

OGUNQUIT PLANNING BOARD MINUTES APRIL 14, 2014

PUBLIC HEARING

1. THE MILESTONE, LLC – 687 Main Street – Map 12 Block 17 - (GBD2 & RRD2).

Mr. Simpson asked if there was anyone who wished to speak for, or against, this application. There being no one, the Public Hearing was closed at 6:03 p.m.

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 – March 24, 2014

Mr. Yurko Moved to Accept the Minutes of the March 24, 2014 Meeting as Submitted. YURKO/RENAUD 3:0 UNANIMOUS (Ms. Bevins was not in attendance at the March 24, 2014 Meeting).

E. PUBLIC INPUT –

Mr. Simpson 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 –

1. **THE MILESTONE, LLC – 687 Main Street – Map 12 Block 17 - (GBD2 & RRD2) - Site Plan and Design Review for a post 1930 structure. Application for the**

construction of fifteen new motel units to be located in a second floor addition to an existing motel, project to include additional parking and site re-grading.

Mr. Simpson noted that the Board found the Application complete at the March 24th meeting and the action now before the Board is to either Approve or Deny the application.

Jeff Aliva, Civil Consultants, addressed the Board as the Applicant's representative. Mr. Aliva summarized the Applicant's plans to mitigate traffic impact.

He noted that they intend to install bike racks, and promote the use of bicycle and trolley use. Mr. Aliva noted the location of a trolley stop in front of the property.

Mr. Aliva stated that the project cost will be approximately \$1,100,000. He also confirmed the amended plans which show that there will be fifteen new hotel units and one "maid's area".

Mr. Simpson asked if the Applicant had heard from the Water and Sewer Departments.

Mr. Aliva responded that they received a response from the Sewer District and that they are fine with the proposed plans. He is still waiting for a letter from the Water District.

Mr. Aliva confirmed that prior to the issuance of a Building Permit he will provide documentation from the Sewer District, the Water District, and the State Fire Marshall. He suggested that the Applicant anticipates beginning construction in the fall of 2014. He acknowledged that their utility connections will be in place prior to the beginning of the DOT work on Route One.

Mr. Yurko asked how guests will secure and store bicycles.

Mr. Aliva responded that the Milestone has a maintenance garage where guests can securely store their bicycles and staff can help them access the garage, there will also be bike racks installed.

Mr. Yurko expressed concern regarding traffic impact. He noted that the Applicant anticipates an extra nine trips during peak hours. However the Traffic Impact Analysis indicates 122 additional trips per day. This increases the traffic load by more than 20%. Mr. Yurko noted that the Applicant's property is located at a section of Route One where traffic does not usually become backed up, however just north and south of this property there are areas where traffic does tend to bottleneck. Mr. Yurko suggested that without some form of traffic mitigation the Board may be setting a bad precedent by approving an application without a more detailed study and very effective mitigation strategies.

Mr. Yurko asked if the Milestone might offer bike rentals and provide maps showing bike routes to the Footbridge Beach.

Mr. Aliva responded that this is something the Applicant might consider, he also pointed out that there is a trolley stop in front of the property, there is also a center turning lane on Route One which assists in keeping traffic flowing. In addition most of their guests tend to walk.

Mr. Simpson noted that the DOT will be putting in new sidewalks and bike lanes when they begin the Route One work in the fall.

David Hanson responded that the owners of the Milestone are concerned about liability of bike maintenance if they were to rent, or offer bike use, to their guests; however he is willing to consider partnering with a local bike rental business.

Mr. Yurko agreed that he understands the liability issue and appreciates the Applicant's offer to consider partnering with a local bike rental business, and his willingness to install bike racks.

Mr. Yurko asked if the Board should require a traffic analysis waiver request or accept the submitted traffic impact analysis.

Mr. Simpson responded that the Applicant did submit a traffic analysis thus they do not have to submit a waiver request. The Board only needs to agree that the submitted analysis suffices.

Mr. Yurko agreed that it does and noted that the Board has also received the cost analysis. He noted that a bond is not required unless the Applicant is putting in a street infrastructure which is not the case here. Thus no bond would be required.

Mr. Yurko Moved to Approve the Design Review as submitted, subject to the memorandum regarding traffic mitigation measures, the installation of a bike rack, the consideration of partnering with a local bike rental agency, and the submittal of letters of agreement from the Water Department.
YURKO/BEVINS 4:0 UNANIMOUS

Mr. Yurko Moved to Approve the Site Plan as submitted, subject to the memorandum regarding traffic mitigation measures, the installation of a bike rack, the consideration of partnering with a local bike rental agency, and the submittal of letters of agreement from the Water Department.
YURKO/RENAUD 4:0 UNANIMOUS

G. NEW BUSINESS –

1. 195 MAIN STREET, LLC – 195 Main Street – Map 7 Block 121 – (DBD) – Design Review for a post 1930 structure. Application to construct a pergola on top deck.

Jerry DeHart addressed the Board as the Applicant's representative. He referred the Board to the information contained in their packets.

Mr. Yurko asked if the new pergola will have a roof.

Mr. DeHart responded that it will not have a solid roof, it will be covered with an awning material.

Mr. Yurko suggested this will increase capacity when it's raining.

Mr. DeHart disagreed.

Mr. Yurko asked for the purpose of the new pergola.

Mr. DeHart responded that it will keep patrons dry in wet weather and will provide shade from the sun on hot sunny days. He stressed that it will not increase capacity.

Mr. Simpson noted that the capacity is set by the State Fire Marshall.

Mr. Heyland agreed.

Mr. Renaud asked if the top of the new pergola will extend past the existing railing.

Mr. DeHart responded that it will not extend past the walkway or the setback.

Mr. Simpson asked Mr. Heyland if there were any issues.

Mr. Heyland responded that there are no height issues and he asked if the construction material will match existing materials on the building.

Mr. DeHart responded that it will match.

Mr. Yurko noted that there is some public concern about the size and appearance of this structure. He expressed concern that the proposed pergola may contribute to the perception of the size of the building.

Mr. DeHart responded that the focus needs to be kept on the building and not the use or the patrons of the business.

Mr. Simpson expressed his belief that the proposed pergola helps break up the appearance of the structure, and it does not increase the visual perception of excessive size.

Ms. Bevins reminded everyone that the last time this applicant came before the Board it was requested that the Applicant include plantings, such as hanging plants to soften the building's appearance.

Mr. DeHart agreed that more plantings could be included, however when the business opened last year it was late in the season, however this coming season they may increase the use of plantings.

Mr. Yurko Moved to Grant the Waiver Request to waive submission of color swatches ect as outlined in Section 11.6.A.3, based on the applicant's assertion that the proposed materials will match existing materials.

YURKO/RENAUD 4:0 UNANIMOUS

Mr. Yurko Moved to waive the requirement of Section 11.6.A.3 regarding manufacturers cut sheets, doors, windows, etc as it is not applicable to the construction of a pergola.

YURKO/RENAUD 4:0 UNANIMOUS

Mr. Yurko Moved to Approve the Design Review for 195 MAIN STREET, LLC – 195 Main Street – Map 7 Block 121 as Submitted, with the suggestion the applicant investigate the addition of some vegetation as appropriate during the growing season.

YURKO/RENAUD 4:0 UNANIMOUS

2. MICHAEL & KATHLEEN PARZIALE – 58 Eastwind Lane – Map 13 Block 1-2 – GBD2 –Design Review for a post 1930 structure. Application to demolish existing dwelling and construct a new single family dwelling.

Mr. Simpson noted that there was no one in attendance to speak on behalf of this application.

Mr. Yurko Moved to Table the Application for MICHAEL & KATHLEEN PARZIALE – 58 Eastwind Lane – Map 13 Block 1-2 to the April 28th meeting.

YURKO/BEVINS 4:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS

Mr. Heyland reminded the business community to review the sign ordinance and be sure that they conform to the requirements and restrictions of that ordinance, and to call the Land Use Office if they have any questions.

I. OTHER BUSINESS –

Mr. Simpson noted that the Select Board has asked the Planning Board to investigate the granting of waivers for the sale of products which are difficult to sell indoors. The Select Board has asked the Planning Board to consider two questions:

1. Can the Select Board grant a waiver for outside sales?

Mr. Yurko noted that the outside sales ordinance is part of the Zoning Ordinance and as such the Select Board has no jurisdiction over it. Residents wanting a waiver should go to the Zoning Board of Appeals for a variance.

Mr. Heyland added that the Zoning Board of Appeals can only give a dimensional variance, they cannot grant a use variance.

Mr. Simpson noted that the only thing to do would be to change that section of the ordinance that deals with outside sales.

The Planning Board members agreed that the Select Board does not have the authority to grant waivers or dispensations to the Zoning Ordinance and the only way to allow this to happen would be to change the section of the Zoning Ordinance that covers outside sales.

The second question the Select Board asked was: if it would be prudent for the Planning Board to consider a change to the Ordinance that would allow for the outside sale of certain types of items such as “artwork” which are currently prohibited under the current ordinance restrictions?

Ms. Bevins noted that there are some items which can only be made outside and it makes sense that they should be allowed to be sold outside.

Mr. Simpson suggested that what constitutes “artwork” to one person may not be “artwork” to someone else.

Ms. Bevins reminded everyone that years ago there was a flower shop on Shore Road which had problems because of outdoor displays of goods. Ms. Bevins suggested and products which are intended to be outdoors, like plants, should be sold outdoors.

Mr. Yurko responded that there are some things which cannot be sold indoors because of their size. He suggested the selling of sheds would need to be conducted outdoors. He questioned what would happen if the criterion of size is removed from the equation.

Mr. Yurko noted that there are some items which clearly need to be sold outside because it is the only practical way of doing so, however he questioned where the line is to be drawn.

The Board agreed that the issue of outside sales is a sensitive one, and any changes to the outside sales ordinance need to be looked at very carefully.

Mr. Simpson suggested a joint workshop with the Zoning Board of Appeals, he also asked the Code Enforcement Officer to draft some basic language which would allow outside sales outside of the Downtown Business District.

J. ADJOURNMENT -

Mr. Yurko Moved to Adjourn at 6:47 p.m.

YURKO/RENAUD 4:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

Approved on April 28, 2014