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## OGUNQUIT PLANNING BOARD MINUTES MONDAY APRIL 25, 2016

### PUBLIC HEARING

**EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2. Site Plan Review for Change of Use from Type 3 to Type 2 Restaurant in a post 1931 structure.**

Mr. Wilkos noted that the Board held a Site Visit to the property earlier in the day. He asked if anyone wished to speak for, or against, this application.

Maria Kaminsky asked if the Board would accept several handouts: a letter of authorization from the landlord, a diagram of the parking lot, as well as two letters from tenants living on the property.

The Board agreed to accept the handouts.

Robert Perisi addressed the Board. Mr. Perisi is the property owner and he expressed his full support for the application.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 6:03 p.m.

### REGULAR BUSINESS MEETING

#### A. ROLL CALL –

Members Present:     Steve Wilkos (Chair)  
                              Muriel Freedman (Vice Chair)  
                              Don Simpson  
                              Jackie Bevins  
                              Rusty Hayes  
                              Rick Dolliver (1<sup>st</sup> Alternate)

Members Excused:    Brian Aromando (2<sup>nd</sup> Alternate)

Also Present:           Scott Heyland, Code Enforcement Officer  
                              Maryann Stacy, Recording Secretary

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES - April 11, 2016**

**Mr. Hayes Moved to Approve the Minutes of the April 11, 2016 Meeting as Submitted. HAYES/FREEDMAN 4:0 (Mr. Simpson was excused from the April 11, 2016 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. EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2. Site Plan Review for Change of Use from Type 3 to Type 2 Restaurant in a post 1931 structure.**

Mr. Wilkos noted that the Board reviewed two items at the Site Visit: buffering and the restroom. He stated that the Board had received a letter from abutter Kathy Kotakis (25 Grasshopper Lane) who is concerned about the buffering between the commercial property and her residence.

Mr. Wilkos pointed out that there is a gap on the right and left sides of the existing buffering and he asked if the applicant would be willing to install additional fencing or arborvitae trees to complete the buffering.

Mr. Perisi asked what he would have to do to “complete” the buffering.

Mr. Wilkos pointed out that the existing buffering includes alternating stockade fence and arborvitae trees. He suggested an additional fence panel and trees to the right and left of the existing buffered area.

Mr. Perisi agreed to do so.

Mr. Wilkos asked if the Board members were comfortable with that arrangement. They were.

Mr. Wilkos asked Mr. Heyland for input on the bathroom situation.

Mr. Heyland responded that there may be a problem given that there are other uses for the restroom. He asked if there was another restroom for employees.

Mr. Perisi responded that there is not. There is only that single restroom for patrons and employees.

Mr. Heyland pointed out that the occupancy load will be forty (40) patrons plus employees which will all have to use that one restroom. In addition to that the residential tenants use the room as a laundry room.

Mr. Perisi asked if it would solve the problem if he removed the laundry facility.

Mr. Heyland responded that it would. The definition of a “restroom” is a wash basin and a toilet which this one has.

Mr. Perisi responded that he would remove the washer and dryer from the bathroom.

The Board expressed agreement that this would be sufficient.

The Board reviewed the standards as outlined in Section 6.7 of the Ogunquit Zoning Ordinance and found all requirements satisfied.

The Board next reviewed the standards of Article 6.5 of the Ogunquit Zoning Ordinance and found all requirements to be satisfied.

Mr. Wilkos asked if there would be a change to the parking layout.

Mr. Heyland responded that the recently received submittals included a parking plan which will be maintained as part of the record.

Mr. Wilkos noted for the record that the abutter to the east of the subject property did not comment on, or request additional, buffering.

**Mr. Simpson Moved to Approve EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2 with the conditions that the applicant will remove the washer and dryer out of the restroom and will add a stockade fence to the right and left of the existing buffering between the subject property and that of Ms. Kotakis. SIMPSON/HAYES**

Mr. Wilkos called for discussion.

Mr. Dolliver expressed his concern that the Planning Board may not have the authority to regulate the bathroom. He noted that the State of Maine will inspect and approve it.

Mr. Hayes and Ms. Bevins agreed.

Mr. Simpson amended his motion.

**Mr. Simpson Moved to Approve EDDIES ON MAIN / EDWARD KAMINSKY – 414 MAIN STREET – Map 8 Block 26 – GBD2 with the condition and an additional stockade fence will be placed to the left and right of the existing buffering and that the State will determine whether the washer and dryer are appropriate in the restroom. SIMPSON/HAYES 5:0 UNANIMOUS**

**G. NEW BUSINESS –**

- 1. SCOTCH HILL INN/RITA DEFEO-COHEN – 287 MAIN STREET – Map 7 Block 15 – GBD1 – Design Review application for a pre 1931 structure. Application to replace and expand existing porch and decking.**

Kristen Brown from Frame 2 Finish addressed the Board. She presented sample railings for the Board to review.

Mr. Wilkos noted for the record that the Ogunquit Historic Preservation Commission has reviewed the project and given it their blessing.

Ms. Freedman asked if the Board had a letter of authorization giving Ms. Brown authority to speak on the owner's behalf.

Ms. Brown handed the letter to the Recording Secretary.

**Mr. Simpson Moved Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 11.6.A.5.a & b - Visual Impact Assessment**

**REASON: The proposed cost of the project is \$35,000 which does not meet the threshold of \$2,000,000 or greater, which triggers the requirement for a Visual Impact Assessment. AND: Strict compliance with the required application submission would be excessive in light of the nature of the proposed activity, provided that such a waiver will not affect or nullify the intent and purpose of the Zoning Ordinance.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and he called for a vote on Mr. Simpson's motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

At this time the Board reviewed Design Review Requirements as outlined in Article 11.7.C of the Ogunquit Zoning Ordinance and found all standards to have been met.

**Mr. Simpson Moved to Approve the Design Review Application for SCOTCH HILL INN/RITA DEFEO-COHEN – 287 MAIN STREET – Map 7 Block 15 – GBD1.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

- 2. HARRY WINSTON REALTY/YOGT – 237 Main Street – Map 7 Block 126 – DBD – Site Plan Review for a pre 1931 structure. Application for a Change of Use from night club to retail space.**

Andrew Migliorini addressed the Board. He noted that the project involves an application which was presented to the Board three years ago, which was never done.

Mr. Wilkos noted that the Applicant had submitted a number of waiver requests.

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.B – Title, Block and Legend**

**APPLICANT’S REASON: We are requesting a waiver of this submission requirement as this is a developed site and survey is not being performed.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.E - Standard boundary survey of the parcel**

**APPLICANT’S REASON: We are requesting a waiver of this submission requirement as this is a developed site and survey is not being performed.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.F - Existing & Proposed: Building Footprints, Parking lots, Drives, Walkways, Roads, Landscaping, Grading/Clearing or Undisturbed Areas**

**APPLICANT’S REASON: We are requesting a waiver of this submission requirement as this is a developed site and there are no plans to alter building footprints, parking lots, drives, walkways, roads, landscaping, grading/clearing, or undisturbed areas.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.G - Existing & Proposed: Utilities, Sewers, Water Mains, Culverts.**

**Storm water Mgt, On-site or Adjacent**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as there will be no change to Utilities, Sewers, Water Mains, Culverts. Storm water Mgt, On-site or Adjacent.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.H - Existing & Proposed: Two-foot Contours**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as there will be no changes to the existing conditions.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.I - Location of all wetlands, rivers, streams, brooks, and water bodies, natural features, on-site or adjacent**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as we are not aware of any conditions on the property or abutting properties.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.J - High intensity soil survey (for undeveloped, vacant sites w/o water & sewer)**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as this is a developed site and does not apply.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.K - Zoning district in which the project is located and the location of any zoning boundaries**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as this is a developed site and does not apply**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.L - The boundaries of any flood hazard areas and the 100-year flood evaluation.**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as the property is not currently in a flood zone.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.M - A copy of any proposed deed restrictions intended to cover all or part of subject property.**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no proposed deed restrictions with this property.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.N.i - Sewer Service Area - A letter from the sewer district stating the district has the capacity to collect and the waste water, review and approval of system design**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as the site is already developed. In addition, the change of use from night club to retail space will likely reduce sewer service requirements.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.N.ii - Outside Sewer Service Area — Septic System Design by LSE or PE**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this project is served by the public sewer system.**

**AND: 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.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.O.i - Water Service Area – A letter from the servicing water district indicating review and approval of water system design.**

**APPLICANT’S REASON:** We are requesting a waiver of this submission requirement as the site is already developed. In addition, the change of use from night club to retail space will likely reduce water system service requirements.

**AND:** 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.

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.O.iii - Outside Water Service Area – Evidence of adequate supply from well driller or hydrogeologist**

**APPLICANT’S REASON:** We are requesting a waiver of this submission requirement because this project is served by the public water supply.

**AND:** 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.

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.P - Location names and present widths of existing street, highways easements/ building lines parks and other open spaces on or adjacent**

**APPLICANT’S REASON:** We are requesting a waiver of this submission requirement because this is an existing developed site and we are not making any physical changes to the present existing site that would affect the location names, and adjacent widths of existing street, highways, easements, building lines, parks and other open spaces on or adjacent.

**AND:** 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.

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson’s Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.Q - Width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any physical changes to the existing site that would affect the width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.R - Location of any open space to be preserved and a description of proposed ownership, improvement and management**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement as we are not making any changes to open spaces.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.S - Hydrogeological assessment prepared by a Certified Geologist or Registered Professional Engineer — *outside of public water and sewer areas***

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this site is served by public water and sewer.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.T - An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing building site and we do anticipate any increase in traffic.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion.

Mr. Wilkos asked if there was any parking.

Mr. Migliorini responded that there will be no parking.

Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.U - A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering (for projects requiring 10 or more parking spaces, or projected 50+ trips per day)**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing building site and we do anticipate any increase in traffic.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.V - Areas within or adjacent to the proposed site which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing developed site.**

**AND: 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.**

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.W - Historic Areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, Ogunquit Historic Register, or have been identified in the comprehensive plan**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no known Historic Areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, Ogunquit Historic Register, or have been identified in the comprehensive plan.**

**AND: 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.**

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.X - Parking, Driveway, Street plans**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any changes to the present existing condition of the site that would affect the Parking, Driveway, Street plans.**

**AND: 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.**

SIMPSON/HAYES

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.Y- Storm water Management Plan**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any changes to the present existing condition of the site that would affect the storm drain.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.Z - Erosion & Sedimentation Control Plan**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because we are not making any changes to the present existing condition of the site that would affect or cause erosion and or sedimentation.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.AA - Location of any streets, public improvements or open space shown in the comprehensive plan or capital improvements plan, within the site**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there are no improvements planned to be made.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for**

**Article 6.6.C.3.BB - Parcels of land proposed to be dedicated to public use and the conditions of such dedication**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there is no land planned to be dedicated to public use.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.CC - Location/Method of Land Clearing & Construction Debris disposal**  
**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because this is an existing building and site and we are not making or creating any construction debris that would require disposal.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.DD - Cost Estimates for Setting Performance Guarantees, pursuant to sec 4.8**

**APPLICANT'S REASON: We are requesting a waiver of this submission requirement because there is no proposed construction to be done and it is an existing building.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

**Mr. Simpson Moved per Section 6.6.C.4 of the Ogunquit Zoning Ordinance to Grant a Waiver Request for Article 6.6.C.3.EE State or Federal Permits: DEP Site Law, DEP NRPA, DHHS, Army Corps, DOT REASON: We are requesting a waiver of this submission requirement because we are awaiting approval from the Planning Board prior to setting up necessary equipment for operations, which is necessary prior to seeking State Licensing.**

**AND: 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.**

**SIMPSON/HAYES**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/HAYES 5:0 UNANIMOUS**

Mr. Wilkos noted memos to the Planning Board from the Ogunquit Fire Chief and the Ogunquit Chief of Police.

Mr. Heyland added that the Fire Chief will reconfirm the occupancy load. He noted that the plan indicates twenty-seven (27) seats.

Mr. Migliorini responded that according to the square footage they could have as many as twenty-seven (27) seats however they are only asking for twenty (20) seats.

Mr. Wilkos asked if the submitted floor plan is the final plan.

Mr. Migliorini asked if, given the nature of the application, the floor plan matters.

Mr. Heyland responded that the floor plan is needed to confirm life safety requirements.

Ms. Freedman asked about restrooms.

Mr. Migliorini responded that there is a restroom however they did not intend to open it to patrons.

Mr. Heyland confirmed that an ice cream/yogurt shop is a retail business and does not require public restrooms. This is based on the definition of restaurant which prepares and serves meals.

Mr. Heyland asked if the name is going to change.

Mr. Migliorini responded that it will "Abbott's Creamery".

**Mr. Simpson Moved to find the Application for HARRY WINSTON REALTY/YOGT – 237 Main Street – Map 7 Block 126 – DBD – Site Plan Review for a pre 1931 structure. Application for a Change of Use from night club to retail space complete and to schedule a Public Hearing.**

**SIMPSON/BEVINS**

Mr. Wilkos called for discussion. There was no discussion and Mr. Wilkos called for a vote on Mr. Simpson's Motion.

**SIMPSON/BEVINS 5:0 UNANIMOUS**

Mr. Wilkos informed the applicant that the Public Hearing would take place on May 9<sup>th</sup> at 6:00 p.m.

**H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Heyland reminded the public that all property owners who rent out single family dwellings by the week must obtain a business registration from the Town Clerk's Office for a Type 1 Home Rental. He also made note that rentals are restricted to a minimum of seven days.

It was noted that homes rented by the month do not require business registration.

**I. OTHER BUSINESS – None**

**J. ADJOURNMENT -**

**Mr. Simpson Moved to Adjourn at 7:10 p.m.  
SIMPSON/HAYES 5:0 UNANIMOUS**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy

Recording Secretary

*Approved on May 9, 2016*