

OGUNQUIT PLANNING BOARD

REGULAR BUSINESS MEETING AUGUST 12, 2013

PUBLIC HEARING

A. ROLL CALL –

The Roll was called with the following results:

Members Present: Don Simpson (Chair)
Rich Yurko (Vice Chair)
Mark Renaud
Jackie Bevins

Also Present: Scott Heyland, Ogunquit Code Enforcement Officer

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – July 29, 2013

**Mr. Yurko Moved to Accept the Minutes of the July 29, 2013 Meeting as Submitted.
YURKO/BEVINS 4:0 UNANIMOUS**

E. PUBLIC INPUT – None

F. UNFINISHED BUSINESS –

- 1. Findings of Fact for: Judith Dennis / Bandito's Mexican Grill – 68 Shore Road – Map 6 Block 69. Approved on July 29, 2013**

Mr. Yurko Moved to Approved the Findings of Fact for Judith Dennis / Bandito's Mexican Grill (Map 6 Block 69) with the amendment that language would be included to confirm that signage would be posted to indicate that alcoholic beverages are not to be taken beyond the area designated for outside dining and that the maximum allowable seats for outside dining would be twenty-four (24).

YURKO/RENAUD 4:0 UNANIMOUS

G. NEW BUSINESS –

1. Philip Cavaretta – 79 Main Street – Map 17 Block 55 – Design Review for a pre 1930 structure. Application to add three bedrooms, parking, and storage in basement.

Mr. Cavaretta informed the Board that the property in question has been remodeled in the past and altered considerably. He is looking to expand the rear of the building and add four bedrooms. The existing building will remain essentially the same, however they will add two decks at the back which will provide stair access to the first floor and access to the basement. They propose flat roofs.

Mr. Simpson asked if the two additions, one on each side of the existing building, will be identical.

Mr. Cavaretta responded that they will be symmetrical. He also added that they want to retain the garage which is in the setbacks. All of the construction will fall within the envelope and will meet existing zoning setbacks.

Ms. Bevins asked what is between the garage and the house.

Mr. Cavaretta responded that one of the new wings will be between the garage and the existing house. He referred to the submitted plans which indicate the addition between the garage and the house.

Mr. Yurko asked what the building would be used for.

Mr. Cavaretta responded “housing”.

Mr. Yurko asked if it would be a rooming house.

Mr. Cavaretta responded that it will be a rooming house for staff.

Mr. Yurko asked if that is a permitted use in that zone.

Mr. Heyland responded that it is.

Mr. Simpson noted that this application was originally set for Site Plan Review, and he asked the Code Officer why that requirement was removed.

Mr. Heyland responded that after further examination of the application he determined it fit the “single family use” definition. He noted that a boarding house definition states that a minimum stay is for two weeks with no maximum stay. He cited the definition of “family” as “one or more persons occupying a dwelling unit, living together as a single housekeeping unit where all occupants have common use and access to all living areas, eating areas, bathrooms, food preparation, and serving areas”. He noted that with the exception of the expansion of bedrooms there will be no other real change to the use of this property.

Mr. Yurko asked how many bedrooms there will be once the addition is completed.

Mr. Cavaretta responded that there will be six bedrooms.

Mr. Yurko noted that this could allow for twelve unrelated occupants who might put individual locks on the bedroom doors or may put individual mini fridges in the bedrooms. He suggested that this won't be a single housekeeping unit.

Mr. Heyland responded that the number of bedrooms doesn't dictate whether it is a "boarding house" or not. He noted that there are homes in Ogunquit with more than six bedrooms. He also noted that the Zoning Ordinance requires 200 square feet per person.

Mr. Yurko responded that the question for him isn't the number of bedrooms, it's the use. He suggested that if Mr. Cavaretta moves in twelve individuals, each of who is working for him, some of which are staying six, twelve, or sixteen weeks living there. He noted that this will be an intensive use and unless they are sharing meals etc then it appears to be a boarding house.

Mr. Yurko agreed that Ogunquit needs these types of boarding houses, however he does not want to see a boarding house operating under the guise of a single family house. He suggested that the Board may approve the application for a Boarding house but it should be reviewed as such and it should have a Site Plan Review and a Public Hearing.

Mr. Heyland agreed that the question as to whether or not there will be locks on the bedrooms doors and/or whether there will be cooking facilities in each room is important.

Mr. Yurko expressed concern that the Board not approve a Design Review for a "use" that should be looked at under Site Plan Review.

Mr. Heyland agreed that a boarding house is an approved use in the GBD2 however it does require Site Plan Review.

Mr. Yurko stated that the property has not been used as a "boarding house".

Mr. Cavaretta responded that the previous owner rented rooms there and used it as a boarding house. He noted that he currently rents rooms there and this won't change, there will just be more bedrooms.

Mr. Yurko noted that it may have been used that way but it may not have received approval as a boarding house.

Mr. Heyland agreed that the previous owner may have used it as a boarding house but she may not have ever asked for permission to do so.

Mr. Simpson agreed with Mr. Yurko. He asked Mr. Heyland if he had input from the Town Planner.

Mr. Heyland confirmed that he spoke with Mr. Feldman who suggested this application did not require Site Plan Review.

Mr. Cavaretta stated that there will be no cooking facilities in the bedrooms. He never thought about locks on the bedroom doors however he may install them if it becomes appropriate.

Mr. Yurko suggested that the Design Review could go forward and the applicant could come back for Site Plan Review.

Mr. Cavaretta responded that he already rents rooms there.

Mr. Yurko responded that if Mr. Cavaretta is renting rooms and the occupants have joint use of the kitchen and living room then this is a “boarding house”.

Ms. Bevins stated that what is fair for one person is fair for everyone. She noted that everybody is renting rooms and perhaps this is something the Board should look at .

Mr. Heyland also pointed out that as a “boarding house” it may trigger additional Life Safety requirements.

Mr. Simpson asked the Board if they would like to find the application complete and proceed with both Design and Site Plan Review, and schedule a Public Hearing.

Mr. Yurko noted that if the Design Review were approved alone and the applicant built the addition and the Board subsequently denied the Site Plan then the applicant is stuck.

Mr. Yurko Moved to find the Design Review Application complete and schedule a Public Hearing for the Next Meeting.

It was noted that the original application packet was intended to be a Site Plan Review and Design Review and when it was determined that no Site Plan Review was needed no material was removed from the packet. Thus, the application packets before the Board members contain everything the Board needs to determine Site Plan and Design Review and could go forward with both.

Mr. Simpson asked if the Applicant had received the Historic Preservation Commission’s input.

Mr. Cavaretta confirmed that he had, however he disagrees with their suggestions.

Mr. Simpson suggested this be discussed at the next meeting.

Mr. Yurko amended his Motion and Moved to Find the Site Plan and Design Review Application Complete and schedule the Public Hearing for the August 26th Meeting.
YURKO/RENAUD

Mr. Simpson noted that this approval is based upon the submitted documentation and verbal representations made at this meeting and any future changes will require receipt of an amendment from the Planning Board.

**Mr. Yurko amended his Motion and Moved to Find the Site Plan and Design Review Application Complete and schedule the Public Hearing for the August 26th Meeting.
YURKO/RENAUD 4:0 UNANIMOUS**

Mr. Cavaretta confirmed the date and time of the Pubic Hearing.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Simpson asked Mr. Heyland if he would hand deliver Ms. Dennis' Findings of Fact.

Mr. Heyland agreed that he would.

I. OTHER BUSINESS –

Confirm Workshop scheduled for August 26, 2013 - 4:00 to 5:30 p.m. regarding:

Potential Ordinance Amendments to specify the Code Officer's Authority to Enforce Town Ordinances and Planning Board Decisions.

Mr. Simpson noted that the next Town Meeting will be in April of 2014. He asked if everyone agrees to the date and time of the August 26th workshop.

Ms. Bevins responded that she is not available on the 26th.

Mr. Simpson noted that this will only be an initial workshop and Mr. Feldman will not be there. Mr. Feldman will attend the follow-up workshop and at that time Ms. Bevins can bring her questions to his, and the Board's attention.

Ms. Bevins agreed that this was acceptable to her.

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 6:40 p.m.
YURKO/BEVINS 4:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Town of Ogunquit
Recording Secretary

Approved on August 26, 2013