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## OGUNQUIT PLANNING BOARD MINUTES MONDAY JULY 25, 2016

### PUBLIC HEARING

**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).**

Mr. Simpson reminded the Board that he had recused himself from hearing the original application and he would recuse himself again.

Mr. Simpson was recused and left the auditorium.

Rick Licht from Licht Environmental Design addressed the Board and the audience. Mr. Licht reminded everyone that Phase 1 which involved the construction of Units 1, 2, 3, and 4 is complete, and the amendment involves Phase 2 which consists of Units 5, 6, and 7. Mr. Licht summarized the proposed amendments to the Shore Road Commons Subdivision, Phase 2 as:

1. Reduction in paved width of the improved portion of Hartwig Lane from twenty feet (20') to sixteen feet (16') with a four foot (4') wide gravel sidewalk on the north side of the roadway. This change is intended to reduce vehicle speed, and because the Applicant has come to the conclusion that a twenty foot roadway is excessive.
2. Relocation of Unit 7 and the shared driveway for Units 5 and 6 five feet to the west from their originally proposed locations.
3. Removal of three proposed biofilters and the addition of drip-edges to proposed and existing structures with filtration through a pipe system to a swale along the rear portion of the site.

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

Marsha Williams (31 Bournes Lane – Map 5 Block 38-1) addressed the Board. Ms. Williams is an abutter who expressed concerns regarding the appropriateness of the proposed gravel sidewalk. She also suggested the installation of speed bumps on Hartwig Lane to reduce traffic speed. Ms. Williams also expressed her belief that seven residential units on a three acre property is too dense. She referenced the recent housing developments in Wells.

Richard Picott, Director of Facilities for the Ogunquit Playhouse addressed the Board. Mr. Picott asked the Board to deny the request to reduce the road width. He suggested the road needs to remain wide enough for two-way traffic. Mr. Picott also agreed with Ms. Williams that the

sidewalk should be paved, not graveled, and that the installation of speed-bumps would help reduce vehicle speed.

Mr. Mixon responded to the abutters. He pointed out that the roadway has been a nine foot (9') wide driveway for over fifty years and no one has had any issues with it until now. He stated that sixteen feet (16') is sufficiently wide for the amount of traffic which will utilize Hartwig Lane. Mr. Mixon noted that Shore Road Commons is a private development and that Hartwig Lane is a private roadway which limits the number of people who may use it. Mr. Mixon has asked Ms. Williams to stay off the property when she was walking her dog there. The roadway is for the use of people in Shore Road Commons and people accessing the Playhouse property.

Mr. Mixon pointed out that the Fire Chief has approved the reduction in road width. He also noted that after the last unit has been sold he will no longer be involved in the management. Mr. Mixon stated that he is reluctant to agree to removable speed bumps because it will be up to the condominium association to oversee their installation and removal every year. Mr. Mixon suggested that the matter may be referred to the unit owners at a later date.

Mr. Wilkos asked if there was anyone else who wished to speak for, or against the application. There being no one the Public Hearing was closed at 6:15 p.m.

### **REGULAR BUSINESS MEETING**

#### **A. ROLL CALL –**

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

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

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

#### **B. PLEDGE OF ALLEGIANCE -**

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

#### **D. MINUTES - July 11, 2016 Public Hearing, and Regular Business Meeting.**

**Mr. Hayes Moved to Approve the Minutes of the July 11, 2016 Meeting as Amended.  
HAYES/BEVINS 4:0 (Mr. Simpson was excused from the July 11, 2016 Meeting).**

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

Marsha Northrop (2 Fieldstone Lane), representative of the Ogunquit Residents Association, asked the Board to schedule a workshop between the Association and the Planning Board regarding proposals the Association recently made to the Select Board. A workshop was scheduled to take place at 5:00 p.m. on August 22, 2016.

**F. UNFINISHED 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. Tabled at the Applicant’s Request.**

Mr. Wilkos noted that this application has been indefinitely tabled at the Applicant’s request.

**2. 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).  
Final Approval Granted on October 26, 2015.**

Mr. Simpson again recused himself and left the auditorium.

Mr. Licht again reviewed the proposed amendments as noted during the public hearing. Mr. Licht pointed out that any work done to the roadway will be an improvement to what is currently there (a nine foot dirt and gravel lane). He reminded the Board that the traffic study indicated a very minor impact in traffic from the new development, probably no more than three vehicle trips at peak hour; an almost immeasurable increase. During the original approval hearings there was discussion about making the road twenty feet (20’) with a four foot (4’) walking lane. Mr. Licht noted that a number of trees will be saved by reducing that width. He pointed out that a sixteen foot (16’) roadway is almost double what is there now; and the existing roadway has been able to handle traffic and peak events at the playhouse.

Mr. Licht added that the goal is to decrease the impervious area impact, and to reduce the speed of vehicles traveling on Hartwig Lane. He informed the Board that a new philosophy of traffic / pedestrian / bike management is to intermingle them. The gravel walkway proposal is very similar to what exists now.

Mr. Licht confirmed that there will be “No Parking” signage and “No Parking Fire Lane” signage put in place.

Mr. Wilkos asked what the existing walkway currently is, and if the Applicant would be willing to use something other than gravel for the sidewalk.

Mr. Licht responded that the current walking area is the dirt/gravel roadway, and that the Applicant is not in favor of altering his proposal.

Mr. Wilkos asked about the use of speed bumps.

Mr. Licht responded that a better way to handle speeding on that road is through the use of 5MPH speed signs, and for internal enforcement by the residents and the Playhouse. The Applicant added that he is not willing to install speed bumps at this time.

Ms. Freedman and Ms. Bevins both noted that the Board had received a Memo from the Ogunquit Fire Chief dated July 14, 2016, and that they both agree with the Fire Chief's comments.

Mr. Wilkos read Chief O'Brien's Memo into the record:

*"I have reviewed the plans dated 6-27-2016 for the 3 revisions proposed and have the following comments:*

- 1. I am in favor of reducing the paving from 20' wide to 16' wide with a gravel walk 4' wide on the phase 2 section of the road. It is a short straight run and is easily accessed. The narrower width will hopefully slow traffic and the gravel walkway will be safer for pedestrians.*
- 2. I met on site with the owner, John Mixon and there is a parking problem starting with large events at the barn gallery of people parking along road side. This was a major concern of mine. He stated someone was even out directing people where to park and it still occurred. One problem is the signs designated on the plan for phase 1 have not been installed yet. I suggested they be installed sooner than later to help curb the problem. If this continues after the signs are installed, it may have to be revisited for enforcement.*
- 3. I have no issues with relocating unit 7 or the rain garden removal."*

Mr. Mixon informed the Board that the Barn Gallery apologized for the parking problem and that they informed him (Mr. Mixon) that there is only one more event planned for this season. Mr. Mixon informed the Board that illegal parking will be controlled by the use of orange cones. When the road is complete there will be permanent striping and signage on the pavement.

Mr. Heyland agreed that this would suffice.

Mr. Wilkos read Town Planner, Lee Jay Feldman SMPDC's July 15, 2016 Memo to the Board

*"John Mixon is requesting the following revisions to the Shore Road Commons Subdivision:*

- 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. Heyland asked what material will be used for the gravel.

Mr. Licht responded that they will use processed, small, angular stones which chink together. This type of material is easier to walk on than standard “gravel”.

Mr. Heyland noted that the future homeowners association could look at the issue of speed bumps at some date in the future. He also agreed that a posted 5MPH speed limit would be a good idea. Regarding the density issue raised by Ms. Williams; Mr. Heyland pointed out that the Board held workshops regarding a possible increase in density requirements and only a single person come to the public meetings or offered any input, and that input was in opposition.

**Ms. Freedman Moved to Grant the requested waivers for 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).**

**FREEDMAN/HAYES 4:0 UNANIMOUS (Mr. Simpson was recused)**

**Mr. Hayes Moved to Approve the Amendment Request for 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). based upon Section 12.2 of the Subdivision Regulations.**

**HAYES/FREEDMAN 4:0 UNANIMOUS (Mr. Simpson was recused)**

Mr. Simpson rejoined the Board.

**G. NEW BUSINESS –**

**1. TOWN OF OGUNQUIT – 149 Ocean Street – Map 10 Block 52-A – RP. Site Plan and Design Review Application for the replacement and minor expansion of the existing Town owned footbridge; crossing the Ogunquit River connecting the Ocean Street Footbridge Beach Parking Lot with the Footbridge Beach.**

Harbor Master Fred Mayo addressed the Board. Mr. Mayo informed the Board that this application came about because the existing bridge is getting older. Mr. Mayo applied for a Grant through the DOT and received \$250,000 plus another \$20,000 for engineering. Mr. Mayo introduced Daniel Bannon the engineer from Baker Design who will oversee the project.

Mr. Wilkos thanked Mr. Mayo for his work getting the grants.

Mr. Bannon summarized that the original structure was built in 1948 at a cost of \$4,100; the structure was repaired in 1978 after it was damaged in a winter storm. In 1991 the bridge was replaced in its entirety. It has now been determined to have a load capacity well under current code requirements.

Mr. Bannon noted that the proposed design will be very similar to the existing bridge in appearance. It will be two feet wider (from 6' to 8' in width) to accommodate better pedestrian flow and to meet ADA Requirements. It will also have a new "bump out" in the middle of the bridge where the width will increase to 12'; this will provide a space for pedestrians to pass, and for fishing and/or sightseeing.

The bridge will be in the same location; however the center section of the bridge's elevation will be increased by 18" which will bring it into compliance with the Town's Flood Plain Management Ordinance. This increase will also provide better water navigation for boaters needing to pass under the bridge. Mr. Bannon pointed out that the bridge is located in a very shallow section of the river and is really only navigable by small craft.

The slope for entrance and exiting the bridge will be reduced to make it ADA compliant.

There will be an increase in the piling span, resulting in fewer piles in the river, and the railings will be similar to what is there now.

Mr. Bannon noted that they have received: a full DEP NRPA Permit, and a US Coast Guard Permit. He noted that with the Coast Guard involvement there is no requirement for Army Corps oversight. He has submitted the Flood Hazard Development Permit Application. The Applicant has all required approvals except for the Town's.

Mr. Bannon confirmed the Harbor Master's funding comments, and that this will allow the project to go out for bids in the fall and construction is planned to take place over next winter.

Mr. Simpson agreed with the increase in the bridge width by two feet. He noted that it will significantly improve ADA accessibility.

Mr. Wilkos asked if the increased width would accommodate emergency vehicles.

Mr. Bannon responded that it will. He noted that an 8' width is still relatively narrow however it will allow for a five ton vehicle.

Mr. Heyland read his Memo to the Board dated July 19, 2016:

*“Project Description*

*Daniel Bannon of Baker Design Consultants on behalf of The Town of Ogunquit has applied for a Design and Site Plan review for the replacement of the Footbridge located at Footbridge Beach and Footbridge Beach Parking lot. The project involves the replacement of an existing pedestrian footbridge with a new structure in the same location. The width will be increased by 2' and at midspan each side will contain “bump outs” of 2' for 13' in length. This will provide for improved ADA compliance.*

*The subject parcel is located within the Resource Protection District.*

*Recommendations and conclusions*

- 1. I have reviewed all of the requested waivers and have found these submission requirements not applicable.*
- 2. The planning Board should consider finding the SPR Application complete.*
- 3. The Applicant should provide Elevations of the proposed structure for the Board to review against article 11 Design Review.*
- 4. The Maine Historic Preservation Commission has concluded there will be no Historic properties affected by the proposed undertaking.*
- 5. The Ogunquit Historic Preservation Commission chose not submit a review of the proposed rebuild based on the age of the existing structure.*
- 6. The required Federal and State permits have been applied for and received by the applicant.*
  - a. A United States Coast Guard bridge permit was received February 17, 2016. Upon completion of the project the Town shall submit as built drawings to the USCG showing clearances.*
  - b. A Maine Department of Environmental land use permit was received June 30, 2016.*
  - c. The State permit contains conditions of approval and limitations that must be followed during construction activity.*
- 7. The Board should review the application against the OZO Article 9 section 9.15 (Shoreland Zone Standards). The contractor will be required to comply with this section.*
- 8. I have reviewed the requirements of the Town of Ogunquit Floodplain Management Ordinance. This project will require a Flood Development Permit and will be required to meet the standards of Article VI Section M.”*

Mr. Heyland asked Mr. Bannon if the base flood elevation is based on the proposed map.

Mr. Bannon responded that it is not. The proposed clearance is based on the existing map. The current base flood elevation is 9.0. The proposed maps, which have not yet been adopted,

increase the elevation to 14.0, which is a very significant change. The proposed bridge has been designed to meet current regulatory requirements; it has also been designed to resist floatation.

Mr. Heyland noted that his office did reach out to the Ogunquit Historic Preservation Commission and they had no interest in reviewing the project. This is due to the age of the original structure as well as the 1991 replacement date.

Mr. Heyland informed the Board that he reviewed all the waiver requests and found that those submissions were not applicable and that the waivers should be granted.

Mr. Heyland reviewed the Ogunquit Fire Chief's July 19, 2016 Memo to the Board:

*"I have reviewed the plans dated 9/2015 for the for the replacement Bridge on Ocean street For the Town of Ogunquit and have the following comments:*

- 1. I agree with the bollard proposed on the west side of the bridge but have concerns about pulling the post out to access with all terrain vehicles (atv). My concerns are how heavy is it? and does sand buildup in sleeve and make removal difficult?*
- 2. There should also be one installed on the east side of the bridge due to vehicle that Can access that side from passing the sewer district and possibly drive onto bridge.*
- 3. I don't care for the horizontal railing due to kids climbing up on them to jump off the bridge or potentially falling off. I feel the balusters should be vertical. I know this would change the look.*
- 4. I would rather see composite decking due to ongoing problem of pressure treated wood always curling and causing splinters and having to constantly re nail or screwing of the wood. I understand this would increase the number of supports needed."*

Mr. Heyland asked if the Applicant would consider adding a bollard to the east side of the bridge.

Mr. Wilkos asked who would have the keys to the bollards for removal.

Mr. Heyland responded that it would probably be the Public Works Department and the Police and Fire Departments.

**Mr. Simpson Moved to find the application complete for TOWN OF OGUNQUIT – 149 Ocean Street – Map 10 Block 52-A – RP. Site Plan and Design Review Application for the replacement and minor expansion of the existing Town owned footbridge; crossing the Ogunquit River connecting the Ocean Street Footbridge Beach Parking Lot with the Footbridge Beach, and to waive the submission requirements which the Code Enforcement Officer has deemed not applicable.**

**SIMPSON/ BEVINS 5:0 UNANIMOUS**

Mr. Wilkos noted that a Public Hearing would take place at 6:00 p.m. at the August 8, 2016 Meeting, and anyone from the public may be heard at that time.

Mr. Wilkos asked if there will be any way to cross the river while the new bridge is being constructed.

Mr. Heyland responded that the only way to accomplish that would be to build the new bridge in a different location and utilize the existing bridge during the interim. This would defeat the intention of constructing the new bridge in the same location as the old bridge.

**2. TOWN OF OGUNQUIT – 180 Main Street - Map 6 Block 40-B – DBD. Design Review to replace existing, post 1931, public restrooms in Jacob’s Parking Lot.**

Ms. Freedman asked if this application would need a Public Hearing.

Mr. Wilkos responded that it could if the Board wants to hold one.

Mr. Heyland added that the Footbridge Application required Site Plan Review because it was in the Shoreland District. This application is not in the Shoreland District and does not require Site Plan Review and/or a Public Hearing, however given that it is a public building, and in the interest of getting public input, he suggested the Board might hold a Public Hearing.

Mr. Heyland noted that this project was designed by Harvey Wells. The proposed building looks very similar to the public restroom in Kennebunkport. The new bathroom will have an increase of two toilets in the women’s room. The new building will be rotated so the long axis faces the parking lot, it will be ADA compliant, and will meet all the requirements of the State Fire Marshall’s Office.

Mr. Wilkos asked if the Ogunquit Historic Preservation Commission was given the opportunity to review the project.

Mr. Heyland responded that they were provided a copy of the plans and declined to submit any input.

**Mr. Simpson Moved to find the Application Complete for TOWN OF OGUNQUIT – 180 Main Street - Map 6 Block 40-B – DBD. Design Review to replace existing, post 1931, public restrooms in Jacob’s Parking Lot, and to grant waivers for any submissions which the Code Enforcement Officer has deemed as not applicable.**

**SIMPSON/HAYES 4:0 UNANIMOUS (Ms. Bevins had left the meeting at the time of the vote)**

The Board agreed to hold a Public Hearing on August 8, 2016 at 6:00 p.m.

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

**I. OTHER BUSINESS –**

The Board confirmed the scheduling of a workshop with the Ogunquit Residents’ Association at 5:00 p.m. on August 22, 2016.

Mr. Simpson asked Ms. Northrop if she could provide something in writing which specifies what the ORA is looking to discuss.

Ms. Northrop agreed to have something submitted to the Land Use Office one week before the August 22, 2016 Workshop.

**J. ADJOURNMENT -**

**Mr. Hayes Moved to Adjourn at 7:06 p.m.**

**HAYES/FREEDMAN 4:0 (Ms. Bevins was excused from the 2<sup>nd</sup> half of the meeting)**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Planning Board Recording Secretary

*Approved as Submitted on August 8, 2016*