Kyle Duffy, Marianne Hubert, Robin Dube, Vice Chair Erin Moriarity, and Chair David Walker in attendance.
Brian Cloutier is absent. Roll call by Michael Foster.

Chair David Walker: Good evening, everybody. Welcome to the Old Orchard Beach Planning Board regular meeting. It is July 9, 2026. My name is David Walker, and I will be your chair for the night. I'd like to call this meeting to order and begin with a Pledge of Allegiance to the flag. Please join me.

Members-in-Chorus: 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. Michael, do you want to call the roll?

Michael Foster: Yes, and just real quick, before I do that, I'd like to welcome our new planning board member, Kyle Duffy. Welcome to the planning board. I'll continue with roll call. Kyle Duffy?

Kyle Duffy: Here.

Michael Foster: Marianne Hubert?

Marianne Hubert: Yes, present.

Michael Foster: Robin Dube?

Robin Dube: Yes.

Michael Foster: Vice Chair Erin Moriarty is absent. Chair Dave Walker?

Chair David Walker: Present.

Michael Foster: Brian Cloutier is absent this evening.

Chair David Walker: He's going to be absent tonight as well.

Michael Foster: Okay.

Chair David Walker: All right, so the first item of business is to address the back minutes that we've received. Let's start with the minutes from November 13th. Are there any changes, additions, or deletions on those?

Robin Dube: We accept as written.

Chair David Walker: I'm sorry, what?

Robin Dube: You could accept them as written, if you want to--

Chair David Walker: Yes, why don't you pull that microphone closer to you?

Robin Dube: Accept as written.

Chair David Walker: Nice. Motion by Robin.

Marianne Hubert: I'll second.

Chair David Walker: Second by Marianne. You want to call for the vote, please? I will note that there may be some typos, but they do not change the context of what is written here and what was said.

Michael Foster: Did you say Kyle was a vote? I guess we won't on the minutes since he wasn't here, and we have quorum without it.

Chair David Walker: No.

Michael Foster: Marianne Hubert?

Marianne Hubert: Yes.

Michael Foster: Robin Dube?

Robin Dube: Yes.

Michael Foster: Chair Dave Walker?

Chair David Walker: Yes. That motion carries 3-to-0. On to the March minutes. Before we begin, I did want to make a statement. As I read these minutes, I was appalled at the unprofessional behavior by one of our citizens, and I commend Erin Moriarty for having handled this in such a professional manner during my absence from the meeting.

Erin Moriarty: Hi, I'm so sorry.

Chair David Walker: That's okay. I'm commending you while you are walking in.

Erin Moriarty: Oh, that's nice. I actually brought updated copies--

Chair David Walker: We got them. We got them.

Erin Moriarty: Okay, great. That's why I'm late. I'm sorry.

Chair David Walker: Again, I'm appalled at the unprofessional behavior by one of our citizens. Nice job, Erin.

Erin Moriarty: Well, it was his representative, really, that just--

Chair David Walker: We all received your edits, okay?

Erin Moriarty: Oh, okay. Great.

Chair David Walker: We all think that they're appropriate, and so we can vote on the minutes as presented if I get a motion.

Robin Dube: As edited--

Marianne Hubert: I'll make a motion to accept the March minutes as edited by Erin.

Robin Dube: Second.

Chair David Walker: All right, motion by Marianne, second by Robin. You want to call for the vote? Please note that Erin is now present.

Michael Foster: Marianne Hubert?

Marianne Hubert: Yes.

Michael Foster: Robin Dube?

Robin Dube: Yes.

Michael Foster: Vice Chair Moriarty?

Erin Moriarty: Yes.

Michael Foster: Chair Walker?

Chair David Walker: Yes. The motion carries 4-0. All right, onto the April minutes. Any additions, deletions, or changes? I know that typos exist in all of them, but they do not change the context of what was said, so I think we can vote on them without highlighting each individual typo.

Marianne Hubert: I'll make a motion to accept the April minutes as presented.

Chair David Walker: Motion by Marianne.

Robin Dube: Second.

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

Michael Foster: Marianne Hubert?

Marianne Hubert: Yes.

Michael Foster: Robin Dube?

Robin Dube: Yes.

Michael Foster: Vice Chair Moriarty?

Erin Moriarty: Yes.

Michael Foster: Chair Walker?

Chair David Walker: Yes. That motion carries 4-0 as well. Then on to the May minutes.

Michael Foster: May minutes, we didn't have. Those were pending, and we didn't get them in time.

Erin Moriarty: I think one is November.

Chair David Walker: Yes, I have March. I have that we did.

Robin Dube: You told me that you only had three.

Michael Foster: I think you might have had the extra one I just gave you with the edits.

Chair David Walker: Yes, that's right. Then I have April and November, and we've voted on all of those, right?

Michael Foster: Yes, correct.

Chair David Walker: We're good to go.

Robin Dube: Okay, great.

Chair David Walker: Let me just get organized. All right. Regular Business. "Item 1: Proposal: Conditional use, shoreland zoning, non-conforming structure tear-down, rebuild, 30% expansion. Action: Determination of completeness, schedule public hearing and site walk." The applicant is Michelle Shields, and the location is 36 Free Street (MBL): 320-9-3 in the R3 and RA zones. Michael?

Michael Foster: Yes. This proposal, as you mentioned, is for teardown, rebuild, and 30% expansion of a non-conforming single-family structure in the shoreland zone. This is non-conforming because it's within the shoreland zone 100-foot highest annual tide and wetland setback. Then, for shoreland zone non-conforming proposals, conditional use review is required. The applicant wants to remove the existing single-family dwelling structure and replace it with a new single-family dwelling that meets flood hazard development requirements with ground-level parking below two stories of living space. The proposed structure is designed with a flat roof to reduce the additional volume that would come from having a pitched roof.

For the submission review with removal, rebuilding, and expansion of the non-conforming structure in shoreland, there's five primary requirements. That the proposal conforms to the standard conditions in the shoreland zone and the Conditional Use standards. That removed and replaced structures are relocated from the HAT and wetland to the greatest practical extent. That the proposal does not increase the non-conformity of the structure, such as the structure being located closer to the wetland or

water setback. That structure expansion since January 1st, 1989, doesn't exceed the 30% expansion in floor area or volume.

For conformance with each of those standards, the responses to Shoreland Zone Standard Conditions and Conditional Use standards were included with the submission, and each standard is addressed. Regarding structure setback to the greatest practical extent, reconstruction or replacement of a non-conforming structure must comply with 100% HAT setback to the greatest practical extent. What the planning board is looking for is that the structure is moved the furthest away from the HAT and wetland without encroaching into other setbacks.

In determining that structure relocation to the greatest practical extent, the things the planning board considers are the size of the lot, slope of the land, potential for erosion, location of other structures, location of a septic system if there is one, type and amount of vegetation to be removed to accomplish relocation, and the planning board also considers the physical condition and type of foundation if there is one present. The plans provided in the application do appear to show the proposed structure further from the HAT than the existing, with the existing structure at 12 feet 9 inches from the HAT, and the proposed located further away.

I did receive some updated documents further demonstrating that, that I believe the applicant has with them tonight, and the applicant is also in the process of applying for the Maine DEP permitting. As far as increasing the non-conformity of the structure, an increase in non-conformity would be if it's closer to the HAT or wetland than what currently exists, or if square footage and volume is more than 30% of what exists. For 30% calculations, those are included in here. Based on the calculations, if the ground-level garage floor is excluded, the proposed dwelling complies with the 30% calculation standard, and if the ground-level garage floor is included, the proposed calculations would exceed the 30%.

You might ask, "What calculations should we use, or should you use?" With the previous non-conforming shoreland zoning proposals, we have excluded this ground floor as long as it's designed to meet floodplain standards for new construction, the space is used for non-permanent storage purposes, and it remains not habitable. To help justify this position, we ask the applicants to submit a floor plan, building design that meet floodplain standards and applicable flood hazard development permits.

As far as applying this interpretation to this proposal, I would recommend excluding the garage floor because it is proposed for those storage purposes and designed to meet floodplain standards. The floodplain permit was not submitted, but we can add a condition as part of a final motion. There are some additional comments to consider on page 5 of your memo. Then, like I said, the applicant is in the process of DEP permitting, but if that DEP permit isn't approved or secured by the time of the final vote, we would recommend any conditions with the final motion for that, and the applicant should provide an update on the status of DEP permitting to the board.

For recommendations, the planning board's next step is to determine the application as complete, and I believe you can make this determination as long as the applicant submits the following before the final vote ruling. As I mentioned, some of this stuff was sent to me today, but I would include it as a condition since you didn't have it when this was written:

A stamped and signed site plan, updated plans showing the distance from the HAT to the proposed structure, and the current plans that were in the packet just showed the HAT distance to existing, and then distance from existing and proposed structure from wetlands. Then any other items the planning board feels they need for review. There is a recommended motion on page 5 of the memo.

Chair David Walker: Thank you, Michael. Very comprehensive review. Does anyone have any questions for the applicant? I think the applicant is here, Ms. Shields. Yes. You're currently served by Maine Water, correct?

Michelle Shields: Yes.

Chair David Walker: Public sewer?

Michelle Shields: Yes.

Chair David Walker: All right, no questions from board members? I'll entertain a motion.

Marianne Hubert: I'll make a motion to conditionally determine/complete Michelle Shields' Conditional Use application for non-conforming structures in the shoreland zone, proposing to remove an existing single-family dwelling and build a new single-family dwelling, including a 30% expansion located at 36 Free Street, with the following condition to be fulfilled before the planning board issues a final vote:

The applicant is to submit a stamped and signed site plan, and second, the applicant is to update plans dated 6/18/25 with the proposed structure's distance from the high-water mark and the existing and proposed structure's distance from wetlands.

Chair David Walker: Motion by Marianne.

Robin Dube: Second.

Chair David Walker: Second by Robin. I almost said "Jeffrey." Michael, you want to call for the vote?

Michael Foster: Yes. Marianne Hubert?

Marianne Hubert: Yes.

Michael Foster: Robin Dube?

Robin Dube: Yes.

Michael Foster: Vice Chair Moriarty?

Erin Moriarty: Yes.

Michael Foster: Chair Walker?

Chair David Walker: Yes. The motion carries 4-0. Do we want to do a site walk on this?

Robin Dube: No, we can go on--

Chair David Walker: No? All right, then we do need to schedule a public hearing for August 13th, meaning Michael, and we'll forego the site walk. I know where it is; I'll walk by it myself. [chuckles] Okay?

Erin Moriarty: Yes. I would just say to the applicant, if you have any neighbors that are willing to either write an email or a letter or come in person to speak in favor of your project, that sometimes can help.

Michelle Shields: Yes, I'll ask one person.

Chair David Walker: Yes, her sister who lives next door. [laughs]

Michelle Shields: No, no. I was going to say the person that built most recently next to me.

Chair David Walker: Nice. Okay. Perfect.

Erin Moriarty: Great.

Michelle Shields: Either a letter or come in person?

Erin Moriarty: If they can send an email to the Planning department, either way is fine.

Michelle Shields: Okay.

Chair David Walker: Thank you very much.

Michelle Shields: Yes, okay. I think I have the updated, signed site plan. I want to see if I can update the plan. Should I submit those?

Chair David Walker: Yes, you can give it to Michael, and then when he puts our packet together for August, it'll be included in there. Thank you.

Robin Dube: Just for future reference, those things like that have to be in so many days before the meeting. Just keep that in mind.

Michelle Shields: We had the site plan, but it wasn't stamped, and then we had this **[unintelligible 00:17:11]** proposal just missing, so we just did that. Thank you.

Chair David Walker: All right. Item 2: "Site plan. Construct a three-story building with four dwelling units and one commercial unit with parking under the building. Determination of completeness: Schedule public hearing and site walk." Applicant is Tracy Daigle. The location is 36 Old Orchard Street (MBL): 205-3-8, in a DD-1 zone. Michael?

Michael Foster: Yes, so there was a note in the memo that we didn't have the agent authorization, but we did receive it, and I got that before most of your packets went out, so I was able to get that in there. I did email it to the Chair and another member that had already picked up their packet. I do recommend providing initial feedback on this proposal.

This is a new construction building proposal at 36 Old Orchard Street, which is just a few buildings down the road here, or just a few lots down the road. The previous building was demolished in 1994, and this vacant lot is located between the Beachology store and Beach Bagels restaurant. The proposal is for a three-story building with a retail storefront facing Main Street. Four rental units above, two on each floor, with parking under the rear of the building. By height definition, it's three stories at the front on Main Street, but from the rear, it's a four-story building with the parking underneath. It is a mixed-use, multi-family building in the DD-1 zone, so design review is also required.

They were scheduled to begin review on Monday, 6th July, but we had to cancel because we didn't quorum. Currently, we only have three members on that committee, so everyone needs to be in attendance to have a quorum. We didn't have it; we're looking to reschedule. This is being submitted for a plenary site plan review, but additional submission materials are needed, such as an engineer's site plan, so this is a good opportunity for the planning board to provide feedback to the applicant.

The lot owner was asking if a previous-- there's an older site plan from a previous proposal-- and they didn't know if they needed a new site plan that's updated. I had a couple of comments on that, just as far as it looks like it needs to have current abutters and some other current information on it, so I don't know that you could use the older site plan, but the planning board can provide some feedback on that, too. I think it would be good to have a full set because I don't know how conditions have changed.

The first thing I recommend the planning board determine, which you may be familiar with, is if this can be reviewed through site plan, or if it needs to go through subdivision. You may recall we've made this determination on other proposals, and this exception to subdivision review in the state law was most recently updated on January 1st of this year.

The division of a new structure into three or more dwelling units meets the exception from subdivision review if municipal site plan review includes criteria for stormwater management, sewage disposal, water supply, and vehicular access. Our site plan

criteria clearly has standards related to stormwater management and vehicular access. There aren't specific site plan criteria regarding sewage disposal or water supply, but if the planning board also requires confirmation of water and wastewater ability to serve before issuing a final decision, as you typically do, in my opinion, this would cover those criteria. Another option is to require the applicant to respond to additional criteria related to sewer and water, and you could just reference the subdivision criteria in 74-2, which is criteria 3 and criteria 6.

Does the planning board agree that the OOB site plan criteria meet the requirements, or would subdivision review be required? I did include the state law language in your memo. For driveway access and parking, parking is proposed underneath the building, to be accessed at garage doors at the rear of the building. Four garage doors provide access to two tandem parking spaces for each residential unit. Just a comment as far as: how will parking be accessed, and is there room for vehicle maneuvering? And is there enough space provided in the garage to park tandem?

The ordinance does allow for 40% of the total number of parking spaces required to consist of compact car stalls. As far as current downtown parking requirements, for multi-family residential, it's one space per bedroom to a max of two spaces per unit, and all other uses is no parking requirement.

Chair David Walker: Why do they have four doors with two tandem parking spaces? Can you--?

Michael Foster: It's two spaces per unit. It's four units, two per unit.

Chair David Walker: They're only required 1 per unit in a DD-1, right?

Robin Dube: No, but they-- [crosstalk]

Michael Foster: No, but it's per bedroom to a max of two spaces. I think I'd have to check the plans, but they are at least two- or three-unit-- sorry, two- or three-bedroom--

Tracy Daigle: Two-bedroom. Two.

Michael Foster: Thank you, so it would be a max of two spaces per unit.

Chair David Walker: Okay, and those will be tandem?

Michael Foster: Just as far as lot size, it meets the minimum lot size; it looks like it can support the units. We just need to confirm the net development density, because the minimum net lot area is 1,000 square feet per family unit, and there is no minimum net lot area requirement for retail. The setback requirement for mixed-use non-residential in downtown is a 0-foot setback. The proposed setbacks will need to be provided, and the applicant will want to confirm setbacks include any roof overhangs.

Marianne Hubert: Wouldn't it make more sense to have the building attached to the other two? To have it continuous instead of spaced? How much spacing will it be to--?

Michael Foster: Are you talking about the existing buildings?

Marianne Hubert: Yes.

Michael Foster: They're under different ownership.

Robin Dube: Yes, exactly, so yes, that's everything.

Marianne Hubert: Oh, okay. Yes, that makes sense.

Michael Foster: Just a couple of other notes. Building coverage should be added to the plan. Max building height is 50 feet; the proposed height currently shown is 48 feet 10 inches, and there is a height definition just to confirm. We did receive some comments from the fire department and town peer engineer. Just that they really need a full site plan, building plans for the fire department, and engineering plans for the peer review engineer.

Chair David Walker: Public works service and water service for it as well, right?

Robin Dube: Absolutely, yes.

Michael Foster: Yes. Then there's just a list of items to submit and some additional comments, just as far as utility connections, ability to serve letters like you mentioned, sewer connection, stormwater drainage. The typical things we have with these. Just for a recommendation, this was submitted for plenary review, but after speaking with the applicant, they did recognize that they still have some materials to put together for it to be complete, and they really wanted to get some feedback.

Like I said, at this time, this is really just an introduction and a good time for the planning board to provide some feedback on their proposal. Like I mentioned, the planning board should determine if this can be reviewed through site plan, if those criteria are covered under site plan related to sewer and water, or if subdivision review would be required. Then my recommendation, as with most of these at this point, is just to table it until the above items are responded to and submitted.

Marianne Hubert: David, Tracy Daigle is here if she has any questions for her.

Chair David Walker: Sprinklers would be required, right? In this building?

Michael Foster: As far as I know, with the size and mixed use, yes, but we'd probably need further determination and review. I think just based on the height and multi-use, that it would.

Erin Moriarty: Yes, I agree. I'm comfortable reviewing this under the site plan review if we have a site plan that's stamped by an engineer or land surveyor that shows the grade change is a little bit concerning, particularly, and I want to see, again, just the abutters, the setbacks, any drainage concerns, any easements that might be there already.

Chair David Walker: Does everybody agree with that?

Marianne Hubert: Yes.

Chair David Walker: I see no odds. Okay.

Robin Dube: I got a question, and I guess it would be for Tracy. Tracy, if you'd come up here? The back where the driveway is, how much of that back there does he own, or does he have to go over somebody else's property?

Tracy Daigle: He has right-of-way from the person to the right of his property.

Chair David Walker: Speak into the mic, please.

Tracy Daigle: He does not own the drive going in, but he has right-of-way for that, and he owns just the part that's fenced off.

Robin Dube: Just where the building is? It doesn't go back to where they block it off all the way, like-?

Tracy Daigle: No.

Robin Dube: Okay, that's all I wanted to know.

Chair David Walker: We were talking before the regular meeting, and I had some thoughts about the design review. I'd like to see that Victorian style continue downtown in this building and make that a standard, but that will be up to the design review. Michael will make that recommendation from the board, so something for you to consider when the architect takes a look at this further, okay?

Tracy Daigle: Okay.

Chair David Walker: Yes.

Robin Dube: Where's the AC units and all of that stuff going? Is that going to go on the roof?

Tracy Daigle: I would imagine, yes.

Robin Dube: You guys are at 48-10; that doesn't leave you a whole lot to put a unit up, which is going to make it taller.

Tracy Daigle: That's a good question to consider.

Chair David Walker: Is the retail space going to be chopped up, or is it going to be 1 section of 3,500 square feet?

Tracy Daigle: It's going to be one open section.

Chair David Walker: One section?

Tracy Daigle: Yes.

Robin Dube: Do you know what his intentions are for that?

Tracy Daigle: I'm not sure. Something retail. I have no idea what. At this point, I don't know if he knows what he's going to put there. [chuckles]

Chair David Walker: Any else from anybody? I see Duffy shaking his head.

Kyle Duffy: No. I have nothing at this time.

Chair David Walker: Okay. All right, I guess we're all set then, and you can come back with a full set of plans for us.

Erin Moriarty: To make a recommendation to table or--?

Michael Foster: Yes, I would, just so it's not hanging out there, just to table. Then when they submit, it'll come back on the agenda.

Erin Moriarty: Okay, great. I will make a motion to table the application for a determination of completeness for the site plan at 36 Old Orchard Street (MBL): 205-3-8.

Robin Dube: Second it.

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

Michael Foster: Yes. Ms. Hubert?

Marianne Hubert: Yes.

Michael Foster: Ms. Dube?

Robin Dube: Yes.

Michael Foster: Vice Chair Moriarty?

Erin Moriarty: Yes.

Michael Foster: Chair Walker?

Chair David Walker: Yes. I think Duffy can vote on this as well.

Michael Foster: I didn't want to put him on the spot right away, but yes. Mr. Duffy?

Kyle Duffy: Yes.

Chair David Walker: Okay, thank you. That motion carries 5-0.

Marianne Hubert: You've got your work cut out for you, Tracy.

Tracy Daigle: Yes, I know. I'm always up for a challenge. Thank you.

Erin Moriarty: Thank you, and have a good night.

Chair David Walker: You're welcome. Is there any other business? Good and well? Fair. Is there a motion to adjourn?

Robin Dube: Motion to adjourn.

Chair David Walker: Motion by Robin.

Kyle Duffy: Motion to adjourn.

Chair David Walker: Second by Duffy. All in favor?

Erin Moriarty: Aye, aye, aye.

Chair David Walker: It's unanimous. That motion carries, as far as I know. Look at Duffy, you're already on—

I attest the above minutes were approved by the Old Orchard Beach Planning Board on 8 October 2026.



Town Planner