

OGUNQUIT PLANNING BOARD MINUTES MONDAY JUNE 20, 2016

PUBLIC HEARINGS

- 1. BIGBEE BUILDERS LLC / RICK BIGBEE — 731 MAIN STREET - Map 12 Block 10-A —General Business District 2 (GBD2). Site Plan Review for a post 1931 structure. Application for change of use from ice cream retail to Home Building and Remodeling office and showroom.**

Mr. Wilkos asked if there was anyone who wished to speak for, or against, this application. There being no one the Public Hearing was closed at 6:02 p.m.

- 2. GRAHANELI, LLC / MOLLY TROLLEY DEPOT — 724 MAIN STREET — Map 11 Block 6 — GBD2/SLC/SLR/R/RP Zones — Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:**
 - 1. Private pay parking lot with private shuttle for patrons;**
 - 2. Office for private charter service and parking lot;**
 - 3. Retail and Restaurant space.**

John Wilson from Sunrise Terrace addressed the Board and read a prepared statement:

“The Sunrise Terrace Condominium Association is hopeful that a well-defined and executed development of the property to our north will further enhance our beloved Ogunquit community. While we anticipate a season filled with additional traffic and activity, we trust that the implementation of the Molly Trolley enterprise will compliment and respect the abutting properties' position of their beautiful place on the marsh.

The following are our questions and concerns with regard to Molly Trolley operation.

- 1. What are the hours of operation? Months of operation?*
- 2. What are the number of trolleys and number of trips per day?*
- 3. Request that signage or property boundaries be defined to avoid trespassing into the Rachael Carson Reserve.*
- 4. Request that the property boundaries between Molly Trolley and SRT be defined with an extension of the existing vinyl fence of preferably six (6) feet in*

height under the guidelines of Zoning Ordinance Articles for Fences and Buffer areas.

5. Request interior and exterior signage stating the privacy of the property to the south, as it is a resort condominium property and not a motel.

6. What are the projected noise levels and will there be outside beverage consumption on the property facing the reserve? What are the code capacity levels of people on site and request that the hours of operation to be no greater than 8:00 am to 10:00 PM at a maximum.

7. What are the plans for lighting the parking area as some Sunrise Terrace bedrooms face the Molly Trolley parking lot?

8. What type of sundries, food, and beverages are to be sold inside of the building? Will there be outside service or consumption of food and/or beverage?

9. Are there any plans for live or recorded music and/or any other possible noise sources (i.e., loudspeaker announcements)?

10. With respect to the official traffic study, we are requesting consideration to duplicate the SRT traffic flow of "entrance only" on the north side of the property with double wide "exit only" on the south side of Molly Trolley which abuts the SRT entrance."

Attorney Matt Howell addressed the Board on behalf of Dave Chaves, owner of the Ogunquit Trolley Company.

Attorney Howell stated that the Ogunquit Trolley Company has an exclusive contract with the Town of Ogunquit to be the sole provider of trolley services in the town. Attorney Howell suggested that this application, particularly the private trolley shuttles to the beaches violates that exclusive agreement.

Attorney Howell distributed copies of the contract between the Town and the Ogunquit Trolley Company. He stated that because of this contract, which would be violated by the proposed application, the application should not be heard by the Planning Board.

Lori Sullivan, resident of Sunrise Terrace addressed the Board and asked what the application's food service would involve. She asked about food preparation ventilation and whether or not they will be cooking hamburgers etc or only cold prepared food.

Mark MacLeod, 57 Bayview Drive addressed the Board. Mr. MacLeod expressed three points:

He is glad someone is moving into that site and cleaning it up.

He is concerned that another paid parking lot will impact the Town's revenue from the public parking lots.

He is also concerned that additional parking spaces will have a negative impact on Ogunquit's beaches. He expressed concern about the long term impact to the beaches if more and more people are using them. This increase in beach usage can only happen with more and more parking availability.

Mr. Wilkos asked if there was anyone else who wished to be heard. There being no one the Public Hearing was closed at 6:12 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Muriel Freedman (Vice Chair)
Don Simpson
Jackie Bevins
Rusty Hayes

Members Absent: Brian Aromando (2nd Alternate)

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, Town Planner, SMPDC
Maryann Stacy, Recording Secretary

Mr. Wilkos noted Planning Board member Rick Dolliver's recent election to the Select Board. He thanked Mr. Dolliver for his service to the Planning Board and stated that he will be missed.

Mr. Wilkos noted that he confirmed prior to the meeting that all Board Members' cellphones were turned off and there were no cellphones on the table.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES - June 6, 2016 Regular Business Meeting.

Mr. Simpson Moved to Approve the Minutes of the June 6, 2016 Regular Business Meeting as Submitted.

SIMPSON/BEVINS 5:0 UNANIMOUS

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. BIGBEE BUILDERS LLC / RICK BIGBEE – 731 MAIN STREET - Map 12 Block 10-A –General Business District 2 (GBD2). Site Plan Review for a post 1931 structure. Application for change of use from ice cream retail to Home Building and Remodeling office and showroom.

The Board reviewed the Site Plan Review standards as listed in Section 6.7 of the Ogunquit Zoning Ordinance and found all standards to have been met.

Mr. Simpson Moved to Approve the Site Plan Review for BIGBEE BUILDERS LLC / RICK BIGBEE – 731 MAIN STREET - Map 12 Block 10-A –General Business District 2 (GBD2). Site Plan Review for a post 1931 structure. Application for change of use from ice cream retail to Home Building and Remodeling office and showroom. SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Heyland reminded the Applicant to call his office, and the Ogunquit Fire Chief, for an inspection before they open for business.

2. GRAHANELI, LLC / MOLLY TROLLEY DEPOT – 724 MAIN STREET – Map 11 Block 6 – GBD2/SLC/SLR/R/RP Zones – Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

- 1. Private pay parking lot with private shuttle for patrons;**
- 2. Office for private charter service and parking lot;**
- 3. Retail and Restaurant space.**

James Wright from Post Road Surveying addressed the Board and responded to the comments from the Public Hearing. He noted that most of the concerns have already been addressed on the face of the plans.

The seasonal hours of operation for the paid parking will be from 8:00 a.m. to 6:00 p.m. from mid May through the end of October. This is the tentative plan.

There will be a single shuttle trolley, the plan is for two trips per hour. This trolley will not be stored or maintained on site. It will be serviced and housed at the Applicant's facility in Wells.

Mr. Simpson asked where the two trips per hour will go.

Mr. Wright responded that they will go to the Footbridge Beach and the North Beach.

Regarding the Rachel Carson signage. Mr. Wright stated that there is nothing the Applicant can do. Rachel Carson puts up their own signage and there are signs out in the marsh now. The boundary is about 200 feet away from any activity on the Applicant's site.

Mr. Wright stated that the vinyl fence is on the abutters' property and they are free to extend it. The applicant proposes planting arborvitaes extending beyond the end of the fence and to the end of the first condominium unit. That combined with what is currently on site should be adequate.

Regarding the signage for the property to the south, that is not the Applicant's responsibility. It is up to Sunrise Terrace to post "private property" signs.

The only lights the Applicant plans to use are ground lights along the walkway into the building. In addition he will have recessed lighting under the canopy and the lights from Route One. Mr. Wright also pointed out that the hours of operation during the summer months are all daylight hours and lighting won't be an issue.

Regarding the noise levels, the only noise he anticipates is from automobiles during the day.

The "café" will be "beach food" there will be no hamburgers or steaks being cooked. This is only an accessory use to the parking lot.

Mr. Wright summarized that there will be a fifteen foot patio with an overhead canopy and outside tables and seating at the rear of the building. This will be a waiting area where people can sit with coffee or soda. There will be no alcoholic beverages served.

Mr. Wright stated that there will be no loud speakers, no live or recorded music.

Regarding the traffic set-up, they will be keeping with the proposed plan. This plan is intended to capture southbound traffic before it reaches the town.

Mr. Hayes asked if there was an existing light pole which will be used to illuminate the parking lot.

Mr. Wright responded that there was a single pole in the parking lot which will be taken down and will not be used for lighting.

Mr. Simpson asked if there will be any cooking at all on the site.

Mr. Wright responded that he did not know. He believes it will be "beach stuff".

Mr. Wilkos asked Mr. Feldman to respond to Attorney Howell's comments.

Mr. Feldman responded that this is not the venue for discussion of contracts. That is an issue that should be taken up with the Select Board. This application is being reviewed for its impacts based upon the use being proposed. The Town's contract with the Ogunquit Trolley Company has no bearing on this Board's ability to review the proposed project.

Ms. Bevins suggested that this proposal is different from the services provided by the Ogunquit Trolley Company.

Mr. Feldman reviewed his May 31, 2016 memo to the Board:

"The applicant Grahaneli, LLC is seeking to improve the current property at 724 Main Street and use it as a private parking area and trolley service facility to the Footbridge Beach and North Beach locations. The project will also house a 1593 square foot retail

shop and café. The project is proposed to have 78 parking space on the site with adequate circulation for vehicles

Waivers

The application has a list of the submission waivers requested on the Site plan itself, along with a written request that is in your packet. On March 28 the board granted all of the waivers requested, except for the three pertaining to stormwater which have been addressed in the most recent plan submittal. No further waivers will be required. For the purposes of moving the application forward to the review stage I would suggest that the waivers have been satisfied.

Traffic Circulation

The access is proposed to have an “in only” from the North and “exit only” in both direction on the south side of the site. The applicant is proposing to have what seems to be appropriate signage directing the drivers as to which access points are exit and entrances the applicant has shown these proposed sign in a detail sheet which has been provided.

The access itself is of some concern because it is currently shown as a skewed alignment to the street indicating that anyone wishing to enter the site from the south would have an awkward movement into the site, while the exit point which is allowing movements in both north and south directions seems to favor the movement of south bound traffic.

The applicant indicates in the Introduction letter that the parkers on the site “will be able to access the town wide trolley by simply walking across the street to the trolley stop.” It is my understanding that the crosswalk will now have flashing strobes in order to warn traffic of walkers in the street.

I am still concerned with the number of parking spaces available as it relates to the uses on the property, especially the correlation of people using the trolley to the number of spaces provided. It seems that there are only enough spaces dedicated to the site for one trolley. The applicant should discuss how many trips per day the trolley will be making to the facility. The board may want to consider a third party traffic engineer to review the parking, trip data and access to the site as well as Impacts on Route 1.

Landscaping

The applicant has provided an updated landscaping plan which addresses the planning requirements out front as well as added buffering on the south side of the property between the site and Sunrise Terrace Resort. Where the application is still lacking in my estimation is that there is no detail on the Dumpster location indicating what the enclosure will look like or if it will be planted how the landscaping will be addressed.

Drainage & Stormwater

The applicant has provided a stormwater plan that shows a 3’ deep swale and stone bermed level spreader in order to disperse water slowly and filtered prior to its reaching the wetland area. This is an appropriate resolution to addressing the issues that I had from the prior plan.

Recommendation

I would recommend that as third party traffic engineer review the site plan as well as the information submitted by Eaton Traffic Engineering. I would also suggest that additional screening detail be provided on the dumpster location.”

Mr. Feldman clarified that he originally suggested that the on-site parking would only accommodate one trolley. He now corrected himself and stated that the parking would accommodate two trolleys. However the Applicant has stated his intention to only use one trolley.

The applicant is required to provide 51 parking spaces and they are providing 78 parking spaces. One 26 seat shuttle vehicle requires 27 parking spaces.

Mr. Feldman suggested the Board may want to consider a third party traffic engineer peer review.

Mr. Feldman noted that the Applicant has provided an updated landscaping plan which includes two offset rows of arborvitae trees along the southern property line from the end of the fence and beyond the existing vegetation.

Mr. Feldman pointed out that the Board has still not received any plans regarding the dumpster enclosure.

Mr. Feldman stated that he is satisfied with the proposed stormwater treatment plans.

He recommended a third party traffic review and consideration of the screening of the dumpster area.

Mr. Wilkos noted that the board did receive a traffic study dated March 3, 2016. He asked the Board members if they would like a peer review. The Board unanimously agreed that it did.

Mr. Feldman agreed to arrange for a traffic engineer to review the Eaton Traffic Study.

Mr. Wright agreed to provide information regarding the screening around the dumpster. He noted that this will include a stockade fence.

Mr. Wright informed the Board that he did leave some information out. The Applicant intends to offer overnight parking. This will be a contractual agreement between the Applicant and local hotels or motels.

Mr. Feldman responded that he will need to meet with the Code Enforcement Officer about this. He agreed that the Board would need more information about when the paid daytime parkers would be there and when the overnight parkers would be there because they may not be there at the same time. Mr. Feldman agreed that this is a substantial change to the application.

Mr. Wright responded that he disagrees that it is a big deal, and he agreed that if it becomes a problem the overnight parking plan can be removed.

Mr. Wright added that the site will also contain a small office space for the charter business.

Mr. Feldman noted that regarding the stormwater treatment plan the Applicant has agreed to provide a maintenance log which will be kept on site. Mr. Feldman suggested the log be submitted to the Code Enforcement Officer on a yearly basis.

Mr. Wilkos agreed and noted that this has been done in the past.

Mr. Simpson asked for confirmation that the screening of the dumpster issue has been resolved.

Mr. Feldman responded that the dumpster screening information has not been provided.

Mr. Simpson asked if the patio and chairs out back are an issue.

Mr. Feldman responded that they are not.

Mr. Simpson asked if there are any issues with the lighting plan.

Mr. Feldman responded that he is OK with it.

Mr. Simpson asked if the ambiguity of the food preparation is an issue.

Mr. Feldman responded that it is. If there is any cooking of food the Applicant will need to install a ventilation hood.

Mr. Wright reiterated that there will be a stockade fence to screen the dumpster.

Mr. Simpson Moved that the Board require a peer review for the March 3, 2016 traffic study prepared by Eaton Traffic Engineering for GRAHANELI, LLC / MOLLY TROLLEY DEPOT – 724 MAIN STREET – Map 11 Block 6 – GBD2/SLC/SLR/R/RP Zones – Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

- 1. Private pay parking lot with private shuttle for patrons;**
- 2. Office for private charter service and parking lot;**
- 3. Retail and Restaurant space.**

**And that the peer review include the Applicant's recent request for overnight parking.
SIMPSON/BEVINS 5:0 UNANIMOUS**

Mr. Simpson Moved to Table this application pending the Board's receipt of the required Traffic Study Peer Review.

SIMPSON/FREEDMAN 5:0 UNANIMOUS

G. NEW BUSINESS

1. JAMES HARTWELL/THOMPSON GREEN — 309 Shore Road — Map 3 Block 17 — LBD. Site Plan Application for a post 1931 structure. Application for a change of use from business use to boarding house.

Mr. Hartwell distributed an amended interior plan which indicates a doorway between the units.

Mr. Hartwell informed the Board that the majority of the issues brought up at the inspection have been addressed. He also noted that since 1992 this space has never been used for business. It has always been held for personal use. They have had employee occupants from season to season as needed. They have never had anyone stay there who was not an employee of the inn, and they have no intention of ever doing so in the future. The most occupants he anticipates is one or two if he ever has any at all.

Mr. Hartwell stated that he is before the Board to confirm the classification of the space.

Mr. Wilkos noted that Mr. Hartwell has stated that employee summer help has lived there since 1994, and he asked if there had ever been any approval for that use.

Mr. Hartwell responded that there was not, but that was the originally proposed use.

Mr. Heyland reviewed his June 12, 2016 memo to the Board:

“Review for completeness

I have reviewed the Site Plan Review application for the property located at 309 Shore Road.

(Tax Map 3 Block 17). This property is located in the Limited Business Zone.

The Applicant proposes a change of use from Business Office space to Boarding House which is an allowed use in the Limited Business Zone.

There are no alterations proposed to the exterior of the building.

The owner has provided an interior layout of the space to be used. Only a portion of the second floor, approximately 1,050 square feet is proposed.

Review for compliance

The definition of Boardinghouse is below.

Boardinghouse

Lodging accommodations in a building or buildings where a family lives on the premises acting as proprietor or owner, with the maximum number of guest accommodations limited by applicable dimensional requirements of this Ordinance, and the size of the site. Meals may be offered to overnight guests only in a common area, with only partial cooking facilities, as defined by this Ordinance, in any individual guest accommodation. The minimum stay shall be two (2) weeks, with no maximum stay.

The Hartwell House Inn across the street will be available to act as the owner.

Article 8.10 Off Street Parking and Loading - In the Limited Business Zone Boarding Houses Require 1 Parking Space for each sleeping room. There are two sleeping rooms proposed.

The Planning Board may reduce the requirements for the number of Parking spaces per Article 8.10.D.8 & 9.

A possible condition of approval could limit the use to employees of the Hartwell Properties.

An initial inspection of the property has been conducted by The Fire Chief and myself. Following any approval and before occupancy all requirements of the Life Safety inspection will be required to be in place.”

Mr. Wilkos reviewed the Fire Chief’s June 16, 2016 Memo to the Board:

“I have reviewed the plans submitted for the above and conducted a site walk with CEO Scott Heyland on June 10, 2016 and have the following comments:

- 1. The plan submitted does not accurately display the current floor plan upstairs dated 5/20/2016 so we conducted a site walk to confirm lay out.*
- 2. Retail area B storage needs to have clear access to stairs at all times. The area was cluttered with stuff blocking egress path for units C-1 and C-2.*
- 3. Door to area C-1 can't have a lock on it because it is a second means of egress from area C-2*
- 4. Exit signs need to be lighted at all times. Bulbs are burned out.*
- 5. Fire extinguishers need to be tested annually.*
- 6. Door at bottom of stairs by elevator needs to swing outward and have egress sign pointing in the direction of this door. It now directs people out back door which goes thru a kitchen area that is not allowed.*
- 7. There are a number of trip hazards in front patio area. Some were taken care of last year but some remain. The entire patio area has settled considerably over the years. On the original approved plan for this project dated 3/16/92, there is a comment section on page PA2 that makes comment about upkeep which has not been followed and states "owner shall preserve and maintain all existing trees and shall at all times keep all landscaping in good order and state of repair. This includes but shall not be limited to buildings, fences, pedestrian ways, roads and parking areas, shrubs, trees and other ground cover.*
- 8. Carbon Monoxide detectors required in sleeping areas.*
- 9. Occupant load for room C-1 is 2 person and C-2 is 3 persons max.”*

Mr. Wilkos asked if these issues had been addressed.

Mr. Heyland responded that these issues would need to be satisfied before a Certificate of Occupancy would be issued.

Mr. Hartwell agreed and added that all new exit signs will be installed, emergency lighting will be installed next week, the fire extinguishers will be tested and tagged, the lock has been removed and a push bar door has been installed for a second means of egress, all blockages have been cleared, carbon monoxide detectors have been installed and the building is fully sprinkled. The only thing left to be fixed is the door at the bottom of the stairway which needs to be reversed.

Mr. Hartwell agreed that no one would occupy the space until the Code Enforcement Officer signs off.

Mr. Heyland agreed that he is comfortable with that.

Mr. Simpson asked if the Board needs to hear from the other Department Heads.

Mr. Heyland responded that all Department Heads received copies of the application but not all of them responded.

Mr. Simpson stated that his concern is with water and sewer.

Mr. Heyland responded that the Board could require the applicant obtain those letters however he noted that there is an existing bathroom which has been in use. It was his (Mr. Heyland's) opinion that the proposed new use will not overburden the system.

Mr. Simpson asked Mr. Heyland if he has found all the waiver requests appropriate.

Mr. Heyland responded that he did.

Ms. Bevins asked about the parking layout.

Mr. Hartwell responded that there are 25 parking spaces.

Mr. Heyland added that back when this project was originally approved the Planning Board granted a certain number of vehicle space waivers. The last time this property was in front of the Planning Board JT Lockman from SMPDC wrote a memo highlighting that same fact, that the original approval contained several parking space waivers. The exact number is unclear.

Mr. Heyland informed the Board that he approached his review by calculating that the business use would require one parking space for every 500 square feet of business. There are two sleeping rooms which require two vehicle parking spaces. This change of use is an equal swap of two for two. He noted that the Board might include a condition of approval that the rooms are only for employees of the Hartwell House who have no vehicles. Mr. Heyland also noted that this use goes with the property and if the property were ever sold the parking requirement may become an issue.

Mr. Hartwell added that he has future plans which will make the boarding house use unnecessary in the near future. This application is a temporary stop-gap in case he needs housing for foreign employees. He would prefer to leave the spaces for Café Amore.

**Ms. Freedman Moved to find the application complete for Section 6.6.C.4 of the Ogunquit Zoning Ordinance to grant waiver requests for those submission items the Code Enforcement Officer has deemed not applicable.
FREEDMAN/HAYES 5:0 UNANIMOUS**

Mr. Wilkos noted that the Board has found the application complete and a Public Hearing would take place on July 11, 2016 at 6:00 p.m.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Discussion regarding Workshop to Expand the Definition of District for Planning Board Design Review.

Mr. Heyland summarized that at the workshop it was agreed that two changes would be made to the language to line up with the establishment of zones. Perkins Cove Limited Business District is now the SG2 Shoreland General Development 2; and the Ogunquit Beach Business District is now SG1 Shoreland General Development 1. The OGBD is noted in the Definition Section and Article 11 and needs to be changed in the Ordinance.

I. OTHER BUSINESS -

Chairman's response to recent communications regarding public statements which were made concerning a recently denied application.

Mr. Wilkos stated that members of the Select Board and the Planning Board have his written response to the applicant for the paid parking lot at Angelina's. Mr. Wilkos stated that he was not going to read it. He noted that in his last statement, at the last Planning Board Meeting, he did not mention names because the Board was advised by legal counsel, through the Town Manager, not to do so.

Mr. Wilkos also noted that there are two open alternate positions on the Planning Board and he encouraged anyone who is considering serving to apply.

J. ADJOURNMENT -

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

Respectfully Submitted

Maryann L Stacy

Maryann Stacy
Planning Board
Recording Secretary

Approved on July 11, 2016