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OGUNQUIT PLANNING BOARD MINUTES MONDAY MARCH 28, 2016

PUBLIC HEARINGS

ORDINANCE AMENDMENTS FOR THE JUNE 2016 TOWN MEETING WARRANT:

1. Planning Board application submission waiver request protocol.

Mr. Wilkos asked if there was anyone who wished to be heard regarding this proposed ordinance amendment. There was no one.

2. Zoning Ordinance Article 2 – Definition of Driveway.

Mr. Wilkos asked if there was anyone who wished to be heard regarding this proposed ordinance amendment. There was no one.

These Public Hearings were closed at 6:06 p.m.

PLANNING BOARD APPLICATION:

THE WINE CELLAR – ALEXANDRA HAIGHT – 59 SHORE ROAD – Map 7 Block 115 – Limited Business District. Design Review and Site Plan Review for a pre 1931 structure. Application for change of use from therapeutic massage business to retail beer and wine store. Exterior addition of grape vine trellis over doorway and brick path to entrance.

Mr. Wilkos asked if there was anyone who wished to speak for, or against, this application. There was no one and the Public Hearing was closed at 6:07 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
 Muriel Freedman (Vice Chair)
 Don Simpson
 Rusty Hayes
 Rick Dolliver (1st Alternate)
 Brian Aromando (2nd Alternate)

Members Excused: Jackie Bevins

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, SMPDC Planner
Maryann Stacy, Recording Secretary

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES - March 14, 2016 –

Mr. Wilkos noted that Mr. Aromando was not at the March 14, 2016 Site Visit or Meeting and due to Ms. Bevins absence Mr. Dolliver would Vote regarding the Minutes.

- A. Site Visit for WATERFRONT ASSOC. /PHILIP CAVARETTA –107 Perkins Cove Road - Map 3 Block 71-72-73.

**Mr. Simpson Moved to Accept the Minutes from the March 14, 2016 Site Visit.
SIMPSON/HAYES 5:0 UNANIMOUS**

- B. Regular Business Meeting.

**Mr. Simpson Moved to Accept the Minutes of the March 14, 2016 Regular Business Meeting.
SIMPSON/HAYES 5:0 UNANIMOUS**

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 agenda. There was no one.

F. UNFINISHED BUSINESS –

Mr. Wilkos stated that due to the Town Planner's schedule, Item 3 would be heard prior to Item 1.

3. GRAHANELI, LLC / MOLLY TROLLEY DEPOT – 724 MAIN STREET – Map 11 Block 6 – GBD2/SLC/SLR/R/RP Zones – Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

- 1. Private pay parking lot with private shuttle for patrons;**
- 2. Office for private charter service and parking lot;**
- 3. Retail and Restaurant space.**

Ms. Freedman noted that this application had been tabled at the March 14, 2016 Meeting.

**Ms. Freedman Moved to bring this application off the table.
FREEDMAN/HAYES 5:0 (Mr. Aromando voting due to Ms. Bevins' absence)**

James Wright from Post Road Surveying addressed the Board as the Applicant's representative.

Mr. Wright noted that the Applicant is back before the Board with a revised plan. His objective for this meeting is to go through the submissions checklist.

He stated that they are asking for a submissions waiver for Item 6.6.C.3.Y – Stormwater Management Plan. This is in conjunction with Item 6.6.C.3.H - Existing and Proposed Two-foot Contours. His reason for the waiver request is because the existing impervious coverage is a little over 50,111 square feet including all of the buildings which were part of the Captain Nick's Restaurant complex, and the paved and gravel parking areas. If the Board were to approve this project, as proposed, the total coverage will be reduced to 46,000 square feet of impervious area for the entire lot.

Mr. Wright stated that he is not aware of any issues with stormwater runoff onto adjacent properties. Mr. Wright suggested that a swale at the rear of the property would help with some of the solids and pollutants by letting them settle out. This would probably satisfy the Conservation Commission's concerns regarding water quality.

Mr. Wright noted that the initial proposal included a single family dwelling which has now been removed from the plan. Everything else remains the same.

Mr. Feldman reviewed his Memo to the Board dated March 18, 2016:

“Introduction

The applicant Grahaneli, LLC is seeking to improve the current property at 724 Main Street and use it as a private parking area and trolley service facility to the Footbridge Beach and North Beach locations. The project will also house a 1593 square foot retail shop and café. The project is proposed to have 78 parking spaces on the site with adequate circulation for vehicles. In order to accommodate this proposal, the impervious area will be expanded by approximately 26,250 square feet however there is no direct calculation on the plan that indicates this.”

Mr. Feldman noted that Mr. Wright is stating that the proposed plan reduces impervious surface area by 4000 square feet. Mr. Feldman pointed out that the Applicant has not submitted an Existing Conditions Plan so it is difficult to calculate what is, and is not, currently on site. Mr. Feldman based his calculations of approximately 26,000 square feet of impervious surface on an aerial photograph of the site; not account for existing buildings or those which were removed, as well as all of the added parking.

“Waivers

The application has a list of the submission waivers requested on the Site plan itself, along with a written request that is in your packet. There are several waiver requests that I believe the board should take a closer look at. These pertain to 6.6.C.3.G, 6.6.C.3.H and 6.6.C.3.Y, They all pertain to Stormwater issues. I will discuss the particulars below in my memo.

Drainage & Stormwater

The project site is currently 3.2 acres with approximately 1.25 acres of the site located in the Shoreland zone. The applicant is proposing to increase the impervious area on the site with no indication of stormwater control. It seems they are proposing just a “sheet flow” of water. Currently the contours on the site indicate that the site water will move from the front of the site to the rear of the site sheeting the stormwater off into the abutting wetland. It is unclear from this plan if the sheet flow will be contained onsite to the North and South sides of the property, I am unsure if the applicant is proposing to curb this area or again allow sheet flows to the abutting property. If there is no curbing than the applicant should consider shallow swales in the areas north and south to direct the stormwater to the rear of this site and not to the abutting properties. I would direct the board to section 8.10.4.b which reads:

4. Where off-street parking for more than six vehicles is required or provided, the following requirements shall apply:
 - b. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk street or adjacent property.

I would also suggest that my interpretation of the ordinance would include section(s) 8.10.7.b and 9.15.F.2 as stated below pertaining to the rear of the property in the shoreland zone:

8.10.7.b

7. Additional Requirements in the Shoreland Overlay District

- b.. Parking areas shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

9.15.F.2

F. Parking Areas (Amended 11/4/08, Effective 4/1/09)

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

I would consider the Freshwater wetland and Coastal Wetland shown on the plan as falling into this category since they are regulated through Shoreland zoning.

I would like to see the applicant propose 1 large or two smaller Bio Retention Cells at the rear of the parking lot to control and filter the stormwater on this site.

In order to accomplish this task, the Stormwater waiver and Contour waiver would not be granted.

Traffic Circulation

The access is proposed to have an “in only” from the North and “exit only” in both direction on the south side of the site. The applicant is proposing to have what seems to be appropriate signage directing the drivers as to which access points are exit and entrances which conforms to the Manual on Uniform Traffic Control Devices (MUTCD) However, the applicant should show these proposed sign in a detail sheet which has not been provided.

The access itself is of some concern because it is currently shown as a skewed alignment to the street indicating that anyone wishing to enter the site from the south would have an awkward movement into the site, while the exit point which is allowing movements in both north and south directions seems to favor the movement of south bound traffic.

The applicant indicates in the Introduction letter that the parkers on the site “will be able to access the town wide trolley by simply walking across the street to the trolley stop.” If this is the intent, now is the time to coordinate with the Maine Department of transportation to stripe Route 1 with an appropriate crosswalk and signalize that walkway with the appropriate strobe light system for the walker’s safety.

Landscaping

On the front portion of the property the applicant is proposing to pull the current parking back from the edge of the street in order to meet the 30 foot setback requirement. The plan indicates existing pavement but shows no plans for improving the area as required in 8.10.B.5 which states:

5. Landscaping

Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six feet in height and fifteen feet in width along all lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street. Along any public street there shall be a continuous landscaped area designed to minimize the visual impact of the parking area and vehicles as viewed from the street. The landscaped area shall contain a mix of trees, bushes, shrubs, ground cover, perennials and grading to minimize the view of parked vehicles, yet not hide the buildings or other elements of the site.

This requirement leads me to believe that the applicant should provide a landscaping plan which is absent at this time. The plan further suggests that the buffer areas to the side of the property are Landscaped Areas but shows no indication as to the proposed treatment.

Note 7 of the current plan indicates that “THE DUMPSTER SHALL BE SCREENED WITH A SOLID STOCKADE FENCE OR A DENSE EVERGREEN HEDGE OF 6’ OR MORE IN HEIGHT” yet the plan only shows a dumpster location with no indication how it will be handled by either landscaping or an enclosure. I might suggest

that the location indicate how it will be handled and an appropriate detail be shown on the plan to what the enclosure will look like.

Recommendation

At this time I find the need for the applicant to address many issues and do not offer a recommendation to the Planning Board at this time. In my estimation, the applicant has a great deal of information left to provide.”

Mr. Wright responded that the Applicant would be able to provide a Stormwater Management Plan, and he noted that the parking lot is four feet lower than Route One. He agreed that a Grading Plan would be provided.

Regarding an existing conditions plan, Mr. Wright agreed to provide that information along with calculations for the impervious area. He also agreed to provide a landscaping plan. All of these things will be part of the Stormwater Plan.

Mr. Wright suggested the DOT is finished with the sidewalks at this site. Curb cuts indicate existing crosswalks will be maintained. He agreed to gather more information before he comes back before the Board.

Mr. Aromando asked if there was anything the Planning Board could do to facilitate communication between the DOT and the Applicant.

Mr. Wright responded that he has found the DOT to be very accommodating. He agreed to keep the Code Enforcement Officer informed.

Mr. Heyland agreed to provide Mr. Wright with the Town’s contacts at the DOT.

Mr. Aromando expressed concern with non-point source pollution. He asked if the Applicant would consider a petro chemical collection system in the parking lot.

Mr. Wright responded that this is a question for the engineers, however based on his conversations with Ken Wood from ATTAR Engineering, this is what they intend to do. He stated that he does not like channeled water. However water does need to be directed to a place where it can sit and settle. Mr. Wright stated that the distance between the back of the pavement to the edge of the wetland is about 150 feet. This area is all vegetated. He assured the Board that this issue can be addressed in a way that is environmentally friendly.

Mr. Aromando stated that runoff eventually ends up in the marsh, and the marsh is one of the things most important to the Town. He asked if the Applicant would come back with a cost analysis for a filtration catch basin where runoff can be collected and stored, and which can be cleaned.

Mr. Wright agreed to do so. He noted that fast food restaurants often use them.

Mr. Simpson stated that the DOT will be putting a final pavement coat along that section of Route 1, the granite curbing is already installed and there are curb cuts for ADA Compliant cross walks in front of the Applicant's site.

Mr. Wright agreed and noted that there is a five year time frame before any road cuts would be allowed. He agreed to note the crosswalks on the plans.

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

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.G - EXISTING & PROPOSED UTILITIES, SEWER, WATER MAINS, CULVERTS, STORMWATER MANAGEMENT ON SITE OR ADJACENT

APPLICANT'S REASON: The existing utilities visible at the time the field work for this project have been shown. The site is currently served by public water & sewer. No new water mains, culverts or stormwater management is proposed. No changes to the current drainage patterns are proposed and as a result there should be no adverse impacts on adjacent properties.

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/AROMANDO

Mr. Wilkos called for discussion. He noted that Mr. Feldman stated that it is his opinion that this submission requirement is incomplete.

Mr. Dolliver reminded the Board that Mr. Wright stated that while he would like the waiver to be granted he is comfortable if it is not.

Mr. Wright asked if the Board would consider a partial waiver regarding the sewer, water submissions.

Mr. Wilkos responded that the waiver request is before the Board as submitted. He called for a vote on Mr. Simpson's motion.

SIMPSON/AROMANDO 0/5 UNANIMOUS VOTE TO DENY THE WAIVER REQUEST.

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.H - EXISTING & PROPOSED CONTOURS (PARTIAL WAIVER FOR PROPOSED CONTOURS)

APPLICANT'S REASON: Existing topography is depicted on the plan (2 foot contours). No grading plan is proposed as the existing grades are to be maintained and therefore no proposed contours are needed.

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/AROMANDO

Mr. Wilkos called for discussion. He noted that Mr. Feldman stated that it is his opinion that this submission requirement is incomplete.

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

SIMPSON/AROMANDO 0/5 UNANIMOUS VOTE TO DENY THE WAIVER REQUEST.

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 - HIGH INTENSITY SOIL SURVEY

APPLICANT'S REASON: This requirement is not applicable as the site is currently developed and served by public water & sewer.

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/AROMANDO

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

SIMPSON/AROMANDO 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 - PROPOSED DEED RESTRICTIONS

APPLICANT'S REASON: This requirement is not applicable as no deed restrictions are proposed.

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/AROMANDO 5:0 UNANIMOUS

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

SIMPSON/AROMANDO 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.N.ii - OUTSIDE SEWER SERVICE AREA - SEPTIC DESIGN BY LSE OR PE

APPLICANT'S REASON: This requirement is not applicable as the site is currently developed and served by public sewer.

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/AROMANDO

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

SIMPSON/AROMANDO 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.O.iii - OUTSIDE WATER SERVICE AREA - EVIDENCE OF ADEQUATE SUPPLY FROM WELL DRILLER OR HYDROGEOLOGIST

APPLICANT'S REASON: This requirement is not applicable as the site is currently developed and served by public water.

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.

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

SIMPSON/AROMANDO 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 & LOCATION OF ANY STREETS, PUBLIC IMPROVEMENTS OR OPEN SPACE SHOWN ON THE OFFICIAL MAP AND IN THE COMPREHENSIVE PLAN, IF ANY, WITHIN THE SITE

APPLICANT'S REASON: This requirement is not applicable as there are no streets, public improvements or open space shown on the official map and in the Comprehensive Plan, within the site.

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/AROMANDO

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

SIMPSON/AROMANDO 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

APPLICANT'S REASON: This requirement is not applicable as there is no open space to be preserved.

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/AROMANDO

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

SIMPSON/AROMANDO 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 - HYDROGEOLOGIC ASSESSMENT PREPARED BY A CERTIFIED GEOLOGIST OR REGISTERED PROFESSIONAL ENGINEER - OUTSIDE OF PUBLIC WATER & SEWER SERVICE

APPLICANT'S REASON: This requirement is not applicable as the site is currently developed and served by public water & sewer.

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/AROMANDO

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

SIMPSON/AROMANDO 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 SITE

APPLICANT'S REASON: This requirement is not applicable as the applicant is proposing to use an existing site that is already 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/AROMANDO

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

SIMPSON/AROMANDO 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.Y - STORMWATER MANAGEMENT PLAN

APPLICANT'S REASON: As currently constituted, the proposed development (including the house & driveway) will not require a Stormwater Management Permit through the Maine DEP (see the attached correspondence from Chris Coppi of the Maine DEP). Most of the existing vegetation will be retained and no drainage patterns are to be altered.

Provided the drainage patterns are maintained, there should be no increased runoff onto the properties to the north or south. Water will continue to sheet flow toward the east (the marsh area) through a large vegetated 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/AROMANDO

Mr. Wilkos called for discussion and he reminded the Board that Mr. Feldman stated that it is his opinion that this submission requirement is incomplete.

Mr. Hayes pointed out that the house has been removed from the amended plan.

Mr. Wilkos called for a vote on Mr. Simpson's motion.

SIMPSON/AROMANDO 0/5 UNANIMOUS VOTE TO DENY THE WAIVER REQUEST.

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 STREETS, PUBLIC IMPROVEMENTS OR OPEN SPACE IN THE COMPREHENSIVE OR CAPITAL IMPROVEMENTS PLAN WITHIN THE SITE

APPLICANT'S REASON: This requirement is not applicable as there are no streets, public improvements or open space shown in the Comprehensive or Capital Improvements Plan, within the site.

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/AROMANDO

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

SIMPSON/AROMANDO 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 DEDICATED TO PUBLIC USE

APPLICANT'S REASON: There are no parcels of land proposed 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 structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/AROMANDO

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

SIMPSON/AROMANDO 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 OF LAND CLEARING & CONSTRUCTION DEBRIS DISPOSAL

APPLICANT'S REASON: The site is currently developed and no clearing is proposed. There will be no additional construction debris disposal as the old buildings have been demolished and that debris has been disposed of.

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/AROMANDO

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

SIMPSON/AROMANDO 5:0 UNANIMOUS

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

ITEM: 6.6.3.C.DD - COST ESTIMATES FOR SETTING PERFORMANCE GUARANTEES PURSUANT TO SEC. 4.8

APPLICANT'S REASON: At this time, those construction items for which cost estimates and performance guarantees will be required by the Board as a prerequisite for final approval is not known to the applicant. As part of the review process the applicant will provide the Board a breakdown of anticipated costs to complete this project.

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/AROMANDO

Mr. Wilkos called for discussion. He noted that Mr. Feldman gave his opinion that this submission requirement is incomplete.

Mr. Simpson pointed out that as a basis for the waiver request the Applicant has stated that the costs are currently "unknown to the applicant". Mr. Simpson asked how the Board can grant the waiver if the costs are unknown.

Mr. Feldman responded that he does not think it can. He suggested the information be submitted prior to approval, particularly now that the applicant has agreed to the use of an infiltration catch basin. This alone will increase the cost of the project.

Mr. Wilkos called for a vote on Mr. Simpson's motion.

SIMPSON/AROMANDO 0/5 UNANIMOUS VOTE TO DENY THE WAIVER REQUEST.

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 OR FEDERAL PERMITS: DEP SITE LAW, DEP NRPA, DHHS, ARMY CORPS, DOT

APPLICANT'S REASON: Because of the nature of the existing and proposed development on this site, the project will not trigger the DEP Site Law, DEP Natural Resource Protection Act, Maine Department of Health & Human Services, Maine Department of Transportation or Army Corps of Engineer permits. In addition, see the attached correspondence from Chris Coppi of the Maine DEP and John Perry of Maine Department of Inland Fisheries and Wildlife.

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/AROMANDO

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

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Simpson Moved to find the application for GRAHANELI, LLC / MOLLY TROLLEY DEPOT – 724 MAIN STREET – Map 11 Block 6 incomplete and to table the application.

SIMPSON/FREEDMAN

Mr. Wilkos asked if there was any discussion.

Mr. Simpson suggested Mr. Feldman and/or Mr. Heyland prepare a memo for the application specifying what needs to be done so that the next time this applicant comes before the Board he has provided everything the Board has asked for.

Mr. Feldman suggested he and Mr. Heyland meet with the Applicant to review everything that needs to be done.

Mr. Wright asked for confirmation that when he comes back before the Board with a preliminary design, he will need to provide a cost estimate for construction at that point.

Mr. Feldman responded that the Board needs an estimate for paving, curbing, landscaping, building, construction... He noted that this will be an "estimate" that can be used for any bonding which may be required.

Mr. Wilkos called for a vote on Mr. Simpson's motion.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

- 1. THE WINE CELLAR – ALEXANDRA HAIGHT – 59 SHORE ROAD – Map 7 Block 115 – Limited Business District. Design Review and Site Plan Review for a pre 1931 structure. Application for change of use from therapeutic massage business to**

retail beer and wine store. Exterior addition of grape vine trellis over doorway and brick path to entrance.

Alexandra Haight addressed the Board. Mr. Wilkos noted that there were no comments from the public at the Public Hearing and he asked if she had anything to add. She did not.

At this time the Board reviewed the Design Review Standards for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance and found all standards satisfied.

Mr. Simpson Moved to Approve Design Review for THE WINE CELLAR – ALEXANDRA HAIGHT – 59 SHORE ROAD – Map 7 Block 115.
SIMPSON/HAYES

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

SIMPSON/HAYES 5:0 UNANIMOUS

At this time the Board reviewed the Site Plan Review APPLICATION for compliance with the Standards as outlined in Article 6.7 of the Ogunquit Zoning Ordinance and found all standards to be satisfied.

Mr. Simpson Moved to Approve the Site Plan Review Application for THE WINE CELLAR – ALEXANDRA HAIGHT – 59 SHORE ROAD – Map 7 Block 115.
SIMPSON/HAYES

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

SIMPSON/HAYES 5:0 UNANIMOUS

2. 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.

Ms. Freedman recused herself and left the auditorium.

Mr. Wilkos noted that Mr. Dolliver would be moved up to full voting status due to Ms. Freedman absence from hearing this application.

Robbie Woodburn addressed the Board. Ms. Woodburn is a landscape architect.

Ms. Woodburn noted that there had been a site visit earlier that day and that the Board was able to see a "mock-up" of the proposed fence. She reminded the Board that the abutter who wrote a letter against the proposed fence has recanted and is no longer concerned.

Ms. Woodburn distributed photographs of the site taken prior to the removal of the invasive vegetation. She noted that a 6' fence is allowed along the front of the property, and the proposed fence would be significantly less intrusive, and that there are at least two 6' high fences in that neighborhood.

Mr. Aromando informed the Board that he was unable to attend the first hearing and the Site Visit and he would not be voting on this application.

Mr. Wilkos asked Mr. Heyland to review the relevant section of the Zoning Ordinance, Article 8.6.

Mr. Heyland summarized that in the Resource Protection District or any other Shoreland Zone, fences shall not be more than four feet in height; and not obstruct the view of tidal or inland waters or natural beauty from a public way or other public property. He noted that these are the standards he would follow in order to issue a fence permit.

Mr. Wilkos summarized that a four foot fence is allowed and the fence shall not obstruct the view from a public right-of-way, but because this applicant wants to construct a six foot fence, they need to come before the Planning Board for Site Plan Review Approval.

Mr. Heyland added that the fence can not obstruct the view of the water. He stated that both standards of Section 8.6 need to be met whether it's in front of the Code Office or the Planning Board.

Mr. Wilkos responded that the Town Planner has confirmed that the Board may use those two criteria as a basis for its decision.

Ms. Woodburn disagreed and referred to Table 702.1 which says that a 6' high fence is allowed with Site Plan Review.

Mr. Hayes asked if the Applicant is allowed to remove any more trees in the Resource Protection Area.

Mr. Heyland responded that they are not. The vegetation which was removed was invasive species and they were all below 6" in diameter.

Ms. Woodburn added that the remaining trees are Norway Maples which are also invasive.

Mr. Hayes asked if the remaining trees, regardless of their invasive status, cannot be removed because of their size.

Mr. Heyland responded that in the Resource Protection Area no vegetation may be removed. In the Shoreland Limited Residential Area, where the remaining trees are located, there is a total removal of not more than 40% of the trees within a ten year period.

Mr. Heyland informed the Board that he has met with the Applicant and they have a vegetation removal plan. Mr. Heyland asked Ms. Woodburn if she agreed that what they have on site now is what they agreed to; and that no additional trees will be removed.

Ms. Woodburn responded that if the Board denies the requested relief, she will probably be coming to the Code Enforcement Officer with a request for selective removal of additional trees.

Mr. Dolliver summarized that the Applicant is asking the Board to lower the standards to allow a 6' tall fence. He suggested that the view may be obstructed from a limited area. He also noted that arborvitae trees would block the view more than a 6' tall fence. He asked if the vegetative buffer would be better or worse for the community.

Mr. Simpson responded that arborvitae grow very quickly and will block the view much more than the fence. However he is not a fan of fences. He also asked the Board to consider that this will be the third 6' tall fence on that street, and if this application is granted the Board would be moving this use along. He asked if a vegetative buffer is preferred or not.

Ms. Hayes stated that he spoke with the Code Enforcement Officer who did not issue permits for the existing 6' tall fences. Having been in place, they can be maintained or replaced and they have no part of this application.

Mr. Heyland agreed.

Mr. Aromando asked the Board to consider whether or not the fence would devalue abutters' property, and whether or not it would effect their use of their property.

Mr. Aromando noted that this application is a Site Plan Review that comes very close to Design Review. He also suggested that this seems more like an application for the Zone Board of Appeals.

Ms. Woodburn responded that the two existing fences only provide context that makes clear that the proposed fence is in keeping with what is already in the neighborhood; and that the abutter is in favor of the fence. She added that the Applicant is not asking for a lowering of the standards, they are asking for relief.

Mr. Hayes stated that any fence diminishes the view of a public way. He suggested that the planting of additional trees would provide privacy and that is the Applicant's relief.

John Moody, Moody and Sons addressed the Board and reminded them that prior to the removal of the invasive vegetation there was no view of the water from the public way. The placement of the fence would actually increase the view.

Mr. Hayes responded that the removal of the vegetation created the problem in the first place.

Mr. Dolliver Moved to Approve the Site Plan Review Application for STEVEN GREENBERG – 96 Grasshopper Lane – Map 8 Block 32 for a 6' tall 68' long solid fence.
DOLLIVER/SIMPSON

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

DOLLIVER/SIMPSON 2:2 (Mr. Dolliver and Mr. Simpson voted to approve; Mr. Wilkos and Mr. Hayes voted to deny)

MOTION FAILED AND THE APPLICATION WAS DENIED.

3. GRAHANELI, LLC / MOLLY TROLLEY DEPOT – 724 MAIN STREET – Map 11 Block 6 – GBD2/SLC/SLR/R/RP Zones – Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

- 1. Private pay parking lot with private shuttle for patrons;**
- 2. Office for private charter service and parking lot;**
- 3. Retail and Restaurant space.**

SEE DISCUSSION ABOVE

G. NEW BUSINESS –

Ms. Freedman rejoined the Board.

Mr. Dolliver assumed alternate status.

Mr. Aromando resumed voting member status.

1. ROGER AND LEONA LAPIERRE – 35 BEACH STREET – Map 7 Block 75 – Limited Business District (LBD)/Resource Protection District (RPD), Shoreland Limited Commercial (SLC). Request for a One-Year Extension of a grandfathered use under Ogunquit Zoning Ordinance Article 3.2.B.

Attorney John Bannon addressed the Board as the Applicant's representative. He summarized that the Blue Water Inn burned down on April 29, 2015 and the deadline when the Applicant must resume the existing use, or lose the ability to do so, will be on April 29, 2016.

He reminded the Board that under Article 3.2.B of the Ogunquit Zoning Ordinance, if a use is discontinued for more than a year, for any reason, the applicant would lose any grandfathered rights unless the Planning Board grants a one year extension of the grace period.

Attorney Bannon noted that the only criterion the Applicant has to meet is "good cause". He reminded the Board that the Blue Water Inn burned to the ground last year. Mr. Lapierre used the parking area for his employees. Attorney Bannon also reminded the Board that it took almost a year for the Lapierre's to get Planning Board Approval for the new building and if the Board does not grant the requested extension the parking use would lapse on April 29, 2016.

Attorney Bannon stated that the Board will need to determine if: 1) the loss of the restaurant in the fire constitutes "good cause"; and 2) if the grandfathered use constitutes a legally non-conforming use. Mr. Bannon informed the Board that he has exhausted all efforts to locate documentation regarding the parking use. He did locate an ordinance from 1973 which allowed for parking lots in that location.

Attorney Bannon asserted that the parking is a grandfathered legally non-conforming use and that the loss of the business in 2015 constitutes “good cause” for an extension. He asked the Board to grant a one year extension of the parking use until April 29, 2017.

Mr. Dolliver stated that he worked for the Lapierre’s and he parked his car at this site in the 1980’s.

Mr. Simpson Moved to Approve a one year extension, until April 29, 2017, for the use of parking for ROGER AND LEONA LAPIERRE – 35 BEACH STREET – Map 7 Block 75. SIMPSON/HAYES

Mr. Wilkos called for discussion. There was none and Mr. Wilkos called for a vote on Mr. Simpson’s motion.

SIMPSON/HAYES 5:0 UNANIMOUS

- 2. THE O’DONNELL REALTY TRUST II / RICHARD & JANE O’DONNELL – 393 Shore Road – Tax Map 3 Block 95-1 – Shoreland Limited Residential (SLR) – Design Review Application for a post 1931 structure. Application to construct a new 2-car garage with 2nd floor study; and relocate driveway.**

Wayne Rawley addressed the Board as representative for the Applicant. Mr. Rawley summarized the proposed project as construction of a two-car garage.

Mr. Wilkos asked if there were any questions from the Board.

Mr. Hayes asked Ms. Heyland if this project will decrease the lot coverage.

Mr. Heyland responded that it will not. He noted that the lot coverage calculations are on the site plan. This project involves a coverage exchange from a driveway which entered the property on the right which will be relocated. Mr. Heyland has reviewed the coverage and is comfortable with the proposed plans.

At this time the Board reviewed the Design Review Submissions Checklist and found it complete.

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

Items 11.6.A.5.a and b – Visual Impact Assessment.

REASON: The proposed project is only about \$92,400.

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/AROMANDO

Mr. Wilkos called for discussion. There was none and Mr. Wilkos called for a vote on Mr. Simpson’s motion.

SIMPSON/AROMANDO 5:0 UNANIMOUS

At this time the Board reviewed the Design Review Standards for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance and found all standards satisfied.

Ms. Freedman Moved to Approve the Design Review Application for THE O'DONNELL REALTY TRUST II / RICHARD & JANE O'DONNELL – 393 Shore Road – Tax Map 3 Block 95-1.
FREEDMAN/SIMPSON

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

FREEDMAN/SIMPSON 5:0 UNANIMOUS

3. 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 deck replacement on the back of the house. The proposed project was approved in 2004 however the work was never completed.

Mr. Dolliver expressed concern that this project may have been approved in 2004 however current requirements call for elevations of all four sides of the building. He reminded the Board of a past application where the Board did not required these elevations and the approval was appealed to Superior Court where the approval was overturned and sent back to the Planning Board.

Mr. Dolliver also pointed out that the submission requirements have changed in the last twelve years.

Mr. Aleva asked if this applies to post 1931 structures, or only to pre 1931 structures. He stated that this project involves a post 1930 structure.

Mr. Simpson asked if the project is a replacement for an existing deck, and if so if there will be any changes to the square footage.

Mr. Aleva responded that it is a replacement to an existing deck and that the configuration of the deck will be changed and the square footage will be slightly increased. They will be eliminating one staircase and they will adding a connector between the decks of the two units. He added that the new deck will hardly be seen from Shore Road.

Mr. Aleva confirmed that there will be no change to the deck height.

Mr. Aleva referred to the submitted drawing of the proposed deck. He noted that there are currently two staircases off the deck. The change will involve removal of one staircase and the addition of a small crossway between the two new decks.

Mr. Hayes asked if these decks represent a means of egress; and if they do shouldn't the Board need a letter from the Ogunquit Fire Chief.

Mr. Heyland responded that he has reviewed the project and it meets the life safety requirements.

Mr. Aleva added that when Mr. Heyland and he reviewed the plans the Fire Chief was present.

Mr. Simpson asked Mr. Heyland to comment on Mr. Dolliver's concern regarding the waiver request for elevations of all sides of the building.

Mr. Heyland responded that a few years ago, the Board would regularly accept applications, that required elevations of all sides of the building, without all the elevations.. The Superior Court ultimately informed the Town that the Ordinance requires elevations of "all four sides of the building to be altered" or a granted waiver.

Mr. Dolliver suggested that it would not be a large cost for the applicant to provide elevations, at a scale of 1/4" to one foot, showing all four sides of the building both pre and post construction. He was not on the board when the first case was heard, however he doesn't want to see another law suit. He added that he would not be comfortable granting a waiver on the basis of the application being approved twelve years ago when the requirements might have only called for one elevation. He wanted to see the current requirements met and that calls for elevations of all four sides.

Mr. Aleva responded that when he conferred with Mr. Heyland they went through the checklist and they decided to submit a waiver request in place of the elevations.

Mr. Heyland added that he felt that given that only one side of the building will be effected, a single elevation would suffice. However he reminded the Board that it is ultimately the Board's decision as to whether or not they need additional information. He confirmed that the Court determined that the applicant must provide either: all four elevation drawings, or a waiver request for the missing drawings.

Mr. Wilkos asked if it would be a hardship for the applicant to provide the missing elevations.

Mr. Aleva responded that it would effect the construction schedule by setting it back at least two weeks.

Mr. Wilkos asked if the existing deck is currently in use.

Mr. Aleva responded that it is being used.

Mr. Aromando asked if the deck provides a necessary 2nd means of egress.

Mr. Aleva responded that, there are only four units on the second floor, and per the Life Safety Code, they do not need a 2nd means of egress.

Mr. Aromando asked Mr. Heyland to confirm that the proposed deck is not a required means of egress. He expressed reluctance to grant a waiver for anything that involves the Life Safety Code.

Mr. Heyland responded that he would have to confirm this by checking the Code however he would tentatively agree with Mr. Aleva's statement. He added that he would also need to check the existing deck to see what condition it is in. He does not know if the deck is failing or not. Mr. Heyland pointed out that there will be some reconfiguration of the deck, and it will probably be visible from Shore Road. It is up to the Board to determine if they need additional information that might be seen on the missing elevations. He also noted that this building is in a historically significant area.

Mr. Freedman stated that she agreed with Mr. Dolliver that it is better to be safe than sorry.

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, Elevations of each side of the proposed building or structure to be constructed or altered, at a scale of at least $\frac{1}{4}$ " = one foot, and in the case of alteration showing conditions before and after the proposed work.

APPLICANT'S REASON: This work was previously approved in 2004 and not completed. The proposed work is identical to the previous approval. At that time one elevation was required. The remaining portions of the building are not being renovated and the decks are not readily visible from Shore Road.

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/HAYES

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

SIMPSON/HAYES 1:4 (Mr. Hayes voted to grant the waiver request) MOTION FAILED TO CARRY. REQUEST IS DENIED.

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.

APPLICANT'S 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/FREEDMAN

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

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Simpson Moved to find the Design Review Application for HARTWELL HOUSE/JAMES HARTWELL – 297 Shore Road – Map 3 Block 16 Incomplete and to table the application.

SIMPSON/AROMANDO

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

SIMPSON/AROMANDO 5:0 UNANIMOUS

4. BUG & BROWN / JONATHAN FISKE – 239 Shore Road – Map 5 Block 10-1 – Limited Business District (LBD) – Design Review Application to replace an existing window with a new storefront door on a post 1931 structure.

Mr. Fiske addressed the Board. Mr. Fiske summarized the project, as the removal of storefront windows and the installation of a new door with side lights.

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

Article 11.6.A.5 a&b - Visual impact assessment

APPLICANT'S REASON: The proposed project is only approximately \$3,500.00.

Thus: 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.

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/AROMANDO

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

SIMPSON/AROMANDO 5:0 UNANIMOUS

At this time the Board reviewed the Design Review Submissions Checklist and found it complete.

At this time the Board reviewed the Design Review Standards for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance and found all standards satisfied.

Mr. Simpson Moved to Approve the Design Review Application for BUG & BROWN / JONATHAN FISKE – 239 Shore Road – Map 5 Block 10-1.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded the public that seasonal weekly rentals require a Business Registration, which is obtained from the Town Clerk's Office. Rental properties are restricted to a minimum of seven (7) days. This applies to condominiums, single family homes, multifamily dwellings, as

well as any other type of weekly rental.

Mr. Simpson noted that this information is on the Town's website where there is a link to the ordinance.

I. OTHER BUSINESS –

A) Discussion of March 28, 2016 Public Hearings regarding two proposed Zoning Ordinance Amendments, and vote to send, or not to send, to the Select Board for inclusion on June 14, 2016 Town Meeting Ballot.

Mr. Simpson Moved that the Board Accept the proposed Ordinance Amendments and send them to the Select Board with a request that they be included on the June 2016 Town Warrant.

SIMPSON/FREEDMAN

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

SIMPSON/FREEDMAN 5:0 UNANIMOUS

B) Discussion of procedure for applicants submitting new material during a Planning Board meeting.

Mr. Simpson noted that the Board has been careful about accepting last minute submission of material. He expressed grave concerns about the Board accepting anything that is longer than a simple paragraph, or that is technical in nature, or a required part of an application at the last minute. He suggested the acceptance of such late material puts the Town at risk for liability.

Ms. Freedman agreed and pointed out that this rule is in the Board's By-Laws.

Mr. Dolliver suggested that the Board either accept material at meetings or it does not. No middle ground.

Mr. Simpson agreed that the Board not accept material submitted after the submission deadline, or at a meeting. He added that the Board would have to make a determination on a case by case basis as to whether a late submission is substantial or not; and even then there can be an issue.

Mr. Aromando reminded everyone that the Board can determine whether or not to accept late submittals on a case by case basis. Any Board member who is uncomfortable about accepting a submittal is able to voice that concern and if the other members agree the material may be refused and the application can be tabled. Determining whether or not a submittal is substantial is subjective, there is no specific language describing what is "substantial".

Mr. Aromando also added that each application has different components with different degrees of importance to that application. A contour map, submitted at the 11th hour, may have more importance for one application than it has for another. Mr. Aromando noted that the Ordinance allows the Board to determine whether something should be accepted.

Mr. Dolliver asked if late submittals need to be voted on.

Mr. Wilkos responded that they do. The Board needs to vote on whether or not to accept a late submittal.

Mr. Simpson suggested that any late submission, other than something from a Town Department Head, whether it's a resident or an abutter, should be voted on by the Board before it is accepted.

Ms. Freedman referenced the Planning Board's By-Laws:

“3.1.9.2.b During the scheduled Planning Board Meeting, if late submittals are being held by the staff, as each case is begun, the Land Use Secretary will inform the Chair that such late submittals are being held.

3.1.9.2.c Such late submittals may only be considered at the discretion of the Planning Board. The Board shall only consider accepting late submittals upon finding that the content is non-technical, brief and may be easily reviewed in a short period of time and any parties to the proceeding will have adequate time to review and respond to the submittals during the course of the Meeting. If the submittals are complex or lengthy, the Board may not consider them and they will be distributed in packets for the next Meeting.”

Mr. Heyland asked what protocol will be if the Land Use Office receives an e-mail opposing an application scheduled to be heard that night. He suggested that the Board should be careful that it only accepts material of a non-technical or lengthy nature and if something is not easily reviewed and understood it be retained by the Board members and the application be continued to the next meeting.

J. ADJOURNMENT -

**Mr. Wilkos Moved to Adjourn at 8:45 p.m.
WILKOS/FREEDMAN 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Recording Secretary

Approved on April 11, 2016