

## OGUNQUIT PLANNING BOARD MINUTES MONDAY JULY 11, 2016

### PUBLIC HEARING

**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 informed the Board that the list of items which needed to be addressed have been taken care of: testing of fire extinguishers, fire lighting, emergency backlit exit signs, locks removed, push bars installed on exit doors. The only thing remaining is the door leading to the elevator. He noted that he has received comments from the public concerned that the rooms will be a “boarding house”. The space will be for his employees only and he does not anticipate any more than two to four people living there.

Michelle Davidson read two prepared statements:

From Peter and Maura Dawson - 14 Frazier Pasture Road (Map 3 Block 51) dated July 11, 2016:

*“We are writing to you about the application before your Planning Board filed by James Hartwell for 309 Shore Road, Ogunquit.*

*We write to express our opposition to the conversion of the subject premises from a business use to a boarding house use. We understand that the "owner" or the "proprietor" will be situated on adjacent premises owned by Mr. Hartwell and will not reside in the structure which will be the subject of the boarding house use. Fundamentally, we believe this runs contrary to the definition of "boarding house" within the Ogunquit Zoning Ordinance. We believe that the intent of the verbiage within the definition was to allow a boarding house so long as the owner or proprietor was living at the same premises as the boarding house use. This is logical as the concern is to make sure that there is oversight of the guests staying in the boarding house.*

*Further, it appears that the premises where the boarding house use is proposed is a separate and distinct lot from where the "owner" or the "proprietor" will reside. What happens if the lot where the "owner" or "proprietor" resides is sold to a third party?*

*It is our understanding that a substantial number of the abutters are opposed to this use. While we live in a mixed-use area, we do not believe that a boarding house use without an owner or proprietor living within the building is an appropriate or allowed use within the Limited Business Zoning District.”*

From the Board of the Cove Landing Condominium Association - 327 Shore Road (Map 3 Block 52) dated July 11, 2016:

*“Regarding the proposed Boarding House on the corner of Shore Road and Frazier Pasture Road, Cove Landing Condominiums residents, consisting of 5 families, have the following concerns:*

- *Adding a Boarding House to the retail space will add a transient element to what is otherwise a seasonal/year round residential area*
- *According to the Application, this Boarding House is intended to be used to accommodate the summer help for the Hartwell House. What is to keep Mr. Hartwell from changing his intended use once the Application has been approved, to include non-employee tenants; or to expand the non-retail Boarding House area from 1050 square feet , i.e., only a portion of the 2nd floor, to the entire 2nd floor, including the Frazier Pasture Road side of the Building*
- *Increased traffic at an already busy corner*
- *Not enough parking (even now there is not enough parking to support Amore and Celtic Treasures) which makes for people pulling into our parking area to Google or ask about other parking options (despite the well marked "pay" lot just across the street)*
- *Absence of resident owner on the premises, which is a requirement in the Ordinance for a Boarding House”.*

Debra Wood (5 Josias Lane) expressed concern that the town might lose Amore Breakfast Restaurant. She noted the recent change of use of the coffee shop at the back of Perkins Cove which is now a residence.

LeeAnn Cusimano (Owner of Amore Breakfast Restaurant). She is the primary tenant of the Thompson Green building. She agreed that the absence of a resident manager is concerning. Over the last eight years that she has been a tenant she has had to struggle with maintenance issues. She noted that she had provided the Board with photographs of general safety issues which still exist.

Bonnie Perkins addressed the Board. She owns an eight room rooming house in Kittery. She agreed that an onsite manager is needed. He pointed out that there are a lot of problems involved in running a rooming house which draws a low class people; it will also increase police costs. She stressed that running a rooming house is a twenty-four hour a day job which needs to be monitored all the time.

Mr. Hartwell responded that the use of the term “boarding house” sends an incorrect message. He doesn’t intend to run a “boarding house”. He has housed two to three employees over previous years and doesn’t anticipate any change to that. He may not even use the rooms this summer. His intent is to ensure that if he does need to house one or two Hartwell House employees he will be in compliance with the Zoning Ordinance. He has onsite management at Thompson Green every day year round. He added that the work to be done at Thompson Green will require a Planning Board Application which will allow everyone to see the plans and comment on the proposal.

Mr. Hartwell reminded everyone how difficult it is to find housing for employees, and he stressed that it will not be a “Boarding House” per se, but will accommodate a couple of employees should he need to use it.

Mr. Hartwell added that he is renovating all three of his buildings, Hartwell House was done first, he is currently working on the structure at the top of the hill, and he is working with an architect on plans for the Amore Restaurant building which will be significantly cosmetically improved in the near future.

Mr. Hartwell added that he is the only owner in that part of town that owns over an acre of open land left in its natural state.

Mr. Wilkos asked if there was anyone else who wished to speak for, or against, this application. There being no one the Public Hearing was closed at 6:25 p.m.

### **REGULAR BUSINESS MEETING**

#### **A. ROLL CALL –**

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

Members Excused: Don Simpson

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

Mr. Wilkos confirmed that all cell phones were off the table.

#### **a. Election of Officers.**

**Mr. Hayes Nominated Steve Wilkos as Chair.  
HAYES/BEVINS 4:0 UNANIMOUS**

**Ms. Freedman Nominated Don Simpson as Vice Chair. She noted that Mr. Simpson had verbally agreed to accept the nomination.  
FREEDMAN/HAYES 4:0 UNANIMOUS**

Mr. Wilkos thanked Ms. Freedman for her dedication, hard work, and attention to detail as Vice Chair and as a Board Member. He noted that he (Mr. Wilkos) and Ms. Freedman have never missed a meeting.

**B. PLEDGE OF ALLEGIANCE -**

**C. MISSION STATEMENT** – The Mission Statement was read by Ms. Freedman.

**D. MINUTES - June 20, 2016 Public Hearings, and Regular Business Meeting.**

**Mr. Hayes Moved to Accept the Minutes for the June 20, 2016 Meeting as Submitted.  
HAYES/BEVINS 4:0 UNANIMOUS**

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

Mr. Wilkos asked if there was anyone who wished to speak on any matter not on this agenda. There was no one.

**F. UNFINISHED BUSINESS –**

**1. FINDINGS OF FACT FOR: BIGBEE BUILDERS LLC / RICK BIGBEE – 731 MAIN STREET - Map 12 Block 10-A.**

**Ms. Bevins Moved to Accept the Findings of Fact for Bigbee Builders, LLC / rick Bigbee – 731 Main Street – Map 12 Block 10-A as Submitted.  
BEVINS/HAYES 4:0 UNANIMOUS**

**2. 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. Wilkos noted that a Public Hearing had been held, and several comments were made.

Ms. Freedman noted that Mr. Harwell isn't calling the use a "Boarding House". She asked what it is, if it isn't a boarding house?

Mr. Heyland responded that it can't be a dwelling unit or condominium because the density requirement is 12,500 square feet per dwelling unit. The next use which might allow someone to sleep in that commercial building is a "boarding house". There are criteria that must be followed in order for that use. One criterion is that someone must be available on site acting as manager or property owner. Mr. Hartwell noted that there are onsite managers across the street, and that they are available at all times.

Ms. Bevins asked if Mr. Hartwell could turn the entire place into a boarding house.

Mr. Heyland responded that this application has a current plan in front of the board that included a floor plan. If Mr. Hartwell ever wanted to expand the area of the use he would have to come

back before the Planning Board for an expansion of use. The application in front of the Board tonight is for approximately 1,000 square feet of second floor space over the western end of the building. Mr. Heyland went on to say that the use of a Boarding House is allowed in the Limited Business Zone so the answer to Ms. Bevins' question is yes.

Mr. Bevins asked about waived parking.

Mr. Heyland responded that the current use for that building is a business use. The Ordinance requires one parking space for every 500 square feet of business use. When the application showed that there were two sleeping rooms the requirement would be two parking spaces. This is a one for one parking replacement which would not increase the parking load. He went through the file and could not find any evidence of any previously approved parking waivers. Mr. Heyland noted that the parking is very confusing on this property. He does not know which parking spaces are dedicated to which business or use.

Mr. Hartwell responded that in 1993 when Thompson Green was constructed he came before the Planning Board with a proposal for a retail complex which had the forty-five parking spaces required by the Ordinance. He had traffic studies done, and eventually met with the Select Board, the Planning Board Chairman, and Mr. Hartwell's architect. He was asked if he would be willing to reduce the parking. The end result was a reduction of parking which allowed for the location of the structure to be pushed back and the currently existing plaza to be built. The result was the existing twenty-five parking spaces behind Thompson Green. He noted that parking is always a problem in a resort area. He chains the parking lot at night and he will be putting security cameras on the area.

Mr. Heyland responded that he didn't look too closely at the parking because the two required parking spaces are a one for one exchange. Also most seasonal employees use bikes and don't have vehicles. Mr. Heyland noted that the current plan has a notation that says "see parking waiver approval."

Mr. Hartwell added that he would like to leave most of the parking spaces for the use of Amore Breakfast customers.

Ms. Bevins asked how the Board will know which parking spaces are dedicated to which businesses.

Mr. Heyland responded that they can't unless the Board requests that information.

Mr. Hartwell stated that he can produce that information.

Mr. Hayes noted that the old parking plan indicated two handicapped parking spaces; he asked if there are two parking spaces currently existing. He also stated that the plan indicates that the handicapped parking space is thirteen feet wide. He suggested that the existing parking space may not be thirteen feet.

Mr. Hartwell responded that he is unsure how many handicapped parking spaces there are and if they are not thirteen feet wide he can correct that.

Ms. Freedman noted that this parcel's use was approved in 1992, however in November 22, 1999 there was a drawing which states that "this drawing outlines a revised twenty-four car parking plan to the car parking plan approved by the Ogunquit Planning Board dated March 29, 1999, as revised from the original plan approved by the Ogunquit Planning Board dated June 10, 1990 and revised in 1992 for eleven cars.

Mr. HARTWELL added that he didn't want a lot of parking because he knows that Shore Road is primarily a walking road with trolley stops along the way, and a large parking lot across the street. The original intent was to begin with minimal parking and see how things go, and if needed add additional parking at a later date.

Mr. Hartwell agreed to a condition of approval that only employees with no vehicles will be housed there. He added that he has plans for the near future which will negate the use of housing there. He confirmed that: there will only ever be one or two people housed there, that they will be Hartwell House employees only, and it will be primarily seasonal unless absolutely necessary to have someone there during the winter. He will never house anyone who does not work for Hartwell House.

Ms. Freedman stated that she believes that all the Life Safety requirements for a Boarding House have been met.

Mr. Heyland agreed that there are only two outstanding things which need to be done: the door by the elevator, and tripping hazards.

Mr. Hartwell responded that the tripping hazard will be taken care of and he will be meeting with Mr. Heyland regarding the door.

Mr. Wilkos noted that the Ordinance definition of Boarding House requires a family living on the premises acting as proprietor or owner. Mr. Wilkos asked if this requirement has been met in this case.

Mr. Heyland responded that he interprets this requirement to be met by the managing couple living across the street at Hartwell House.

Mr. Wilkos asked if staff living together could be considered to be a family.

Mr. Heyland agreed that they could.

Mr. Hartwell responded that the onsite management family is a husband and wife.

Mr. Feldman added that the definition of family is very open.

Mr. Harwell noted that there will be no cooking facilities upstairs.

Ms. Bevins referred to a plan notation that requires maintenance on the property and structure. She asked if Mr. Hartwell is just now starting renovations.

Mr. Hartwell responded that he had already done work on the property and he intends to do a major renovation in the near future. It's an ongoing process but he has focused on life safety issues first.

Ms. Freedman Moved to Accept the Site Plan Application for a post 1931 structure change of Thompson Green 309 Shore Road – Map 3 Block 17 for a change of use from business use to boarding house; with the condition of approval that the rooms are only for employees of Hartwell House who have no vehicles.

FREEDMAN/HAYES

The Board reviewed the Site Plan Approval Checklist per Section 6.7 of the Ogunquit Zoning Ordinance. The Board was unable to confirm that the application “contains adequate, off street parking in compliance with this Ordinance” (Section 6.7.8).

Mr. Heyland noted a notation on the plan which states “parking 11 cars see Planning Board Waiver Approval”.

Mr. Heyland stated that the Board can ask for additional clarification. He also noted that this application does not increase the parking.

Ms. Bevins asked if the parking waiver is because the structure changed.

Mr. Hartwell responded that he and the Frazier Pasture Association agreed that it would be best to limit the parking lot. This was the basis for the waiver to reduce the number of original parking spaces.

Mr. Heyland added that the 1992 parking plan shows eleven parking spaces with the waiver. In 1999 there was a second plan indicating twenty-four parking spaces. He has not done an analysis of the parking requirements and existing parking conditions at this site. His calculation that there is 5000 square feet of building footprint at one hundred square feet per vehicle would require fifty parking spaces. If an analysis were done there would probably not be enough parking for this site.

Mr. Hayes asked how many handicapped parking spaces are required.

Mr. Heyland responded that 4% of the total parking spaces need to be handicapped accessible. In this case that would probably be one handicapped parking space.

Mr. Hayes suggested there is only one handicapped parking space and he questions the size of it.

Mr. Wilkos stated that the Boarding House would require two parking spaces and he asked if the applicant has those two parking spaces.

Ms. Bevins stated that the Board can't know if there is sufficient required parking spaces if they don't know which spaces are dedicated to whom.

Mr. Heyland stated that there are currently twenty-four parking spaces. He asked who they are dedicated to.

Mr. Hartwell responded that Celtic Treasures gets one, Amore gets one and she gets all the remaining spaces with the exception of two which are for the property managers.

Mr. Heyland stated that there are four dedicated spaces and all the other spaces are for Amore.

Mr. Hartwell confirmed this to be the case. He added that if the Board wants him to dedicate two parking spaces to the boarding house, he will do so and take them from the Amore parking spaces. Mr. Hartwell stated that he can produce all the documentation the Board might require to show the history of the parking plan development over time.

Mr. Heyland noted that the Board might consider shared use. When Amore is closed the parking may be used by the Boarding House.

Mr. Hartwell agreed to do this. He noted that there are signs indicating reserved parking spaces.

Ms. Cusimano explained that there is one handicapped parking space, there is one space reserved for staff of Celtic Treasures, there was one space reserved for the employee who lived on the second floor last summer, and there are two parking spaces reserved for "employees of Hartwell House". She noted that rather than reserve two parking spaces on the Hartwell House property for its employees there are two parking spaces on Thompson Green property for them. It is her assumption that there should be fifty parking spaces.

Mr. Feldman stated that parking requirements depends on the use, and back when this property was originally approved the parking requirements might have been different. He suggested an analysis of the uses in the building now; the square footage associated with those uses, and determine what the parking requirements are for that property today. This would tell the board if there is a deficit or enough parking.

Mr. Heyland referred to Section 8.10.C.3 of the Off Street Parking Ordinance which gives the Planning Board full authority to waive the requirements where it may be shown that appropriate parking and loading spaces will be sufficient for the intended use. The Planning Board could waive the two parking spaces for the Boarding House.

Ms. Bevins wanted to see all the parking identified, she suggested a new parking plan indicating exactly how many spaces are needed, waive what they don't have, and identify the reserved parking spaces.

Mr. Hartwell stated that Amore has not expanded. There were two restaurants which were combined into one, Amore.

Ms. Cusimano stated that there are three retail spaces on the first floor. She has three, Celtic Treasure has one, and the last is vacant. She noted that there is green space behind the property and the parking lot could be expanded.

Ms. Bevins noted that there is a different requirement for a restaurant than for retail.

Mr. Heyland reminded the Board that they can ask for additional information. He stated that there are twenty-four spaces, four are reserved, and there are twenty for Café Amore.

Ms. Bevins suggested that this is the time to clear up the parking confusion.

Mr. Heyland agreed that per Ms. Bevins' request, a parking analysis would show current conditions of how many square feet of restaurant, retail, and office space.

Mr. Hartwell stated that the 1999 plan reflects what exists today. A new parking analysis would be the exact same thing.

Mr. Hayes noted the loading zone on the 1999 plan. He asked if this is still a loading zone or if it is marked off for parking.

Mr. Hartwell agreed that those spaces were given to Amore.

Mr. Wilkos asked if the Applicant would provide an accurate parking plan showing the current uses of the building and the current existing parking spaces.

Mr. Hayes suggested a Site Visit. The Board Agreed.

Ms. Freedman asked for an updated parking plan.

Mr. Hartwell asked how many handicapped parking spaces he needs.

Mr. Heyland stated that the approved parking plan indicated one handicapped parking space. The only remaining question is the dimensions of the handicapped parking space.

Ms. Freedman withdrew her Motion and Mr. Hayes withdrew his second.

**Ms. Freedman Moved to Schedule a Site Visit and to require the Applicant provide the previously discussed current Parking Plan.**

**FREEDMAN/ HAYES 4:0 UNANIMOUS**

Mr. Wilkos scheduled the Site Visit for July 25, 2016 at 4:00 p.m. at Thompson Green.

**G. NEW BUSINESS –**

**1. JOHN MIXON/SHORE ROAD COMMONS – 5 Bourne Lane - Map 5 Block 35A – RD. Application for an Amendment to Shore Road Commons Subdivision Plan (Phase 2).**

Rick Licht addressed the Board as the Applicant's representative. Mr. Licht summarized the proposed amendments. Hartwig Lane would be reduced from twenty feet to sixteen feet. This change is to reduce vehicle speed. The next amendment is to remove the proposed three biocells/raingardens. It has been determined that the retention of additional trees will produce the same effect as the proposed biocells. Instead each unit will have a drip strips which filter into an underground storm drain that empties into the ravine at the rear of the property. The last amendment includes the relocation of Unit 7 and its driveway about five feet, this is to open the site up and help retain the fruit tree orchard.

Mr. Mixon addressed the Board regarding the reduction of the width of Hartwig Lane. He has noticed over the last two years that there are hardly ever any pedestrians on Hartwig Lane. In addition the Ogunquit Playhouse sometimes uses the colony for a function between shows. Guests of that event drive very fast up Hartwig Lane. Anyone walking on a striped walkway would be in danger. A safer situation would be a graveled sidewalk. Mr. Mixon added that the Barn Gallery events produce parking all along Hartwig Lane. This poses a danger should an emergency vehicle need to get into the site. Mr. Mixon suggested that twenty feet of pavement will only produce additional parking along the side of the road. He added that the wider the road the more trees will need to be removed. He pointed out the trees on the right of Hartwig Lane could be saved if the road width were reduced.

Mr. Hayes asked if it was the Fire Chief who suggested the twenty foot road width.

Mr. Mixon was unsure but didn't think the Fire Chief suggested that width. Chief O'Brien has been to the site and indicated that he would have no issues with a sixteen foot road width.

It was determined that the Fire Chief has not submitted a review to the Board.

Mr. Licht reminded the Board that the Applicant will be posting two sided "No Parking" signage at the beginning of Hartwig Lane. There will also be "No Parking – Fire Lane" down the side of Hartwig Lane, and signage to designate the two driveways (one house and the Playhouse entrance) as private.

Mr. Mixon has asked the Barn Gallery to have their patrons not park along Hartwig Lane, and there were still cars stacked up and parking along the side of Hartwig Lane.

Mr. Heyland responded that any off street parking has to be between the property owner and the police department. As long as the property is clearly marked as no parking and the property owner calls the police. The police will come down and ticket the cars.

Mr. Mixon responded that he doesn't want to call the police and have people ticketed. He would prefer to make it less easy for people to park there.

Mr. Feldman reviewed his memo to the Board dated July 18, 2016:

*“1. Reduction in paved width of the improved portion of Hartwig Lane to 16 feet with a 4 foot wide gravel sidewalk. This change is requested in an attempt to reduce vehicle speeds observed on Hartwig since clearing vegetation for the road widening.*

*2. Relocate Unit 7 and the shared driveway for Units 5 and 6 five feet west from its originally proposed location.*

*3. Remove the three underdrained raingardens in the subdivision plans and revise the drainage as shown. The applicant will also need to relocate the storm drain outfall due to changes to the drainage swale along the south of the property in Phase 1 of the subdivision.*

*The reduction in road width will need to be approved as a waiver under Article 12 section 12.2 of the Subdivision regulations which indicates that:*

*Where the Planning Board finds that unnecessary hardships may result from strict compliance with particular review standards, or that due to special circumstances of a particular plan, the provision of certain required improvements or compliance with particular review standards is not requisite in the interest of public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, upon written request of the applicant, the Board may waive compliance with such review standards, subject to appropriate conditions, provided that such waivers will not have the effect of nullifying the intent and purpose of the Comprehensive Plan or the Zoning Ordinance.*

*The board previously conditioned the applicant as noted:*

*“Hartwig Lane to be designed for twenty feet (20’) per NFPA code including a four foot (4’) painted bike & pedestrian area between the Play House property and the Barn Gallery property.”*

*At this point I have seen no information other than asking for the waiver due to an attempt to slow cars down in this area. I would also defer to the Fire Chief since the previous condition cited the NFPA code.*

*With regard to the other two requests, I see no issue with those modifications as requested.”*

Mr. Licht noted that most of the submission requirements are not applicable to this amendment.

It was noted that abutters were notified about this application. There were some abutters in the audience who wished to be heard; however this is not the “Public Hearing”.

Mr. Mixon asked if a Public Hearing was required.

Mr. Feldman responded that it is.

Mr. Mixon disagreed.

Mr. Wilkos allowed the abutters to be heard while he noted for the record that this is not the official Public Hearing.

Marsha Williams (31 Bournes Lane – Map 5 Block 38-1). Ms. Williams was glad to hear that the Applicant is attempting to save more of the trees. She agreed that vehicles speed along Hartwig Lane driving way too fast. She disagreed with fourteen feet of tar and four feet of gravel. She suggested a walking lane with walking/bicycling symbols on the pavement, and installing speed bumps which could be removed in the winter for plowing.

Carl Buchman (35 Bournes Lane – Map 5 Block 38) addressed the Board. Mr. Buchman disagreed that people speed along Hartwig Lane, he also disagreed that people do not walk on Hartwig Lane.

Mr. Licht noted that the Subdivision Ordinance Section 7.1.10 states that the Board “may” hold a Public Hearing, however they are not “required” to do so.

Mr. Licht noted that the existing roadway is nine feet wide. He suggested twenty feet is overdoing it and the use of gravel is to delineate a walking zone. He suggested that any vehicle traveling faster than 10 miles an hour is going too fast; and he reiterated that a narrower roadway will slow vehicle speed.

Mr. Mixon responded that he is getting mixed messages: save the trees and put the wide roadway and paved sidewalk. He can’t do both. He offered to withdraw his amendment application and stay with the original plan.

Mr. Feldman stated that Hartwig Lane is basically a fire lane. He reiterated that the Board needs input from the Fire Chief.

Ms. Freedman asked how wide a fire truck is.

Mr. Heyland suggested moving forward with the application process and getting a memo from the Fire Chief. Mr. Heyland informed the Board that he is in favor of the narrower road.

Mr. Mixon asked if the Board would act on the drainage issue at this meeting.

Mr. Wilkos responded that the Board will act on the entire application in one package.

**Mr. Freedman Moved to Schedule a Public Hearing for July 25, 2016 at 6:00 p.m.  
FREEDMAN/BEVINS 3:1 (Mr. Hayes Dissenting)**

A Public Hearing was scheduled to take place on July 25, 2016 at 6:00 p.m.

**H. CODE ENFORCEMENT OFFICER BUSINESS – None**

**I. OTHER BUSINESS –**

**a. Planning Board By-Laws – Amendment Acceptance for Digital Communication protocol.**

Ms. Freedman asked if the Board would agree to moving public hearings from the start of the meeting to Old Business just prior to a discussion of that particular application.

The Board agreed that this would be appropriate.

**Mr. Hayes Moved to Accept the proposed Planning Board By-Laws as Amended.  
HAYES/BEVINS 4:0 UNANIMOUS**

**b. Correspondence from the OHPC.**

The Board was unclear exactly what the OHPC was looking for from the Planning Board. It was noted that there were no OHPC members present at the meeting.

It was agreed that the OHPC topic would be tabled until the OHPC Chairperson was present to respond to questions.

Ms. Bevins noted that the OHPC was only an advisory body.

It was noted that Title XI already outlines the duties of the OHPC.

Mr. Heyland noted that Section 201 spells out very clearly what their role is. Perhaps they are looking to amend that.

Mr. Wilkos reminded everyone that the current protocol is for an applicant to meet with the OHPC and receive a letter from them which must be submitted in their application packet. Planning Board Applications involving a pre 1931 structure will not be placed on the Board's agenda without such a letter.

Mr. Heyland pointed out that the Ordinance was crafted based on ordinances. He also pointed out that the Ordinance refers to Districts, specifically "The District" with regard to Design Review.

Ms. Freedman asked about the strings of lights as noted in Article 8.7 of the Zoning Ordinance. She expressed her opinion that the strings of white lights aren't bad.

Mr. Heyland responded that it should be all or nothing. Either they are allowed or not, the other issues is what type of lights. What about strings of larger bulbs? Then there is the questions of strings of lights placed inside windows.

Mr. Feldman raised the question: how far back from a window is something no longer considered to be "in the window"? He also noted strings of lights placed under canopies attached to buildings.

Mr. Heyland responded that they are not allowed. Strings of uncolored lights are only allowed when placed on live bushes or trees with living root systems. They are considered to be “landscape lighting”.

Ms. Freedman agreed and added that the Ordinance says lights are not allowed around windows, building facades, or on fences.

Ms. Freedman referred to Article 8.7.B: *B: Outdoor Strings of Lights (Amended 6/12/12, ATM) Strings of light bulbs are not permitted except for the holiday season from the Monday before Thanksgiving until January 21. Holiday season strings of lights may include both colored and uncolored lights.*”

Ms. Freedman read the language for Article 8.7.C: *“Strings of uncolored lights may also be part of a landscape design for all or part of the year. Landscape design refers to lights in live bushes or live trees (as defined in Webster’s Dictionary as having living root systems in soil), but does not include lights around windows, on building facades, on fences, on walls or on roofs.”*

There was discussion regarding the language “but does not include” and that this language is confusing.

Mr. Simpson suggested a change to the language which would read: *“...living root systems in soil. ~~but does not include~~ The following are not permitted: lights around windows, on building facades, on fences, on walls or on roofs.*

Mr. Feldman added that items not listed may be interpreted to be allowed, such as a string of lights on a large rock.

Mr. Heyland suggested leaving the language as it currently exists, and any determination regarding where lights are allowed should be left up to his interpretation. If an applicant disagrees with his decision they can take their case to the Zoning Board of Appeals.

Mr. Feldman suggested including a requirement that strings of lights be LID lighting. He noted that it is a softer more energy efficient light.

Mr. Heyland asked about tents and awnings with interior lights.

The Board agreed that the tents are temporary structures as are some awnings.

Ms. Freedman suggested allowing stings of uncolored lights during the summer season.

Mr. Simpson and Mr. Wilkos agreed.

It was suggested that the ordinance needs to be simplified and that strings of uncolored lights be allowed outside.

Mr. Heyland noted that some of the strings of lights are for safety and general lighting while other strings of lights are for decoration only.

Mr. Feldman also noted that the Ordinance also refers to “light bulbs”. Most of the “Christmas type lights are not “bulbs”.

It was agreed that the issue of strings of lights would be tabled pending future workshops. The lights within Rose Cove’s second floor tent and the lights on the roof of Main Street would be left as is.

**J. ADJOURNMENT -**

**Mr. Hayes Moved to Adjourn at 8:30 p.m.**

**HAYES/BEVINS 4:0 UNANIMOUS**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy

Planning Board Recording Secretary