

**OGUNQUIT PLANNING BOARD MINUTES
REGULAR BUSINESS MEETING
NOVEMBER 8, 2010**

A. ROLL CALL –

The roll was called with the following results:

Members Present: Tim Pinkham, Chairperson
 Richard Yurko, Vice Chairperson
 Hank Hokans
 Greg Titman

Members Excused: Craig Capone

B. MISSION STATEMENT – The Mission Statement was read into the record by Mr. Pinkham.

C. MINUTES – September 27, 2010 Public Hearing and Regular Business Meeting.

The Minutes of the September 27, 2010 Public Hearing and Regular Business Meeting were accepted as submitted.

D. PUBLIC INPUT –

Mr. Pinkham asked if there was anyone in the audience who wished to address the Board on any matter not on this evening's agenda. There was no one.

E. UNFINISHED BUSINESS –

1. Findings of Fact for LAURA ROSE / COMPASS ROSE YOGA – 221 Main Street – Map 7 Lot 124. Site Plan Review Approved on September 27, 2010.

Mr. Hokans Moved to Accept the Findings of Fact for LAURA ROSE / COMPASS ROSE YOGA – 221 Main Street – Map 7 Lot 124.

HOKANS/YURKO 4/0 UNANIMOUS

F. NEW BUSINESS –

1. **JUDY DENNIS / BANDITO'S MEXICAN FOOD – 68 Shore Road – Map 6 Lot 69. Site Plan Review and Design Review for a pre 1930 structure. Application for change of use from residential space to commercial restaurant space. Request to relocate one (1) window and install one (1) new door. Parking Waiver Request for five (5) parking spaces.**

Mr. Pinkham informed the Board that he had a business relationship with the Applicant however it was not financial in nature. He asked if the Applicant or any Board member felt he (Mr. Pinkham) should

recuse himself from hearing and deliberating on this application. No one did and Mr. Pinkham remained a full voting member for this application.

Ms. Dennis addressed the Board and informed the members that she is asking to convert the two existing apartments on the first floor and make them into additional kitchen and dining room space for her restaurant.

Mr. Pinkham noted that the purpose of this meeting was to determine completeness of the application, and to schedule a Public Hearing.

Mr. Yurko pointed out that the Deed the Applicant submitted to the Board did not indicate that she was the owner of the property. However the Recording Secretary had provided a more current deed which confirmed that Ms. Dennis was the current owner of property.

Mr. Yurko pointed out a few issues which may come up at the Public Hearing for this application and he advised the Applicant to familiarize herself with the Zoning Ordinance as it applies to her application:

Mr. Yurko referred to Mr. Lockman's 1 November 2010 Memo to the Board wherein he categorizes her property as a prior non-conforming use, a use that existed prior to the parking ordinance taking effect. Mr. Yurko noted that there are very detailed provisions in the Ordinance regarding changes to prior non-conforming uses particularly Section 3.2.F which states that:

"A legally existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the impact of the former use as determined by the Planning Board. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards in Articles 8 and 9 of this ordinance shall apply to such requests to establish new nonconforming uses. ..."

Mr. Yurko also noted that Ms. Dennis has several Adirondack chairs outside her restaurant. He reminded her that while outdoor seating is allowed in the Limited Business District, outdoor dining is not. He suggested that there may be questions raised at the Public Hearing about her use of these outdoor chairs and tables.

Mr. Yurko also asked if the Applicant had received a copy of the Fire Chief's October 28, 2010 Memo, and if she agreed to comply with Chief Smith's list of requirements.

Ms. Dennis acknowledged that she had received the Fire Chief's memo and she agreed to comply with his requirements.

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

Mr. Pinkham asked if the Board wished to act on the Design Review and Site Plan Review one at a time. The Board confirmed that it did.

**Mr. Hokans Moved to Find the Design Review Application Complete for JUDY DENNIS / BANDITO'S MEXICAN FOOD – 68 Shore Road – Map 6 Lot 69.
HOKANS/YURKO 4/0 UNANIMOUS**

At this time the Board reviewed the Site Plan Review Submissions Checklist and found it to be complete.

**Mr. Yurko Moved to Find the Site Plan Review Application Complete for JUDY DENNIS / BANDITO'S MEXICAN FOOD – 68 Shore Road – Map 6 Lot 69.
YURKO/HOKANS 4/0 UNANIMOUS**

The Public Hearing for JUDY DENNIS / BANDITO'S MEXICAN FOOD – 68 Shore Road – Map 6 Lot 69 was scheduled to take place on November 22, 2010 at 6:00 p.m.

Ms. Dennis acknowledged the date and time.

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS – None

I. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 6:30 p.m.
YURKO/TITMAN 4/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on November 22, 2010