

OGUNQUIT PLANNING BOARD MINUTES

APRIL 28, 2014

PUBLIC HEARING

1. OGUNQUIT PLAYHOUSE FOUNDATION – 42 Main Street – Map 5 Block 42.

Mr. Simpson asked if there was anyone who wished to speak regarding this application. There being no one the Public Hearing was closed at 6:04 pm

REGULAR BUSINESS MEETING

A. ROLL CALL –

The Roll was called with the following results:

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

Members Excused: Mark Renaud

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

Mr. Simpson noted that there were three Board members present which gives them a quorum, and that all three members will have to vote in the affirmative for any motion to pass.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – April 14, 2014

Mr. Yurko Moved to Accept the Minutes of the April 14, 2014 Meeting as Amended.
YURKO/BEVINS 3:0 UNANIMOUS

E. PUBLIC INPUT –

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

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR: THE MILESTONE, LLC – 687 Main Street – Map 12 Block 17.

Mr. Yurko Moved to Accept the Findings of Fact for THE MILESTONE, LLC – 687 Main Street – Map 12 Block 17 as Submitted.

YURKO/BEVINS 3:0 UNANIMOUS

2. OGUNQUIT PLAYHOUSE FOUNDATION – 42 Main Street – Map 5 Block 42 – Site Plan and Design Review for two post 1930 structures. Application for change of use from office space to 5 boarding house units. Demolition of existing hotel and construction of a new 45 unit boarding house. Site improvements to driveways, parking areas, grading, drainage, utilities, landscaping, and lighting.

Tony Fallon provided a brief overview of the project. He noted the Playhouse’s need for a boarding house for the actors and other talent. He stated that their contract with the actors requires they provide housing within ¼ mile of the Playhouse.

Mr. Fallon displayed drawings of the proposed project noting that they are attempting to mimic existing density and limit the visual impact of the change.

Mr. Simpson asked if there have been any substantial changes to the plans since the original submission back in September 2013.

Mr. Fallon responded that there have not been any substantial changes to the building, however they have reconfigured some roadwork to allow for emergency vehicle access.

The appearance of the buildings will be similar to the Playhouse Building with green trim and flower boxes.

John Lorden addressed the Board. Mr. Lorden noted that the intent is to demolish the existing boarding house currently on site, renovate the existing office space to create five additional boarding house units, and construct a new forty-five unit boarding house. The existing rear parking area, roadway, and swimming pool will be removed.

Mr. Lorden pointed out that this site is located within three zoning districts including the Resource Protection District. They do not intend to construct anything within the RPD. The only work proposed in the Shoreland Limited Residential is the removal of the currently existing driveway which leads in the direction of the river. All of the proposed work within the site will be within the Shoreland Limited Commercial Zone.

Mr. Lorden noted that the existing pavement will be replaced due to its deteriorated condition. Vehicle circulation into and out of the site will be maintained as “one way in – one way out”.

Regarding parking, Mr. Lorden confirmed that the project will require fifty parking spaces. They have provided for fourteen parking spaces on the parcel, twelve of which will be improved grass parking. There will also be two paved parking spaces across from the building entrance. In addition, there will be an easement on the Playhouse Foundation Lot for thirty-six additional parking spaces. These spaces will be located along the fence line abutting the Chamber of Commerce lot.

The Fire Chief has requested improved access for emergency vehicles. The proposal is to put in twelve inches of crushed gravel bed covered with loam and grass seed around the building. It will give the appearance of lawn however it will support the weight of a fire truck or other emergency vehicle. They have also softened the main entrance corner to allow for larger emergency vehicle access.

All dumpsters will be behind a stockade fence and there will be additional landscaping to further screen the dumpster area.

The proposed plan will reduce building coverage from 20.6% to 19.7%.

Regarding drainage, they propose installation of two foot high retaining walls separated by three foot planting beds in front of the buildings. Impervious surface will be reduced by 1000 square feet, and yard drains will be introduced in the front of the building which will tie into any foundation drains and eventually with a closed system which will outlet into a level spreader. This spreader will be three times oversized and will provide an area for silt to settle. There will also be a 125 foot vegetative buffer to the Josias River. Silt fences as well as a silt socks will be used during construction to protect the river.

Utilities will be underground. Sewer currently flows from gravity to the pumping station which is shared with the Chamber of Commerce. The plan is to remove that leg and install a direct line to the sewer manhole on Route One. There are currently separate water lines, one for domestic and one for fire suppression. If the Fire Marshall requests they change to a single line they will comply.

Mr. Simpson asked if they were aware of the DOT Route One project and if they have met with the DOT officials to discuss the Playhouse plans.

Mr. Lorden responded that he is aware of the project but he has not yet met with the DOT.

Mr. Simpson asked if there would be any new curb cuts.

Mr. Lorden responded that there will not be any new curb cuts.

Mr. Yurko noted that the Zoning Ordinance requires a Traffic Analysis Study, he confirmed that the Applicant has submitted a Trip Generation Report dated December 3, 2013 which states that the data was taken from the ITE Trip Generation 7th Edition which is not the most recent edition. Mr. Yurko pointed out that the Ogunquit Zoning Ordinance requires that data be taken from the most recent edition of the Trip Generation Manual published by the ITE. Mr. Yurko agreed that

it may not change the numbers, however the use of the older edition does not comply with the Zoning Ordinance.

Mr. Yurko also pointed out that the report uses the Trip Generator to look at the current use of the property; however it does not consult the Trip Generator for the proposed use of the property. He suggested that if the Trip Generator does not address “boarding houses” the applicant look at hotels which would be a comparable use.

Mr. Yurko suggested the once the applicant provides the data of trips generated under the new property use, they may then argue that there are mitigating circumstances which will reduce the traffic impact.

Regarding the off-site parking, Mr. Yurko referred to Section 8.10.D.3 of the Ogunquit Zoning Ordinance which states that “...the Planning Board may authorize residential off-street parking to be located on another lot within 300 feet of the residential uses, as measured along lines of public access...”. Referring to the site plans he noted that the subject lot is separated from the Playhouse parcel by the Chamber of Commerce Lot. The driveway for the Boarding House parcel and the driveway for the Playhouse are some distance apart and he asked if this distance has been measured.

Mr. Fallon responded that the beginning of Section 8.10.D.3 states that “...Required off-street parking in all residential and business districts shall be located on the same lot as the principal building or within 100 feet measured along lines of access for business and industry...”. He pointed out that the Chamber of Commerce frontage is only 98 feet. There is a pedestrian break in the fence which allows pedestrians to exit the Playhouse Parking area and walk along the sidewalk to the Boarding House parcel.

Mr. Yurko pointed out that the easement does not make reference to the dominant and subservient parcels. He noted that he has less immediate concern over the easement, however he is reluctant to approve an application without a valid traffic study.

Mr. Yurko asked how many parking spaces currently exist.

Mr. Lorden responded that there are currently twelve plus the lawn area where employees currently park.

Mr. Yurko asked how many employees currently work there.

Peter Lewis responded that it varies from season to season, however there may be as many as six employees working there at any given time.

Mr. Yurko asked when was the last time the building was used for residential purposes for playhouse talent or staff?

Mr. Lewis responded that they housed staff there last summer. He pointed out that crew and staff generally have vehicles, however the cast and talent generally do not come with vehicles, and cast and talent will be the boarding house's primary occupants.

Mr. Yurko suggested the traffic study should compare the current use as residential and office space with the proposed use as a fifty room boarding house, keeping in mind that the ordinance requires a trip generation study and a traffic impact study based on the number of trips.

Ms. Bevins agreed that the study is needed, she asked if there will be kitchens in the rooms.

Mr. Lewis responded that the rooms will be similar to a motel room with a kitchenette, and that there will be a common full kitchen on each floor.

Mr. Fallon confirmed that the rooms will be 200 to 300 square feet in size, and each room will contain two single beds or one queen sized bed.

Mr. Feldman agreed that the Ordinance does require the most recent ITE Trip Generation Rates. He suggested the Applicant go back and reevaluate. Mr. Feldman also asked if the Playhouse assigns housing based on whether or not the employee has a vehicle, and if they keep records from year to year.

Mr. Lewis responded that they do ask employees if they have a personal vehicle and they do assign housing based on transportation ability. This has worked very well in the past and they have kept records. He agreed to provide the data to the Board as part of the traffic study. He asked what was the latest edition of the ITE.

Mr. Feldman responded that they are up to the 9th edition.

Mr. Yurko agreed that this would be helpful and he asked that they use the trip generation for the current use as well as the proposed use.

Mr. Simpson asked Mr. Feldman if he has any concern regarding the distance between the proposed structure and the offsite parking.

Mr. Feldman responded that he does not.

Mr. Lewis clarified that the pedestrian break in the fence allows pedestrians to exit the Playhouse parking area directly onto the sidewalk which leads to the Boarding house. Pedestrians will not have to walk across the Chamber of Commerce's parking lot.

Mr. Simpson summarized that the Applicant needs to come back with a corrected Trip Generation Report using the most current ITE Trip Generation Edition providing data for the current use as well as the proposed use.

Mr. Heyland asked about the lot coverage, he asked if there are Shoreland Coverage calculations.

Mr. Lorden responded that their building coverage calculations, within the Shoreland, include all impervious surfaces and they will be under the 20% limit.

Mr. Heyland asked if the thirty-six off-site parking spaces will be accessible during times when the parking lot is full. If there is a show going on, and the lot is full, will those vehicles from the boarding house still be able to get in and out?

Mr. Fallon responded that those spaces will be for staff who will be working during the shows so there would be no need for them to move their vehicles.

Mr. Heyland asked what would happen if there was a transfer of the boarding house property, would the new occupants be able to get vehicles in and out?

Mr. Fallon responded that they would have to look at another curb cut and creating access directly onto Route One.

Mr. Lewis responded that parking is set up to allow for an access out. This is intentional, and anyone parking along that fence line can get out at any time.

Mr. Heyland asked if the Route One DOT work will effect those thirty-six (36) parking spaces.

Mr. Lewis responded that there will be no effect and he will be meeting with the DOT project manager this week.

Mr. Heyland confirmed that the requirements for off street parking are one vehicle space per room. The number of beds is irrelevant.

Mr. Simpson informed the Applicant that the next Planning Board Meeting will be on May 19th.

Nancy DeCarlo from the Seafarer Motel asked the Board when construction will take place. She noted that construction noise during the summer would be disruptive to her guests.

Mr. Heyland noted that Section 8.9 of the Zoning Ordinance does not restrict construction during the summer months, it does limit building between the hours of 7:00 a.m. and 10:00 p.m.

Mr. Lewis responded that they do not currently have a confirmed start date for construction.

It was agreed that this Application would be tabled until the May 19, 2014 Meeting, when the Applicant would present a corrected Trip Generation Traffic Impact Study.

3. 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.

Todd Wallace, Dube Construction addressed the Board. He presented a signed approval letter from the Home Owners Association President. He noted that this project involves the removal of

the existing non-conforming structure and construction of a new conforming house. The house was non-conforming due to violations to the setbacks. By turning the structure they will be able to meet all setback requirements.

Mr. Yurko asked if there would be a basement.

Mr. Wallace responded that there is currently a crawlspace and the intent is to drill out some bedrock and put in a full basement.

Mr. Simpson asked about water sources and sewer use.

Mr. Wallace responded that due to financial considerations and space logistics they plan to drill a well for water, and that the property is on public sewer.

Mr. Heyland confirmed that he has no concerns.

**Mr. Yurko Moved to find the application complete and approve it as submitted.
YURKO/BEVINS 3:0 UNANIMOUS**

G. NEW BUSINESS – None

H. CODE ENFORCEMENT OFFICER BUSINESS - None

I. OTHER BUSINESS –

1. Discussion regarding Workshop to gather public input on possible amendments to the Outside Sales Ordinance (Section 9.19) to allow for “Special Exemptions”.

Mr. Simpson informed the Board that there has been a discussion of this matter by the Select Board. He noted that it was agreed that in order to allow for a waiver there would have to be changes to the Zoning Ordinance and that this is not something which would fall under the Select Board’s authority.

Mr. Simpson stated that the individual who initiated this topic of discussion has since informed the Board that he no longer wishes to pursue it. He asked the Board members if they still wanted to schedule a workshop to discuss the subject with the public.

Ms. Bevins suggested they go forward.

Mr. Yurko pointed out that there is interest in outside dining, which he agreed is different from outside sales.

Mr. Simpson agreed that even if there is a workshop there is no guarantee that anything will change.

Ms. Bevins suggested that the Board wait until someone expresses a desire to reopen a dialog on this subject before they hold a workshop.

Mr. Yurko agreed.

Mr. Heyland confirmed that “outdoor dining” is separate from “outside sales”.

Mr. Simpson confirmed that the Board would take no action on the subject of outside sales at this time.

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 6:55 p.m.
YURKO/BEVINS 3:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Recording Secretary

Accepted on May 19, 2014