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OGUNQUIT PLANNING BOARD MINUTES MONDAY DECEMBER 14, 2015

PUBLIC HEARING

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

Mr. Wilkos noted for the record that this application involves the creation of a three lot subdivision with one existing house and construction of two new houses for a total of three single family dwellings.

Attorney Durward Parkinson addressed the Board as the Applicants' representative. He introduced Isaiah Kimball who summarized the changes to the proposed project.

Mr. Kimball stated that the plan has not changed very much, however he has added a table to the plans explaining the net residential acreage. Another change has been the elimination of the sewer easement to Lot 3. Instead they plan to run a 110' sewer line, and water line, up Frazier Pasture Road to accommodate Lot 3. They have also indicated driveways to the plans.

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

David Caplan (78 Cherry Lane) asked the Board to deny this application. Mr. Caplan stated that this area is a unique neighborhood with large lots containing old canopy forest. The creation of two new houses on this lot would irretrievably change the aesthetics of the area. Mr. Caplan suggested that this neighborhood is one of the reasons tourists come to Ogunquit, along with Perkins Cove, the Marginal Way, and the Beach.

Mr. Caplan informed the Board that he sent 100 form letters to people living within a mile of the proposed subdivision asking them to sign the letter and send it to the Board. He suggested that public opinion is against the project.

Mr. Caplan stated that the Applicants have already destroyed the natural beauty of the neighborhood by cutting down twelve (12) large pine trees before submitting their Planning Board Application, in effect circumventing the review process. He referred to Section 6.2.11.15 of the Subdivision Regulations which states that "*The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any*

proposed restrictions to be placed on clearing existing vegetation.” Mr. Caplan suggested the developers bypassed the Board’s ability to impose restrictions on the maintenance of existing cover by cutting the trees prior to applying for the Subdivision Application. He asked the Board to require the Applicants replace the trees which were removed.

Mr. Caplan expressed concern about the new sewer line on Frazier Pasture Lane (*sic*). He noted that four pine trees were removed when the sewer line was put in on Cherry Lane. He is concerned that the new Frazier Pasture Lane (*sic*) line will lead to the removal of more trees. He stated that the “mayor” (*sic*) assured him that no more trees would be allowed to be cut down on Town property.

Mr. Caplan asked the Board to deny the application because:

- a) It is not in keeping with the character of the neighborhood;
- b) It is not in the economic interest of the Town residents.

If the Board approves the subdivision Mr. Caplan asked for the planting of six large pine trees with diameters of no less than six inches, be planted on the property. He also would like the homes to be configured to allow for the planting of the new trees where the old trees had been, and that the Board require the developers put a large vegetative buffer around the area, and that no further vegetation be removed from Town land in support of this project. Furthermore he wants the developers to replace the trees which were removed from Town property for the installation of the sewer line for this subdivision.

Rick Speciale (15 Cardinal Crescent) addressed the Board. Mr. Speciale summarized his history in civic development and other areas in the country with similar special neighborhoods. He agreed with Mr. Caplan that this project will damage the character of this neighborhood, he also agreed that the applicants circumvented the process by removing the trees prior to applying for the Subdivision Application. He asked the Board to deny the application unless the developers are willing to work with the abutters.

Karola Mait (124 Stearns Road) addressed the Board. Ms. Mait also asked the Board to deny the application because it is not in keeping with the neighborhood. She suggested that a single home would work, however two more houses on that parcel is too much. She suggested the proposed project will make the neighborhood look “trashy”.

Mr. Wilkos asked if there was anyone else who wished to be heard. There being no one the Public Hearing was closed at 6:19 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

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 in Ms. Bevins absence Mr. Dolliver would be a full voting member for the duration of this meeting.

B. PLEDGE OF ALLEGIANCE -

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

Mr. Wilkos informed the audience that the Planning Board bases its decision on the Comprehensive Plan, The Ogunquit Zoning Ordinance, Subdivision Regulations, and the Planning Board Mission Statement.

D. MINUTES - November 23, 2015.

Mr. Dolliver Moved to Approve the Minutes of the November 23, 2015 Meeting as Submitted.

DOLLIVER/HAYES 4:0 (Mr. Simpson was excused from the November 23, 2015 Meeting)

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

Mr. Wilkos 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. LAFAYETTE OGUNQUIT LLC/NORSEMAN HOTEL – 115 Beach Street – Map 7B Block 86 Shoreland General Development 1 (SG1). Site Plan and Design Review for a post 1931 structure. Application to reconstruct building destroyed by fire.

Danny Lafayette addressed the Board. Mr. Lafayette and his wife, own 97% of the Norseman, the remaining 3% is owned by people who work with, or for, the business.

Mr. Lafayette informed the Board that he owns twenty-six (26) hotels in the region and has been in business for over thirty (30) years. He reminded everyone that his hotel is in competition with many other hotels and that guests expect a high level of service and accommodations. The fire that destroyed his hotel in 2015 was devastating. Mr. Lafayette summarized the conditions which made this fire dangerous and very difficult to extinguish.

Mr. Lafayette pointed out that Sand Dune Regulations require the new building be elevated so that flood waters can pass under the structure in the event of a 100 year storm. He also noted the Americans With Disabilities Act which requires him to give his guests the best view possible in a handicapped accessible room/building.

He stated that the area under the elevated building will not be a “parking garage”. They are asking for a single handicapped parking space so that someone in a wheelchair can access the elevator into the building. He added that it doesn’t make sense to put an elevator in an eight room building, however he wants to include it for people who need it.

Mr. Lafayette stated that the proposed building is smaller than what they could build. However they want this new building to be high quality both inside and outside, and accessible to handicapped guests. He noted that any delay in approval from the Board causes him financial harm and he asked for approval at this meeting.

Neal Raposa, Civil Consultants addressed the Board. He noted that his partner, Geoff Aleva was unable to attend.

Mr. Raposa informed the Board that the DEP has determined that the underlying dune is not stable enough to support an elevator tower over thirty-five feet (35’) in height. As a result the plans have been amended to remove the elevator shaft above the roof level. They have also removed the proposed roof deck.

Mr. Wilkos asked if the Applicant is presenting a new plan.

Mr. Raposa responded that it is a revised plan that meets DEP requirements, it is a reduced impact to the originally submitted plan. The original design contained an elevator tower and roof deck. The new plan: 1) lowers the elevator tower to the roof level, 2) eliminates the roof deck and 3) removes a single window at the rear of the property. This was done at the request of the Fire Marshall, to provide a fully protected stairway and landing all the way to ground level.

Mr. Raposa asked the Board to accept revised elevations and 3D isometric views from the Marginal Way and the Beach.

Mr. Wilkos asked if the Applicant had received the DEP Permit.

Mr. Raposa responded that they have not; the DEP is reviewing the revised plans.

Mr. Wilkos asked the Board members if they are willing to accept the amended plans, and if they feel this is a substantive change to the plan.

Mr. Simpson responded that he does not consider the changes to be substantive, and he would accept and discuss the plans at this meeting.

Ms. Freedman stated that she would like time to review the amended plans. She would accept the submittal for discussion at the next Planning Board meeting.

Mr. Wilkos agreed with Ms. Freedman.

Mr. Hayes stated that it is a major change and he would like time to review it.

Mr. Dolliver wanted to proceed with the review of the material at this meeting.

Mr. Wilkos informed the Applicant that the Board's poll of 3:2 shows that a majority of the Board feel that it is a substantive change and it would not be appropriate to review the changes at this meeting. He asked Mr. Feldman if the Board needs a formal vote.

Mr. Feldman responded that a poll is sufficient and they do not require a formal vote.

Attorney Brad Morin addressed the Board on behalf of the Applicant. Mr. Lafayette was concerned over things he saw on the internet and things he heard at a Select Board Meeting where the project was discussed without notifying, or inviting, him.

Attorney Morin stated that the changes to the plan were made in response to comments made at the Public Hearing. The amended plans are basically the same as the original plans with the exception of the lowering of the elevator shaft, and deck removal, which is what the Board and the public asked for. In addition the Applicant has returned with the elevations, which the Board requested at the last meeting, and were going to discuss tonight. He asked the Board to vote on the Design Review and Site Plan Review Applications.

Mr. Wilkos reiterated that the Board believes that the changes are substantive changes to the original plans. The Applicant is asking the Board members to review the changes immediately and render a decision. Mr. Wilkos asked the Board members if anyone who did not want to review the amended plans at this meeting has changed his/her mind. No one did.

Mr. Wilkos again asked Mr. Feldman if the Board needed to vote on this question.

Mr. Feldman reiterated that he does not believe they need to take an official vote however if the Board feels more comfortable doing so, they can vote.

Mr. Feldman referred to Section 3 of the Planning Board By-Laws which states that:

- 3.1.9 Materials received from applicants and other interested parties will be handled in the following manner:
 - 3.1.9.1 If the late materials were not requested to be submitted by the Planning Board at a prior Meeting, they will not be handled at all until the next Meeting, or at the discretion of the Board.
 - 3.1.9.2 If the late materials were requested by the Planning Board to complete an application, such late materials will be handled as follows:
 - 3.1.9.2.a Such late submittals shall be held by the Land Use Office staff until the scheduled Planning Board

- Meeting time and will be carried to the Meeting by the staff. Late materials will not be inserted in the Board's regular Meeting packets. Packets will not be delayed to accommodate late submittals and will only contain materials submitted before the 14-day deadline. Supplemental packets will not be prepared and the Board Members will only receive one packet prior to each Meeting.
- 3.1.9.2.b During the scheduled Planning Board Meeting, if late submittals are being held by the staff, as each case is begun, the Land Use Secretary will inform the Chair that such late submittals are being held.
- 3.1.9.2.c Such late submittals may only be considered at the discretion of the Planning Board. The Board shall only consider accepting late submittals upon finding that the content is non-technical, brief and may be easily reviewed in a short period of time and any parties to the proceeding will have adequate time to review and respond to the submittals during the course of the Meeting. If the submittals are complex or lengthy, the Board may not consider them and they will be distributed in packets for the next Meeting.

Mr. Feldman noted that the changes to the elevator shaft, roof deck, and window were not requested by the Board.

Attorney Morin reiterated that the only change at this meeting is the removal of the top of the elevator shaft, the roof deck, and a rear window. He stated that these changes are in response to comments made at the last meeting and are easy to understand and could be considered at this meeting.

Mr. Dolliver Moved to accept the material that the applicant has this evening and to review that information just as the Board was going to review the information that the Board was provided from the Land Use Office, with the exception of the elevator tower.
DOLLIVER/SIMPSON

Mr. Wilkos called for discussion.

Mr. Dolliver stated that the primary problem was the height of the elevator tower. The only difference in the amended plan is the removal of that problem – the elevator tower. Mr. Dolliver asked if there will be an elevator going to the 2nd floor, and if the roof deck will be removed.

Mr. Raposa confirmed both.

Mr. Simpson agreed with Mr. Dolliver that the only visible change is the elimination of the elevator tower, and he (Mr. Simpson) would like to proceed with the review of this application.

Mr. Raposa confirmed that the roof deck has been eliminated due to the removal of the elevator tower. ADA standards require access to every level and without the elevator to the roof there can be no deck. The elevator will service the 1st and 2nd level of rooms and there will be no access, by anyone, to the roof.

Attorney Morin added that the amended plans are significantly reduced in scope.

Mr. Lafayette stressed that every change was in response to the Board's and the public's requests. He has agreed to all the changes because he needs this application to move forward.

Ms. Freedman asked about the mansard roof.

Mr. Lafayette responded that there are many other buildings in the area with mansard roofs and the designers thought it would be attractive.

Ms. Freedman asked if the building has been raised three feet.

Mr. Rapposa responded that regulations require the 1st floor be elevated a minimum of three feet. If the guest rooms were three feet off the ground the decks would be at sidewalk level. This is why they elevated the structure as high as they did.

Ms. Freedman noted that the Board has not discussed the Design Review yet.

Mr. Wilkos brought Mr. Dolliver's motion for a vote:

**Mr. Dolliver Moved to accept the material that the applicant has this evening and to review that information just as the Board was going to review the information that the Board was provided from the Land Use Office, with the exception of the elevator tower.
DOLLIVER/SIMPSON 3:2 (Mr. Wilkos and Ms. Freedman Opposed)**

Mr. Raposa distributed the amended elevations.

Mr. Wilkos stated that the Board would begin discussions with the Design Review.

Ms. Freedman asked about the changes to the stairway.

Mr. Raposa responded that there are no changes to the stairway, there was a window next to it which will be removed to create a full fire wall because that stairway is a means of egress. The stairway leads up to the 1st floor corridor.

Mr. Simpson asked if the elevator type will change.

Mr. Raposa responded that it will be the same type of hydraulic elevator. A traction elevator would require a higher tower which would push it above the 35' height limit.

Ms. Freedman asked how guests will access the 2nd level. She noted that the exterior staircase only goes to the 1st level.

Mr. Raposa responded that people would have to enter the building at the 1st level and take an interior staircase up to the 2nd floor, or they can take the elevator from the ground level to the 1st and 2nd floors. He noted that the State Fire Marshall has approved the plans.

Ms. Freedman asked for the height of the building.

Mr. Raposa responded that from the ground to the top of the roofline is 34'5".

Mr. Wilkos asked if the applicant had renderings larger than 11"x17".

Mr. Raposa responded that he did not.

Mr. Wilkos stated that the front deck dividers do not appeal to him. He asked if there was any way to open them up by making a half partition.

Mr. Raposa responded that they could be brought down to a half partition.

Mr. Lafayette added that they made them high to provide privacy for guests on the decks.

Mr. Simpson responded that he understands the need for privacy however the building would be more attractive if the dividers were lowered. He suggested they be lowered to the same height as the railings.

Mr. Lafayette agreed to reduce the dividers on the decks to the height of the railings which are 42".

Ms. Freedman asked if the four panels on the ground level are solid.

Mr. Raposa responded that they could open them up at the bottom to allow for water pass-through. He confirmed that the panels will be white. He displayed samples.

Mr. Heyland asked for confirmation that DEP Sand Dune Rules require flow-through on all four sides.

Mr. Raposa agreed and noted that the front of the building will have openings at the bottom to allow for water and sand movement. He confirmed that they plan to do whatever the DEP requires them to do.

Ms. Freedman asked where the elevator shaft building will be located.

Mr. Raposa responded that it will be under the 1st floor, it will not be out in the open.

Mr. Wilkos stated that the building still seems to be out of proportion to the abutting structures.

Mr. Raposa responded that the Applicant feels they are consistent. He noted that the Norseman on the water is above the roofline.

It was noted that there was some discrepancy about the final height of the new Blue Water structure.

Mr. Heyland recalled that it would be 28' in height, and the new Norseman building would be 34'5".

Mr. Raposa stated that the Neptune is 32 feet. He noted that if the structure was shortened the elevator shaft would extend beyond the top of the roofline. The structure was scaled to hide the elevator shaft.

Mr. Simpson stated that he has no issue with the scale. He noted that the proposed building is about the same height as the Norseman.

Mr. Hayes stated that he has no problem with the mansard roof, he noted that the only alternative is a parapet wall which would not be as attractive.

Mr. Wilkos summarized that the Applicant has agreed to reduce the height of the deck partitions to the height of the railings which is no more than 42". He stated that the Applicant will need to come back before the Board with a revised drawing. He noted that the Board needs to see the design before they grant final approval.

Mr. Raposa asked if they might get Design Review Approval with the condition that the Applicant provide a revised plan showing the reduced height of the deck partitions to be the same height as the railings, which is no more than 42".

Mr. Wilkos responded that the Board has never granted Design Review Approval with conditions.

Attorney Morin suggested that the Board has the authority to do so, and he added that the change in design is so minor that it should be very easy to visualize what the design will look like. He asked why the Board would make the applicant come back if the condition is something that is capable of being articulated in a decision.

Mr. Feldman stated that the Board could move forward with Design Review with the condition that the Applicant provide a design to the Code Enforcement Office with the revised partition height. He also reminded the Board that they still have Site Plan deliberations and there may be other issues that may hold up tonight's approval.

Mr. Wilkos stated that Design Review is very important to the residents of Ogunquit and he feels the Board would do them a disservice if it were to approve a Design Review that is going to be changed. He agreed that there may be a stumbling block with the Site Plan Review and he suggested the Board hold off on voting on Design Review until the Site Plan portion has been worked out.

Mr. Simpson agreed to hold off on deciding Design Review until the Site Plan is discussed.

**Mr. Simpson Moved to table decision of Design Review pending discussion on Site Plan.
SIMPSON/DOLLIVER 5:0 UNANIMOUS**

At this time the Board began discussions of the Site Plan.

Mr. Wilkos asked Mr. Raposa to confirm that they do not have the DEP approval.

Mr. Raposa responded that any condition they receive from the Planning Board would be conditional upon the Applicant receiving DEP Final Approval.

Mr. Wilkos reviewed an e-mail from Town Attorney Natalie Burns which stated that:
“Section 6.6.EE of the Zoning Ordinance states that the Board may consider accepting copies of State or federal permits after the public hearing, but it can't grant final approval until the permit is granted. That section sets forth a list of specific permits (although it doesn't appear to be limited to the list), one of which is NRPA permits. The sand dune permit is a NRPA permit, so the Board can't grant final site plan approval until that permit is granted.”

Attorney Morin asked the Board to grant a conditional Approval, conditional on the Applicant receiving DEP Final Approval.

Mr. Feldman agreed with Attorney Burns. He added that the wording states “but in no event shall any Site Plan be approved”. He noted that “shall” is non-permissive. The language does not say “may not” it says “shall not”.

Attorney Morin pointed out that the Blue Water received conditional approval without their DEP Permit in place.

Mr. Wilkos responded that the Board is not looking at the Blue Water. He asked if there were other Site Plan issues which the Board members, Mr. Heyland, or Mr. Feldman wanted to discuss. There were none.

**Mr. Wilkos made a motion that based upon Town Attorney Natalie Burns' recommendations, the Board table the Site Plan Review.
WILKOS/SIMPSON 5:0 UNANIMOUS**

**Mr. Simpson Moved to withdraw his original Motion to table any decision on Design Review pending discussion on Site Plan.
SIMPSON/DOLLIVER 5:0 UNANIMOUS**

Mr. Simpson Moved to table Design Review pending response from the DEP.

Attorney Morin stated that it is in the Board's power to make a decision of Design Review without deciding on Site Plan. It is not required to table the Design Review.

Mr. Simpson restated his Motion to table Design Review pending response from the DEP.
SIMPSON/FREEDMAN

Mr. Wilkos noted that the Applicant had been given the direction that the deck partitions will be reduced to the height of the railings, and will be no higher than 42".

Mr. Dolliver asked for confirmation from the Board that the only outstanding issue is the reduction of the partitions to 42", and if the Applicant comes back on January 11, 2016 with new drawings indicating the reduced partition height there will be nothing else the Board will require.

Mr. Wilkos reiterated his impression that the structure is out of scale with other neighborhood buildings, however the only direction the Board gave to the Applicant is the reduction of the deck partitions.

**Mr. Simpson restated his Motion to table Design Review pending response from the DEP.
SIMPSON/FREEDMAN 4:0 (Mr. Dolliver Abstained from Voting)**

Mr. Wilkos informed the Applicant that the next meeting will be on January 11, 2016 at 6:00 p.m.

The Applicant will return with a revised Design Review indicating the reduction of the partitions to the height of the railings, no higher than 42" and with an approved DEP Sand Dune Permit.

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

Mr. Wilkos noted that the Board held a Public Hearing earlier in the evening. He also noted that this evening the Board will only consider the Preliminary Plan, not the Final Plan.

Mr. Wilkos reiterated that there is one existing house, and the applicant is proposing the building of two additional houses, for a total of three houses.

Attorney Parkinson, addressed the Board. He noted that this project has been very well vetted by the Board and Town Staff. The Applicant has been before the Board four times, and had one site visit. He (Attorney Parkinson) confirmed this project involves a three lot subdivision, and has been three lots since 1901 when it was shown on a 1901 Plan as three parcels. The current application is to change the lot lines to make the three lots more conforming with today's standards.

Attorney Parkinson noted that the applicants could have divided off one lot every five years without any Planning Board review.

Regarding the tree cutting, Attorney Parkinson pointed out that property owners have the right to cut trees on their property, however in this case the applicant worked with Town Staff and the majority of the removed trees were dead or dying. He stressed that there was nothing inappropriate in the tree cutting.

Attorney Parkinson noted that 6.2.11.15 of the Subdivision Ordinance was referenced on the site plans and there is no restriction for tree cutting (per footnote #8). Attorney Parkinson asked the Board to follow the Ordinance and Comprehensive Plan and grant Preliminary Approval.

Mr. Simpson agreed that the Board is bound by the Ordinances. He asked about buffering, and he suggested this might be handled later in the process.

Mr. Feldman agreed that it might be included as a condition of approval.

Mr. Dolliver pointed out that buffering between residential and residential isn't required. He agreed it might be discussed, and highly suggested, but he is uncomfortable requiring the buffering.

Mr. Feldman responded that the Board can put any reasonable requirement as a condition of approval.

Mr. Simpson suggested the developer might meet with the abutters to attempt to resolve the situation.

Mr. Wilkos noted that the Board had received approximately 75 letters opposing the project, however he reminded everyone that the Board makes its decision based on the Zoning and Subdivision Ordinances, and the Comprehensive Plan.

Mr. Wilkos asked Mr. Feldman if the Board might ask the Applicant to plant additional trees.

Mr. Feldman responded that under Section 9.11 Additional Requirements of the Subdivision Regulations additional street trees, open esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, maintained, and replaced for a period of one year from planting they shall be incorporated in the final plan and executed by the subdivider as construction of the subdivision progresses.

Mr. Wilkos asked Attorney Parkinson if the Applicant would agree to planting of trees.

He (Attorney Parkinson) asserted that the Applicant had met with some of the abutters; and some of the trees were removed at the abutters' request. However he agreed to meet with abutters again.

Mr. Wilkos summarized that the Applicant will meet with the abutters to discuss buffering and replanting of trees.

Attorney Parkinson responded “yes”.

Mr. Wilkos reviewed Mr. Feldman’s Memo to the Board dated December 7, 2015 (*a copy of which will be maintained in the Applicant’s Planning Board File*).

Isaiah Plante responded that Lots 1 and 2 have a parking space indicated on the plans as part of the “driveway”, however they do intend to utilize the garage as a second parking space. He offered to clarify that on the plan to confirm that there are two parking spaces.

Mr. Feldman agreed that if there is a notation on the plan that the garage will provide parking for at least one vehicle the problem will be resolved.

Mr. Heyland expressed concern with the change in the water and sewer lines. He noted that the law requires a ten foot separation between water and sewer. He asked Mr. Plante provide a plan indicating which trees, or other vegetation, will need to be disturbed. He made specific reference to a 48’ pine on the corner of the driveway. He (Mr. Heyland) wants to have a clear understanding of the impact on the vegetation.

Mr. Plante responded that he does not anticipate any tree removal; that the sewer line will be cut into existing pavement.

Ms. Freedman asked about the proposed access from Lot 3, and its distance from the house.

Mr. Plante responded that the net residential calculations limited the amount of square footage of driveway they could put in.

Mr. Wilkos asked Mr. Feldman if the Applicant has met all requirements to move forward with Approval of the Preliminary Plan.

Mr. Feldman responded that they have. He confirmed that all waiver requests were granted at the November 23, 2015 Meeting.

Mr. Simpson Moved to Approve the Preliminary Plan for CHERRY LANE PROPERTIES, LLC – 67 Cherry Lane – Map 4 Block 84 – One Family Residential District (OFR). Subdivision Preliminary Application for three lot subdivision including an existing pre 1931 structure, with the conditions that the developer meet with the abutters to discuss buffering between the property lines and the replanting of trees. SIMPSON/FREEDMAN 5:0 UNANIMOUS

G. NEW BUSINESS –

- 1. 20 SHORE ROAD LLC / JOSHUA GAUNYA - 20 Shore Road – Map 7 Block 118 Units: 2A, 2B, 2C, and 2D. Design Review for a post 1931 structure. Application for**

and addition of open decks to 2nd floor condominium units, new patio doors to decks, and painting of building exterior.

Harvey Wells addressed the Board as the Applicant's representative. Mr. Wells summarized that the project involves the addition of a 2nd floor deck and railings on the Main Street side of the building. He noted that the structure is a multipurpose building with retail shops on the first floor and residential units on the second. Three sliders will replace the existing double hung windows, there will be a composite 42" railing which will meet NFPA Life Safety Code and 2009 IBC Code. The railings will be supported by reinforced columns which will be placed inside the existing columns. The entire work will not exceed lot coverage restrictions, or the existing footprint of the building.

The second part of the application will alter the color scheme to dark brown, light gray, and white. The 1st floor will remain unchanged in terms of occupancy and appearance.

Mr. Hayes asked for the depth of the new deck on the 2nd floor.

Mr. Wells responded – 5 feet. The deck will be in line with the front of the column but will not extend beyond the columns.

Mr. Dolliver asked if there will be any deck dividers between the units.

Mr. Wells responded that there will be deck dividers, and they will be the same height as the railings (42").

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 11.6.A.5.a&b – Visual Impact Assessment.

Reason: the proposed additions will not have a value of construction in excess of \$2,000,000 nor will the renovations have an adverse visual impact to scenic resources.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion.

Mr. Wilkos asked for the significance of the \$2,000,000.

Mr. Heyland responded that at that point of development it would be so substantial it would require a professional to provide a visual assessment.

SIMPSON/DOLLIVER 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 11.6.A.4 – Estimate of construction cost for new buildings.

Reason: there will be no new buildings.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

At this time the Board reviewed the Design Review Submission Checklist and found all requirements satisfied.

The Board reviewed the specifics of the proposed application for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance as follows:

Scale of Building – Is the scale of the building visually compatible with the site and neighborhood as to the relationship of the open spaces around it and the size of doors/windows/porches/balconies?

The Board Determined that it is.

Height – Is the height of the building visually compatible with the heights of the buildings in the neighborhood?

The Board Determined this issue is not applicable.

Proportion of Front Façade – Is the relationship of the width to the height of the front façade visually compatible with that of its neighbors?

The Board Determined that it is.

Relationship of Solids to Voids in Front Façade – Is the pattern of solids and voids in the front façade visually compatible with that of its neighbors?

The Board Determined that it is.

Proportions of Openings Within the Facility – Is the relationship of the height of windows and doors to their width visually compatible with the architectural style of the building and with that of its neighbors?

The Board Determined that it is.

Roof Shapes – Is the shape and proportion of the roof visually compatible with the architectural style of the building and with those of neighboring buildings?

The Board Determined that this is not applicable.

Relationship of Façade Materials – Are the facades of a building, particularly the front façade, visually compatible with those of other buildings around it?

The Board Determined that they are.

Relationship of Spaces to Buildings on the Street – Has the rhythm of spaces to buildings been considered when determining visual compatibility, whether it is between buildings or between a building and the street?

The Board Determined that this does not apply.

Site Features – Is the size, placement, and materials of walls, fences, signs, driveways, and parking areas visually compatible with the building and neighboring buildings?

The Board Determined that this is not applicable.

Architectural, Historical or Neighborhood Significance – Have the construction, reconstruction, maintenance, or moving of pre-1931 buildings been done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing in 1930.

The Board Determined that it is.

Mr. Simpson Moved to Find the Application Complete and Approve Design Review for 20 SHORE ROAD LLC / JOSHUA GAUNYA - 20 Shore Road – Map 7 Block 118 Units: 2A, 2B, 2C, and 2D. Design Review for a post 1931 structure. Application for and addition of open decks to 2nd floor condominium units, new patio doors to decks, and painting of building exterior.

SIMPSON/HAYES 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. JACQUELINE BEVINS/JACKIE’S TWO – 91 Perkins Cove Road – Map 67-1 – Request for extension for Site Plan Approval Granted on December 9, 2013.

Mr. Heyland agreed that the Ordinance allows for a one year extension.

Mr. Simpson Moved to Grant an extension for JACQUELINE BEVINS/JACKIE’S TWO – 91 Perkins Cove Road – Map 67-1 – Request for extension for Site Plan Approval Granted on December 9, 2013. New Completion Deadline will be December 9, 2016.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

Mr. Wilkos reminded everyone that there will be a Comprehensive Plan Workshop on Wednesday December 16th.

Ms. Freedman pointed out that the deadline for submittals for the June 2016 Town Meeting Ballot is approaching and any possible amendments to the Zoning Ordinance need to be discussed soon.

Mr. Heyland requested a workshop for January 11, 2016 at 5:00 p.m. to discuss the possible expansion of the minimum lot size.

The Board agreed to hold a workshop on January 11, 2016 at 5:00 p.m. for the above noted topic.

**J. ADJOURNMENT -
Mr. Simpson Moved to Adjourn at 8:30.
SIMPSON/DOLLIVER 5:0 UNANIMOUS**

Sincerely

Maryann L. Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

Approved on January 11, 2016