

OLD ORCHARD BEACH PLANNING BOARD FINDINGS OF FACT 1/8/2026

SITE PLAN APPROVAL: 95 West Grand Avenue; 4 story building with 11 dwelling units, 1 professional office, and ground floor parking; MBL 313-3-4

Project Description:

Proposed development of 4 story building with 11 dwelling units, 1 professional office, and ground floor parking, at 95 West Grand Avenue MBL: 313-3-4, and in the DD2 Zoning District. Owner/Applicant DURP, LLC.

Planning Board Review:

WHEREAS the Planning Board reviewed the Sketch Plan on 9/12/2024

WHEREAS the Planning Board began Plenary Site Plan review on 4/10/2025

WHEREAS the Planning Board determined the Plenary Site Plan as complete subject to conditions on 10/10/2025

WHEREAS the Planning Board held a Public Hearing on 11/13/2025

WHEREAS the Planning Board tabled the Plenary Site Plan Ruling decision on 11/13/2025

WHEREAS the Planning Board granted a 30-day extension on 12/11/2025

WHEREAS the Planning Board approved the Plenary Site Plan with conditions on 1/8/2025

Referenced Plans and Documents: The plans and other documents considered to be part of the record by the Planning Board ruling consist of:

Exhibit A: West Grand Multi-Use Building Sketch Plan Review Package consisting of Sketch Plan Review application, Project Narrative, Agent Authorization Letter, and Site Plans with Architectural Drawings, dated 8/22/2024.

Exhibit B: Planning Board Memo, September 2024

Exhibit C: 95 West Grand Multi-use Building Site Plan Review Package consisting of Site Plan Application Form, Project Narrative, Agent Authorization Letter, Deed, Abutters within 100', Maps and Sketches, and plans, dated 3/7/2025

Exhibit D: Preliminary site plan letter from Old Orchard Beach Fire Department, dated 4/2/2025

Exhibit E: Design Review Certificate Recommendation from Design Review Committee from 12/2/2024, with administrative amendment, dated 1/23/2025

Exhibit F: Planning Board Memo, April 2025

Exhibit G: Email from Brad Van Damm with Trillium Engineering Group, RE: Site Plan Application - 95 West Grand Ave, with additional information consisting of 2025-03-25 OOB 95 West Grand Ave Trip Generation Memo (ID 3326779), E-2 Photometrics plan, Pitch Single Outdoor Wall, and SPEC SORAA GU5.3 8W lighting specifications, dated 4/7/2025

Exhibit H: Email from Peter Guidi to the Members of the Old Orchard Beach Planning Board, RE: In support of the 95 West Grand Avenue project, dated 6/14/2025

Exhibit I: 95 West Grand Multi-Use Building Response to 5/7 Comments Package with plan set from Trillium Engineering Group, dated 9/10/2025

Exhibit J: 95 West Grand review renderings and summary of DRC meeting questions and applicant responses, from Town Planner Michael Foster, dated 9/15/2025.

- Exhibit K:** 95 West Grand Multi-Use Building design narrative from David Matero Architecture, dated 9/24/2025
- Exhibit L:** Email from Eric Dube with Trillium Engineering Group, RE: 95 West Grand, with revised narrative, dated 10/3/2025
- Exhibit M:** Planning Board Memo, October 2025
- Exhibit N:** 95 West Grand Multi-Use Building Complete Compiled Response Package from Trillium Engineering Group, dated 10/27/2025
- Exhibit O:** Letter from Gordon R. Smith with Verrill Law, RE: Proposed Residential/Office Building 95 West Grand Avenue; MBL 313-3-4, dated 10/27/2025.
- Exhibit P:** Public comment to Planning Board Chair Mr. David Walker from John Garon, dated 9/13/2024
- Exhibit Q:** Public comment email from Jean Johnson, Subject: Opposition to Proposed Development at 95 West Grand Avenue, dated 10/27/2025
- Exhibit R:** Public comment email from Peter Guidi, Subject: 95 West Grand Ave, dated 10/30/2025
- Exhibit S:** Planning Board Memo, November 2025
- Exhibit T:** Peer review memo from Mathew Orr with Sebago Technics, RE: Plenary Site Plan Review Application – Response to Review Comments, dated 11/5/2025
- Exhibit U:** Stormwater report and plans by Sewall Engineering, dated 11/10/2025
- Exhibit V:** Public comment email from James J. Landherr, Subject: 95 West Grand development plans, dated 11/12/2025
- Exhibit W:** Public comment email from Valerie Center, Subject: Please read and share with the planning board, dated 11/12/2025
- Exhibit X:** Email from Peter Guidi to Tim Fleury and Jeffrey Hinderliter, with Planning Board Cc'd, RE: Planning Board 95 West Grand Discussion: NIMBY and Short-Term Rentals, dated 12/14/2025
- Exhibit Y:** Email with extension request from Gordon R. Smith with Verrill Law, Subject: 95 West Grand - Extension Request, dated 11/17/2025
- Exhibit Z:** Peer review memo from Mathew Orr with Sebago Technics, RE: Plenary Site Plan Review Application – Stormwater Review Comments, dated 11/19/2025
- Exhibit AA:** Planning Board Memo, December 2025
- Exhibit BB:** Email from Gordon R. Smith with Verill Law, RE: 95 West Grand – Extension Request, request to correct name of applicant, dated 12/9/2025
- Exhibit CC:** Public comment letters from Leon Tsomides, dated 11/15/2025, 11/18/2025, and 11/23/2025, sent to the Planning Board by email from Michael Foster, dated 12/9/2025
- Exhibit DD:** Email from Mathew Orr with Sebago Technics, RE: 95 West Grand Ave review question Re: waivers, dated 12/12/2025
- Exhibit EE:** Email with January submissions to Planning Board from Gordon R. Smith with Verrill Law, Subject: 95 West Grand Avenue Submissions to Planning Board, consisting of Revised site plans with building redesign to address mass and scale concerns, Updated narrative from David Matero addressing DD-2 design standards Sec. 78-686, Response to public comment received at public hearing, Updated response to site plan review criteria Sec. 78-216(d), Response to November 5 Sebago Technics peer review, Response to November 19 Sebago Technics peer review (stormwater), Excerpt of sample condominium rules, Ability to serve letter from snow removal contractor, dated 12/22/2025

Exhibit FF: Peer review memo from Mathew Orr with Sebago Technics, RE: Plenary Site Plan Review Application – Response to Review Comments, dated 12/24/2025

Exhibit GG: Planning Board Memo, January 2026

Exhibit HH: Email from Gordon R. Smith with Verill Law, Subject: 95 West Grand Ave, with Attachment: Ability to Serve – 95 West Grand Ave – OOB.pdf, MaineWater Ability to Serve Determination, dated 1/8/2026

NOW THEREFORE, Pursuant to the Old Orchard Beach Zoning Ordinance, the Planning Board, in due consideration of this application, has determined the following facts, per Sec. 78-216(d) Site Plan Review Procedure Criteria for Approval.

Responses to Site Plan review criteria are below:

Sec. 78-216(d) Criteria for approval. All site plan review applications shall be evaluated, approved, approved with conditions, or denied based on the following findings of fact:

- (1) The proposed project conforms to all standards of the zoning district and meets or exceeds performance standards specified in this article and article VIII of this chapter.

RESPONSE: The Project meets the standards for Downtown District 2 (DD-2) in Article VI, Division 7.

In particular:

- The Project meets Section 78-686 Design Standards based on review and approval from the Old Orchard Beach Design Review Committee. After DRC approval, the Applicant has further amended the design to reduce mass and scale by stepping back the third and fourth floors of the building. The Applicant submitted a memorandum from Architect David Matero outlining the Project's consistency with the design review standards.
- The Project meets Section 78-687 Streetscape Improvements based on the provision of sidewalks, curbing, lighting, and plantings shown on the site plans. review and approval from the Old Orchard Beach Design Review Committee
- The Project meets Section 78-688 Signs because no signs are proposed.
- The Project meets Section 78-689 Off-Street Parking based on the provision of 25 parking spaces shown on the site plans
- The Project meets Section 78-747 Permitted Uses because multifamily dwellings and professional offices are permitted uses in DD-2.
- The Project meets Section 78-750 Space and Bulk Requirements based on compliance with dimensional standards for mixed use development as shown on the site plans.
- The Project meets Section 78-686 Design Standards based on review and approval from the Old Orchard Beach Design Review Committee

The Project also meets the Performance Standards in Article VIII. In particular:

- The Project meets Article VIII, Division 4, Subdivision III Access Standards for Multifamily and Nonresidential Uses based on the site plan depiction of curb cuts on Camp Comfort and Bay Avenues and on waivers granted for Sections 78-1491(c) and 78-1491(f)(2) per request by the Applicant.
- The Project meets Article VIII, Division 4, Subdivision V Parking Lot and Site Circulation Standards based on the parking stall layout and dimensions depicted on the site plans. The

Applicant will have snow removed from exterior parking spaces and taken off site. The principal parking area will be indoors and therefore screened from streets and adjacent parcels.

- **The Project meets Article VIII, Division 4, Subdivision VI Required Parking Spaces. The total parking requirement for the building is 17 spaces. One space is required for each of the 5 one-bedroom units. Two spaces are required for each of the 6 multi-bedroom units. No parking is required for the office unit per Section 78-689. The site plan shows that the project will include 25 parking spaces. Two of those spaces are allocated by easement to a neighboring property.**

- (2) The proposed project has received all required zoning board of appeals and/or design review permits as specified in division 2 of article II and article V of this chapter, if applicable, and has or will receive all applicable federal and state permits.

RESPONSE: No Board of Appeals approval is needed under Article II. The Old Orchard Beach Design Review Committee reviewed the architectural design and found that it meets the Town's architectural design standards under Article V.

- (3) The proposed project will not have an adverse impact upon the quality of surficial or groundwater resources.

RESPONSE: Wastewater produced by the Project will be carried off and treated by Town sewer infrastructure. The Project will not generate pollutants or any other emissions that could affect surficial or groundwater resources.

- (4) The project provides adequate stormwater management facilities to produce no additional peak runoff from the site during a 25-year storm event or any other event so required by the planning board, and will not have an undue impact on municipal stormwater facilities or downstream properties.

RESPONSE: The Applicant submitted a stormwater report prepared by Sewell Engineering demonstrating that the Project is predicted to increase stormwater runoff by 0.01 cubic feet per second over existing conditions. In its November 19, 2025 peer review for the Town, Sebago Technics concluded, "This increase is less than 1% of the total flow evaluated for the site, and does not present a concern for adverse impacts to downstream areas.

- (5) The proposed project will not have an adverse on-site and off-site impact upon existing vehicular and pedestrian circulation systems within the community or neighborhood.

RESPONSE: The Project is expected to improve vehicle and pedestrian safety. The current use of the Property is a parking lot with two nonconforming curb cuts on West Grand Avenue and two existing curb cuts with limited functional sidewalks on both Bay Avenue and Camp Comfort Avenue. The Applicant is proposing to move vehicular ingress and egress from the site off West Grand Avenue, a heavily trafficked arterial/collector street, and onto the less trafficked side streets. That change will improve both vehicle and pedestrian safety by eliminating the existing curb cuts and resulting sidewalk disturbance on West Grand Avenue. In addition, new sidewalks with granite curbing will be installed along the length of the Applicant's property (other than the proposed curb cut areas) on both Bay Avenue and Camp Comfort Avenue, improving pedestrian safety on those streets. The new curb cuts for ingress to and egress from the parking structure will replace existing curb cuts on Bay Avenue and Camp Comfort Avenue. In its November 5, 2025 peer review for the Town, Sebago Technics stated that they "agree that eliminating curb cuts on West Grand Avenue would improve pedestrian traffic in this area.

The Applicant submitted a Trip Generation Memorandum (TGM) prepared by Barton & Loguidice dated March 25, 2025. The TGM is stamped by a Professional Traffic Operations Engineer. The TGM concludes that “the project is a low-trip generator and is not expected to have any significant impact on traffic operations on the adjacent roadway system.”

- (6) The proposed project will not have an adverse impact upon environmental quality, critical wildlife habitats, marine resources, important cultural resources, or visual quality of the neighborhood, surrounding environs, or the community.

RESPONSE: The Project will not generate pollutants or any other emissions that would negatively affect environmental resources. The site is currently a parking lot where there are no critical wildlife habitats, marine resources, or important cultural resources. The Design Review Committee reviewed the Project and determined that it meets the Town’s architectural design standards, indicating that the Project will not have an adverse impact on visual quality of the neighborhood.

- (7) The proposed project will not produce noise, odors, dust, debris, glare, solar obstruction or other nuisances that will adversely impact the quality of life, character, or the stability of property values of surrounding parcels.

RESPONSE: The Project is a mixed-use building with 11 residential units and one commercial unit to be used as a professional office space. The proposed uses are not associated with undue impacts such noise, odors, dust, debris, glare, or solar obstruction. The Applicant submitted a shading study modeling shadows that will be cast by the proposed building, which indicated minimal solar obstruction. The Applicant submitted proposed rules to govern the condominium association, which impose strict limits on noise creation.

- (8) The proposed project will not have a negative fiscal impact on municipal government.

RESPONSE: The Project will add to the Town’s property tax base and will not require a disproportionate share of municipal services such as school, police, or public works.

- (9) The proposed project will not have an adverse impact upon surrounding property values.

RESPONSE: The existing use of the site is a parking lot. There is no evidence in the record to suggest that the Project will decrease property values in the neighborhood. The addition of residential and office space will be consistent with existing uses in the neighborhood.

NOW THEREFORE, Pursuant to the Old Orchard Beach Zoning Ordinance, the Planning Board, in due consideration of the waivers requested, has determined that the applicant has demonstrated, as required in Sec. 78-1568. - Parking waivers, that the physical constraints of the site make compliance with the design standards of this division impractical or technically unfeasible, and modification of those standards will not create unsafe conditions for vehicles or pedestrians.

Waivers:

- **Driveway offsets from intersections (§78-1491(f))**

The Old Orchard Beach Planning Board granted a waiver for Section 78-1491 (f) driveway offsets from intersections as shown on site plan dated 12/17/2025. Vote: 5 in favor, 0 against.

• **Dimensional requirements for driveway sight distances (§78-1466(c))**

The Old Orchard Beach Planning Board conditionally granted a waiver for Section 78-1466 (c) dimensional requirements for driveway sight distances with the condition that the site plan dated 12/17/2025 be updated to indicate one-way traffic flow through the garage in a southerly direction with vehicles entering the garage from Camp Comfort Ave and exiting the garage onto Bay Ave to allow for adequate sight distance of pedestrians utilizing the public sidewalk, with the revisions to be reviewed and approved by Town staff.

Vote: 5 in favor, 0 against.

NOW THEREFORE, Pursuant to the Old Orchard Beach Zoning Ordinance, the Planning Board, in due consideration of the recommendation of the Design Review Committee and proposed project design, determined that the new construction proposed conforms to Sec. 78-686. - Design standards for new construction and building rehabilitation. Vote: 5 in favor, 0 against

The Planning Board placed 4 conditions on this Design Review Certificate approval:

1. *All improvements will be implemented in accordance with application, plans and proposal received. Any additional changes must be approved by staff prior to completion.*
2. *Prior to the commencement of any construction activities all applicable federal, state, and local permits shall be secured.*
3. *Provide buffering as allowed to shield electric transformer from the view of the sidewalk, street, and abutters.*
4. *If practicable locate electric transformer proposed on the corner of Bay Ave and West Grand Ave to an area out of view from the street and sidewalk.*

NOW THEREFORE the Old Orchard Beach Planning Board has in its Findings of Fact determined that the proposed project will have no significant impact, the Old Orchard Beach Planning Board hereby resolves to conditionally grant final Site Plan Approval to DURP, LLC for the construction of an 11 residential unit building with 1 professional office mixed use development, including the design review certificate, located at 95 West Grand Ave, MBL: 313-3-4. Vote: 5 in favor, 0 against.

The Planning Board placed 2 conditions on this approval:

1. *The ability to serve determination from the Wastewater Department shall be supplied prior to scheduling a preconstruction meeting.*
2. *No ground disturbance is permitted before a preconstruction meeting is held.*

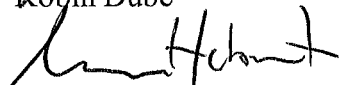
SO APPROVED BY THE OLD ORCHARD BEACH PLANNING BOARD on 8 January 2026

David Walker, Chair

3/12/2026
Signature date



Robin Dube



Marianne Hubert

Graham Roeber



Erin Moriarity