OGUNQUIT PLANNING BOARD MINUTES
MONDAY FEBRUARY 22, 2016

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Muriel Freedman (Vice Chair)
Jackie Bevins
Don Simpson
Rusty Hayes
Rick Dolliver (1st Alternate)

Members Excused: Brian Aromando (2nd Alternate)

Also Present: Scott Heyland, Code Enforcement Officer

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT – The Mission Statement was read by Mr. Simpson.

D. MINUTES – January 11, 2016 Workshops and Regular Business Meeting.

Mr. Simpson Moved to Accept the Minutes of the January 11, 2016 Workshop as Submitted.

SIMPSON/HAYES 5:0 UNANIMOUS

Ms. Freedman Moved to Accept the Minutes of the January 25, 2016 Regular Business Meeting as Submitted.

FREEDMAN/HAYES 4:0 (Ms. Bevins was excused from attending the January 25, 2016 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** – None

G. **NEW BUSINESS** –

1. **STEVEN GREENBERG** – 96 Grasshopper Lane – Map 8 Block 32 – Residential (R) and Shoreland Limited Residential (SLR) Districts. Site Plan Review for a post 1930 Structure. Application to construct a 6’ tall, 68’ long, solid board fence in the Shoreland Limited Residential District.

Mr. Wilkos noted for the record that the Board’s only actions at this meeting would be: determination of application submission completeness, scheduling of a public hearing, or tabling of the application.

Ms. Freedman noted that she is a neighbor of this applicant and she would be recusing herself.

Ms. Freedman left the auditorium and Mr. Wilkos moved Mr. Dolliver to full voting member status for the duration of this application.

Geoff Aleva, from Civil Consultants addressed the Board as the Applicant’s representative. He summarized that this project involves the construction of a 66’ long solid fence which transitions into a 3’ wide, rail fence which will be open and see-through.

This project originated due to the removal of invasive vegetative species which were growing between the applicant’s and his neighbor’s property. Said neighbor is in agreement with the proposed fencing project and has submitted a letter to this effect.

The reason the applicant is before the Board is because of the desire for a 6’ high solid fence in the Resource Protection Area. The Ordinance requires review, by the Planning Board, of any fences in the RPD which are over four feet in height.

Mr. Wilkos review the Code Enforcement Officer’s Memo to the Board dated January 20, 2016:

“I have reviewed the application and submission documents for the request to install a fence at 96 Grasshopper Lane. Several waivers have been requested in the application.

The applicant is proposing to install a section of solid wood fence along the property line approximately 65’ in length. The fence is a wood type solid fence 6’ in height. The Zoning Ordinance limits fences to no more than 4’.

Review for compliance
Table 702.1 – Any fence not meeting the standard of Section 8.6 requires Site Plan Review.
Article 8.6.F-

In the Resource Protection District, or any other Shoreland Zone, fences shall:
1. Not be more than four feet in height; and
2. Not obstruct the view of tidal or inland waters and/or natural beauty from a public way or other public property.

The applicant has the burden of proving that this Site Plan Review Application is in compliance with the requirements of this Ordinance."

At this time the Board reviewed the Applicant's Submission Waiver Requests:

Mr. Simpson Moved, Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.D - Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof.
REASON: We are requesting a waiver to this submission requirement because this information is already on file with the town.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

REASON: We are requesting a waiver to this submission requirement because this information has previously been submitted to the town as part of a building permit and does not apply to this fence request.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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).
REASON: We are requesting a waiver to this submission requirement because this site has been previously developed.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS
Mr. Simpson 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 elevation.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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 the subject property.
REASON: We are requesting a waiver to this submission requirement because there are no applicable deed restrictions.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.N.i - Sewer Service Area —A letter from the sewer district stating the district has the capacity to collect and treat the waste water, review and approval of sewerage system design.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because the property is inside the Sewer Service Area.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.

SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.O.i - Water Service Area - A written statement from the servicing water district indicating review and approval of water system design.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.O.ii - Written Statement from Fire Chief approving hydrant locations or other fire protection measures deemed necessary.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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 streets, highways, easements, building lines, parks and other open spaces on or adjacent.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS
Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON / BEVINS 5:0 UNANIMOUS**

Mr. Simpson 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.

**REASON:** We are requesting a waiver to this submission requirement because it is outside the scope of our application.

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

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON / BEVINS 5:0 UNANIMOUS**

Mr. Simpson 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.

**REASON:** We are requesting a waiver to this submission requirement because it is outside the scope of our application.

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

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON / BEVINS 5:0 UNANIMOUS**

Mr. Simpson 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 & sewer areas.

**REASON:** We are requesting a waiver to this submission requirement because it is outside the scope of our application.

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

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON / BEVINS 5:0 UNANIMOUS**

Mr. Simpson 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.

**REASON:** We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in
light of the nature of the proposed structure or activity, provided that such a waiver will
not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / BEVINS 5:0 UNANIMOUS

Mr. Simpson 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).
REASON: We are requesting a waiver to this submission requirement because it is
outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in
light of the nature of the proposed structure or activity, provided that such a waiver will
not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is
outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in
light of the nature of the proposed structure or activity, provided that such a waiver will
not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is
outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in
light of the nature of the proposed structure or activity, provided that such a waiver will
not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.X - Parking, Driveway, Street Plans.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS
Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS

Mr. Simpson 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.
REASON: We are requesting a waiver to this submission requirement because it is outside the scope of our application.
AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON / HAYES 5:0 UNANIMOUS
Mr. Wilkos confirmed that the Board had reviewed the Submission Checklist and Waiver Requests.

**Mr. Simpson Moved to find the above noted application complete and schedule a Public Hearing to take place on March 14, 2016 at 6:00 p.m.**
**SIMPSON/DOLLIVER 5:0 UNANIMOUS**

Mr. Wilkos informed Mr. Aleva that the application submission had been found complete and the Public Hearing would take place at 6:00 p.m. on Monday March 14th.

Mr. Aleva agreed.

At this time Ms. Freedman rejoined the Board and Mr. Dolliver resumed 1st Alternate status.

2. **DAVID GIARUSSO – 661 Main Street – Map 13 Block 49 & 50 – General Business District 2 (GBD2). Site Plan Review for change of use from restaurant accessory parking area to paid parking lot.**

Mr. Wilkos noted for the record that the Board’s only actions at this meeting would be: determination of application submission completeness, scheduling of a public hearing, or tabling of the application.

Geoff Aleva, from Civil Consultants addressed the Board as the Applicant’s representative.

Mr. Aleva summarized the proposed project as a change of use for a 29 space paid parking lot to be used during the daytime when the restaurant parking lot is not in use. Mr. Aleva informed the Board that Randy Dunton from Gorrel Palmer was present to address questions regarding the traffic study included in the application packet.

Mr. Wilkos reviewed the Code Enforcement Officer’s Memo to the Board dated January 27, 2016:

**“REVIEW FOR Completeness**

_I have reviewed the application and submission documents for the Site Plan Review of the property located at 661 Main Street (Tax Map 13 Block 50)._

_The applicant proposes to operate a commercial parking lot with 29 parking spaces available at this location. The lot is currently being developed according to a previously approved Site Plan. This application requires Site Plan Review for a new use per Land Use Table 702.1 of the Ogunquit Zoning Ordinance. Parking Lot is a permitted use requiring Site Plan Review from the Planning Board within the GB-2 Zone._

_A number of submission waivers have been requested._
REVIEW FOR COMPLIANCE

Article 8.3 Buffer Areas - The property to the north, adjacent to this parcel, contains a residential use. The Board should determine that the buffering standards will be met.

Article 8.10 Off Street Parking and loading -

Traffic flow in parking areas shall be clearly marked with signs or surface directions. There appears to be adequate painted arrows on the surface. Proposed parking stalls and aisle layout appear to conform to the required standards of section 8.10.b.4.a

Article 8.12 Signs - Entrances and exits should be clearly identified by the use of signs. The applicant should show any proposed signs and their location and that they comply with this section including the signs that announce the Paid Parking. Any directional signs located within the lot shall not exceed four square feet individually and shall contain no commercial matter. The traffic assessment did include a note regarding an existing sign that reduces the sight distance for exiting vehicles. The Board may require relocating of this sign. Also a “Do Not Enter” sign was recommended on the exit only driveway.

ARTICLE 8.13 TRAFFIC IMPACTS

A Traffic Impact Assessment has been provided with this application. The Board should reference this section of the Ordinance for compliance. At the expense of the applicant, the Planning Board may obtain the services of a professional engineer for a peer review of any trip generation estimates.

8.13.B may require a permit from the State of Maine DOT for an Entrance permit due to the change of use.

A note on the Plan (General Project Note #6) identifies the proposed hours of operation and the requirements for the multiple uses on this lot.

Mr. Aleva responded that several of the noted concerns were already on the approved Site Plan. He noted that the “special’s sign” has been indicated to be removed and relocated. Also, the southern one-way driveway will have a “do not enter” sign. Most of the items were already on the approved site plan which was submitted earlier in the last year. Mr. Aleva confirmed that this sign has not yet been removed but it would be.

Mr. Heyland asked where it would be relocated too.

Mr. Aleva responded that it would probably be on the same sign post however it would be rotated to allow for better line of sight.

Ms. Freedman noted that the traffic analysis refers to an existing sign which reduces the sight distance. She asked for clarification of which sign this is.
Mr. Aleva responded that this is the “specials” and “Thursday Specials” sign which is located in front of the property. He again confirmed that this sign would be relocated.

At this time the Board reviewed the Applicant’s Submission Waiver Requests:

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.E - Standard Boundary Survey for the Parcel.**  
**REASON:** The proposed work is for an additional use to an existing approved site 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 effect or nullify the intent and purpose of the Zoning Ordinance.  
SIMPSON/BEVINS  
Mr. Wilkos called for discussion.

Mr. Dolliver asked how the Board can determine buffering without a survey.

Mr. Aleva responded that they do not have a boundary survey for this particular property. He noted that they did locate monumentation which they used to tie onto the application site plan. He feels comfortable that the property line is within a few inches of where they have indicated it to be on the site plan.

Mr. Heyland stated that it is up to the Board to determine whether or not it feels comfortable granting a waiver or if it wants to require a boundary survey.

Mr. Simpson and Ms. Freedman both agreed that they are comfortable with the submitted material,  
**SIMPSON / BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.J - it is required that applicants submit a High Intensity Soil Survey or undeveloped vacant sites w/o water and sewer.**  
**REASON:** A Waiver for this requirement is requested due to the fact that the site is currently developed and municipal water and sewer services exist on the site. No connection to existing services is proposed.  
**AND:** Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity.  
SIMPSON/HAYES  
Mr. Wilkos called for discussion. There was no discussion.  
**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.M - A copy of any proposed deed restrictions intended to cover all or part of subject property.**  
**REASON:** There are no known deed restrictions per the deed.  
**AND:** Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity.
Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.N.i - Sewer Service Area.
REASON: No connection to the existing municipal service is proposed.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.N.ii - Outside Sewer Service Area — Septic System Design.
REASON: No connection to the existing municipal service is proposed.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.O.i - Water Service Area.
REASON: No connection to the existing municipal service is proposed.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved, Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.O.ii, Written Statement from the Fire Chief approving hydrant location or other fire protection measures deemed necessary.
REASON: No connection to the existing municipal service is proposed.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved, Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.O.iii, Outside Water Service Area — Evidence of adequate supply from well driller or hydro geologist.
REASON: The lot is serviced by municipal water, no connection is proposed.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

SIMPSON/FREEDMAN

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.Q - Width and location of any street, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site.

REASON: The property is currently developed. There are no public improvements or open spaces that exist on this property.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.R - Location of any open space to be preserved and a description of proposed ownership, improvement and management.

REASON: The property is currently developed. There are no open spaces.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

SIMPSON/BEVINS

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.S - It is required that applicants submit hydrogeologic evaluation and septic designs.

REASON: Waivers for these requirements are requested due to the fact that the site will not require the installation of a well or septic system. The property is serviced by municipal water and sewer.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

SIMPSON/BEVINS

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

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

REASON: This property is not identified in the comprehensive plan, and is not known to be listed on the National Register. This property and building are not of an
age that would qualify for inclusion. The structure has been demolished with the appropriate building permits.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/BEVINS 5:0 UNANIMOUS

REASON: This project is the review of an additional use; there are no changes from the approved site plan.
AND: Strict compliance with the required application submission would unduly burden the applicant.
SIMPSON/FREEDMAN
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.Z - Erosion and Sediment Control Plan
REASON: This project is the review of an additional use; there are no changes from the approved site plan.
AND: Strict compliance with the required application submission would unduly burden the applicant.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.AA - Location of any streets, public improvements or open space shown in the comprehensive planed or capital improvements plan, within the site.
REASON: This an existing developed approved site plan requesting an additional use, no streets, public improvements or open space are proposed or within the property.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.BB - Parcels of land proposed to be dedicate to public use and the conditions of such dedication
REASON: There are no areas proposed to be dedicated for public use on this property.
AND: Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

Mr. Simpson moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to grant a waiver request for Item 6.6.C.3.CC - Location/Method of Land Clearing and Construction Debris Removal.

**REASON:** The property is currently developed; land clearing has already been completed.

**AND:** Strict compliance with the required application submission would be excessive in the light of the nature of the proposed activity.

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

Mr. Simpson moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to grant a waiver request for Item 6.6.C.3.DD - it is required that applicants submit a cost estimate for setting performance guarantees pursuant to section 4.8.

**REASON:** The proposed additional use does not change the approved site plan.

**AND:** Strict compliance with the required application submission would unduly burden the applicant.

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

Mr. Simpson moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to grant a waiver request for Item 6.6.C.3.EE - State and Federal Permits.

**REASON:** This project does not require State or Federal Permits.

**AND:** Strict compliance with the required application submission would unduly burden the applicant.

**SIMPSON/FREEDMAN**

Mr. Wilkos called for discussion. There was no discussion.

**SIMPSON/FREEDMAN 5:0 UNANIMOUS**

Mr. Simpson moved to find the above noted application complete and schedule a Public Hearing for March 14, 2016.

**SIMPSON HAYES 5:0 UNANIMOUS**

Mr. Wilkos informed Mr. Aleva that the application submission had been found complete and this application would be the 2nd Public Hearing on Monday March 14th.

Mr. Aleva agreed.

3. **OGUNQUIT WATERFRONT ASSOC. /PHILIP CAVARETTA –107 Perkins Cove Road - Map 3 Block 71-72-73 – Shoreland General Development 2 (SGD2). Site Plan Review for Change of Use from Type 1 to Type 2 Restaurant and for construction of a 22’x16’ deck and egress for a post 1931 structure.**
Mr. Wilkos noted for the record that the Board’s only actions at this meeting would be: determination of application submission completeness, scheduling of a public hearing, or tabling of the application.

Philip Cavaretta addressed the Board. Mr. Cavaretta summarized the proposed project as a Site Plan Review for the Construction of an outside deck on MC Perkins Restaurant. The deck will hold twenty seats and will have access from the 2nd floor dining room. They are currently licensed for 144 seats since 2005. After this project is completed they will have a total of 139 seats, including the proposed outside seats.

Ms. Freedman noted that this restaurant has never had outside dining. She asked if the application should include a change of use to a Type 2 Restaurant.

Mr. Heyland responded that it does require a change of use.

Mr. Wilkos reviewed the Code Enforcement Officer’s Memo to the Board dated January 29, 2016:

“Review for completeness

I have reviewed the application and submission documents for the Site Plan Review of the property 107 Perkins Cove Road (Tax Map 3 Block 71-72-73).

The applicant is proposing to construct a 16’x22’ second floor deck over a portion of the existing first floor to be accessed by a new door from the second floor. All new development will meet the 50’ required setback from the Highest Annual Tide. There will be no increase in lot coverage with this proposal. The application states 18 seats but the plan indicates 20 on the proposed deck area. This application does not propose to expand the overall number of seats but does include a relocating of existing seats. The Board should request clarification on the location of all seating. An egress route is provided off of the deck into the building through a new door and into an existing stairway.

Several waivers have been requested for your review.

Reason this application is in front of the Board
Changes to Existing Uses or Structures Requiring Site Plan Review - A use or structure which is listed as subject to site plan review in Table 702.1 may not be changed to another use or structure requiring site plan review, nor may the use or structure be expanded or altered unless a site plan approval is obtained from the Planning Board. Expansion shall be defined as:
1. Any increase in floor area or land area devoted to a use requiring Site Plan Review

Review for compliance

Article 8.3 Buffer Areas
The property to the North adjacent to this parcel does contain a residential use. The Board should determine that the buffering standards will be met.
**Article 8.7 Lighting**  
Lighting may be used which serves security, safety, and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties. The applicant should describe the proposed lighting for this area.

**Article 8.9 Noise Abatement**  
The Board may limit the use of outdoor dining areas to comply with this section.

**Article 8.10 Off Street Parking and Loading**  
Off street parking is not required in SG-2.”

Mr. Wilkos asked why this application did not require Design Review.

Mr. Heyland responded that the changes will not be visible from a public way.

Mr. Dolliver argued that the application doesn’t require a change of use. The owner of the building is wanting to construct a deck, the operator of the restaurant is the person seeking to change the use.

Mr. Heyland disagreed, he stated that any floor area expansion devoted to a use requiring Site Plan Review requires Site Plan Review. Mr. Heyland added that Mr. Cavaretta is taking the position of the operator of the business.

At this time the Board reviewed the Applicant’s Submission Waiver Requests:

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.J - Submission of high intensity soil survey.**  
REASON: We are requesting a waiver of this submission requirement because there are no changes to the present site and therefore no changes in soil conditions. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.  
SIMPSON/HAYES  
Mr. Wilkos called for discussion. There was no discussion.  
SIMPSON/HAYES 5:0 UNANIMOUS

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.M - Submission of a copy of any proposed deed restrictions intended to cover all or part of subject property.**  
REASON: We are requesting a waiver of this submission requirement because there are no changes to the present deed with regards to deed restrictions. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.  
SIMPSON/HAYES  
Mr. Wilkos called for discussion. There was no discussion.
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.N.i - Submission of Sewer Service Area letter from the sewer district stating the district has the capacity to collect and treat the waste water, review and approval of sewerage system design.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the buildings present occupancy and therefore the present sewerage and capacity would not change.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson 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 - Submission of Outside Sewer Service Area Septic System Design by LSE or PE.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the buildings present occupancy and therefore the present sewerage and capacity would not change.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/FREEDMAN

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.O.i - Submission of a written statement from the water district indicating review and approval of water system design.

REASON: We are requesting a waiver of this submission requirement because there are no new water systems proposed.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/BEVINS

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson 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 - Submission of evidence of adequate supply from well driller or hydrogeologist.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the present water systems proposed.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.P - Submission of the location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the present easements or changes in the building lines or changes in the open spaces on or adjacent. The proposed deck is being constructed over the existing building roof area and the proposed porch over the existing deck below. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/BEVINS

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.Q - Submission of widths 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.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the present location of streets or open space shown upon the official map and in the comprehensive plan.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/BEVINS

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson 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

REASON: We are requesting a waiver of this submission requirement because there are no changes to the present open spaces or their ownership or management.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/FREEDMAN

Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/FREEDMAN 5:0 UNANIMOUS
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.S - Submission Hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer - outside of public water and sewer areas.
REASON: We are requesting a waiver of this submission requirement because there are no changes to the buildings present public water or sewer uses. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.T - Submission of an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
REASON: We are requesting a waiver of this submission requirement because there are no changes to the buildings present occupancy. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.U - Submission of 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/day).
REASON: We are requesting a waiver of this submission requirement because there are no changes to the buildings present occupancy and therefore impact on traffic. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.
SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.
SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.V - Submission of 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.
REASON: We are requesting a waiver of this submission requirement because there are no changes to the present footprint or change to the site and therefore have no effect to wildlife.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.W - Submission of 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. REASON: We are requesting a waiver of this submission requirement because there are no such sites adjacent to the site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.X - Submission of Parking, Driveway, Street Plans.

REASON: We are requesting a waiver of this submission requirement because there are no changes to the present parking or street plan.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.


REASON: We are requesting a waiver of this submission requirement because there are no changes to the present footprint and amount of stormwater conditions.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.Z - Submission of Erosion & Sedimentation Control Plan.
REASON: We are requesting a waiver of this submission requirement because there are no changes to the present site and runoff so therefore no changes in erosion or added sediment. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.AA - Submission of location of any streets, public improvements or open space shown in the comprehensive plan or capital improvements plan, within the site.

REASON: We are requesting a waiver of this submission requirement because there are no streets, public improvements or open spaces within the site. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.BB - Submission of parcels of land proposed to be dedicated to public use and the conditions of such dedication.

REASON: We are requesting a waiver of this submission requirement because there are no such parcels to be dedicated. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.

SIMPSON/HAYES 5:0 UNANIMOUS

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

REASON: We are requesting a waiver of this submission requirement because there is no demolition as part of this project and no new land clearing. The deck project has limited construction debris associated with the construction. There is a currently an enclosed trash area and will have removal of any construction material removed from the site almost daily. Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES
Mr. Wilkos called for discussion. There was no discussion.  
**SIMPSON/HAYES 5:0 UNANIMOUS**

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.DD - Submission of cost estimates of Setting Performance Guarantees, pursuant to sec. 4.8
**REASON:** We are requesting a waiver of this submission requirement because it is not applicable.  
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.  
**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion.  
**SIMPSON/HAYES 5:0 UNANIMOUS**

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.EE - Submission of State or Federal Permits: DEP Site Law, DEP NRPA, DHHS, Army Corps, DOT. 
**REASON:** We are requesting a waiver of this submission requirement because it is not applicable.  
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure of activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.  
**SIMPSON/HAYES**  
Mr. Wilkos called for discussion.

Mr. Heyland responded that this application may require a State Permit from the State Fire Marshal and the Board may not want to approve a waiver for a State required permit.  

Adam Schoenardt responded as the Applicant’s representative. He stated that he has been in contact with the State Fire Marshall’s Office and has been assured that no permit is needed from them. The State Fire Marshall has confirmed that he will provide this in writing.  

Mr. Heyland reminded the Board that the applicant needs to either provide the documentation or request a waiver, there really is nothing in between.  

Mr. Dolliver asked if the Board could grant a conditional waiver pending receipt of the State Fire Marshall’s e-mail.  

Ms. Bevins and Mr. Wilkos both expressed discomfort granting a “conditional waiver”.  

Mr. Heyland suggested that the Board might grant the waiver based upon the applicant’s testimony at this meeting that no State permit is required.  

Mr. Cavaretta confirmed that the Code Enforcement Officer informed him that they might need a permit from the State Fire Marshall. That is when he (Mr. Cavaretta) contacted the State Fire Marshall who informed him that no permit would be needed. Mr. Cavaretta expected to have a
letter from the State Fire Marshall confirming that no permit is needed, which he will provide prior to the Public Hearing.

Mr. Cavaretta asserted that he has submitted what was required. He asked for a waiver because the State Fire Marshall Permit is not required. Mr. Cavaretta asked how he can submit something which is not required.

Mr. Simpson summarized that the waiver is being requested because it does not apply to this application. Mr. Simpson asserted that the applicant has met the requirements.

Mr. Heyland responded that up until this moment he was unaware that the State Fire Marshall informed the applicant that no State Permit was required. He is comfortable with the granting of the waiver with the understanding that the applicant will provide confirmation from the State Fire Marshall.

Mr. Hayes agreed that he is comfortable granting the waiver given that the applicant has stated on the record that the State Fire Marshall informed him that no permit is required.

**SIMPSON/HAYES 5:0 UNANIMOUS**

Mr. Wilkos read a memo from the Town of Ogunquit Fire Chief stating that he would need contact with the State Fire Marshall and he would like to conduct a site visit.

Mr. Cavaretta responded that the Fire Chief has already done both of those things.

Mr. Cavaretta stated that the Fire Chief reviewed the seating plan as well

Mr. Heyland asked for an explanation of the seating plan. He has counted 139 total seats, including 20 seats on the drawing for the new deck.

Mr. Cavaretta responded that there are 20 seats on the deck. Including those 20 seats there will be a total of 139 seats. They are still below the 144 allowable number of seats they are allowed to have.

Mr. Schoenardt stated that there will be no change of egress paths or bathrooms. He stated that the deck seats will be moved back inside during the winter months and the seating numbers will not change.

Mr. Cavaretta responded that the outdoor seats will not be moved back inside. The outdoor seats are intended to attract a summer lunch crowd.

Mr. Wilkos asked the Board members if they would like to conduct a site visit.

The Board agreed that a site visit would be beneficial.

It was agreed that the Site Visit would take place on Monday March 14, 2016 at 4:00 p.m.
Mr. Simpson Moved to find the above-noted application complete and schedule a Public Hearing to take place on March 14, 2016. 
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Wilkos confirmed with Mr. Cavaretta that the Site Visit would take place on Monday March 14th at 4:00 p.m. followed by the Public Hearing and Regular Business Meeting at 6:00 p.m. that same night.

Mr. Cavaretta agreed.

4. 177 SHORE ROAD CONDOMINIUM ASSOCIATION – 177 Shore Road – Map 6 Block 80 – Limited Business District (LBD). Design Review for a pre 1931 structure. Application to re-side with vinyl clapboard, replace shutters, and replace front corbels.

Beth Smith addressed the Board. Ms. Smith is an owner of a unit at 177 Shore Road and she has written authorization from the other owners to represent the condominium unit owners association.

Ms. Smith summarized that the project involves the removal and replacement of the siding and shutters. She noted that she has met twice with the Historic Preservation Commission and they have approved the proposed changes. Ms. Smith informed the Board that she had cut sheets illustrating the color choices.

Mr. Wilkos asked if the Applicant had samples of the vinyl clapboard.

Ms. Smith responded that she did not.

Mr. Wilkos asked Mr. Heyland if the applicant had been asked to bring material samples.

Mr. Heyland responded that material samples are not included on the submission check list. The only thing on the checklist is “manufacturer’s specifications / cut sheets, doors, windows, applicable fixtures.”

Ms. Freedman stated that the Planning Board has no interest in color choices.

Mr. Heyland asked Ms. Smith to confirm that the existing material on the building is clapboard style vinyl siding and the proposed replacement material is the exact same material, except for the change in color.

Ms. Smith agreed that the only change will be the color which she reviewed with the OHPC. She also stated that the corbels will be removed, stripped, and repainted to the original color. Should they be determined to be too deteriorated to repair they will be replaced with new material of a similar appearance.

Mr. Wilkos reviewed the relevant section of the minutes from the Ogunquit Historic Preservation Commission’s December 23, 2016 Meeting:
"The second agenda item for review by the Commission was 177 Shore Road a property that is Historically Significant, as well as having Neighborhood Significance and is a very important visual asset to Shore Road as a whole. The 77 Shore Road Condominium Association has presented the OHPC color samples for the siding replacement vinyl clapboard look alike in the color indicated to be Sterling Gray with a contrasting shutter color in a blue that was lighter than the Commission Members were willing to recommend. The color for the shutters that the commission is recommending is shutter color # 66. The Commissioners are likewise recommending that the fascia trim board be painted this same blue to match the #66 shutter color with the Corbels retained and recreated if necessary and to be painted in the contrasting color matching the Sterling Gray siding color.

It was also recommended that the existing window casings and trim be kept with the siding not over running to the edge of the windows or as sometimes referred to as jumped by the siding material as this helps to retain the design of that period.

A motion by Helen Horn and seconded by Marcia Williams: That the Commission recommends that the vinyl clapboard siding in the color of Sterling Gray with shutters in a #66 dark blue be approved along with the fascia trim board painted in a dark blue to match the shutter color with the Corbels being painted in the contrasting color of a Sterling Gray matching paint. Along with every effort made to retain the window trim boards without overrunning them with the siding or jumping the trim with the siding.

Vote taken: 5 positive 0 negative votes."

Mr. Wilkos asked Ms. Smith how the OHPC’s recommendations compare with the applicant’s plans.

Ms. Smith responded that they are exactly the same.

Mr. Dolliver confirmed that the submission checklist no longer asks for samples of the siding. He asked if the submission checklist ever asked for samples.

Mr. Heyland agreed that the checklist may have been inadvertently changed and he would review it.

At this time the Board Reviewed the Design Review Approval Checklist per Article 11.7.C of the Ogunquit Zoning Ordinance and found all standards to be met.

At this time the Board reviewed the Applicant’s Submission Waiver Requests:

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 11.6.A.2 - Elevation of each side of the proposed building or structure to be constructed or altered, at a scale of at least 1/4" = one foot, and in the case of alterations, showing conditions before and after the proposed work. Reason: I am asking for a waiver because the project does not involve alterations to the building and there are no proposed changes to windows and doors locations and sizes.**

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 effect or nullify the intent and purpose of the Zoning Ordinance.
Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to grant a waiver request for item 11.6.A.5 a & b - visual impact assessment.

Reason: I am asking for a waiver because this is not applicable to our project. The project is under the scope of $2,000,000.

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 effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson moved to find the Design Review Application complete for 177 Shore Road Condominium Association – 177 Shore Road – Map 6 Block 80 – Limited Business District (LBD).

Mr. Wilkos called for discussion. There was no discussion.

Mr. Simpson moved to approve the Design Review for 177 Shore Road Condominium Association – 177 Shore Road – Map 6 Block 80 – Limited Business District (LBD). Design Review for a pre 1931 structure. Application to re-side with vinyl clapboard, replace shutters, and replace front corbels.

Mr. Wilkos called for discussion. There was no discussion.

5. WILD BLUEBERRIES RESTAURANT - 82 Shore Road LLC – 82 Shore Road – Map 6 Block 67 – Limited Business District (LBD) – Design Review and Site Plan Review for Change of Use from Type 1 to Type 2 Restaurant, for a pre 1930 structure. Application to replace existing deck and façade, and allow outside dining on deck.

Mr. Wilkos noted for the record that the Board’s only actions at this meeting would be: determination of application submission completeness, scheduling of a public hearing, or tabling of the application.

Mr. Heyland informed the Board that the application includes a change of use from a Type 1 to a Type 2 Restaurant which allows for the outdoor service of patrons.

Geoff Aleva, from Civil Consultants addressed the Board as the Applicant’s representative.

Mr. Aleva agreed that the application involves a change of use to allow for outdoor seating and service, a nonconforming activity already ongoing. The existing deck will be rebuilt and he had samples of the materials to be used. Mr. Aleva added that there will also be a remodeling of the...
doors and windows on the front of the structure. This proposal has been reviewed by the OHPC because of the changes to the building’s exterior.

Mr. Aleva noted that the existing deck is 273 square feet which requires three parking stalls. This does not meet the threshold for submission of a traffic impact analysis.

Currently the restaurant has a total of 142 seats (118 indoor seats and 24 outdoor seats). The proposed deck will sit on the existing footprint because of the nonconforming nature of the property setbacks.

Ms. Bevins asked if a seating plan would be submitted for the change of use on the deck.

Mr. Aleva agreed to provide a seating plan prior to the Public Hearing. He noted that the Fire Chief has made a site visit and has indicated approval of changes made to egress points.

Mr. Heyland asked for the final seating numbers.

Mr. Aleva responded that there are 142 total seats (118 indoor seats and 24 outdoor seats). The proposal is to keep the same number of seats.

Mr. Hayes asked if the deck size will allow for 24 seats.

Mr. Heyland agreed that this is something that will have to be looked at. He noted that seating requires 15 square feet per seat. He suggested that 24 seats may exceed what is allowable.

Mr. Wilkos reviewed the Code Enforcement Officer’s February 16, 2016 Memo to the Board:

“Review for completeness

I have reviewed the application and submission documents for the Site Plan and Design Review for the property located at 661 Main Street (Tax Map 13 Block 50). This property is located in the Limited Business Zone.

The applicant proposes to replace a deteriorating deck structure with a new wood frame structure of the same size.

This application requires Design review as well as Site Plan Review for a change of use. The use will be changing from a Type 1- Restaurant to a Type 2. This will allow for the serving of patrons seated outside.

A number of submission waivers have been requested.

Review for compliance

Article 8.10 Off Street Parking and Loading - This application does propose to increase the total floor area. As provided in the applicant’s memo, this increase would require 3 additional parking spaces. A final seating layout should be provided for clarification.
Parking is required although in the past waivers have been granted due to the close proximity to public parking and a Trolley stop.

Below is language which is found in the definition of Type 2 Restaurants located in the Limited Business District. The Applicant should be aware of these limitations.

Restaurant, Type 2
(4) when located in the Limited Business Zone, the restaurant must also meet the following additional standards:
   a. The exterior seating area shall be limited in size to no more than 600 square feet;
   b. Outdoor serving shall not begin before 7:00 a.m. and no outdoor serving is allowed after 9:00 p.m.:
   c. There shall be no outside music or outside entertainment allowed at any time;
   d. Type 2 Restaurant use in the Limited Business Zone is limited to lots that abut Shore Road (Effective June 9, 2015)

Mr. Wilkos reviewed the minutes from the January 27, 2016 Historic Preservation Commission Meeting:

“The Owners through their Contractor wish to replace a failing wood porch structure with a more durable masonry structure with sawn stone finish. The applicants proposed two railing types and the Commission members leaned toward the traditional wood baluster railing as compared to a terminal end wire see-through railing of a more contemporary design.
Along the first floor front of the building the owners propose to replace all picture windows and two sets of double opening windows with French doors, 11 in number with divided lights into small pane matching the windows on the north side of the building facing Cottage Street. The existing entry door to the second floor will remain the same as it exists today.
Motion by Leonard Wyman: To accept and approve the plans submitted by Richard Moody and Sons for the construction of a masonry replacement deck/patio with stone trim and a traditional railing system. Further to approve the change of window on the Street side of Shore Road on the first floor to 11 French style doors with small pain dividers.
Seconded by Marcia Williams: 4 positive votes and 1 negative vote.”

At this time the Board reviewed the Applicant’s Submission Waiver Requests:

DESIGN REVIEW SUBMITTAL WAIVER REQUEST

Mr. Simpson asked Mr. Heyland to define “Visual Impact Analysis”.

Mr. Heyland responded that according to Article 11 of the Zoning Ordinance any project over $2 million in value require review by a professional assessor.

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 11.6.A.5.a & b - Visual Impact Analysis.
REASON: The proposed renovation work does not meet the value threshold for the requirement.
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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.I - Location of all wetlands, rivers, streams, brooks and other water bodies, natural features, on-site or adjacent.
REASON: A Waiver for this requirement is requested due to the fact that the site is currently developed and there are not wetlands, rivers or streams on the 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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.J - it is required that applicants submit a High Intensity Soil Survey for undeveloped vacant sites w/o water and sewer.
REASON: A Waiver for this requirement is requested due to the fact that the site is currently developed and municipal water and sewer services exist on the site. The existing connection to services will not be modified with the new construction.
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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.M - A copy of any proposed deed restrictions intended to cover all or part of the subject property.
REASON: There are no proposed deed restrictions with this proposed project.
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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Items 6.6.C.3.N.ii - Outside Sewer Service Area — Septic System Design.
REASON: The project proposed to utilize the existing municipal sewer connection. A septic system design is not required.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.0.iii - Outside Water Service Area - Evidence of adequate supply from well driller or hydro geologist.
REASON: The lot is serviced by municipal water, no change in the connection is proposed.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.Q - Width and location of any street, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site.
REASON: The property is currently developed. There are no public improvements or open spaces that exist on this property.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.R - Location of any open space to be preserved and a description of proposed ownership, improvement and management.
REASON: The property is currently developed. There are no open spaces.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.S - it is required that applicants submit hydrogeologic evaluation and septic designs.

REASON: Waivers for these requirements are requested due to the fact that the property is serviced by municipal water and sewer. The existing municipal sewer will be used for this project. the 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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

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

REASON: There are no habitat areas on the developed property.

AND: Strict compliance with the required application submission would be excessive in the 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.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS


REASON: Not applicable. This project is the reconstruction of the existing deck with no increase in lot coverage. Stormwater discharge will not change from the pre-existing condition. The property will continue to discharge stormwater to the Ogunquit River.

AND: Strict compliance with the required application submission would unduly burden the applicant, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS


REASON: Not applicable. This project does not include any site work or ground disturbance. AND: Strict compliance with the required application submission would unduly burden the applicant, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS
Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.AA, Location of any streets, public improvements or open space shown in the comprehensive planed or capital improvements plan, within the site.
REASON: This an existing developed site, no streets, public improvements or open space are proposed or within the property.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.BB, Parcels of land proposed to be dedicate to public use and the conditions of such dedication.
REASON: There are no areas proposed to be dedicated for public use on this property
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.CC, Location/ Method of Land Clearing and Construction Debris Removal.
REASON: The property is currently developed. The debris from the removal of the existing deck will be ongoing, with no proposed storage of debris onsite for appreciable periods.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Item 6.6.C.3.EE, State and Federal Permits.
REASON: Not applicable. This project does not require State or Federal Permitting.
AND: Strict compliance with the required application submission would be excessive in the 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.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS
Mr. Simpson Moved to find Design Review for WILD BLUEBERRIES RESTAURANT - 82 SHORE ROAD LLC – 82 Shore Road – Map 6 Block 67 – Limited Business District (LBD) Complete.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to find Site Plan Review for WILD BLUEBERRIES RESTAURANT - 82 SHORE ROAD LLC – 82 Shore Road – Map 6 Block 67 – Limited Business District (LBD) Complete.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Wilkos informed Mr. Aleva that this application would be the 4th Public Hearing on Monday March 14th.

Mr. Aleva agreed and confirmed he would have the seating plan. He also noted that the Fire Chief had asked for a few changes which would be reflected on the amended plans.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS – Discussion regarding workshop for:
   1. Proposed Submission Waiver Request Protocol;
   2. Zoning Ordinance Driveway Definition.

Mr. Wilkos noted that the Board held two workshops for the above noted Ordinance Amendments.

Mr. Simpson Moved to accept the proposed language to Amend the Planning Board Submission Waiver Request protocol.
SIMPSON/BEVINS
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/BEVINS 5:0 UNANIMOUS

The Board scheduled a Public Hearing to take place on Monday March 28, 2016 at 6:00 p.m.

Mr. Simpson Moved to accept the proposed language to Amend the Definition of Driveway.
SIMPSON/FREEDMAN
Mr. Wilkos called for discussion. There was no discussion
SIMPSON/FREEDMAN 5:0 UNANIMOUS

The Board scheduled a Public Hearing to take place on Monday March 28, 2016 at 6:00 p.m.

Ms. Freedman noted that the OHPC commented on color choice which the Planning Board has no jurisdiction over. She suggested the Board should not even discuss structure color.
Mr. Dolliver noted that the Board granted two waivers for submissions which might be required by the State.

Mr. Heyland responded that State requirements supersede Planning Board waivers. If the Town waives a permit, and the State requires that same permit, the applicant would still have to obtain said permit to satisfy State requirements.

J. **ADJOURNMENT** -

**Mr. Simpson Moved to Adjourn at 8:20 p.m.**
**SIMPSON/FREEDMAN 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Maryann Stacy
Planning Board
Recording Secretary

Approved on March 14, 2016