.

Number two, one of the homes sold at a price that meets state housing authority requirements for affordable housing. Number three, it is several homes sold at affordable prices below the Portland region's median home price, which as of January of 2026 was \$400,000, believe it or not, according to the red pick. Then the fourth one, which I think is actually a really big one, is short-term rental restrictions. In the February to March staff memo, under the February comment section, you'll see that I state the contract.

This new revision gave a couple more revisions. In fact, I pointed out eight different items that I recommended the planning board and Gary considered to add into this new contract. Gary's been great to work with. We don't always see eye-to-eye on things, but I think we really came to a good understanding on this contract. Gary added more to the items that I mentioned. If you want to see those new items, take a look at each item here in your memo. They're right up top. As a result of the revisions, I recommend that the board vote to recommend council approve the contract.

You'll find that for contract sales, the vote actually requires four motions. The reason it requires four motions is because contract sales have three primary factors for approval or denial that the board must vote on. You must vote on each of those factors to get those three factors first. That basically decides what your final vote, your fourth vote is. If you vote in favor of all three of those factors, then the board must approve it. If you deny, vote not in favor. If you want to vote for more of the factors, then the planning board must deny.

That's pretty much it. Just as a reminder to anyone who's here, anyone who's watching the board, is this is not approval of the project itself. It still has a ways to go. This is just a recommendation from the planning board that says, "Hey, you know what? We're comfortable with this proposal right now. We recommend let's move it on to the council." Ultimately, the council can say, "Hey, great, we love your recommendation. We're going to move forward with it." Or, "No, sorry, we're going to deny it." Ultimately, council has the jurisdiction to vote in the contract, so final approval or disapproval.

Then, if the contract is approved, the more technical proposal, the subdivision site plan, all of that stuff will come back to the planning board. That's what we'll get forward to, the binder, the store of water, the traffic, all of the stuff that you're used to. Just as a reminder. I do recommend that the planning board provide a favorable recommendation to council. I think Gary [unintelligible 01:04:47]. Thank you.

Erin Moriarty: Thank you. Would the applicant like to speak towards that?

Gary: Probably not.

Erin Moriarty: Oh, you have a visual, though, so please do. Yes, thank you.

Gary: I at least brought the pictures here. I can vote on it, kind of. It's just a proposal, 16 units. I currently have this project assembled, and it's over in Stockholm on 4th Road. These are how I'm preparing the building. I only have seven options. You pick one. That's about it. Either like them or you don't.

Erin Moriarty: Within this development, is it proposed that each house would be only one option or is there a mix of different styles?

Gary: There's a mix of different houses. This one's the most popular. It seems like we did seven out of seven. Six of them was this one. It's a little different setup than condos. We call them site condos. You have actually property pins. You take care of your own house. You take care of your own lot. You plant your own trees. You can have a garden in the back, a fence. It's much like a house. By going this route, you can keep the prices down. Because if you've got-- I tried to buy some lots over on Juniper from these guys here, this home improvement developer.

I told Jeff they wanted \$200,000 for the lot. When you start at \$200,000, you're not doing too much affordable. By doing this, again, we can keep the prices down.

Robin Dube: I have a question, Gary. I see you've got a dormer on that one down in the bottom right. Is that like a second-floor room?

Gary: Yes. It is.

Robin Dube: These are all one-floor-type things?

Gary: Yes, these are two-bedroom, dual-basement, one-floor. I did a project over behind Jersey Mike on Smith Lane. You can see these things. It's on Seller's Way. Almost all of them were these. That was probably six years ago now. They were all solar homes, too.

Robin Dube: Does that one have three bedrooms where it might have two downstairs and one upstairs?

Gary: This one?

Robin Dube: No, the one below.

Gary: This one?

Robin Dube: Yes.

Gary: It's got one down and two up.

Robin Dube: Okay, and the others have two.

Gary: I started that other project a couple years ago now, and I have not sold one of those.

Robin Dube: Really?

Gary: Not one. They're all in our age group.

Robin Dube: People aren't looking for family stuff. They're looking for retirement homes.

Gary: That's what a lot of them are downsizing.

Robin Dube: Thank you.

Erin Moriarty: Yes, great. Any other questions from the board? Are we done?
[unintelligible 01:08:20].

[indistinct background conversation]

Robin Dube: It's on 10, isn't it?

Jeffrey Hinderliter: [unintelligible 01:08:46].

Erin Moriarty: I think so. There are three different options. Yes? Okay.

Marianne Hubert: I'll make a motion. I motion to find Saland Development contract zone for 16 detached residential units located at 4 New Colony Drive is consistent with the comprehensive plan.

Robin Dube: Second.

Erin Moriarty: A motion and a second. Any comments from the board? Can you call the roll, please?

Jeffrey Hinderliter: Yes. Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty?

Erin Moriarty: Yes.

Marianne Hubert: Motion two. I motion to find Saland Development contract zone for 16 detached residential units located at 4 New Colony Drive is consistent with, but not limited to the existing use and allowed use within the original zone.

Erin Moriarty: Thank you for the motion. I will second that. Roll call, please.

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty.

Erin Moriarty: Yes.

Marianne Hubert: Motion three. I motion to find Saland Development contract zone for 16 detached residential units located at 4 New Colony Drive is subject to conditions sufficient to achieve the purpose described in Section 78-2131 of the contract zoning ordinance.

Erin Moriarty: That's a motion, and I second. Can I have the roll?

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty.

Erin Moriarty: Yes.

Marianne Hubert: Final motion. I motion to recommend the council approve the Saland Development contract zone for 16 detached residential units located at 4 New Colony Drive.

Robin Dube: Second.

Erin Moriarty: Sorry. I have one question before the roll. There was one comment, Jeffrey, about just a small typo, I think, from 18 to 16 in your--

Jeffrey Hinderliter: Oh, yes. Thank you for pointing that out. It was a typo in, I think it was the first, whereas in the agreement, where it stated 18, but then it was 16, vice versa, just to make sure that that's corrected when it goes to notice. Thank you.

Erin Moriarty: You're welcome. You're comfortable with making that text change, or the goal is 16?

Jeffrey Hinderliter: Yes.

Erin Moriarty: Okay. Thank you so much. We have a motion and a second. Can you call the roll?

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty.

Erin Moriarty: Yes. Any other motion needed for a public hearing? No? Okay, great. Thank you. That is approved for council.

Jeffrey Hinderliter: Thank you, Gary.

Gary: Thank you, Jeff.

Erin Moriarty: Moving on to item number three. The proposal is for a site plan review for a retail agriculture center and agriculture use. The action is determination of completeness to schedule a public hearing and a site walk. The applicant is Robillard's Garden Center, and the location is 48 Ross Road, MBL 103-1-11 in the RD zone. Jeffrey, do we have any background?

Jeffrey Hinderliter: Just so you know, if anyone has a conflict of interest, I agree with this person that's up here right now. Actually, Todd and I go way back into the 1990s when we were young.

Robin Dube: When you were two? [laughter]

Jeffrey Hinderliter: Not two. [unintelligible 01:12:53] Anyway, sir, thank you for coming. Good to see you, Todd.

Todd: Good to see you.

Jeffrey Hinderliter: Good to see you from Robillard's. It's really good to see this project moving forward. You'll all recall, over the summertime, Robillard's came to the board, and what we were looking at that time is a question of youth's agriculture. Could it fit under the agriculture? It was staff's determination that, yes, we felt it fit. It wasn't a 100% perfect fit. Ideally, we would love to see Garden Center as the specific piece/agriculture, but that wasn't the case. It didn't have the vision of agriculture. Staff felt this proposal would fit, playing the board and saying, "Yes, we agree."

With that conversation last summer, the developer of Robillard's confidence to move forward with a formal proposal. Here we are with the formal proposal. Garden Center is a new use located at 48 Ross Road, which happens to be right by the place that we were just talking about real close. That new sidewalk that will be built in a little bit.

Robin Dube: [unintelligible 01:14:25].

Jeffrey Hinderliter: Yes, [unintelligible 01:14:27]. The current use is a single-family garage. Operations is also about a 700 lot, because it's a big lot. Operations of the Garden Center will be similar to Robillard's existing Garden Center off Cascade Road. It's amazing what they do with that. That small little piece of property out there right now, great location, but they need a new location to thrive. If you've been or visited or been to Robillard's right now off Cascade Road, you'll basically see the same, except a little more.

When you plant seeds, garden tools, you'll see that in the store itself. I like this idea of what they're doing is converting the existing single-family into the store. They're leaving a residential feel intact. I really like that approach. Material storage fit. We'll sell multi-flow compost, stone, firewood, the same stuff they do today. The greenhouse will sell plants, food, and drugs, plus other things. For our project meeting, the board is tasked with the determination of due dates, scheduling, sidewalk, and public hearing. Overall, this is a good submission.

I do have several comments, which are on page 27 of the staff form. I think, and I learned how to work with Bob for 20-plus years, I know he will address those comments. I still wanted to leave it up to the planning board for the option as to whether you feel comfortable determining it's a complete subject. Those comments, and of course, any comments that the planning board has subject to those being addressed, or if you choose to be postponed until the applicant addresses those comments, and then determines.

Remember, determining complete, it's not approval or denial of the project. If you determine complete, you'll find a motion at the bottom of page 27 of your memo. I recommend this be a scheduled sidewalk and public hearing for your April meeting. If you choose to postpone, you'll find a motion on page 28. I recommend that you can still schedule the sidewalk if you postpone it, but you can't schedule a public hearing until you determine it's complete. That motion is at the top of page 28 if you choose to postpone. That's all. Thank you.

Robin Dube: Before we even get started soon, Chair, is this where the farmhouse is, the big white one on the hill with all that property right there?

Jeffrey Hinderliter: Yes.

Erin Moriarty: [unintelligible 01:17:59].

Robin Dube: You know if you go up Portland Ave. and you take a left going to Saco?

Jeffrey Hinderliter: Yes.

Robin Dube: A left. Is this the, you know the big white farmhouse that's been there for 100 years?

Brian: In the big field?

Robin Dube: Yes.

Brian: No.

Speaker 12: Or across the street.

Robin Dube: On the corner across the street?

Brian: It's wooded more. I don't know if you can see it. You're talking, I think, this farmhouse here.

Robin Dube: It might be. It's been there forever.

Brian: Yes. It's more wooded. It's an older farmhouse, but you'd have to look for it. There's a lot of pines and old fallen trees out front. I think you're thinking of this. Not in the field.

Robin Dube: It might be.

Brian: Yes. It's in the middle of a field. Yes.

Robin Dube: Thank you.

Erin Moriarty: Please, would the applicant like to give us a little presentation?

Todd: Sure. Members of the Board, Todd Gammon, Walsh Engineering. Happy with Jeffrey's summary. Happy to go over some of the site elements, as he mentioned. It's an existing single-family residence. I think the Robillard's have looked hard at being a good neighbor. They were happy with some of the positive responses they got in August, so we put the full package together. I think we've come up with a pretty nice solution. As Jeffrey mentioned, they're going to make use of the existing house. It's pretty much open concept. Not a lot to do.

On the first floor, they're thinking retail. Second story, they're going to do some offices. In terms of the overall site, I was looking at some of the comments that Jeffrey had made. One was the existing driveway. That is going to be removed and resealed, so we're coming down about 60 feet, giving us more distance from the adjacent driveways. It's a straight section of the road, so we have good sight distance left and right. It's a 35-mile-an-hour zone. Coming in, for the whole project, I'm asking for two waivers. We meet all the setbacks, everything in the zone.

Other than Ross Road in this section is fairly steep, so there's a requirement for a certain percentage of the driveway as you come on.

Robin Dube: The site isn't here.

Todd: We're exceeding that a little bit. That was one waiver, and the other was the radius at the entrance. We're going a little wider to get a bigger truck in there for any deliveries, which might be once a week. As you come in, we've got retail parking here. I wanted to make sure that we didn't have any conflict between any of the retail customers and the people doing the material out back. Obviously, we can't move any of the existing structures. We have the garage. You wrap around this would be two-way parking. They could park and then go right back out.

Anybody that's doing material pickups would be able to navigate and go just in a one-way around the house just to make it as safe as possible, and then exit. I'm assuming you're pretty familiar with their existing location. Same type of thing on this side. It would be the waste blocks, the concrete waste blocks, the four by two by two wide. I've graded these such that they're eight feet high, but we're going to actually cut the grade. On the backside, you'd only see about six feet, and then we're going to put an impervious arborvitae buffer from the adjacent.

Jeffrey mentioned, obviously, that was going to be a big deal. We've done that, and we've also buffered the parking from here. We've got the extra impervious. It's about 35,000 square feet of new impervious, and then the three 2,400 square foot

greenhouses, obviously here to the north, and then on the grading plan, you'll see we've got to do a decent amount of fill here, and I've got underdrain soil filter. I was able to capture over a hundred percent of the impervious area because there's existing impervious.

We're draining, collecting, and reducing the overall stormwater flow with the soil filter that'll be down here by the entrance. Dumpster pad over here with a full enclosure. A little bit of catch basins just to discharge down to the soil filter, but obviously, we thought a lot about any of the buffer, maintaining as much of the beautiful trees out there as possible, to be a good neighbor. I think that's a good resolution. The only thing that we left off when Jeffrey mentioned the completeness was a couple of light poles that are on the application.

I can do a photometric plan. They've got 7.65 acres. It's not going to be much at all. They're going to make use of some wall packs. There's existing lights on the garage and the house. Brian was mentioning he'd probably switch out those fixtures. I can show you guys what that would look like. I know it's not supposed to be more than a half a foot candle off the property line. We're just thinking about doing some photosensitive cutoff lamps. I believe in this zone, it mentioned 14 or 15 feet high max for the poles.

There might be one over by the parking, but for the most part, they close at 5:00. It might be a little darker in the winter when they're open for one month in December. Of course, this is a seasonal business, it's April to October, and then they close, and they reopen in December for one month. They're closed over the winter, that's the darker period. Most of the time, it's not going to be a concern, but we put a few smaller light poles there, I'm happy to provide that. I think you're pretty familiar with their existing situation.

I mean, they have at times, they told me how many trips they get per day. Obviously, it's going to be a bigger facility. There might be a few more, but there'd be one tractor-trailer delivery once a week. There'll be a lot of regular trucks coming in to pick up mulch, and stone, and what have you. It's the same kind of not a lot of noise, actually is providing the buffer with the bank here and the blocks anyway as they navigate around. Then one other thing you might see on the plan is we were going to do a small pond here, not for a stormwater feature, but actually for irrigation for the greenhouses.

I was going to try to collect any stormwater, so literally none exits the site. We're going to line that pond and then give them a chance to just hose down, use that instead of pulling off the domestic line. They have existing public water. They're on private sewer. We're going to tie into the sanitary line out front. I've got an e-mail into the superintendent down at the wastewater plant, and one of the other comments Jeffrey had on this was the main water. We chatted with them, and they do have good pressure down there.

Jeffrey Hinderliter: Oh, do they?

Todd: Jeffrey, yes, he gave me a hydrant reading down in the intersection of Portland Ave., and it's about 600 gallons per minute, 50 PSI. They have plenty. He did mention you're probably thinking a little further up towards New Colony, where it gets much higher. They did talk about a little lower pressure there, but there shouldn't be any issue here. There's no major water demand anyway. We're hoping to use the pond for most of the garden hosing, down of any of the greenhouse, and this is just a retail store.

There's not really going to be that much water demand. Ideally, if we can get that pond filled. They mentioned that we may do a new water connection as well, and they're going to actually go out for us and locate. We couldn't find the curb shutoff, and if it's too old, we might just pull the two-inch right to the main since we're already updating the sanitary sewer. We're going to tie into the public sewer there. Everything else should be pretty self-explanatory. I think I can go through some of Jeffrey's other comments or review some of your questions.

Robin Dube: I do have a question through the chair.

Erin Moriarty: Sure.

Robin Dube: Didn't we have a problem with, and I can't think of what he calls his site, Mach bureaus, as far as sewer, those that it needed an upgrade on sewer down, so that that's why we stopped that until that was taken care of. Has that ever been taken care of?

Jeffrey Hinderliter: Yes. It's being taken care of right now. They're doing a whole new pump station out there, so.

Robin Dube: Now, that on the corner, is that where the pump station is?

Jeffrey Hinderliter: On the corner, that's it, yes.

Robin Dube: Okay, because I thought there was a problem with it coming down off of Walnut Street and going down in that way where there was--

Jeffrey Hinderliter: Oh, they did a pump station out there, too.

Robin Dube: They did?

Jeffrey Hinderliter: Yes. Yes.

Robin Dube: Then that's cool. That's good.

Jeffrey Hinderliter: I don't mind that.

Robin Dube: Yes?

Jeffrey Hinderliter: I think that's a good question. That goes right down through the Walnut.

Robin Dube: Yes. Awesome.

Todd: Yes, actually, when we surveyed the parcel in December, now, we droned it and GPS'd it. They were working on that. I think, I believe that's--

Robin Dube: It's been an issue for many years with another one, that was--

Todd: I think the new pump station is done just down the street from us.

Erin Moriarty: I'm sorry if I missed this. Is there planning to be a residence afterwards? No. Okay, and then you said the lighting is not towards the material storage side. I didn't see any lights on the site plan that abutters a little bit closer, right? Than the northern abutters?

Todd: Yes. We kind of stayed away from that a little. We've got two on the main driveway, and then we have one on the parking over here and one towards the dumpster. Nothing hanging off the material storage to, yes, try to keep the light pollution away.

Erin Moriarty: Yes. Great. I'm pretty comfortable with this level of completeness. I would appreciate maybe just a slight change to the wording of the vegetative screening that's happening between those two property lines, either the number of trees and the height of trees, unless that's somewhere I'm missing, or how far apart they're planning to be planted. It can just be skewed sometimes after the fact when it's install vegetative screening between material storage bunkers and abutting parcels. It's hard for us to say, "Oh, you didn't put enough in there," because we never said how many were going in.

Todd: There's a small plant schedule on the top left of C2.1.

Erin Moriarty: Oh, I see that now.

Todd: It calls out for 18-

Erin Moriarty: 18.

Todd: -arborvitaes, but.

Erin Moriarty: 18 planted this far on center, something like that. Just so if a complaint comes forward in the future, we can say, "No, they met their site plan. This is what was approved." That would be helpful. Thank you.

Robin Dube: Will you be clearing that?

Erin Moriarty: Oh, I'm sorry.

Robin Dube: Will you be clearing that right down to nothing, and then those abutters are going to be right there or?

Todd: We're maintaining a tree buffer in this area.

Robin Dube: Yes?

Todd: It's going to be, that's the tightest area here. That's why we're going to do the full screen, and we're going to do a little swale just because we have some off-site water coming at us.

Robin Dube: There's some more homes on the other side. Going up Portland Avenue, I think. I'm good too. Nobody here complaining. Nobody has a problem with it in town. I guess that's a plus.

Erin Moriarty: Oh, well, we have to schedule a public hearing, I don't--

Robin Dube: Right, they usually, if it's on an agenda, they're here to start. [laughs]

Erin Moriarty: If someone would like to make a motion.

Robin Dube: Marianne, I interrupted you, honey. Did you have something you were going to say?

Marianne Hubert: No. Not at all.

Erin Moriarty: I'll make a motion to determine complete Brian Robillard site plan review application proposing a Garden Center at 48 Ross Road, MPL103-1-11, with the condition that the applicants or his representatives address and provide responses to the bullet comments on page 27 of the March 2026 planning board memo prepared by planning staff, and that we schedule a site walk for April. Public hearing.

Robin Dube: Public hearing.

Erin Moriarty: A public hearing, too.

Robin Dube: Is this all overgrown and tech-infested and everything else where it is now, where we would be walking? [laughs]

Todd: No, it's not too--

Jeffrey Hinderliter: [unintelligible 01:30:08]

[laughter]

Robin Dube: You know me. I went on the other end of the exit. I'll second that.

Erin Moriarty: Thank you. We have a motion and a second. Any comments or questions from the board? Jeffrey, can you please call the roll?

Jeffrey Hinderliter: Ms. Dube?

Robin Dube: Yes.

Jeffrey Hinderliter: Ms. Hubert?

Marianne Hubert: Yes.

Jeffrey Hinderliter: Mr. Cloutier?

Brian Cloutier: Yes.

Jeffrey Hinderliter: Ms. Moriarty.

Erin Moriarty: Yes. Thank you. That is complete. I'm actually not sure how we schedule the site walk. Do we need to determine that at this meeting?

Jeffrey Hinderliter: I would recommend that you determine it now. Yes. What we try to do is schedule it for the first Thursday of the month, which is April 2nd. It can be any time that works for you.

Erin Moriarty: is the applicant meant to be there?

Jeffrey Hinderliter: [unintelligible 01:31:02].

Robin Dube: That does bring up one question, [unintelligible 01:31:19]. When you guys send out to abutters, it goes to the addresses of here in town, right? Are the property owners around the piece of property?

Jeffrey Hinderliter: It's measured 100 feet from the property lines, but it goes to whatever address is on our assessment.

Robin Dube: Tax thing. Okay. It's got nothing to do with hunting down people from out of state to make sure they get their mail and all that stuff, correct?

Jeffrey Hinderliter: Correct.

Erin Moriarty: A lot of times, the addresses are out of state, if that's the mailing address on file.

Robin Dube: If the mail has been forwarded and it's not here, you know what I mean?

Erin Moriarty: That's out of the--

Robin Dube: Yes, I understand. Thank you.

Erin Moriarty: Do we need a set of time on April 2nd? Okay.

Jeffrey Hinderliter: As you mentioned, the sidewalks are available, so you know if you have two people or if two workers show up, you need to have a formal meeting. You

don't necessarily need a forum. If you're working, I would not make that prevent you from scheduling. You can visit on your own time.

Erin Moriarty: You do currently own the property now? You already bought it. Okay. We could coordinate. I'm not going to get arrested for trespassing if I show up. Okay. Thank you so much.

Robin Dube: We're going to all go on our own, or are we going to meet that day at a certain time? I know you're going to go by yourself.

Erin Moriarty: No, I might come. It's 6:30?

Robin Dube: 6:30? Oh, that's too late.

Erin Moriarty: Oh, it's going to be dark out. You're right. Sorry.

Robin Dube: No, it's the time of day.

Marianne Hubert: The 3:00 or 4:00 in the afternoon is good.

Erin Moriarty: It's okay.

Marianne Hubert: It's six o'clock.

Erin Moriarty: It's flexible right now.

Robin Dube: 5:30. I don't know.

Erin Moriarty: You guys set it for 3:00? Does that work for you all or someone here?

Jeffrey Hinderliter: Our current Garden Center is open until 5:00.

Marianne Hubert: We can do after 5:00 or at 3:00, or at 5:00?

Robin Dube: 5:30?

Jeffrey Hinderliter: 5:30?

Erin Moriarty: Okay. Great.

Robin Dube: I got a month to decide because we said it's all grassy, right?

Marianne Hubert: Oh, no, there's a house.

Todd: No, it's pretty open. It's going to be easy to walk.

Erin Moriarty: It's pretty open. Okay. That'll be Thursday, April 2nd, at 5:30, and you meet at 48 Ross Road.

Jeffrey Hinderliter: We'd be on for what's the next board meeting?

Robin Dube: Falling Thursday after, right?

Erin Moriarty: Also up for vote, right?

Jeffrey Hinderliter: Yes.

Erin Moriarty: Potentially.

Jeffrey Hinderliter: [unintelligible 01:34:13].

Marianne Hubert: The following date is when for the public?

Erin Moriarty: The public hearing is now scheduled for Thursday, April 9th, at our regularly scheduled planning board meeting.

Marianne Hubert: 6:30.

Todd: 6:30, the board meeting.

Marianne Hubert: 6:30 for the meeting. 5:30 for site walk. The week before.

Todd: Got it.

Erin Moriarty: Something tells me Jeffrey will send you an e-mail.

Robin Dube: Thank you.

Erin Moriarty: Thank you.

Todd: Thank you.

Erin Moriarty: Okay. Moving on to other business. We have a 95 West Grand Ave multi-unit proposal to sign the findings of fact.

Brian Cloutier: Yes, we have those on the back table there. That's from the January approval for 95 West Grand, so we can just sign those after the meeting.

Erin Moriarty: Do we need to read those in at all? That's just the signing?

Brian Cloutier: Just the signing.

Erin Moriarty: Okay. Thank you. Good and welfare. Any comments from the board?

Jeffrey Hinderliter: [unintelligible 01:35:25].

Erin Moriarty: Great.

Jeffrey Hinderliter: [unintelligible 01:35:29].

Erin Moriarty: Oh, that was a thing. Okay.

Jeffrey Hinderliter: [unintelligible 01:35:36]

Erin Moriarty: Bailey's Bubble, really good ice cream. Highly recommend it. I went to camp near there growing up. Congratulations. What is the title?

Jeffrey Hinderliter: I'm going to do a little bit of everything. [unintelligible 01:35:55] seems like [unintelligible 01:35:56]. Maybe talk about a little bit of everything on there.

Robin Dube: Sure. I hope it's a big increase in pay.

Jeffrey Hinderliter: No, not necessarily. Responsibility, yes, which is what I'm looking for. I've had the challenge to work out a talent for any title, but when it's hard, I love the work that you do.

Robin Dube: Why leave then?

Jeffrey Hinderliter: You have such a wide variety of people.

Robin Dube: I make a motion that he can't leave.

[laughter]

Jeffrey Hinderliter: It was the first resume I sent out in 15 years. When you get old like me, you begin to wonder how remarkable you are. I was surprised. I was surprised.

Robin Dube: Is Michael stepping up to your position? Are they hiring him?

Jeffrey Hinderliter: Michael will be our interim, and I believe that the advertisement for the position will go out today or tomorrow. They're doing a big search. They're going through American Planning Association. They're putting on a name. Municipal, New Hampshire Municipal. I think you know what I say.

Marianne Hubert: How long were you here?

Jeffrey Hinderliter: The last day is the 3rd.

Marianne Hubert: No, but how long have you been here?

Jeffrey Hinderliter: 15 years.

Marianne Hubert: Oh, 15. Sorry. I think we started together, didn't we?

Jeffrey Hinderliter: [unintelligible 01:37:43].

Marianne Hubert: You have. You brought me back.

Jeffrey Hinderliter: [unintelligible 01:37:45].

Erin Moriarty: There's some challenges there, I'm sure. Nice talent, though. The Yum Yum Shop also. Good cookies.

Jeffrey Hinderliter: My office has a fireplace.

Erin Moriarty: That's nice. Oh, my goodness.

Brian Cloutier: We couldn't compete.

Erin Moriarty: No. I thought a view of the ocean trumped everything, but apparently not. That's all right. Fireplace does sound nice.

Robin Dube: They didn't tell you it's the only source of heat. [laughs]

Jeffrey Hinderliter: An hour and a half away, the town hall is right over the lake, and the mountains are right next door. There's a ski hill, and they have a beautiful rec center. \$10 million rec center created. All donations. It's a good town.

Erin Moriarty: That's exciting. Congratulations.

Jeffrey Hinderliter: Thank you. It's been a pleasure working with you all over the years, and I hope you come visiting this hour and a half away.

Robin Dube: You couldn't come to the ocean for a visit. Hopefully, that all is not recorded in the minutes.

Erin Moriarty: Oh, it sure is. It sure is.

Robin Dube: I see that. A motion to adjourn?

Marianne Hubert: I'll second.

Robin Dube: Are you ready for it?

Erin Moriarty: I am ready for it, yes. Do we need to call a roll for that? No. Meeting adjourned. Thank you so much at 8:06.

[01:39:24] [END OF AUDIO]

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 9 July 2026.

x 
Michael Foster

Town Planner