

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
September 26, 2011 6:00 p.m.**

A. ROLL CALL –

The Roll was called with the following results:

Members Present: Tim Pinkham, Chair
 Robert Coles, Vicechair
 Craig Capone
 Don Simpson

B. MISSION STATEMENT - The Mission Statement was read by Mr. Capone.

C. MINUTES – September 12, 2011.

The Minutes of the September 12, 2011 Meeting were Accepted as Submitted.

D. PUBLIC INPUT – None

E. UNFINISHED BUSINESS – None

F. NEW BUSINESS –

**1. ALEXANDRE’S GARAGE / ROBERT ALEXANDRE – 254 Main Street – Map 7 Block 68
– Site Plan Review and Design Review for a post 1930 structure. Application to remove existing service station and buried fuel tanks, and replace them with retail shops.**

Robert Alexandre addressed the Board; he informed the Board that he and his wife live at 147 Main Street and that his garage is just up the street at 254 Main Street. He has been in business for forty (40) years and is now the last garage in Ogunquit. He proposes the removal of the pumps, tanks, and station, and the development of five (5) retail shops where the garage is currently located.

Harvey Wells, architect for this project, addressed the Board. Mr. Wells reviewed the proposal for the conversion of the garage into retail shops. He noted that the existing structure is non-conforming because a portion of the building’s back wall extends into the rear ten (10) foot setback by about four (4) feet. They would like to keep this nonconformity as part of the new structure. The current building is a two-bay service garage with office space and an apartment on the second (2nd) floor. The proposed landscaping will include the existing right-of-way for the Old Village Inn as well as the municipal parking area to the north of the garage. The site will be landscaped with pavers to match the existing sidewalk; it will also include lamp posts to match the existing lamp posts along Main Street.

Mr. Wells reviewed the submitted plans noting that each rental unit will include handicapped bathrooms in the rear as well as stairs to the second floor which will hold additional space which the tenants may use for office, storage, or retail space. The apartment will be retained and the exterior of the building will conform to the other buildings on Main Street. Regarding signage, the Applicant will leave the

individual shop signs up to the tenants who will apply for their own sign permits. There are two parking spaces reserved for the apartment.

The fuel tanks and pumps will be removed and the contractor will be responsible for coordinating with the Department of Environmental Protection (DEP) and Ogunquit Town Departments for all permits and approvals.

Mr. Coles asked about the existing building's intrusion into the rear setback.

Mr. Wells responded that the concrete rear wall is approximately two stories high.

Mr. Simpson asked about the parking spaces behind the existing building.

Mr. Wells responded that this is the Old Village Inn's parking lot.

Mr. Lempicki asked how many tanks need to be removed.

Mr. Alexandre responded that there is one tank.

Mr. Capone asked for confirmation that there is currently an apartment on the site.

Mr. Wells responded that there is an apartment which went up in 1985; it did get a Certificate of Occupancy.

Mr. Lempicki asked if the Certificate of Occupancy clearly states that the space over the garage could be used as a dwelling unit.

Mr. Wells responded that he would have to review his paperwork from 1985.

Mr. Lempicki informed the Board that Mr. Lockman has recommended that the Board not proceed any further until the Applicant can verify that the apartment is a legal dwelling unit.

Mr. Wells reiterated that the Certificate of Occupancy was issued when the original plans were approved.

Mr. Lempicki stated that a review of the files indicates that there was a Zoning Board of Appeals (ZBA) action for an application to install an office over the garage and that this request was denied.

Mr. Alexandre responded that he has no recollection of a ZBA action.

Mr. Pinkham agreed that the Board can not proceed without documentation that the existing apartment is legal. The answer to this question will also effect the parking requirements. He also noted that the property is located in the Downtown Business District (DBD) not General Business (GBD).

Mr. Pinkham asked if the proposed structure will be a new structure or a renovation of the existing building. He noted that a new structure will be required to conform to current zoning requirements.

Mr. Wells responded that the new structure will fall within the footprint of the existing building and that they would like to use it.

Mr. Lempicki noted that grandfathered structures are allowed to remain non-conforming; however a new structure would need to conform to current codes.

Mr. Coles asked if there is any percentage of the existing building which needs to remain in order for the “grandfathering” to apply.

Mr. Lempicki responded that the Zoning Ordinance does not address this question.

Mr. Simpson asked if the Applicant proposes leaving any part of the existing structure.

Mr. Wells responded that the existing structure is concrete block and they would like to change it for the sake of having proper insulation, but if they have to leave the rear wall in place in order to maintain the existing building footprint they will do so.

Mr. Lempicki stated that one part of the application states that they are going to demolish the existing structure and in another part of the application they indicate that they are planning to maintain a portion of the existing structure.

Mr. Wells reiterated that they will use whatever portion of the existing structure they have to in order to maintain the footprint’s grandfathered status.

Mr. Lempicki responded that if they demolish the building in its entirety they will have to adhere to all of the dimensional requirements of the current Zoning Ordinance when they rebuild.

Mr. Wells stated that the majority of the existing building will come down, and if they can keep the rear walls in place they will do so.

Mr. Coles asked if maintaining the existing foundation would be sufficient to preserve the grandfathered status.

Mr. Lempicki responded that it would not.

Mr. Simpson asked if the proposed apartment will be 624 sq. feet.

Mr. Wells responded that they have amended the apartment size; it will now be 650 sq. feet.

Mr. Simpson suggested that a multidimensional drawing of the front elevation which shows the sidewalk and light posts would be very helpful.

Mr. Simpson noted that the DOT intends to begin work on the sidewalk along Main Street in the near future; he asked if the Applicant would be willing to use pavers which match whatever material the DOT puts in for the new sidewalk.

Mr. Wells stated that they would be willing to do the best they can.

Mr. Pinkham informed the Applicant that the Board can not find the application complete without an explicit commitment as to whether the existing structure will be demolished completely or partially. The Board will also need revised drawings which clearly illustrate what, if any, portion of the existing building will remain.

Mr. Simpson suggested that the Board should also see a copy of the Certificate of Occupancy or proof that an earlier Board approved the apartment.

Mr. Pinkham agreed.

Mr. Capone asked if the two parking spaces are tandem.

Mr. Wells responded that they are.

Mr. Simpson Moved to Table the Application for Alexandre's Garage / Robert Alexandre – 254 Main Street – Map 7 Block 68 until the Board receives revised plans illustrating the maintaining of the existing structure or plans demonstrating that the new structure will meet all current zoning requirements, as well as documented proof that the existing apartment is legal.
SIMPSON/COLES 4/0 UNANIMOUS

Mr. Pinkham informed the Applicant that he will need to provide revised plans which clearly illustrate those portions of the existing structure which will remain and be incorporated into the new building, or plans which meet all current zoning requirements. The Applicant will also need to provide documentary proof that the existing apartment received approval from a previous Board and/or that a Certificate of Occupancy was issued which allows for that space to be used as a dwelling unit.

Mr. Simpson asked if the front of the proposed building will be in line with the other buildings on Main Street.

Mr. Alexandre responded that it will be a few feet back.

2. STEPHEN CATE and PAUL GERVAIS – 59 Kings Lane – Map 14 Block 40 – Design Review for a post 1930 structure. Application for a 12' x 16' addition – three-season porch, plus foundation and roof repair / replacement siding and trim.

Stephen Cate addressed the Board.

Mr. Simpson asked if the three-season room will be behind the existing structure.

Mr. Cate responded that it will be in front of the building.

Mr. Coles asked why this application is before the Board.

Mr. Lempicki responded that the renovation can be seen from Kings Lane and because of the zone it is in it requires Design Review.

Mr. Coles asked if they will use materials similar to those on the existing structure.

Mr. Cate responded that they will.

Mr. Coles Moved to Approve the Design Review for STEPHEN CATE and PAUL GERVAIS – 59 Kings Lane – Map 14 Block 40.
COLES/CAPONE 4/0 UNANIMOUS

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS –

Mr. Pinkham noted that there is no new business scheduled for the October 11th meeting, and after confirming with Mr. Alexandre that he is agreeable and willing to wait and hold his Public Hearing on October 24th, Mr. Pinkham cancelled the October 11th Planning Board Meeting and confirmed that the next Planning Board meeting would take place on October 24th.

I. ADJOURNMENT -

**Mr. Capone Moved to Adjourn at 6:30 p.m.
CAPONE/SIMPSON 4/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved October 24, 2011