

OGUNQUIT PLANNING BOARD MINUTES DECEMBER 9, 2013

REGULAR BUSINESS MEETING

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 – October 28, 2013

Mr. Simpson noted that he had recused himself for a portion of the October 8th meeting and thus his vote to accept the minutes will not include that portion of the meeting regarding the Windward Homeowner's Association.

Mr. Yurko Moved to Approve the Minutes as Amended.

YURKO/BEVINS 4:0 UNANIMOUS (3:0 UNANIMOUS with regard to the Windward Homeowners' Association portion of the October 8, 2013 Minutes – Mr. Simpson recused).

E. PUBLIC INPUT – None

F. UNFINISHED BUSINESS –

1. **FINDINGS OF FACT FOR: JACQUELINE BEVINS / JACKIE'S TWO – 91 Perkins Cove Road – Map 3 Block 67-1. Approved on October 28, 2013. Planning Board Action: Acceptance or Amendment of Findings of Fact.**

Mr. Yurko Moved to Accept the Findings of Fact for : JACQUELINE BEVINS / JACKIE'S TWO – 91 Perkins Cove Road – Map 3 Block 67-1 as Submitted. YURKO/RENAUD 3:0 UNANIMOUS (Ms. Bevins Recused)

2. **PERKINS COVE LOBSTER POUND / WAYNE PERKINS – 324 Shore Road – Map 3 Block 4-5 – Design Review and Site Plan Review for a post 1930 structure, Change of Use from residence to retail lobster pound. Approved on April 9, 2012. Remanded from Superior Court back to the Ogunquit Planning Board on October 2, 2013. *Planning Board Action: Determination of adequacy of Site Plan Review Submissions / Acceptance or Denial of Waiver Requests.***

Mr. Simpson noted that this is a housekeeping item recommended by Town Counsel. When the original approval was granted on April 9th there were a few waivers which were overlooked, tonight's action is intended to correct this oversight. He referred the Board members to Mr. Perkins' waiver request list dated October 28, 2013.

**Mr. Yurko Moved to Approve each of the Waiver Requests as submitted by the Applicant (Mr. Yurko read each waiver request individually).
YURKO/BEVINS 4:0 UNANIMOUS**

G. NEW BUSINESS –

1. **SEA CHAMBERS REALTY LLC – 67 Shore Road – Map 7 Block 116 – Design Review for a post 1930 structure – Application to replace cedar shingles with granite gray cedar impression vinyl siding. *Planning Board Action: Acceptance or Denial.***

Mr. Simpson asked Mr. Heyland if he had any concerns regarding this application.

Mr. Heyland responded that he did not, the change in siding represents an upgrade to a more modern material and will visually appear very similar to what is currently in place.

Mr. Yurko noted that this application only involves a Design Review and as such it does not require a Public Hearing. He asked if this application has been submitted to the Historic Preservation Commission (OHPC).

Mr. Heyland responded that it had been submitted to the Historic Preservation Commission and that they did not respond.

Mr. Yurko stated that he would be uncomfortable voting on an application without the opportunity to ask questions of the Applicant.

Mr. Simpson noted that the Applicant was not present and he (Mr. Simpson) offered to move this item to the end of the agenda in anticipation of the Applicant's arrival.

The Board agreed to do so.

(After Item G2 was heard the Board returned to this matter)

Gary Latulippe (owner of the Sea Chambers) addressed the Board, he noted that there are some rotted shingles which need to be replaced. He would like to substitute wood impressed vinyl siding.

Mr. Yurko noted that the area to be resided will be on the second floor and not accessible to the public.

**Mr. Yurko Moved to find the Application complete and Approve it as submitted.
YURKO/RENAUD 4:0 UNANIMOUS**

- 2. JACQUELINE BEVINS – 99 Perkins Cove Road – Map 3 Block 68 – Design Review for a pre-1930 structure – Application to renovate within existing footprint.
*Planning Board Action: Acceptance or Denial.***

Ms. Bevins recused herself and left the auditorium.

Jerry Dehart (Coastal Construction) addressed the Board as the Applicant's representative. He summarized that the remodeled structure will have an architectural shingle roof, with white vinyl railings, windows, and a fiberglass door. The siding will be cement board siding with a wood grain impression.

Mr. Yurko asked what the building is currently used for.

Mr. DeHart responded that it is both residential and commercial - retail on the first floor and residential on the second floor and the use will remain the same after the changes.

Mr. Yurko asked what the current siding is.

Mr. DeHart responded – wood clapboards with a mix of wood and vinyl windows.

Mr. Yurko asked where the current entrance is.

Mr. DeHart responded that there is a side entrance, which will be relocated to the front of the building.

Mr. Yurko noted that this is a pre 1930 structure.

Mr. Simpson asked how the cement board will hold up so near the ocean.

Mr. DeHart responded that the cement board will look more like wood than vinyl and will last longer. He also noted that the cement board is more environmentally friendly than either the vinyl or cedar clapboards.

It was noted that the application had been submitted to the Historic Preservation Commission and that they did not respond. Mr. DeHart noted that he was not surprised not to have heard from the OHPC because the proposed plan conforms to the design of other buildings in Perkins Cove.

Mr. Yurko responded that his concern is the use of vinyl windows and fiberglass doors. He agreed that the cement board siding looks nicer than vinyl.

Mr. Yurko pointed out that there appears to be a reduction in floor space.

Mr. DeHart agreed, he also noted a small structure in the alcove which is currently used for storage.

Mr. Simpson asked if the height of the second story would be raised.

Mr. DeHart responded that it will, however it will remain below 27 feet.

Mr. Heyland agreed that this is acceptable.

Mr. DeHart offered to answer any questions from the public.

Ryan Peters (abutter) stated that it is his understanding that the proposal involves changes to the footprint and that there will be a “bumpout” added where there currently is none. He noted a letter from his attorney which was distributed to the Board regarding the right-of-way and asking the Board to determine whether the “bumpout” into the right-of-way is permitted or not.

Mr. Heyland suggested that Mr. Peters’ concern should be brought forward after a building permit has been issued. If this project makes it to the permit phase and a building permit is issued, that is the time for an abutter to challenge the issuance of the permit. Mr. Heyland pointed out that issues of encroachment into a right-of-way are outside the scope of the Planning Board’s jurisdiction.

Mr. Yurko agreed and added that the Planning Board does not decide issues of rights-of-way, as long as the application adheres to the Zoning Ordinance, it is the Zoning Board of Appeals and the Court where issues of encroachment are determined.

Mr. Simpson agreed and suggested that the application is complete and should be voted on.

**Mr. Yurko Moved to Find the Application Complete and Approve it as submitted.
YURKO/RENAUD 3:0 UNANIMOUS (Ms. Bevins Recused)**

Ms. Bevins returned to her place on the Board.

(At this time Item G1 was heard)

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland asked to schedule a workshop to discuss the sign ordinance, particularly the use of vehicle signage used for advertising and off premises sign placement.

It was agreed that the Board would hold a Workshop on January 13, 2014 from 4:30 to 5:30 p.m.

I. OTHER BUSINESS –

1. Review of Planning Board protocol. Critique and suggestions for improvement in review process.

Mr. Simpson summarized that the discussion would be limited to the Board's past performance and actions the Board took, or did not take, what worked and what was problematic.

Mr. Yurko suggested modifying the Site Plan Review submission requirements list to simplify it for smaller applications.

Mr. Heyland responded that there are instances of Site Plan Review where some or all of the items on the submission checklist are needed. He pointed out that every application is different and that the issue seems to be the inconvenience of having to prepare, and review, a list of waiver requests. He suggested that the creation of yet another form would overly complicate the process.

Mr. Yurko suggested that the Ordinance might be amended to allow the Code Enforcement Officer be given the authority to determine when submissions are not required.

Mr. Yurko suggested that the time frame within which applications are reviewed and voted on may be too short and does not always allow for sufficient deliberation and input from the public. He also noted that the Board does not want to penalize Applicants who agree to make changes to original plans based upon suggestions from the Board, Town committees, or the public. He offered that there may be times when the Board needs to lengthen the review process in order to thoroughly review what is being proposed.

Mr. Simpson noted that in the past the Board has made allowances to approve portions of an application while tabling others. He suggested that this may not be a wise course of action.

Mr. Yurko agreed and added that in the future perhaps the Board should not deem an application complete until it is finalized and all aspects of the application are in place.

Mr. Yurko asked the Board to consider which ordinance would apply when an applicant comes in with a proposed amendment to a previously approved application.

It was agreed that the current ordinance should apply, not the version which was in place when the original application was approved. Mr. Heyland agreed to confirm this

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 6:47 p.m.
YURKO/BEVINS 4:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

**Maryann Stacy
Recording Secretary**

Approved on January 13, 2014