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OGUNQUIT PLANNING BOARD MINUTES MONDAY OCTOBER 13, 2015

PUBLIC HEARINGS

- 1. AMI-O, LLC / ANCHORAGE BY THE SEA – 134 Shore Road, Building #2 – Map 6 Block 125-A – Limited Business District (LBD). Site Plan Review Application for a post December 31, 1930 structure. Application to demolish a four unit hotel building and replace it with a new swimming pool, gazebo pavilion, and ADA Compliant restroom.**

Mr. Wilkos asked if there was anyone in the audience who wished to speak for, or against, the Application. There being no one the Public Hearing was closed at 7:03 p.m.

- 2. SHORE ROAD COMMONS – PHASE II / JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A – Residential District (RD). Subdivision Final Plan Application for Phase II (Units 5-7) of a seven unit condominium subdivision.**

Mr. Simpson recused himself and left the room.

1st Alternate Rick Dolliver assumed full voting status.

Rick Licht (Applicant's representative) addressed the Board. Mr. Licht summarized that the project involved Phase Two consisting of a three unit subdivision. The final subdivision will include seven single family dwellings. The Plan now includes a widening and upgrading of Hartwig Lane.

Mr. Wilkos asked if there was anyone who wished to speak for, or against, the application.

Peter Lewis, Ogunquit Playhouse, asked if there would be a Road Agreement for Hartwig Lane, from the entrance at Bourne Lane all the way to the Playhouse property. He also confirmed that the land on Bourne Lane (Map 5 Block 35-1) is owned by the Ogunquit Playhouse Foundation. They do grant an easement over that property. During the Site Visit the Applicant stated that it was taken by eminent domain and corrected later by adverse possession. The Registry of Deeds only has an affidavit from the Russells. Mr. Lewis wanted this on the record.

Mr. Wilkos asked if there was anyone else who wished to be heard. There being no one the Public Hearing was closed at 6:07 p.m.

REGULAR BUSINESS MEETING

Mr. Simpson rejoined the Board as a full voting member and Mr. Dolliver resumed 1st Alternate status.

A. ROLL CALL –

Mr. Wilkos called the roll with the following results:

Members Present: Steve Wilkos (Chair)
Muriel Freedman (Vice Chair)
Don Simpson
Rusty Hayes
Rick Dolliver (1st Alternate)

Members Excused: Jackie Bevins
Brian Aromando (2nd Alternate)

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, Town Planner

Mr. Wilkos noted that with the absence of Ms. Bevins, Mr. Dolliver would be moved to full voting position for the duration of the meeting.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – September 28, 2015

Ms. Freedman Moved to Approve the Minutes of the September 28, 2015 Meeting as Amended.

FREEDMAN/DOLLIVER 4:0 UNANIMOUS (Mr. Simpson abstained due to his recusal during the Shore Road Commons Application process).

E. PUBLIC INPUT – For any matter NOT already on this Agenda.

Mr. Wilkos asked if anyone wished to be heard on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

1. AMI-O, LLC / ANCHORAGE BY THE SEA – 134 Shore Road, Building #2 – Map 6 Block 125-A – Limited Business District (LBD). Site Plan Review Application for a post December 31, 1930 structure. Application to demolish a four unit hotel

building and replace it with a new swimming pool, gazebo pavilion, and ADA Compliant restroom.

Mr. Ramsey presented a Memorandum to the Board dated 10/12/15 (*a copy will be maintained in the Applicant's Planning Board file*) within which he confirmed a surplus of 38 parking spaces at Anchorage by the Sea. He also confirmed all existing buffering will remain and the proposed pool will be within these areas. Also, all exterior lighting will be in compliance with current Zoning Ordinances.

Mr. Heyland stated that he is satisfied.

At this time the Board reviewed the Site Plan Approval Checklist: As outlined in Section 6.7 of the Ogunquit Zoning Ordinance:

A. Does this application involve a pre-1931 structure?

The Board agreed that it does not.

Has the application been reviewed by the OHPC?

The Board Agreed that this is not applicable.

B. Has the Application been submitted for review by all Applicable Town Department Heads?

The Board Agreed that it has.

C. The Planning Board shall review the specifics of the proposed application for compliance with Article 6.5 of the Ogunquit Zoning Ordinance as follows: The Board shall approve the above-noted application if the Applicant can prove that the proposed use or structure:

1. Will allow the orderly and reasonable use of adjacent properties.

The Board agreed that it will.

2. Will not adversely affect the safety, the health and the welfare of the Town.

The Board agreed that it will not.

3. Will not create an undue increase of vehicular traffic congestion on public streets or highways.

The Board agreed that it will not.

4. Includes adequate and proper public or private facilities for the storage, treatment, handling, use of, removal, or discharge of sewage, refuse, hazardous material or other

effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

The Board agreed that it will.

5. Materials incidental thereto, or produced thereby, will not give off noxious gases, odors, smoke or soot.

The Board agreed that it will not.

6. Will not cause disturbing emission of electrical discharges, dust, light, vibration, or noise.

The Board agreed that it will not.

7. The operations in pursuance of the use will not cause undue interference with the orderly enjoyment by the public of parking or recreation facilities, existing, or proposed by the Town or by other competent governmental agencies.

The Board agreed that it will not.

8. Contains adequate, off-street parking in compliance with this Ordinance.

The Board agreed that it will.

9. Does not create a hazard to life, limb or property because of fire, flood, erosion created by reason of use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

The Aboard agreed that it will not.

10. Will be sensitive to adjacent historic properties in compliance with Article 11.

The Board agreed that it will

11. Has a plot area which is sufficient, appropriate and adequate for the proposed use and the reasonably anticipated operation thereof.

The Board agreed that it will.

12. Will be adequately screened and buffered from contiguous properties.

The Board agreed that it will.

13. Will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations.

The Board agreed that it will.

14. Will provide for adequate pedestrian circulation.

The Board agreed that it will

15. Anticipates and mitigates potential nuisance created by its location;

The Board agreed that it will.

16. Complies in a satisfactory manner with all applicable performance standards criteria contained in this Ordinance.

The Board agreed that it does.

Mr. Simpson Moved to Approve the Site Plan Application for AMI-O, LLC / ANCHORAGE BY THE SEA – 134 Shore Road, Building #2 – Map 6 Block 125-A – Limited Business District (LBD). Site Plan Review Application for a post December 31, 1930 structure. Application to demolish a four unit hotel building and replace it with a new swimming pool, gazebo pavilion, and ADA Compliant restroom. SIMPSON/HAYES 5:0 UNANIMOUS

2. **SHORE ROAD COMMONS – PHASE II / JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A –Residential District (RD). Subdivision Final Plan Application for Phase II (Units 5-7) of a seven unit condominium subdivision.**

Sketch Plan Accepted: March 9, 2015

Public Hearing: August 24, 2015

Site Visit: August 24, 2015

Preliminary Plan Approval Granted: August 28, 2015

Final Plan Public Hearing: October 13, 2015

Mr. Simpson recused himself and left the room.

Mr. Licht informed the Board that the Applicant is in total agreement with the Fire Chief's request for additional signage. He (Mr. Licht) noted that there was no time to make these changes to the final plans. There will be "fire lane – no parking" signage at the Bourne Lane entrance and along Hartwig Lane, there will also be "private driveway" signage at the entrance to the two driveways off Hartwig Lane, and additional signage at the end of Harwig Lane indicating the entrance to the Playhouse property.

Mr. Licht also confirmed that "No Parking-Fire Lane" signage would be posted on the grass paver connector between Phase I and Phase II, as requested by the Fire Chief.

Mr. Licht informed the Board that the Applicant approached the Barn Gallery regarding putting in a sidewalk between the Hartwig Lane entrance and Shore Road. Mr. Licht indicated that this is a challenging location for a sidewalk, however if the Town works with the Applicant they might be able to resolve the challenges.

Mr. Licht confirmed buffering would be added to Units 5 and 6.

Mr. Licht responded to Mr. Lewis' comment regarding a Road Agreement. Mr. Licht stated that the current condominium and homeowners' documents have the Homeowners Association responsible for maintenance of all common elements including the road. However, the Applicant is agreeable to a joint road agreement with the Ogunquit Playhouse where costs are shared.

Mr. Lewis responded that this is a good idea, and asked that a draft agreement be brought to the Playhouse. He also suggested anyone else using that road (Barn Gallery) be included.

Mr. Wilkos asked if this should be a condition of approval.

Mr. Feldman responded that it would not. The Applicant has submitted condominium documents which make the homeowners' association ultimately responsible for maintenance of common areas. A road association agreement would be between the two or three property owners to work out details of cost, equipment, etc.

Mr. Wilkos asked about the twenty foot easement Mr. Lewis mentioned during the Public Hearing.

Mr. Licht responded that there is a twenty-five foot easement over Hartwig Lane to allow access from the rear. The twenty foot access easement is that portion off of Bourne Lane which allows access to the Barn Gallery parking area. Mr. Licht noted that the entrance off of Bourne Lane has been widened.

Mr. Lewis responded that there are still title issues regarding Mr. Mixon's statement of "taking". Mr. Lewis again noted that this piece is Playhouse Foundation property and while there is no disagreement with the use of the entrance there is concern that it is maintained. He informed the Board that there are a number of criteria which must be met before the land may be "taken" and none of them have been met. The easement has been used by a number of people over the years which is the intent, however future Playhouse Board's may want to use it in a different manner.

Mr. Mixon responded that he has no intention of taking that particular property, the twenty feet he has is sufficient.

Mr. Feldman informed the Board that this may require a condition of approval.

Traffic Engineer William Bray repeated the summary he gave at the September 28, 2015 Planning Board Meeting. He also indicated his written report (*a copy of which will be maintained in the Applicant's Planning Board file*).

Mr. Dolliver asked about Mr. Bray's basing the 200' calculations on a speed of 25 miles per hour. He noted that this is also the speed on Shore road.

Mr. Bray confirmed.

Mr. Wilkos reviewed the proposed nine conditions as recommended in Mr. Feldman's 9/16/2015 memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board file*):

"1. The Access be designed for 20' per NFPA code with a 4' painted Bike & pedestrian area between the Play House property and the Barn Gallery property;

Mr. Feldman responded that it has been noted on the plans.

2. The trees along the Access between the Playhouse property and the Barn Gallery be trimmed to a height of 14' and maintained at the height for safe emergency vehicle access;

Mr. Feldman responded that the Applicant has placed a notation on the plan which will be recorded at the Registry of deeds.

3. Signs be placed along Hartwig access indicating "No parking fire lane";

Mr. Feldman responded that signage will be located in that area, as noted on the final plan.

4. The driveways between Phase I and Phase II be connected by a compacted gravel/grass design to accommodate fire apparatus and add a sign that states "Area to be maintained year round for emergency vehicle access";

Mr. Feldman responded that this has been provided on the plans and the Fire Chief has concurred.

5. A drainage easement be provided along the identified drainage area south of unit #5 in conformance with Article 9.91 of the subdivision regulations;

Mr. Feldman responded that the drainage easement has been provided on the plans.

6. Investigate the potential sidewalk expansion from Bourne lane to Shore Road crosswalk with the Barn gallery;

Mr. Feldman responded that the Applicant has indicated that he approached the Barn Gallery and they (Barn Gallery) were not interested. Thus, the Applicant has satisfied the condition as recommended.

7. Provide a Traffic Impact study utilizing Saturday A.M & P.M peak hours focusing on the Bourne Lane/Route 1 intersection and the Bourne Lane/Shore Road intersections.

Mr. Feldman responded that the Board has a copy of Mr. Bray's report.

8. Provide added buffering to the rear of Units 5&6 as well as the pump station;

Mr. Feldman responded that the Applicant stated at this meeting that he will do this, and there is a notation on the final plans as well.

9. Provide signage at the west end of the property where Hartwig access way terminates, directing people to the Playhouse property;

Mr. Feldman responded that the sign location is noted on the final plans.

Mr. Wilkos summarized that approval will have three conditions:

1. The applicant comply with all oral and written material submitted to the Planning Board during deliberation of the project;
2. A 30"x30" Stop Sign with a striped 12" white stop line should be added to the Harwig Lane approach at Bourne Lane;
3. If any issues occur due to title of ownership and/or access between the Ogunquit Playhouse and Shore Road Commons, LLC, than the Applicant shall come back to the Planning Board for any clarification or redesign that may be required to address property ownership or access.

Ms. Freedman Moved to Approve Shore Road Commons Phase II subject to the following conditions:

- 1. The applicant comply with all oral and written material submitted to the Planning Board during deliberation of the project;**
- 2. A 30"x30" Stop Sign with a striped 12" white stop line should be added to the Harwig Lane approach at Bourne Lane;**
- 3. If any issues occur due to title of ownership and/or access between the Ogunquit Playhouse and Shore Road Commons, LLC, than the Applicant shall come back to the Planning Board for any clarification or redesign that may be required to address property ownership or access.**

FREEDMAN/DOLLIVER 4:0 UNANIMOUS

Mr. Licht asked if the Board would sign the Final Mylar Plans.

Mr. Feldman responded that if the Applicant leaves the plans the Board could sign them.

G. NEW BUSINESS –

- 1. CHERRY LANE PROPERTIES, LLC – 67 Cherry Lane – Map 4 Block 84 – One Family Residential District (OFR). Subdivision Sketch Plan Application for three lot subdivision including an existing pre 1931 structure.**

Mr. Wilkos noted that the Board's action at this meeting is to determine completeness and schedule a Site Visit.

Attorney Durward Parkinson addressed the Board as the Applicant's representative. Attorney Parkinson stated that the proposal involves a three lot subdivision. He noted that it is a recorded plan which goes back to 1901. The Applicant is making minor amendments to bring it into compliance with current standards in that zone. The property is served by public water and sewer.

Isaiah Plant, Kimball Survey and Design addressed the Board. He presented the original 1901 plan indicating three lots off Cherry Lane and Frazier Pasture Road. The Applicant proposes reconfiguring the three lots which had been merged. The proposal will result in two lots accessed off of Frazier Pasture and one lot accessed of Cherry Lane. They are not proposing any changes to the existing pre 1931 house with the exception of the driveway which will now be accessed off of Frazier Pasture Road.

Mr. Plante informed the Board that the Applicant is requesting one waiver (Item 6.6.3.R: Location of any open space to be preserved and description of proposed ownership, improvements, and management. He noted that the total parcel size is just under one acre and no areas are intended to be open space.

Mr. Plante informed the Board that all three parcels will meet minimum lot size, and frontage, and that there are adequate building envelopes. The Applicant recently extended the sewer line up Cherry Lane and provided a sewer stub up Frazier Pasture Lane as well, so all 3 lots will be serviced by sewer. He noted that public water is already in place.

Ms. Freedman noted that the application packet does not contain a letter of from the Applicant authorizing Kimball Survey and Design to appear and speak on the applicant's behalf.

Attorney Parkinson offered to hand write a letter and present it to the Board immediately.

The Board agreed.

Mr. Simpson noted that Lot #3 seems to have a slight encroachment into the set back. He asked if this is legally nonconforming and if it will remain.

Mr. Heyland confirmed that this is a legally nonconforming structure which will remain unchanged.

Mr. Wilkos reviewed memos to the Board from the Chief of Police, Fire Chief, and Ogunquit Historic Preservation Commission, none of which expressed any serious concerns.

Mr. Wilkos noted that the Conservation Commission requested the Board "check to make sure the permeable versus impermeable surfaces are correct". He asked Mr. Feldman how the Board could do that.

Mr. Feldman responded that this may not be doable for a subdivision. He noted that this type of calculation is generally done for Site Plan Review as it requires final plans for all non vegetative surfaces. He suggested this may become a waiver request when the Applicant gets to the Preliminary Plan Stage of the application process.

Ms. Freedman asked why the Ogunquit Historic Preservation Commission (OHPC) is not reviewing this project, even though it includes a pre 1931 building.

Mr. Heyland responded “The District” does not include the One Family Residential District (OFR).

Mr. Wilkos Moved to Grant a single submission waiver request for Section 6.6.C.4 Item 5.3 – general proposals for how any common areas and infrastructure will be managed and maintained.

The reason given by the Applicant is that there will be no common areas thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity. And provided that such a waiver will not effect or nullify the intent and purpose of the Zoning or Subdivision Ordinance.

WILKOS/HAYES 5:0 UNANIMOUS

Mr. Heyland noted that the project includes proposed curb cuts. He asked the Applicant to not remove any trees in the public way until he (Mr. Heyland) has had the opportunity to review the proposed road cuts.

The Applicant agreed.

Mr. Feldman agreed with Mr. Heyland and added that he would like to see the curb cut relocated.

Mr. Dolliver Moved to find the Sketch Plan Application Complete for CHERRY LANE PROPERTIES, LLC – 67 Cherry Lane – Map 4 Block 84 –One Family Residential District (OFR). Subdivision Sketch Plan Application for three lot subdivision including an existing pre 1931 structure.

DOLLIVER/HAYES 5:0 UNANIMOUS

The Board scheduled a Site Visit to take place on Monday October 26, 2015 at 2:00 p.m.

The Applicant agreed to the date and time.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS – What do we plan?

Mr. Wilkos noted that the Planning Board reviews: Design and Site Plan Reviews, Subdivision, as well as crafting and amending the Zoning Ordinance. He asked Mr. Feldman what other towns’ planning boards do.

Mr. Feldman responded that most planning boards in the State of Maine operate under the same guidelines and rules. However the Board's planning goes far beyond the review of proposed development projects.

Mr. Feldman distributed copies of Article 8 of the Ogunquit Town Charter which establishes what the Planning Board is, does, and how it operates. He noted that Ogunquit's Planning Board Charter is somewhat loose in what it allows and requires of the Board.

Mr. Feldman also distributed copies of Article 6 of the Zoning Ordinance, specifically Section 6.4 which outlines the powers and duties of the Planning Board.

The Board members all confirmed they have reviewed the Town's Comprehensive Plan.

Mr. Feldman noted that there are a number of tasks outlined in the Comprehensive Plan which the Planning Board should be looking at. He noted that the Comprehensive Plan is now 13 years old, and most towns update the plan every 10 years. He stressed that the Comprehensive Plan is intended to be a "living document" and should be considered to be the baseline for anything the Board does for planning purposes.

Mr. Feldman noted that the Board's task is to write, revise, and update the Comprehensive Plan for consideration by the voters. He pointed out Section 6.4.E indicates that the full Planning Board or a subcommittee of the Planning Board along with other municipal officials and/or citizens may work to review, write, and/or revise the Comprehensive Plan.

The Board may also look at "long range planning" with regard to things like future build-out of the Town and rate of growth in the Town, transportation issues, coastal issues such as sea level rise and beach management plans.

Mr. Wilkos responded that this is exactly what he was looking for. His primary concern is with the Comprehensive Plan and long range planning.

Mr. Feldman suggested that if the Board is looking at a new comprehensive plan the Town might consider SMPDC. He noted that he recently submitted a draft comprehensive plan to the Town of Wells. This approach takes much of the data gathering out of the project and allows the Town to concentrate on the goals, plans, and ways to implement those plans.

Mr. Simpson asked if the Town hasn't attempted to set up a Comprehensive Plan Review Committee.

Ms. Freedman responded that it has. She added that in 2002 the committee was made up of all of the Planning Board members, as well as a Zoning Board of Appeals representative, environmental representative, parking and traffic committee representative, Select Board representative, Conservation Commission representative, and citizen representative. She stressed that everyone needs to work together.

Mr. Wilkos noted that there are a couple of approaches: the Comprehensive Plan may be completely rewritten or it may be amended, and the Planning Board can take on specific review tasks.

Mr. Feldman agreed to review the current Plan and provide the Board with a list of goals, policies, and strategies that the Town should be considering.

Mr. Wilkos agreed with Mr. Simpson that long range planning is of primary importance.

Mr. Simpson agreed that the Conservation Commission needs to be involved in long range planning.

Ms. Freedman suggested the Select Board should know that it may not be their responsibility.

Mr. Hayes asked if there are any “hot topics” that the Board should pay particular attention to? He pointed out that Ogunquit is a small town that has grown a lot since 2002 and he asked if there is anything that they should concentrate on because the town has grown so much.

Mr. Feldman responded that he will think about that as he pulls together the goals, policies and strategies. Off the top of his head he offered transportation, parking and bike and pedestrian traffic.

Mr. Dolliver suggested Ogunquit’s traffic may not have increased since he was a kid. He acknowledged that there are more residences. He asked if the town might eventually run out of buildable lots.

Mr. Hayes asked if the trolleys and increase in pedestrian traffic might not make it appear as if traffic hasn’t increased.

Mr. Feldman responded that it may be a “changing” community. There may be more seasonal people which changes the dynamics and demographics of the town.

Mr. Wilkos agreed to contact the Select Board Chair to discuss the Comprehensive Plan Committee. He asked Mr. Feldman to prepare a list of goals, tasks, and projects the Board should begin discussing.

J. ADJOURNMENT -

**Mr. Simpson Moved to Adjourn at 7:33 p.m.
SIMPSON / DOLLIVER 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy
Recording Secretary

Approved on October 26, 2015