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OGUNQUIT PLANNING BOARD MINUTES MONDAY APRIL 11, 2016

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
 Muriel Freedman (Vice Chair)
 Jackie Bevins
 Rusty Hayes
 Brian Aromando (2nd Alternate)

Members Excused: Don Simpson
 Rick Dolliver (1st Alternate)

Also Present: Scott Heyland, Code Enforcement Officer
 Maryann Stacy, Recording Secretary

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT – The Mission Statement was read by Ms. Freedman.

D. MINUTES - March 14, 2016 –

- 1. March 28, 2016 Site Visit STEVEN GREENBERG – 96 Grasshopper Lane – Map 8 Block 32.**

Mr. Hayes Moved to Accept the Minutes of the March 14, 2016 Site Visit for Steven Greenberg – 96 Grasshopper Lane – Map 8 Block 32 as Submitted.

HAYES/WILKOS 2:0 UNANIMOUS (no other Board members were in attendance at the March 28, 2016 Site Visit)

- 2. March 14, 2016 Public Hearings and Regular Business Meeting**

Mr. Hayes Moved to Accept the Minutes of the March 28, 2016 meeting as Submitted.

HAYES/WILKOS 4:0 UNANIMOUS (Ms. Bevins was excused from the March 14th Meeting)

E. PUBLIC INPUT – For any matter NOT already on this Agenda.

Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

- A. WILD BLUEBERRIES RESTAURANT - 82 SHORE ROAD LLC – 82 Shore Road – Map 6 Block 67 Limited Business District (LBD).
Mr. Hayes Moved to Accept the Findings of Fact as Submitted.
HAYES/FREEDMAN 4:0 (Mr. Aromando was excused from the March 28, 2016 Hearing).**
- B. OGUNQUIT WATERFRONT ASSOC. /PHILIP CAVARETTA –107 Perkins Cove Road - Map 3 Block 71-72-73 – Shoreland General Development 2 (SGD2).
Mr. Hayes Moved to Accept the Findings of Fact as Submitted.
HAYES/BEVINS 4:0 (Mr. Aromando was excused from the March 28, 2016 Hearing).**
- C. THE WINE CELLAR – ALEXANDRA HAIGHT – 59 SHORE ROAD – Map 7 Block 115 Limited Business District.
Mr. Hayes Moved to Accept the Findings of Fact as Submitted.
HAYES/FREEDMAN 4:0 (Mr. Aromando was excused from the March 28, 2016 Hearing).**
- D. STEVEN GREENBERG – 96 Grasshopper Lane – Map 8 Block 32 – Residential (R) and Shoreland Limited Residential (SLR) Districts.
Mr. Hayes Moved to Accept the Findings of Fact as Submitted.
HAYES/AROMANDO 4:0 (Ms. Bevins was excused from the March 14, 2016 Hearing).**

2. HARTWELL HOUSE/JAMES HARTWELL – 297 Shore Road – Map 3 Block 16 – Limited Business District (LBD) – Design Review Application to replace a deck on a post 1931 structure.

Geoff Aleva from Civil Consultants addressed the Board as the Applicant’s representative. Mr. Aleva summarized the project as a Design Review for a deck replacement for a post 1931 structure. The most recently submitted drawings were submitted at the request of the Board. They are ¼” scale pre and post construction as required. He noted that this plan was approved by the Code Enforcement Officer in 2004, the work was never completed and the applicant is back before the Board for approval.

Mr. Aleva stated that the new deck will be slightly larger than the existing deck and will be constructed from composite materials. The view from Shore Road (as noted on Sheet S4) indicates that the view pedestrians on Shore Road will see will not be much different from what is currently there.

At this time the Board reviewed the Design Review Checklist for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance and found all requirements met.

Mr. Aromando Moved to Approve the Application for HARTWELL HOUSE/JAMES HARTWELL – 297 Shore Road – Map 3 Block 16 – Limited Business District (LBD) – Design Review Application to replace a deck on a post 1931 structure.
AROMANDO/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Aromando's motion.

AROMANDO/HAYES 5:0 UNANIMOUS

G. NEW BUSINESS –

1. EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2. Site Plan Review for Change of Use from Type 3 to Type 2 Restaurant in a post 1931 structure.

Edward Kaminsky addressed the Board. Mr. Kaminsky summarized that his plan is a change of use from Type 3 – take out restaurant to a Type 2 patron service indoor and outdoor. Mr. Kaminsky stated that there will not be any indoor seating, all patron seating will be outdoors.

Mr. Wilkos reviewed Mr. Heyland's Memo to the Board dated April 4, 2016"

“Review for completeness

I have reviewed the application and submission documents for the Site Plan application for 414 Main St. (Tax Map 8 lot 26). The applicant is proposing a change of use from a Type 3-Restaurant to a Type 2-Restaurant with no expansion proposed. This property is located in the General Business 2 Zone where both uses are allowed.

The change to a Type 2 would allow for the serving of persons seated outside.

The application does indicate indoor dining but none is proposed at this time.

A number of submission waivers have been requested.

Review for compliance

Article 8.10 Off Street Parking and loading- The property currently contains four residential dwelling units, requiring two parking spaces each.

The total floor space devoted to the Restaurant is approximately 1000 square feet. This requires 10 parking spaces to be available for customers.

The site plan indicates a total of 21 existing parking stalls for the property although only 18 are required to meet the Standards of the Ordinance.

The total seating as proposed is 40. There is one restroom available which is sufficient to meet the requirement.

Prior to opening, the Business will be required to obtain an inspection by the Fire Chief and myself to confirm compliance with the Life Safety Code.”

Ms. Freedman asked if the proposed seating plan will include more seats than what was there before.

Mr. Kaminsky responded that he will not be using picnic tables. They will use butcher-block type tables with chairs. Total seating will be less than the Captain's Catch. The Captain's Catch had eight 6-top tables equaling 48 seats, the new restaurant will only have 13 tables (seven 4-tops and six 2-tops) for a total of 40 seats, all within the same space.

Ms. Freedman noted that there is a residence next to the parking lot. She asked about buffering between the parking area and the home.

Mr. Kaminsky responded that there are trees and bushes which when they fill in will provide buffering. Nothing has been changed since the Captain's Catch was in business.

Mr. Wilkos confirmed that the Zoning Ordinance requires buffering between commercial and residential properties.

Mr. Aromando explained that the change of use triggers compliance with the current ordinance. He also noted that the burden to buffer is on the business not on the home owner. The Board needs to be sure that effective buffering will be in place to protect the residential abutter.

Mr. Kaminsky responded that he will put in whatever is needed to provide the buffering.

Mr. Aromando suggested a site visit.

The Board members and the Applicant all agreed to a site visit.

Ms. Freedman asked for confirmation that the outside windows will not be used.

Mr. Kaminsky confirmed that he will not be using the outside service windows.

Ms. Freedman asked where the restrooms are located.

Mrs. Kaminsky responded that the restroom is located between the two residential units on the first floor of the building.

Mr. Heyland responded that because the restaurant has completely outdoor seating the restroom only needs to be available to patrons. This restroom has direct access from the outside and does not require patrons to pass through any additional space in order to enter the facility.

Mrs. Kaminsky added that she does not believe there are any steps into the bathroom which would make it accessible to handicapped patrons.

Ms. Freedman asked about handicapped parking.

Mr. Heyland responded that one handicapped parking space is required, and needs to be indicated on the site plan which needs to include dimensional measurements. He added that it will also require additional painting on the parking lot.

Mr. Freedman asked if the applicants would have to come back before the Board if they decide to add indoor seating.

At this time the Board acted on the Applicant's Waiver Requests with the following results:

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.G - Existing & Proposed: Utilities, Sewers, Water Mains, Culverts. Stormwater Mgmt, On-site or Adjacent

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as there will be no change to Utilities, Sewers, Water Mains, Culverts. Stormwater Mgmt, On-site or Adjacent.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/FREEDMAN

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/FREEDMAN 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.H - Existing & Proposed: Two-foot Contours

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as there will be no changes to the existing conditions.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.1 - Location of all wetlands, rivers, streams, brooks, and water bodies, natural features, on-site or adjacent

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as we are not aware of any conditions on the property or abutting properties.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.J - High intensity soil survey (for undeveloped, vacant sites w/o water & sewer)

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as this is a developed site and does not apply.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.L - The boundaries of any flood hazard areas and the 100-year flood evaluation

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as the property is not currently in a flood zone.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.M - A copy of any proposed deed restrictions intended to cover all or part of subject property

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no proposed deed restrictions with this property.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

**Article 6.6.C.3.N.ii - Outside Sewer Service Area—Septic System Design by LSE or PE
APPLICANT’S REASON: We are requesting a waiver of this submission requirement because this project is served by the public sewer system.**

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando’s Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.O.iii - Outside Water Service Area — Evidence of adequate supply from well driller or hydrogeologist

APPLICANT’S REASON: We are requesting a waiver of this submission requirement because this project is served by the public water supply.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando’s Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.P - Location, names, and present widths of existing street, highways, easements, building lines, parks and other open spaces on or adjacent

APPLICANT’S REASON: We are requesting a waiver of this submission requirement because this is an existing developed site and we are not making any physical changes to the present existing site that would effect the location, names, and adjacent widths of existing street, highways, easements, building lines, parks and other open spaces on or adjacent.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando’s Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.Q - Width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any physical changes to the existing site that would effect the width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the state.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr.

Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.R - Location of any open space to be preserved and a description of proposed ownership, improvement and management

APPLICANT'S REASON: We are requesting a waiver of this submission requirement as we are not making any changes to open spaces with the exception of minor improvements to the outside eating area.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr.

Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.S - Hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer — outside of public water and sewer areas

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this site is served by public water and sewer.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr.

Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.T - An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours

APPLICANT’S REASON: We are requesting a waiver of this submission requirement because the former restaurant owner had approximately 8+ tables and we intend to have the same approximate seating capacity.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion.

Mr. Wilkos asked Mr. Heyland if this application triggers the need for a traffic analysis.

Mr. Heyland responded that this application decreases the traffic impact. He noted that the Board could look at this application as a new application or it might look at it as an application for a very similar use with a decrease in traffic impact.

Mr. Heyland noted that 10 or more parking spaces require a traffic analysis which the Board has the authority to waive. He noted that the Applicant is only required to have ten parking spaces and he has more than enough to satisfy this requirement.

Mr. Aromando added that the proposed use is similar to the previous use, except that not being a “take away” restaurant it will actually decrease traffic coming and going from the site. In his opinion this reduction in traffic is a valid reason to grant the waiver request.

Mr. Aromando referred to 6.6.C.3.U which clearly states that the Board may grant a waiver for parking requirements of between 10 and 29 parking spaces. Because the Applicant is required to have ten parking spaces he would be required to provide a traffic analysis, however the Board has the ability to grant the requested waiver.

Mr. Aromando and Ms. Freedman agreed to grant the requested waiver.

Mr. Hayes also agreed.

Mr. Wilkos called for a vote on Mr. Aromando’s Motion.

AROMANDO/BEVINS 4:1 (Mr. Wilkos voted in opposition)

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.U - A traffic impact analysis, prepared by a Registered Professional Engineer with

experience in traffic engineering (for projects requiring 10 or more parking spaces, or projected 50+ trips per day)

APPLICANT’S REASON: We are requesting a waiver of this submission requirement because this is an existing building site and we do anticipate any increase in traffic.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 4:1 (Mr. Wilkos voted in opposition)

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.V - Areas within or adjacent to the proposed site which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing developed site.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.W - Historic Areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, Ogunquit Historic Register, or have been identified in the comprehensive plan

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no known Historic Areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, Ogunquit Historic Register, or have been identified in the comprehensive plan.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.Y - Stormwater Management Plan

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any changes to the present existing condition of the site that would effect the storm drain.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.Z - Erosion & Sedimentation Control Plan

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any changes to the present existing condition of the site that would effect or cause erosion and or sedimentation.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.AA - Location of any streets, public improvements or open space shown in the comprehensive plan or capital improvements plan, within the site

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no improvements planned to be made.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for

Article 6.6.C.3.BB Parcels of land proposed to be dedicated to public use and the conditions of such dedication

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there is no land planned to be dedicated to public use.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/BEVINS

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/BEVINS 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.CC - Location/Method of Land Clearing & Construction Debris disposal

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing building and site and we are not making or creating any construction debris that would require disposal.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/HAYES

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/HAYES 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.DD - Cost Estimates for Setting Performance Guarantees, pursuant to sec 4.8

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there is no proposed construction to be done and it is an existing building.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/HAYES

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/HAYES 5:0 UNANIMOUS

Mr. Aromando Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.EE - State or Federal Permits: DEP Site Law, DEP NRPA, DHHS, Army Corps, DOT

APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are awaiting approval from the Planning Board prior to setting up necessary equipment for operations, which is necessary prior to seeking State Licensing.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

AROMANDO/HAYES

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's Motion.

AROMANDO/HAYES 5:0 UNANIMOUS

After acting on the Submission Waiver Requests the Board reviewed the Site Plan Review Submissions Checklist.

Ms. Freedman pointed out that the Board requires a letter of authorization from the property owner.

Mr. Aromando Moved to Find the Application Complete for EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2. Site Plan Review for Change of Use from Type 3 to Type 2 Restaurant in a post 1931 structure with the conditions that the Applicant provide an amended Site Plan indicating a handicapped parking space with dimensional notations, and a letter of authorization from the property owner.

AROMANDO/FREEDMAN

Mr. Wilkos called for discussion. There was none and he called for a vote on Mr. Aromando's motion.

AROMANDO/FREEDMAN 5:0 UNANIMOUS

Mr. Wilkos confirmed that the Site Visit would take place on Monday April 25, 2016 at 4:00 p.m.

Mr. Wilkos also confirmed that the Public Hearing would take place on Monday April 25, 2016 at 6:00 p.m. directly followed by the Board's regular business meeting.

Mr. Kaminsky agreed to both date and times.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded the public that single family home owners who rent their property by the week are required to obtain a business registration from the Ogunquit Town Clerk's Office.

Mr. Heyland also reminded the public that there is a pesticide ordinance in effect. Information may be viewed on the Town's website or through the Land Use Office.

I. OTHER BUSINESS – None

J. ADJOURNMENT -

**Mr. Hayes Moved to Adjourn at 7:45 p.m.
HAYES/AROMANDO 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Recording Secretary

Approved on April 25, 2016