

communicate with the Board while recused, regardless of the message, is totally inappropriate and could have, under different circumstances, compromised the decision. I have spoken with the Planning Board member who sent the text and told him that his behavior was inappropriate and should never be done again. That Planning Board member agreed. I feel confident the member understands the seriousness of the situation and that this will not happen again. Moving forward I am requesting the Planning Board draft an amendment to the Planning Board By-Laws that cell phones are turned off and not on the table during Planning Board Meetings. Also, at the beginning of every Planning Board Meeting I will now confirm that Planning Board Members have their cell phone turned off and not on the table.”

Mr. Wilkos asked if there were any questions or discussion from the Board. There was none.

J. ADJOURNMENT -

**Ms. Bevins Moved to Adjourn at 7:00 p.m.
BEVINS/HAYES 5:0 UNANIMOUS**

Respectfully Submitted

Maryann L Stacy

Maryann Stacy
Planning Board
Recording Secretary

Approved on June 20, 2016

Mr. Wilkos reviewed a Memo to the Board from the Ogunquit Conservation Commission dated May 26, 2016 wherein the Commission stated that they “*believe that this application meets the standards of the Town Ordinances with respect to environmental matters.*”

Mr. Simpson Moved to Find the Application Complete for BIGBEE BUILDERS LLC / RICK BIGBEE – 731 MAIN STREET - Map 12 Block 10-A –General Business District 2 (GBD2). Site Plan Review for a post 1931 structure. Application for change of use from ice cream retail to Home Building and Remodeling office and showroom.
SIMPSON/BEVINS

Mr. Wilkos called for discussion. There being none he called for a vote on Mr. Simpson’s motion.

SIMPSON/BEVINS 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded everyone that the Board would be holding a Workshop regarding an expansion of the definition of “District” with regard to the Planning Board Design Review process.

Mr. Wilkos confirmed the Workshop date as Monday June 20, 2016 at 4:00 p.m.

I. OTHER BUSINESS –

1. Planning Board Protocol regarding digital communication.

Mr. Wilkos stated that:

“During a recent Planning Board meeting three members of the Planning Board were recused. The applicant, in an e-mail, asked that two Planning Board members recuse themselves from the application. Those two Planning Board members were recused. A third Planning Board member was recused for ex-parte communication, which means that the Planning Board Member discussed the application with the applicant. After those three Planning Board members were recused there were three Planning Board members remaining who were able to vote on the application. The Planning Board By-Laws state that a quorum is three Planning Board members and that the vote on an application must be unanimous 3:0. Recused Planning Board members are required to sit in the audience. However to ensure transparency the Board requires Planning Board members to leave the room.

Three recused Planning Board members were in the entranceway to the Dunaway Center. After almost an hour of discussion on the application one of the recused Planning Board members texted one of the remaining three Planning Board members the word “Vote”. That Planning Board member, who received the text, did not read the text during the discussion of the application. A review of a tape of the meeting confirms that the Planning Board member, who received the text message, did not look at his phone during the meeting. Given that the text was not opened, or read, until after the meeting there is no way that the text effected the decision made on the application that evening. However it needs to be acknowledged that attempting to

Reason for request - existing building 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/HAYES

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

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 estimate for setting performance guarantees, pursuant to Sec.4.8.

Reason for request - this is an existing building with no construction planned.

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 being none he called for a vote on Mr. Simpson's motion.

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 public permits, DEP site law, DEP, NRPA, DHHS, Army Corp, DOT.

Reason for request - Ogunquit Planning Board is the only permit required by us.

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 being none he called for a vote on Mr. Simpson's motion.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Wilkos reviewed a memo to the Board from the Ogunquit Fire Chief:

"I have reviewed the plans for Bigbee Builders project of a new office space at the Ogunquit Plaza and have the following comments:

- 1. There is sufficient fire hydrant flow in the area for protection;*
- 2. The office space has required exits;*
- 3. Emergency lights and alarm system will be tested by the fire department prior to occupancy certificate.*

I have no other concerns at this time."

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

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 and sedimentation control plan. Reason for request = we are not making any changes that would affect or cause any erosion.

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 being none he called for a vote on Mr. Simpson's motion.

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 improvement plan, within the site.

Reason for request- there are no improvement plans.

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 being none he called for a vote on Mr. Simpson's motion.

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 - parcel of land to be dedicated to public use and the conditions of such dedication.

Reason for request. There is no land planned to be dedicated to public use.

AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed 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 being none he called for a vote on Mr. Simpson's motion.

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.

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 being none he called for a vote on Mr. Simpson's motion.

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 historic register, or have been identified in the comprehensive plan.

Reason for request - there are no known historic areas within or adjacent to the existing 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/HAYES

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

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, driveways, street plans.

Reason for request. We are not making any changes to the existing 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/HAYES

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

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.Y - storm water management plan.

Reason for request- we are not making any changes to the existing site that would affect the storm drain.

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. 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 and sewer areas.

Reason for request existing

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 being none he called for a vote on Mr. Simpson's motion.

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 - an estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

Reason for request - we anticipate much less traffic than the previous types of business that rented this space. i.e. ice cream shop.

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 being none he called for a vote on Mr. Simpson's motion.

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.O - a traffic impact analysis, prepared by a registered professional engineer with experience in traffic engineering.

Reason for request - this is an existing building site and we do not anticipate any increase in traffic.

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 being none he called for a vote on Mr. Simpson's motion.

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 Maine dept. Of inland fisheries and wildlife or within the comprehensive plan.

Reason for request this is an existing developed site.

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

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.P - location, names, and present widths of existing streets, highways, easements, building lines, parks, and other open spaces on or adjacent

Reason for request existing

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 being none he called for a vote on Mr. Simpson's motion.

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.Q - width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan.

Reason for request- existing, not planning any changes.

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 being none he called for a vote on Mr. Simpson's motion.

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.R - location of any open space to be preserved and a description of proposed ownership, improvement and management.

Reason for request- we are not making any changes.

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 being none he called for a vote on Mr. Simpson's motion.

SIMPSON/HAYES 5:0 UNANIMOUS

Reason: we are requesting a wavier as there are no proposed changes.

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 being none he called for a vote on Mr. Simpson's motion.

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 areas a letter from the sewer district stating that the distinct has the capacity to collect and treat the waste water, review and approval of sewage system design.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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 for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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 – existing.

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 being none he called for a vote on Mr. Simpson's motion.

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

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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.K - zoning district in which the project is located and the location of any zoning boundaries.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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 area and the 100 year flood elevation

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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 subject property.

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.F - existing and proposed building footprint, parking lots, drives, walkways, roads, landscaping, grading clearing, undisturbed areas.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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.G - existing & proposed utilities, sewers, water mains, culverts, stormwater management, on site or adjacent.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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.H - existing and proposed two foot contours.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

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.I - location of all wetlands, rivers, streams, brooks, and other water bodies, natural features, onsite or adjacent.

Reason for request – existing

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

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 being none he called for a vote on Mr. Simpson's motion.

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.C - assessor's map and lot numbers for subject & adjoining properties

Reason for request – existing.

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 being none he called for a vote on Mr. Simpson's motion.

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.D - verification of right, title or interest in the property by deed , purchase and sales agreement, option to purchase or some other proof ; the lease agreement with Riverbrook Park and Sales is included in this package - existing.

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

Ms. Freedman noted that this item was also submitted and thus a waiver is not required.

The Board agreed that no waiver is required for this submission standard, and Mr. Simpson withdrew his motion.

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.E - standard boundary survey of the parcel.

Reason for request – existing

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 being none he called for a vote on Mr. Simpson's motion.

SIMPSON/BEVINS 5:0 UNANIMOUS

structure. Application for change of use from ice cream retail to Home Building and Remodeling office and showroom.

Rick and Allen Bigbee addressed the Board with a summary of the project as an office and conference space with small mobile displays of siding and decking materials etc. The office will be open five or six days a week with minimal staffing and the space will not be used for any type of storage or parking of construction vehicles, equipment, or tools. All structural alterations will be internal.

Mr. Wilkos read the Code Enforcement Officer's May 31, 2016 Memo into the record:

"Review for completeness

I have reviewed the application and submission documents for the Site Plan Application for 731 Main Street (Tax Map 12 Block 10-A). The applicant is proposing a change of use from a Retail Establishment (Ice Cream Shop) to a Business and Professional Office Use. This property is located in the General Business 2 Zone where both uses are allowed. The proposed business use is for a Home Building and Remodeling Office. A portion of the space will be used for the display of products and materials.

A number of submission waivers have been requested which all appear satisfactory due to the existing conditions of the site.

Review for compliance

Article 8.10 - Off Street Parking and Loading. The property currently consists of four commercial storefronts and residential units on the second floor. This application proposes to occupy a vacant unit in the Plaza, formally an ice cream shop. The proposed office space will utilize existing approved onsite parking. There is no expansion proposed.

Outside Sales are prohibited. No display of any type is allowed outside of the building. Prior to opening, the Business will be required to obtain an inspection to confirm compliance with the Life Safety Code."

Mr. Wilkos asked if there were any other questions from the Board. There were not and Mr. Wilkos called for a motion regarding the waiver requests.

Article 6.6.C.3.A - fifteen copies of application packages complete with 1 package submitted to the fire chief.

Mr. Simpson noted that this item had been submitted and no waiver is needed.

The Board agreed that this standard had been met and no waiver was required.

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.B - title block and legend is listed on the site plan review application as Tax Map 12-10-A.

couldn't make the turn within the perimeters of the beach parking lot and would need to go to the end of the Sewer District road for turn-around space.

Ms. Freedman asked for confirmation that the plan calls for vehicles to enter the Applicants' Main Street site by way of an entrance to the north. That there will be one way traffic flow on the site and vehicles will exit from the south end of the property.

She pointed out that there is only one handicapped parking space at the north entrance and that the other three handicapped parking spaces will require the vehicles to travel around the building.

Mr. Wright confirmed this to be the case. He added that the traffic flow on the site is one-way and everyone has to travel behind the building to exit the property.

Mr. Simpson Moved to Find the Application Complete for 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.**

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Wilkos noted that the Public Hearing for this application would take place on June 20, 2016 at 6:00 p.m.

Mr. Simpson asked about a Site Visit.

Mr. Dolliver asked if the Board would visit the North Beach Parking Lot or the Applicant's site at 724 Main Street.

Mr. Feldman responded that it would be difficult to link the North Beach Parking Lot with the pending application. He noted that the Applicant could operate a trolley to the North Beach without approval on this application.

The Board agreed that the issue of the trolley's use of the North Beach Parking Lot and the Sewer District Road as a turn-around is beyond the Board's jurisdiction.

Mr. Heyland confirmed that if the pending application is granted the Applicant will still need to obtain a permit from the Town for a drop off and a bus loading permit to transport patrons to the beach parking lot. At that time another entity would need to sign off on the safety issues raised by Visitor Services.

The Board was polled to see if they wanted a site visit to 724 Main Street and they unanimously agreed that they did not need a site visit.

G. NEW BUSINESS –

- 1. BIGBEE BUILDERS LLC / RICK BIGBEE – 731 MAIN STREET - Map 12 Block 10-A –General Business District 2 (GBD2). Site Plan Review for a post 1931**

Ms. Freedman referred to a Memo to the Planning Board from Ogunquit Visitor Services dated April 6, 2016.

Mr. Wilkos read the memo into the record:

“We have reviewed the application of Molly Trolley Depot that is presently before the Planning Board. We note with much concern that the applicant is planning to trolley visitors to the North Beach parking lot where the visitors would be dropped off to go to the beach and then subsequently picked up and returned to the Molly Trolley Depot on Route 1.

During July and August the North Beach parking lot area is extremely congested on beach days. People are walking with all of their beach gear from the parking lot across and in the road to the beach and back periodically during the day to use the rest rooms and/or to leave for the day. In addition, there are children of all ages excited about being at the beach. Also on these days there are many people who bicycle to this lot and leave their bicycles in the racks provided or along the snow fence that protects the sand dunes. On some days we have counted up to 75 to 100 bicycles. The designated drop off area is directly across the road from where cars enter and exit the main parking lot.

The road to the Sewer Department that runs in front of the parking lot from the bath rooms to the Sewer Department is a part of the parking lot is used for roadside parking. This road is a two lane road with narrow shoulders and not in good condition. The main lot holds approximately 170 cars and we park another 25 to 30m cars along the road.

The designated drop off area is directly across the road from where cars enter and exit the main parking lot. Cars that are just dropping off visitors are asked to go to the end of the Sewer Department road, reverse direction, and then drop off their passengers in the designated drop off area that is on the beach side of the road. The snow fence that protects the dunes is on this side of the road, exactly where passengers would disembark from a trolley.

In addition, because the Sewer Department road is a dead end road, all traffic entering the lot must either enter the parking lot or proceed to end of the road, and reverse direction in order to exit.

We are unable to envision how a trolley could enter the lot, proceed to the end of the road, turn around, proceed to the drop off area and discharge the passengers, all in safe manner. We believe that allowing a vehicle the size of trolley to regularly enter this lot to discharge and pick up passengers is a public safety concern and would further exacerbate problems of an already highly congested area.

It is our plan to bring before the Select Board an addition to Title V of the Ogunquit Municipal Code a new provision that would seasonal size limitations on vehicles that can use the Sewer Department road. This provision would be similar to Section 906 of the Ogunquit Municipal Code that prohibits similar vehicles from entering Perkins Cove.”

Ms. Freedman noted that the existing Ogunquit Trolleys do not go the North Beach.

Mr. Simpson asked for clarification on what “road” Visitor Services makes reference to.

Mr. Wright confirmed that the plan calls for the trolley to enter the North Beach Parking Lot from Ocean Avenue in Wells. The trolley will then travel up the Sewer District road and utilize the Sewer District road as a turn-around for the trolley. He noted that there is no thru traffic from the parking lot or the Sewer District road. There is only one way in and out. He agreed that the Trolley probably

entrances the applicant has shown these proposed sign in a detail sheet which has 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.” It is my understanding that the crosswalk will now have flashing strobes in order to warn traffic of walkers in the street.

I am still concerned with the number of parking spaces available as it relates to the uses on the property, especially the correlation of people using the trolley to the number of spaces provided. It seems that there are only enough spaces dedicated to the site for one trolley. The applicant should discuss how many trips per day the trolley will be making to the facility. The board may want to consider a third party traffic engineer to review the parking, trip data and access to the site as well as Impacts on Route 1.

Landscaping

The applicant has provided an updated landscaping plan which addresses the planning requirements out front as well as added buffering on the south side of the property between the site and Sunrise Terrace Resort. Where the application is still lacking in my estimation is that there is no detail on the Dumpster location indicating what the enclosure will look like or if it will be planted how the landscaping will be addressed.

Drainage & Stormwater

The applicant has provided a stormwater plan that shows a 3’ deep swale and stone bermed level spreader in order to disperse water slowly and filtered prior to its reaching the wetland area. This is an appropriate resolution to addressing the issues that I had from the prior plan.

Recommendation

I would recommend that as third party traffic engineer review the site plan as well as the information submitted by Eaton Traffic Engineering. I would also suggest that additional screening detail be provided on the dumpster location.”

Mr. Hayes asked for confirmation that the Applicants will disturb less than one acre of land and will not need a Chapter 500 Permit.

Mr. Feldman agreed. He noted that he had done the calculations regarding the structures which were previously on site, what was being removed, and the amount of proposed impervious surface. He met with the Code Enforcement Officer Scott Heyland and Ken Wood from ATTAR Engineering and they were all satisfied that the impact of new impervious surface would not reach the threshold which would require the Applicant to obtain a Chapter 500 Permit.

1. FINDINGS OF FACT FOR:

DAVID GIARUSSO – 661 Main Street – Map 13 Block 49 & 50 – General Business District 2 (GBD2). Site Plan Review for a new use of a paid parking lot.

Denied on May 23, 2016

Mr. Simpson Moved to Approve the Findings of Fact for DAVID GIARUSSO – 661 Main Street – Map 13 Block 49 & 50 – General Business District 2 (GBD2). Site Plan Review for a new use of a paid parking lot as Submitted.

SIMPSON/HAYES 3:0 UNANIMOUS (Ms. Freedman, Mr. Dolliver, and Ms. Bevins were recused from hearing this case.)

2. 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.**

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

Mr. Wright stated that revised plans had been submitted and that these plans included everything Mr. Feldman noted in his May 31, 2016 memo to the Board.

Mr. Feldman reviewed his May 31, 2016 Memo to the Board:

“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 space on the site with adequate circulation for vehicles

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. On March 28 the board granted all of the waivers requested, except for the three pertaining to stormwater which have been addressed in the most recent plan submittal. No further waivers will be required. For the purposes of moving the application forward to the review stage I would suggest that the waivers have been satisfied.

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



MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-9326 Land Use
(207) 646-9546 Town Clerk
E-mail: townofogt@maine.rr.com

OGUNQUIT PLANNING BOARD MINUTES MONDAY JUNE 6, 2016

REGULAR BUSINESS MEETING

A. ROLL CALL –

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

Members Absent: Brian Aromando (2nd Alternate)

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES - May 23, 2016 Site Visit and Regular Business Meeting.

Mr. Simpson Moved to Approve the Minutes of the May 23, 2016 Site Visit as Submitted. SIMPSON/HAYES 3:0 UNANIMOUS (Ms. Freedman, Mr. Dolliver, and Ms. Bevins were recused from hearing this case and did not attend the May 23, 2016 Site Visit.)

Mr. Simpson Moved to Approve the Minutes of the May 23, 2016 Regular Business Meeting as Amended. 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 meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –