



MUNICIPAL OFFICES

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**OGUNQUIT PLANNING BOARD MINUTES
FEBRUARY 23, 2015**

PUBLIC HEARINGS 6:00 P.M.

1. Patelli Group LLC / Admiral's Inn – Map 6 Block 1-4.

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

Bruce Marton (97-100 Martons Way – Map 6 Block 8) addressed the Board as an abutter. Mr. Marton noted that the two properties, the Admiral's Inn and the White Rose Inn, have been combined into one property which will be known as the Admiral's Inn. Mr. Marton asserted that the White Rose Inn, which was built many years ago did not comply with several conditions of its original Planning Board approval.

Mr. Marton asserted that a 10 to 15 foot vegetative buffer was required between the White Rose Inn and his property, and there was suppose to be a 70 foot buffer between the parking area and his property. Mr. Marton stated that all of the vegetation was removed directly up to the property line and the elevation was dropped several feet causing an erosion problem which resulted in the loss of several of his trees.

Mr. Marton also stated that the parking plan was originally approved for 18 guest rooms. At some point several years ago the parking lot was expanded. At a later time the paved parking area was covered with wood chips and gravel however the pavement was still there underneath. Later the cosmetic greening and woodchips were removed and the buried pavement was exposed. At that time a retaining wall was built.

Mr. Marton also asserted that the White Rose Inn building was built approximately 8 to 10 feet too close to his property line.

Ms. Bevins asked why Mr. Marton is only now bringing this up? Why didn't he bring it up with the original owners years ago?

Mr. Marton responded that he had brought it up several times, and he didn't know there was another new owner until he received the abutters notices about this current application.

Ms Bevins asked if he has only recently discovered all these problems?

Mr. Marton responded that he has known for some time.

Mr. Yurko asked if Mr. Marton was focused on the portion of the property that was once the White Rose Inn, he also asked when that building was constructed.

Mr. Marton agreed that he is focused on that portion of the property that was originally known as the White Rose Inn, and he believes that the building, in question, was constructed c. 2005.

Mr. Yurko asked if Mr. Heyland and Mr. Feldman had reviewed the file for that building.

Mr. Heyland responded that he spent a great deal of time reviewing the file for previous expansion and permitting for that property. He noted that the previous Code Enforcement Officer (Paul Lempicki) conducted a final inspection and found everything in compliance.

Joe Delois (Applicant) responded that he also did some investigation. He handed out the August 25, 2008 Planning Board Minutes wherein it states that the Town found no deficiencies. It is Mr. Delois' understanding that the original owner had an agreement with Mr. Marton. When the White Rose Inn owner went into bankruptcy the liens held by Mr. Marton were dissolved through the bankruptcy process. The property was sold at foreclosure to the people he, Mr. Delois, purchased it from (Elivia II, LLC).

Mr. Wilkos referred to Page 3 of the August 25, 2008 Meeting Minutes. He noted that at that meeting he (Mr. Wilkos) had asked Mr. Lempicki if the code violations mentioned in Mr. Marton's attorney's letter had been cleared up? And Mr. Lempicki had responded that they had been cleared up. Mr. Wilkos suggested that from a Code Enforcement perspective it appears as if things had been satisfactorily settled.

Mr. Heyland agreed.

Mr. Walsh asked Mr. Marton if there has been anything new that has caused him (Mr. Marton) concerns.

Mr. Marton responded that he hasn't had any problems with the new owners.

Mr. Yurko asked if there was anyone else who wished to be heard. There being no one he closed the Public Hearing at 6:15 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Mr. Yurko called the roll with the following results:

Present: Rich Yurko, Acting Chair
 Ken Walsh
 Muriel Freedman
 Steve Wilkos
 Jackie Bevins

Also present: Scott Heyland, Code Enforcement Officer

Lee Jay Feldman, Town Planner SMPDC
Maryann Stacy, Recording Secretary

Mr. Yurko informed the public that the prior Chairman, Don Simpson, resigned from the Board after the last meeting. Mr. Yurko has also submitted his resignation, effective February 24, 2015. In the mean time the Select Board has appointed two new members: Ken Walsh and Steve Wilkos.

B. ELECTION OF OFFICERS

**Ms. Freedman Nominated Steve Wilkos for the position of Chair, effective March 2, 2015.
FREEDMAN/WALSH 5:0 UNANIMOUS**

Mr. Wilkos accepted the position.

**Ms. Bevins Nominated Muriel Freedman as Vice Chair, effective March 2, 2015.
BEVINS/WILKOS 5:0 UNANIMOUS**

Ms. Freedman accepted the position.

C. PLEDGE OF ALLEGIANCE -

D. MISSION STATEMENT – Mr. Yurko read the Mission Statement.

E. MINUTES – January 12, 2015

**Ms. Bevins Moved to Accept the Minutes of the January 12, 2015 Meeting as Amended.
BEVINS/FREEDMAN 3:0 (Mr. Wilkos and Mr. Walsh abstained due to the fact that they were not members of the Board at that time)**

F. PUBLIC INPUT –

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

G. UNFINISHED BUSINESS –

1. PATELLI GROUP LLC / ADMIRAL'S INN – Map 6 Block 1-4 – General Business District One (GBD1). Site Plan and Design Review for Pre 1930 buildings. Application for interior and exterior renovations as well as landscaping and parking changes to site.

Mr. Yurko noted that the Applicant has submitted amendments to the originally submitted plans, and he asked the Applicant to explain the amendments.

Joe Delois (Applicant) responded that the exterior plans have not changed. He noted that the overall plan is twofold: the exterior plan is intended to enhance the use and appearance of the property, and the interior plan involves room rearrangements. In 2004 the Town approved the property for 62 rooms, the pending proposal will not change the number of rooms but will reconfigure the arrangements by

removing some from the one building and increasing the number of rooms in another building. It will not change the parking requirements. The amendment involves those rooms in what was once the White Rose Inn. The original application indicated that there were 24 rooms in that building when the Town had only approved 18. They will reduce the number of rooms in this building down to 18 and put a few new rooms in the other building, maintaining the total of 62 rooms.

Ken Studtmann from Richardson and Assoc. addressed the Board to review the proposed landscaping and other exterior changes. He summarized that the exterior changes involve a new fire pit, pool cabana, hot tub, and new pool structure to house the pool equipment, as well as a walkway connecting one side of the property to the other. There will be a new registration parking area which will include one handicapped and 3 regular parking spaces. The proposal also includes the removal of existing asphalt and installation of reinforced grass pavement which will help reduce impervious surfaces and give a softer appearance. It will be a reinforced surface rated for fire trucks. Mr. Studtmann noted the removal of an existing hammerhead, at the Fire Marshal's request. This area would be returned to a grass covering.

Mr. Yurko asked for confirmation that the Applicant intends to remove some parking spaces, and widen the remaining parking spaces, and he asked if there will be sufficient parking spaces to meet the Town's Zoning Requirements.

Mr. Studtmann confirmed this to be the case.

David Lloyd addressed the Board to review the interior amendments. He stated that the intent of the project is to improve the aesthetics of the property and not to increase rooms. One improvement will be the removal of the "interior" porch and the return of the historically original exterior porch on the original building which was built c. 1890.

Another change will be the removal of most of the existing wooden deck/fire escapes on the southern end of the Admirals Inn building.

They will also move the lobby from the White Rose Building to the Admiral's Inn building. This will include a handicapped lift, and an extension of the porch to the rear of the building.

Much of the interior will remain unchanged, however the restaurant's internal seating will be reduced. The proposal calls for: 46 seats internally, 16 seats externally, for a total of 62 seats which is ten seats less than the current arrangement.

On the third floor of the building the two rooms on the west end will be combined to make one room, and the five remaining rooms will be taken offline and used for staff.

Mr. Yurko asked if the staff rooms are counted as part of the room count.

Mr. Lloyd responded that they are not. The "guest room" count remains at 62.

Ms. Freedman asked about the notations regarding the number of parking counts which indicate "the number of parking spaces that meet the Town of Ogunquit's parking ordinance is 36" and "proposed is 50 parking spaces". Ms. Freedman asked what all this means.

Mr. Studtmann responded that they currently have a total of 58 parking spaces: 36 existing spaces that meet the code, and 17 spaces which currently do not meet the ordinance; and five in the fire lane.

Ms. Freedman asked for confirmation that they will have a total of 77 parking spaces including the White Rose parking.

Mr. Heyland asked about the storm water retention area. He asked if the engineers had approved the covering of that area.

Mr. Studtmann responded that they received a report from Phil Anderson, who approved the plan.

Mr. Wilkos asked about the comments made during the Public Hearing. He asked if Mr. Heyland felt comfortable that all requirements have been met at the time the property was constructed.

Mr. Heyland responded that after a lengthy review of the record, he does feel comfortable.

Ms. Freedman asked if the 77 parking spaces are designated for the hotel, and what about people who may come in from the public to utilize the pool cabana or restaurant?

Mr. Delois responded that he believes they have 15 extra parking spaces and if parking becomes a problem they will have a valet.

Mr. Yurko asked if they have included the number of parking spaces required for the restaurant in the parking space count.

Mr. Heyland added that the proposed plan reduces the floor space of the restaurant. He also noted that the 8 foot existing parking spaces may have been legal at the time they were put in, and the applicant could leave them as is instead of expanding them to 9 feet.

Mr. Walsh asked if the seating on the porch is part of the restaurant seating count. It was confirmed that it is.

Ms. Freedman asked to see the math for the number of parking spaces required for the restaurant and the number of parking spaces required for the hotel, for a net total of required parking spaces.

Mr. Studtmann responded that the square footage of the restaurant is 1,574 which requires 16 parking spaces, plus the 62 spaces required for the 62 guest rooms, for a required total of 78 parking spaces. The proposed plan is for 77 parking spaces however they will rework the plan and put one of the removed parking spaces back, or the existing parking spaces, which are currently 8 feet, will not be enlarged to 9 feet.

Mr. Wilkos agreed that the Applicant must meet the current ordinance, and that they will be required to have 78 parking spaces.

Ms. Freedman Moved to Approve the Site Plan Application for the PATELLI GROUP LLC / ADMIRAL'S INN – Map 6 Block 1-4 – General Business District One (GBD1) with the condition

that the parking plan be corrected to indicate 78 parking spaces, and a revised plan be submitted to the Land Use Office indicating the accurate number of spaces (78).

FREEDMAN/BEVINS 5:0 UNANIMOUS

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

Ms. Freedman Moved to Approve the Design Review for PATELLI GROUP LLC / ADMIRAL'S INN – Map 6 Block 1-4 – General Business District One (GBD1).

FREEDMAN/BEVINS 5:0 UNANIMOUS

Mr. Delois asked for the deadline for completion of the project.

Mr. Heyland responded that the project needs to be substantially started within one year of the Board's Approval.

Mr. Yurko added that he can come back before the Board if he requires an extension.

2. STICKAMAYKA GROUP, LLC / STEVEN R. DUNLEVY – 7 Oarweed Lane (Building #2) – Map 3 Block 91 – Shoreland and Perkins Cove Residential District (PCR). Site Plan and Design Review for a pre 1930 structure. AMENDED Application to demolish existing dwelling and construct a new building

Mr. Yurko informed the public that the issue before the Board tonight is to determine the application's completeness and to schedule a Public Hearing.

Durward Parkinson addressed the Board as the Applicant's representative. Attorney Parkinson noted that this is an amended application which will meet the Town's Zoning requirements.

Mr. Yurko confirmed that the Board held a Site Visit to the property on October 6, 2014.

Ed Brake from ATTAR Engineering, addressed the Board. He noted that many of the changes are a result of conversations he has had with the Code Enforcement Officer. The building to be replaced is the residential structure on the water of Perkins Cove. The new building will be very close to the footprint of the original building however it will be slightly further from the water's edge; and it will meet the required sideline setbacks. The new building will be no more nonconforming than the original and it will be conforming regarding property line setbacks.

Mr. Brake noted that the house is in the Shoreland zone and the Perkins Cove Residential Zone. It is also in a floodzone with an elevation of 9.

Mr. Yurko asked if the plans had been submitted to the Historic Preservation Commission?

Mr. Brake responded that the Commission received the plans and that he had received the minutes from their review meeting.

Attorney Parkinson added that the Commission expressed some concerns about the design of the building. The Applicant disagrees; he believes that the design complements the neighborhood very well.

Ms. Freedman asked if they have to go back for a new DEP Permit.

Mr. Heyland responded that they have a permit in hand which only needs to be amended.

Mr. Feldman confirmed that the Applicant only needs to submit a revised plan to receive a revised DEP permit.

Ms. Freedman asked about the height calculations.

Mr. Brake responded that the building height is 32 feet from the lowest elevation point to the roof peak. The pilings are 10.1 feet and the structure from the top of the piling to the roof is 22 feet for a total of 32 feet.

Ms. Bevins asked if the house will be a rental property.

Mr. Dunlevy responded that it will be a single unit used partially for rental and partially for his personal use. He confirmed that the minimum rental stay will be one week.

At this time the Board reviewed, and acted upon the Applicant's Waiver Requests:

6.6.C.3.G. Existing and Proposed Utilities, etc.

This waiver is requested for the following reasons:

The proposed house will use the same underground utility connections (sewer and water) as the existing House that is being removed. Connection to the utilities will be coordinated by the contractor.

Mr. Yurko Moved to Accept the Waiver Request for the Reasons Stated by the Applicant.

YURKO/BEVINS 5:0 UNANIMOUS

6.6.C.3.J. High Intensity Soil Survey

This waiver is requested for the following reasons:

Since this project only involves replacing an existing house with a proposed house, a high intensity soil survey is not necessary.

Mr. Wilkos asked if the Code Enforcement Officer agrees with waiving this requirement.

Mr. Feldman agreed that it is usually required for septic systems, and probably isn't required in this situation.

Mr. Yurko Moved to Accept the Waiver Request for the Reasons Stated by the Applicant.

YURKO/FREEDMAN 5:0 UNANIMOUS

6.6.C.3.N. Sewer Service Area

This waiver is requested for the following reasons:

A letter has been submitted to the sewer district requesting a letter of sewer capacity for the project. The Letter of sewer capacity will be submitted once it is received.

Since the project involves replacing an existing house with a proposed house, the proposed flows will be similar to the existing flows.

**Ms. Freedman Moved to Waive the Requirement for the Reasons Stated by the Applicant.
FREEDMAN/WALSH 5:0 UNANIMOUS**

6.6.C.3.O.i. Water Service Area

This waiver is requested for the following reasons:

A letter has been submitted to the water district requesting a letter of water capacity for the project. The letter of water capacity will be submitted once it is received.

Since the project involves replacing an existing house with a proposed house, the proposed flows will be similar to the existing flows.

**Ms. Freedman Moved to Waive the Requirement for the Reasons Stated by the Applicant.
FREEDMAN/WALSH 5:0 UNANIMOUS**

6.6.C.3.O.ii. Statement from Fire Chief

This waiver is requested for the following reasons:

A letter has been submitted to the fire chief requesting a written statement about required fire protection for

the site. This statement will be submitted once it is received.

**Ms. Freedman Moved to Waive the Requirement for the Reasons Stated by the Applicant.
FREEDMAN/WALSH 5:0 UNANIMOUS**

6.6.C.3.S. Hydrogeological Assessment

This waiver is requested for the following reasons:

The proposed house will be on public water and sewer, therefore a hydrogeological assessment is not necessary.

**Ms. Freedman Moved to Waive the Requirement for the Reasons Stated by the Applicant.
FREEDMAN/WALSH 5:0 UNANIMOUS**

6.6.C.3.Y. Stormwater Management Plan

This waiver is requested for the following reasons:

Since the project involves replacing an existing house with a proposed house of a similar size, the stormwater flows will be similar to the existing flows.

**Ms. Freedman Moved to Waive the Requirement for the Reasons Stated by the Applicant.
FREEDMAN/WALSH 5:0 UNANIMOUS**

The following requirements are not applicable to this project. A waiver is therefore requested for the following:

6.6.C.3.R. Open Space

No open space is proposed for this project. A waiver requested for this section.

**Mr. Walsh Moved to Waive the Requirement for the Reasons Stated by the Applicant.
WALSH/FREEDMAN 5:0 UNANIMOUS**

6.6.C.3.U. Traffic Impact Analysis

This section is not applicable for this project. A waiver requested for this section.

**Mr. Walsh Moved to Waive the Requirement for the Reasons Stated by the Applicant.
WALSH/FREEDMAN 5:0 UNANIMOUS**

6.6.C.3.X. Parking, Driveways, Street Plan

This section is not applicable for the project. A waiver requested for this section.

**Mr. Walsh Moved to Waive the Requirement for the Reasons Stated by the Applicant.
WALSH/FREEDMAN 5:0 UNANIMOUS**

6.6.C.3.BB. Land Dedicated to Public Use

No portion of the parcel is proposed to be dedicated for public use. A waiver requested for this section.

**Mr. Walsh Moved to Waive the Requirement for the Reasons Stated by the Applicant.
WALSH/FREEDMAN 5:0 UNANIMOUS**

**Mr. Yurko Moved to Find the Application Complete and Schedule a Public Hearing for March 9, 2015.
YURKO/BEVINS 5:0 UNANIMOUS**

Mr. Yurko noted that the Public Hearing would take place on March 9, 2015 at 6:00 p.m.

H. NEW BUSINESS – None

I. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Yurko noted that there would also be a fourth amendment regarding the allowing of Type 2 and 3 Restaurants in the LBD/Shore Road. He noted that the Board would schedule a Public Hearing for all four proposed Ordinance Amendments for March 23, 2015

Proposed Zoning Ordinance Amendments:

1. Proposed Boarding House Definition:

”Lodging accommodations in a home or other building where a person or company acts as a proprietor or owner. The number of guest accommodations will be limited by the towns adopted National Fire Protection Association 101 Life Safety Code standards. Meals may be offered to overnight boarders in a common area with either partial or full cooking facilities. The minimum stay shall be one (1) week with no maximum stay required. This definition shall include housing for Seasonal Workers. Offsite/employer housing for 4 or more Individuals shall be deemed a boarding house.”

Ms. Freedman asked to have the following language included in the Boarding House definition:

“The number of guest accommodations will be limited by the Town’s adopted National Fire Protection Association 101 Life Safety Code Standards and according to the standards of Table 702.1 regarding Land Uses Commercial Uses – Boarding Houses.”

She wants to see a reference to Table 702.1 in the definition.

Mr. Heyland noted that the current Table 702.1 already has a reference to Boarding Houses – permitted/not permitted.

Mr. Feldman pointed out that the Table of Land Uses only lays out what zones the uses are allowed, or not allowed. None of that will be changed, all that will change is the definition of Boarding Houses. They will still be allowed, or not allowed, as they are now.

The Board reworded the proposed definition to read in the following manner:

”Lodging accommodations in a home or other building where a person or company acts as a proprietor or owner. The number of guest accommodations will be limited by the towns adopted National Fire Protection Association 101 Life Safety Code standards. Meals may be offered to overnight boarders in a common area with either partial or full cooking facilities. The minimum stay shall be one (1) week with no maximum stay required. This definition shall include housing for Seasonal Workers. Offsite employer housing for four (4) or more Individuals shall be deemed a boarding house. And located in the Zones as found in Table 702.1 of the Ogunquit Zoning Ordinance.”

Mr. Walsh expressed concern that people who rent a house weekly may see that activity as being a boarding house, which may make them inclined to vote against this definition. He suggested the definition of Boarding House needs to mirror the Planning Board’s intent.

Ms. Freedman asked if people even know what the Life Safety Code is.

Mr. Heyland responded that they probably don’t, however it’s up to the homeowners to find out.

Mr. Feldman added that noise disturbances are not a zoning issue, rather they should be referred to the police.

Mr. Yurko noted that if the Board members cannot agree on a definition to present to the voters, then they can pull it, work on it some more and present it at another Town Meeting.

Mr. Feldman also suggested the Town might create a special committee to look into the matter of Boarding Houses. This process may take a little longer.

2. **Section 8.13.C** - The following reference to nonexistent subsections needs to be removed from the Zoning Ordinance: “...as well as in subsections D through G below”.

3. **Acceptance of Amended Zoning Map dated June 9, 2015.**
4. **Change to the Ogunquit Zoning Ordinance to allow Type 2 and 3 Restaurants in the Limited Business District, with restrictions.**

The Board scheduled a second Workshop to discuss allowing Type 2 and 3 Restaurants in the LBD for March 2, 2015 at 6:00 p.m.

Ms. Bevins Moved to Schedule a Public Hearing for the four Ordinance Amendments for March 23, 2015.

BEVINS/FREEDMAN 5:0 UNANIMOUS

J. OTHER BUSINESS –

Mr. Heyland thanked former Chair Don Simpson for all his hard work on the Board.

Mr. Yurko added that one of the great things about Ogunquit is the citizen participation we have at the Select Board and all the other Board's in Town. It helps Ogunquit to "punch above its weight". Ogunquit is a small town with a well run government and that is due to citizen participation. He offered that Don Simpson is a perfect example of someone who repeatedly gave of his time, was scrupulously fair, listened to everyone but also kept meetings moving along. This requires a few things: it requires citizens to volunteer. Mr. Yurko noted that there will be several positions on the Planning Board and people need to volunteer. He went on to say that volunteering isn't enough, the Town needs to support the volunteers. The Town needs to provide technical support, and political support. He stressed that sitting on the Planning Board is not an easy task and inevitably someone is disappointed. The Select Board sometimes says "not our job – go to the Planning Board" however the Select Board needs to also say – Thank You to the Planning Board for taking up issues which are sometimes controversial, and it needs to support the Planning Board when things get hot. Mr. Yurko asked for support from the Select Board, and the Town Manager. He noted that they do get support from legal counsel when she is called upon.

Mr. Yurko expressed that his time on the Planning Board has been a wonderful experience, and it is only because of people like Tim Pinkham and Don Simpson who chaired the Board, ran fair meetings.

Ms. Freedman also thanked Mr. Yurko for his years of service to the Board.

K. ADJOURNMENT -

Ms. Freedman Moved to Adjourn at 7:55 p.m.

FREEDMAN/BEVINS 5:0 UNANIMOUS.

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy
Planning Board
Recording Secretary

Approve on March 9, 2015