



MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-9326 Land Use
(207) 646-9546 Town Clerk
E-mail: townofogt@maine.rr.com

**OGUNQUIT PLANNING BOARD
PUBLIC HEARINGS and REGULAR BUSINESS MEETING
MINUTES
DUNAWAY CENTER MAIN AUDITORIUM
MONDAY JANUARY 23, 2017**

PUBLIC HEARINGS

1. TOWN OF OGUNQUIT / JACOB'S LOT PUBLIC RESTROOMS – 180 Main Street – Map 6 Block 40-B – DBD. Design Review for a post 1930 structure. Application to renovate existing public restroom.

Architect Harvey Wells addressed the Board and the public. Mr. Wells provided a summary of the proposed project as a renovation of the interior of the existing building including additional windows, heating, venting system, and mechanical room.

Helen Horn (62 Juniper Lane) asked if the stall doors would open outward and if the proposed plan meets ADA requirements.

Mr. Wells agreed that the doors could swing inward however he would need to check the ADA requirements for required aisle width travel distances. He will be sure the doors are in compliance with ADA requirements.

Mike Lynch (48 School Street) asked how the building would be heated and if it would be open year round. He also asked if both male and female bathrooms would be handicapped accessible.

Mr. Heyland responded that the building would be heated with a forced hot air propane driven heat system which would also provide mechanical ventilation. Regarding ADA accessibility, both male and female bathrooms would meet all ADA requirements.

Mr. Wells confirmed Mr. Heyland's statements.

Mr. Wilkos asked if there were any other comments. There were none and the Public Hearing was closed at 6:10 p.m.

2. OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review and Site Plan Review for a post 1930 structure. Application to add a second story and new access stairwell to existing garage. Also, internal modifications and ADA entrance improvements to existing control building.

Mr. Wilkos noted that the Planning Board held a Site Visit to the property earlier in the day.

Phil Pickering and Travis Pryor provided a brief summary of the proposed project and the Site Visit.

Mr. Pryor noted that this is an interim project to keep the existing treatment plant operational, with long range plans to relocate the facility twenty years from now.

Mr. Wilkos asked for the height of the new addition.

Mr. Pryor responded that the new height would be just under thirty-one feet (31') tall.

Mr. Pickering added that the existing buffer trees are approximately thirty-five feet (35') tall.

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

Newell Perkins (20 Fieldstone Lane) expressed his displeasure in having this project put upon "us" again. He added that this is a non-conforming use in District SG1 where Public Utility Facilities are listed as Not Allowed. He referred to Article 3.A of the Ogunquit Zoning Ordinance, he also noted Chapter 5 of the Ogunquit Comprehensive Plan which clearly states that this non-conforming use should not be allowed to expand. Mr. Perkins also stated that the use of a trained architect is necessary. He referred to Chapter 6 of the Comprehensive Plan which states that it is the policy of the Town to prohibit or restrict further growth or development in swamp, marsh, or beach dune deposit. Chapter 6 states that it will be the Towns policy to prohibit and remove incompatible uses in the flood plain, coastal, and critical areas.

Mr. Perkins referred to the Sewer District's Zoning Board of Appeals Variance Application which was denied. He suggested that this denial makes clear the voters desire to remove the treatment facility off the sand dunes of Ogunquit Beach at the earliest possible time. He suggested the relocation of the business office off the site would be good beginning.

Mr. Perkins agreed that it would be appropriate to hire an additional Sewer District staff member and move the administrative office to an inland location; in addition an inland location would provide a better place to park vehicles during a storm event.

Mr. Perkins noted that sea level rise is speeding up, and the 1995 Comprehensive Plan recognized the need to move the office facilities and equipment ashore. He hypothesized what would happen if a hurricane hit Ogunquit at the height of the summer.

Mr. Wilkos stated that if Mr. Perkins' references to the Comprehensive Plan are correct it would concern him. He reminded everyone that the Ogunquit Zoning Ordinance must be in compliance with the Comprehensive Plan. He asked if there was anyone else who wished to be heard. 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
Jackie Bevins
Rusty Hayes
Mark MacLeod (1st Alternate)

Members Excused: Don Simpson (Vice Chair)

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

Mr. Wilkos confirmed that all cell phones were off the table, and that a quorum was present.

1. Resignation of Vice Chair Don Simpson.

Mr. Wilkos noted the resignation of Vice Chair Don Simpson. Mr. Wilkos read Mr. Simpson's resignation letter.

2. Move 1st Alternate Mark MacLeod to full voting position.

Mr. Wilkos noted that Mr. MacLeod would now be a full voting member.

3. Election of new Vice Chair.

Ms. Bevins nominated Mr. Hayes to the Vice Chair position.

Ms. Freedman 2nd.

**Mr. Hayes was voted as Vice Chair by Unanimous Vote.
BEVINS/FREEDMAN 5:0 UNANIMOUS**

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT – Ms. Freedman read the Board's Mission Statement.

D. MINUTES – January 9, 2017 Workshop and Regular Business Meeting.

**Mr. MacLeod Moved to Approve the January 9, 2017 Workshop Minutes as Submitted.
MACLEOD/BEVINS 5:0 UNANIMOUS**

**Mr. MacLeod Moved to Accept the January 9, 2017 Regular Business Meeting Minutes as Amended.
MACLEOD/HAYES 5:0 UNANIMOUS**

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

Mr. Wilkos informed the public that they will be notified of, and provided instructions for, the upcoming Comprehensive Plan Survey. He thanked all of the members of the Comprehensive Plan Committee as well as the support staff:

Comprehensive Plan Committee Members:

Steve Wilkos, Chair
Newell Perkins, Vice Chair
Carole Aaron, Secretary
Kirk Lavoie, Technical Specialist
Roger Brown
Boriana Dolliver
Lousea Gillespie
Ben Hershenson
Charley LaFlamme
Janel Lundgren
Mark MacLeod
Bill Woods

Non-voting advisory and support:

Barbara Dailey, Select Board Chair and Committee Liaison
Scott Heyland, Code Enforcement Officer/Land Use Director
Maryann Stacy, Administrative Assistant

Mr. Hayes asked how long the survey would be available.

Mr. Wilkos responded that it will be available until February 28, 2016.

Mr. Wilkos asked if there was anyone who wished to speak about anything not on this meeting's agenda.

Marsha Northrop (2 Fieldstone Lane) asked what is happening at the Norseman.

Mr. Heyland responded that they are reconstructing the front decks which were found to be failing. There will be no change in the appearance of the decks. The temporary fencing is to keep the public out of the work zone.

Mike Lynch (48 School Street) asked when the Board will take public input into the Beach Street Project.

Mr. Heyland responded that the design work hasn't started yet. A Request for Proposal (RFP) has gone out to redesign the street all the way to the loop down at the beach. This project will be under the direction of the Select Board and the Town Manager. He noted that the Route One end of Beach Street did have an engineer review as part of the Route One Project.

Mr. Lynch asked if there is a report which residents could read, “since it was work the residents paid for”.

Mr. Heyland responded that this project falls under the Office of the Town Manager and that this is a question which could be asked at the next Select Board Meeting, he agreed to ask the Acting Town Manager to give an update at that meeting.

F. UNFINISHED BUSINESS –

1. TOWN OF OGUNQUIT / JACOB’S LOT PUBLIC RESTROOMS – 180 Main Street – Map 6 Block 40-B – DBD. Design Review for a post 1930 structure. Application to renovate existing public restroom.

Mr. Wilkos noted that a Public Hearing had been held earlier in the evening.

Ms. Bevins asked why the plans were changed to add more bathrooms.

Mr. Heyland responded that with the reconfiguration of the interior it allowed for more space. That additional space was used to maximize the facilities.

Ms. Bevins asked why the stalls can’t be larger.

Mr. Heyland responded that the stall sizes are industry standard.

Ms. Bevins asked about more windows which open for additional ventilation.

Mr. Heyland responded that they are primarily depending on mechanical ventilation; there will also be windows which open.

Ms. Bevins stated that she would like more windows for better ventilation.

Ms. Freedman stated that the existing building has no windows; the new plans include three awing style windows which can be opened.

Mr. Heyland added that there will be mechanical ventilation that will draw in fresh air, and that combined with the open windows should be sufficient.

Ms. Freedman noted that the only available location for additional windows would intrude into the handicapped stalls.

Mr. Heyland asked why the handicapped stall is the furthest away from the entrance.

Mr. Hayes responded that they need the isle width to get to the stall. If it was at the front it creates a choke point.

The Board agreed that the combination of mechanical ventilation and the new windows which open is a sufficient plan.

Ms. Freedman asked if the entrance was completely handicapped accessible.

Mr. Heyland responded that ADA standards require that interior floor be level with the outside, and the doorway would meet ADA standards for width.

The Board reviewed the standards outlined in Article 11.7.C of the Ogunquit Zoning Ordinance and found all requirements met.

Mr. MacLeod Moved to Approve the Application for TOWN OF OGUNQUIT / JACOB'S LOT PUBLIC RESTROOMS – 180 Main Street – Map 6 Block 40-B – DBD. Design Review for a post 1930 structure. Application to renovate existing public restroom.
MACLEOD/HAYES

Mr. Wilkos called for discussion on Mr. MacLeod's motion. There being none he called for a vote:

Mr. MacLeod Moved to Approve the Application for TOWN OF OGUNQUIT / JACOB'S LOT PUBLIC RESTROOMS – 180 Main Street – Map 6 Block 40-B – DBD. Design Review for a post 1930 structure. Application to renovate existing public restroom. MACLEOD/HAYES 5:0 UNANIMOUS

2. OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review and Site Plan Review for a post 1930 structure. Application to add a second story and new access stairwell to existing garage. Also, internal modifications and ADA entrance improvements to existing control building.

Mr. Wilkos noted that a Public Hearing had been held earlier in the evening.

Mr. Wilkos stated that he was deeply disturbed by Mr. Perkins' comments regarding the Comprehensive Plan. He asked Mr. Heyland if there was any type of review which could address these issues.

Mr. Heyland responded that when he reviews the Zoning Ordinance for compliance he doesn't get into the Comprehensive Plan, it is not a document he could cite if he had to defend his position during an appeal. The Comprehensive Plan is there for the Board to use as a guideline for approval or denial of projects. The Comprehensive Plan is not a document which can be used for black and white decisions; it's more of a generalized overview, however the Board has to be comfortable that projects fall under the overview of the Comprehensive Plan.

Mr. Wilkos pointed out that the Zoning Ordinance has to be in compliance with the Comprehensive Plan.

Mr. Hayes stated that eventually the Sewer Treatment Facility has to be relocated, and he suggested that the Comprehensive Plan puts up roadblocks for this proposed project. The relocation of the administration space could be moved off site now as a good beginning to the relocation of the entire facility.

Phil Pickering, Superintendent of Ogunquit Sewer District responded that they work very hard to function in a fiscally responsible manner. They have done studies on sea level rise as well as appropriate locations for the eventual relocation of the treatment facility. They have located a few sites which might be appropriate. The cost to relocate will be approximately \$30 Million Dollars with approximately \$6 to \$7 Million Dollars to remain at the existing location during the interim. The intent is to begin collecting funds to set aside for the relocation. They are considering two properties for purchase. Mr. Pickering also pointed out that the treatment process includes twelve pumping stations, most of which are in worse locations than the treatment facility. These stations are the priority for protection over the next twenty years. They just upgraded Pumping Station Number One.

Mr. Pickering noted that all of the infrastructure has been designed to end up at the existing treatment facility and the relocation of that facility is much more complicated than just the relocation of a single building. The entire infrastructure under the streets all over town will need to be redesigned. He added that relocating the facility at this point would more than double people's sewer bills, relocating would be his first choice if it wouldn't create such a tremendous financial hardship for the citizens. There are only 1700 sewer users in the town; they would have to shoulder the cost. The plan is to set aside funds over the next twenty years to offset the cost of relocating.

Ms. Bevins asked for the cost of the currently proposed project.

Mr. Pickering responded \$1.5 Million Dollars, most of which will be for the relocation of the "brains" of the facility including a very outdated computer system, and electrical equipment. All of which needs to be elevated out of the flood zone.

Mr. Wilkos asked why the Sewer District's Zoning Board of Appeals Application was denied.

Mr. Pickering responded that the initial plan was to construct a new building outside of the existing facility fence line. The new building and the existing treatment facility would be turned over to the Town when the treatment facility is moved off site. They could be used as a visitor center and additional parking for the North Beach. The Appeal was denied on the basis of new zoning of the area outside the fence line making it a Resource Protection Area.

Mr. Hayes asked why this isn't on the ballot for the voters to decide.

Mr. Pickering responded that the Sewer District is run separately from the Town. The District is a quasi municipal department. They have an elected board which makes decisions for the District, similar to a water or power company. It is not their policy to put these things before the voters.

Mr. Wilkos asked if the District is "Public Utility".

Mr. Pickering responded that they are publicly owned. The rate payers pay 100% of the fees. There are some properties which are on septic and don't pay a sewer bill.

Mr. Wilkos asked about Mr. Perkins' point that public utilities are "Not Permitted".

Mr. Heyland responded that when he reviewed the project he assigned the use as a public use according to the Ordinance's Table of Land Uses, which is permitted in the SG1 District adjacent to the beach. He noted that the limits of the property of the Sewer Treatment Plant are SG1. He reviewed this application use as a public building because they are a quasi public entity.

Mr. Wilkos asked if there is a category for "Public Utility" and if that is permitted in SG1.

Mr. Heyland responded that there is a category for Public Utilities and they are not permitted.

Mr. Heyland reiterated that he looked at the Sewer Treatment Facility as a public building similar to the Town Hall. As a public building it would be permitted in the SG1 District.

Mr. Wilkos asked how they would get clarification as to whether the Ogunquit Sewer District is a "Public Utility" or a "Public Building".

Mr. Heyland responded that his determination that it is a Public Building would have to be appealed to the Zoning Board of Appeals.

Mr. Wilkos stated that the Planning Board could also determine whether it's a Public Utility.

Mr. MacLeod added that any non-permitted use cannot be expanded.

Mr. Heyland agreed.

Mr. MacLeod asked Mr. Pickering to explain the long term plans and time schedule.

Mr. Pickering responded that they know what they have to do to survive and continue to operate at the current location for the next twenty years. They also know what they have to do to survive a major storm. The plan is to relocate within the next twenty years; they can begin working on the infrastructure to facilitate that move, including upgrading and/or relocating existing pumping stations.

Mr. MacLeod stated that after reviewing the Comprehensive Plan he is uncomfortable with this application. He would be more comfortable if he know that this is Step 1 of a 10 step plan leading to relocation of the treatment facility. He asked Mr. Pickering if he could provide an overview of the plan to relocate.

Mr. Pickering responded that this is step 1, because they have to upgrade and protect the existing facility. Step 2 will be to choose, and purchase property for the new facility location. There are considerations such as lot size and cost to be considered. He anticipates Step 2 to be completed within the next year or two. The next step is to confirm that the existing facility is protected for the next twenty years while the pumping stations and other infrastructure are reviewed and upgraded and/or relocated. He noted that the upgrade to pumping station #2 cost over \$2 Million Dollars. There are at least five other pumping stations which will need attention. This will protect those sites for the next forty years. Simultaneous to this they will be working on getting

the infrastructure to flow to the new facility location. This is a long process which will take place over the next twenty years.

Mr. Bevins expressed her confidence in the Sewer District. She noted that the Comprehensive Plan is a guideline, not law; the law is the Zoning Ordinance.

Bill Sawyer (58 Grasshopper Lane) Chairman of the Board of Trustees of the Sewer District stated that studies have shown that they are safe from flooding for the next twenty years. Mr. Sawyer suggested that Step 1 of the twenty year plan was the upgrade of the pumping station at the Footbridge Beach parking lot. The next step will be to remove the critical control equipment from the basement of the facility up to a higher elevation currently occupied by administrative offices. Mr. Sawyer stated that the primary purpose of this application is to protect the critical equipment and not just to get more office space. Mr. Sawyer suggested that if the Board would table this discussion to a later time, the Sewer District Board could prepare an outline of their plans for the upgrading of the existing treatment facility for the next twenty years. In parallel to that the Board of Trustees has authorized Mr. Pickering to be looking for land. They have already had discussions with one land owner and have inquired about another site. The intent is to acquire a property significantly larger than their needs for the twenty year expansion plan.

Mr. Sawyer asked for the opportunity to come back before the Board and address each of the points raised regarding “incompatible” or “non-compliant” uses as noted in the Comprehensive Plan. Mr. Sawyer stressed that it is very important to get this equipment moved. Regardless of what people say the District should be doing there is no way to have a new plant in the next fifteen to twenty years. In order to have the Sewer Treatment facility protected and up and running they need to get moving.

He asked for the opportunity to come back before the Board and address each of the points referred to in the Comprehensive Plan discussion.

Mr. Wilkos asked why the work on the new pumping station never came before the Planning Board.

Mr. Sawyer responded that it was an existing facility which was upgraded.

Mr. Wilkos stated that there wasn't a building there before.

Mr. Pryor responded that there was a different kind of building.

Mr. Heyland went back to the definitions of “Public Building” vs. “Public Utility”. He noted that the Zoning Ordinance definition of “Public Utility” refers to the State Law 35A MRSA Section 102 which includes “every gas utility, natural gas pipeline utility, transmission and distribution utility, telephone utility, water utility, and ferry; and those terms are defined in this section and each of those utilities is determined to be a public utility.” Mr. Heyland pointed out that it does not mention sewer facilities. It is his position that the sewer treatment facility is a public building, because it doesn't fit the State Law as being a public utility.

Mr. Pryor added that the Public Utilities Commission does not regulate sewer while it does regulate all of the others.

Mr. Wilkos asked the Applicants to confirm that they want to table this discussion until they can have time to address each of the points brought up at this meeting.

Mr. MacLeod reiterated that he would feel more comfortable approving this application if the applicant could provide an outline of the steps involved in the relocation of the facility, along with an outline of the timeframe.

The Board expressed every confidence in the Sewer District.

Mr. Wilkos asked if the Board could get a legal determination as to whether or not they can legally deny an application based upon the Comprehensive Plan.

Mr. Heyland responded that while the Comprehensive Plan is a guide, the Board needs to be comfortable that they are not violating the Comprehensive Plan when they approve any application. If the Board determines that an application violates the Plan it may deny the application and that determination needs to be stated in the Findings of Fact.

Mr. Pryor agreed that State Law states that the Zoning Ordinance must comply with the Comprehensive Plan. He noted that the Ordinance reflects that this is an approved use in SG1. The Comprehensive Plan would not have been approved at the State level if it conflicted with the Zoning Ordinance.

Mr. Hayes Moved to Table the Application for OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review and Site Plan Review for a post 1930 structure. Application to add a second story and new access stairwell to existing garage. Also, internal modifications and ADA entrance improvements to existing control building.
HAYES/MACLEOD

Mr. Wilkos called for discussion regarding Mr. Hayes' motion. There being no discussion Mr. Wilkos called for a vote on Mr. Hayes' motion:

Mr. Hayes Moved to Table the Application for OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review and Site Plan Review for a post 1930 structure. Application to add a second story and new access stairwell to existing garage. Also, internal modifications and ADA entrance improvements to existing control building.

HAYES/MACLEOD 5:0 UNANIMOUS

3. BLUE WATER INN / LEONA M. LAPIERRE – 111 Beach Street – Map 7 Block 85 – Shoreland General 1 (SG1). Request to amend Design Review. Application to install window style different from that approved on November 8, 2015.

Harvey Wells addressed the Board and provided a summary of the proposed Design. On the front of the building this includes the removal of a large window and the addition of a fence to

shield the cocktail / waiting area behind it. There would be a folding screen open in the summer and closed during bad weather. On the Beach Street side of the building they propose casement windows with grill patters which are the same as the previously approved casement windows. On the second floor they propose to replace balusters railings with tempered glass, and a sliding / folding arrangement of windows and doors.

The Northern elevation would have casement windows with top grills and clear glass railing.

On the north end the proposal is to replace the rooftop mechanical equipment with ground level equipment. This will allow for an unbroken roofline on this end of the building.

There are no plans to alter the interior layout of the building.

Mr. Wilkos reminded everyone that this is a new Design Review Application and should be handled as such.

Ms. Bevins asked if any windows were removed.

Mr. Wells responded that one of the large windows on the front was removed.

Ms. Bevins asked if the windows will have grills.

Mr. Wells responded that all of the windows will have grates.

Ms. Bevins stated that she has no problem with the new design, she preferred the original design, but this new look is cleaner. She also noted that this is not the old Blue Water Inn, this is a new building.

Mr. Wilkos agreed and added that the Ogunquit Residents Alliance has a Facebook Page with a photo of the new building and all twenty-five comments were positive.

Marsha Northrop spoke from the audience and stated that it is not the Ogunquit Residents Alliance's Facebook Page.

Mr. MacLeod asked if the new egress door is smaller than the existing egress door.

Mr. Wells responded that all of the egress doors are three feet (3') wide. On the lower level at the cocktail area there is an additional three foot (3') door however it is not one of the required egress doors. He stated that there is no egress problem he has spoken with the State Fire Marshall's Office and doesn't see any issues with the proposed plans. He added that from the cocktail lounge there is direct access to the street, there is a second means of egress from the cocktail area to the interior of the building.

Mr. Heyland pointed out that there are additional openings which do not count as required means of egress however they do provide a way out of the building in the event of an emergency.

Ms. Freedman asked if the capacity for patrons in the restaurant is 250.

Mr. Wells responded that it will be a little under 200.

Mr. Heyland added that the proposed accordion doors are not required to be there. They are not a component of the required means of egress. Those doors are there to provide an open area for the restaurant. There are three foot wide (3') wide egress doors that leave the first floor. It will be his job to confirm that all egress doors are correct.

Mr. Wells added that the door count and width has not changed.

Ms. Freedman noted that the original plans better reflect the old Blue Water Inn building. The new plans are very different. She noted that the Ogunquit Historic Preservation Commission (OHPC) submitted a report and she asked if Newell Perkins would speak to it.

Mr. Wilkos asked Mr. Perkins if he would like to speak to the OHPC's report.

Mr. Perkins responded that he would not. Everything they have to say they said in their report. They went through a four and a half hour meeting and it is clear in the report how the members felt, but there was not a vote taken in a negative. They attempted to keep it totally positive because they are dealing with an as built and not something on paper and has the flexibility of being influenced by the OHPC. Speaking for all the members, they have nothing further to say than what is in the report.

Doug Gains noted that the Board was given photographs of the original Blue Water Inn from the 1970's which show the fence, the awning, and plastic. The plastic represents the new glass doors and the fence is there. He noted that the original entrance was eighteen feet (18') from the edge of the building and so is the new entrance.

Mr. MacLeod asked about the change from the picket fence on the upper deck to the glass railing. He suggested that the original picket fence was a big part of the original building.

Mr. Gains responded that the reason they went with glass was to avoid the need for a plastic wall, and the glass will also block the wind from blowing on the patrons seated on the deck.

Mr. Hayes stated that the front of the building should be what was originally approved.

Mr. Wilkos responded that the issue of the change in the plan is an enforcement issue and the Board needs to review these plans as a new Design Review.

Mr. Heyland agreed that the Board members need to put the original plans out of their mind and review the present Design Review as if it were a new plan.

Mr. Wilkos stated that it was the responsibility of the contractor to inform the applicant that they needed to come back before the Planning Board. The contractor's failure to come back before the Board is a Code Enforcement issue. It is not a Planning Board issue. Mr. Wilkos stressed that at the moment the Applicant informed Mr. Gains that he wanted to change the windows it was Mr. Gains' responsibility to inform him that he needed to come back to the Board.

Mr. Wilkos reviewed correspondence from the Ogunquit Residents Alliance requesting a Public Hearing. He also reviewed an e-mail from a resident suggesting that there is a better way to resolve the issue without having the applicant remove the changes which were installed without Planning Board approval.

Ms. Freedman asked if the Board should hold a Site Visit.

Mr. MacLeod didn't feel the need for a Site Visit.

Mr. Hayes wanted a Site Visit.

Ms. Bevins didn't feel the need for a Site Visit.

Mr. Wilkos didn't feel the need for a Site Visit.

Mr. Wilkos noted that a majority of the Board did not feel a Site Visit was necessary. He also pointed out that Design Review is to look at the exterior only.

Mr. Wilkos asked how a Public Hearing would effect the applicant.

Mr. Heyland responded that he will not be doing any inspections on the property until the Planning Board makes a decision. Any work the applicant does in the interim is at his own risk. Scheduling a Public Hearing will make the Applicant wait an additional three weeks.

Mr. Heyland noted that there is no fine system in place for an applicant who changes design without Planning Board approval. They can either remove the changes and adhere to the originally approved plans, or come back to the Board for amended approval. This applicant chose not to remove the new windows; they chose to come to the Board for a review of the changes. There is no fine structure for a situation like this.

Mr. Hayes reminded everyone that the OHPC is there to guide the Planning Board. It is the Planning Board's job to listen to them and take their guidance.

Mr. Wilkos asked Mr. Gains if he agreed to do everything that was discussed during the meeting with the OHPC.

Mr. Wells responded that they have reviewed the report/minutes of the meeting as well as their motion which includes four issues:

#1: Smaller windows on the front. Mr. Wells responded that the windows in place now are the previously approved windows less one. He noted that considering the two take out windows any changes would effect the proportions of the building. Mr. Wells suggested window boxes would soften the look and mask one row of grills. It would also enhance the appearance of the building.

Mr. Wilkos asked if Mr. Gains agreed to any of the conditions put forth by the OHPC.

Mr. Gains responded that he didn't agree or disagree with anything that was said. He said they would look at it and discuss it. He noted that the OHPC Minutes say that he agreed, this is incorrect. He confirmed it was a positive meeting however he did not agree to anything.

#2: Mr. Wells noted that the second item involved the replacement of the 2nd level baluster railings on the street side. He agreed they will do this only on the front/street side of the building.

#3: The third item was to move the folding door closer to the corner of the building. This involves structural support and the distance between an opening and the corner of a building. Mr. Wells suggested this would not be advisable. They do not want to move any of the windows or doors.

#4: The fourth item asked for the removal or enlargement of the window grills. Mr. Wells stated that the plan is to match grills on both sides of the windows. This will improve the appearance and conform with the originally approved plan.

The Board members agreed that they liked the placement of grills on both side of the glass.

Ms. Bevins asked if they are allowed to have takeout windows.

Mr. Heyland confirmed that they can.

Mr. Heyland asked if all of the windows and doors will have grills.

Mr. Gains agreed to exterior applied grills to all the doors and windows.

Mr. Wilkos asked Mr. Perkins if he is satisfied with this, and if he would like to be heard.

Mr. Perkins responded that he did not wish to speak.

Mr. Heyland asked if the balusters could be applied behind the glass wind barrier to retain the original look.

Mr. Gains responded that they prefer to stay with the solid glass without the addition of balusters.

Mr. Wilkos asked Mr. Wells to present revised plans for the next meeting on February 13, 2017; he noted that there will be a Public Hearing that night as well.

Mr. MacLeod Moved to Table the Application for BLUE WATER INN / LEONA M. LAPIERRE – 111 Beach Street – Map 7 Block 85 – Shoreland General 1 (SG1). Request to amend Design Review. Application to install window style different from that approved on November 8, 2015 pending a Public Hearing.
MACLEOD/FREEDMAN

Mr. Wilkos asked if there was any discussion. There being none he called for a vote on Mr. MacLeod's Motion:

Mr. MacLeod Moved to Table the Application for BLUE WATER INN / LEONA M. LAPIERRE – 111 Beach Street – Map 7 Block 85 – Shoreland General 1 (SG1). Request to amend Design Review. Application to install window style different from that approved on November 8, 2015 pending a Public Hearing.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

- 4. 10 and 12 BEACH PLUM LANE REALTY TRUSTS – 10 and 12 Beach Plum Lane – Map 9 Blocks 66A and 66B – R/RP. Site Plan Review Application for a post December 31, 1930 structure. Application to construct a 4’x190’ fixed walkway and 5’x30’ pier connected to a 3’x26’ seasonal ramp and 10’x20’ float for access to the Ogunquit River; to serve both residences.**

Tim Forrester from Eco Analysts addressed the Board as the Applicant’s representative. Mr. Forrester noted that at the last meeting the Board requested the permits from the DEP, Army Corps of Engineers NRPA and General Permits. All of these permits have been obtained and submitted. The Board also asked to have an updated site plan which has been submitted.

Mr. Heyland reviewed his January 12, 2017 Memo to the Board wherein he recommended the application was complete.

Mr. Wilkos noted that the Board had received memos from the Ogunquit Harbor Master, Shellfish Warden, and Conservation Commission, all of which expressed concerns regarding the proposed project.

The Board agreed that a Site Visit was needed.

Mr. Hayes asked to have the length of the proposed structure marked with flagging, he also requested the presence of the Harbor Master, Shellfish Warden, and Conservation Commission Chair at the Public Hearing.

Mr. Forrester agreed to flag the center line of the walkway, pier, and ramp to the float.

The Board agreed.

Mr. Hayes Moved to Find the Application complete for 10 and 12 BEACH PLUM LANE REALTY TRUSTS – 10 and 12 Beach Plum Lane – Map 9 Blocks 66A and 66B – R/RP. Site Plan Review Application for a post December 31, 1930 structure. Application to construct a 4’x190’ fixed walkway and 5’x30’ pier connected to a 3’x26’ seasonal ramp and 10’x20’ float for access to the Ogunquit River; to serve both residences; and to schedule a Public Hearing.
HAYES/FREEDMAN

Mr. Wilkos called for discussion, there being none he called for a vote on Mr. Hayes’ motion:

Mr. Hayes Moved to Find the Application complete for 10 and 12 BEACH PLUM LANE REALTY TRUSTS – 10 and 12 Beach Plum Lane – Map 9 Blocks 66A and 66B – R/RP. Site Plan Review Application for a post December 31, 1930 structure. Application to

construct a 4'x190' fixed walkway and 5'x30' pier connected to a 3'x26' seasonal ramp and 10'x20' float for access to the Ogunquit River; to serve both residences; and to schedule a Public Hearing.

HAYES/FREEDMAN 5:0 UNANIMOUS

The Board scheduled a Site Visit for February 13, 2017 at 9:00 a.m. and the Public Hearing would take place that same night at 6:00 p.m.

G. NEW BUSINESS –

1. DAVID GIAURSSO – 655 Main Street – Map 13 Blocks 49&50 – GBD2 – Site Plan Review to “Add public parking use for when Angelina’s Restaurant is not open”.

Geoff Aleva from Civil Consultants addressed the Board as the Applicant’s representative. Mr. Aleva summarized that the proposed plan includes a daytime parking use accessory to the restaurant. He noted that the Board has been given a revised plan as well as the traffic engineer’s report and the traffic study from the last application. The applicant has also confirmed that the lot would not be opened until the Town has confirmed that everything is in conformance with an as-built plan.

Mr. Heyland reviewed his January 13, 2017 Memo to the Board wherein he confirmed that this is a permitted use. Mr. Heyland noted that he submitted all the traffic studies and peer reviews for this property to the Board. He confirmed that no operation would commence until all the work meets the Town Ordinance and everything conforms to a submitted as-built plan.

Mr. Aleva noted receipt of the Fire Chief’s January 20, 2017 Memo to the Board. Mr. Aleva responded that Town Trolley Stops are outside of the Applicant’s control.

Mr. Heyland confirmed this, and added that the existing trolley stop at the crosswalk abutting the Applicant’s property will probably be relocated.

Mr. Hayes asked if the locations of the trolley stops are part of the contract with the trolley company.

Mr. Heyland confirmed that the Town selects the location of the trolley stops. He agreed to work with the Town Manager to get the trolley stop location moved.

Mr. MacLeod asked if the Applicant would be willing to install a temporary sign warning drivers exiting the parking lot that there is a trolley stop just outside the exit, the sign to remain until the trolley stop is relocated.

Mr. Aleva agreed and noted that the possible new location of the trolley stop may be north of the parking lot exit. He added that the traffic flow through the parking lot is one way.

Ms. Freedman noted that the plan indicates 31 parking spaces and spaces 24 and 25 will be eliminated for a dumpster. She asked about the parking spaces which are not numbered on the plans.

Mr. Aleva responded that those spaces will be reserved for employees. There will only be 29 spaces which will be rented.

Mr. Heyland pointed out that the plan contains a note to this effect.

Mr. Hayes Moved to find the application complete for DAVID GIAURSSO – 655 Main Street – Map 13 Blocks 49&50 – GBD2 – Site Plan Review to “Add public parking use for when Angelina’s Restaurant is not open”.

HAYES/BEVINS

Mr. Wilkos called for discussion, there being none he called for a vote on Mr. Hayes’ motion:

Mr. Hayes Moved to find the application complete for DAVID GIAURSSO – 655 Main Street – Map 13 Blocks 49&50 – GBD2 – Site Plan Review to “Add public parking use for when Angelina’s Restaurant is not open”.

HAYES/BEVINS 5:0 UNANIMOUS

Mr. Wilkos asked if the Board felt a Site Visit was needed.

The Board agreed that a Site Visit would not be productive.

Mr. Wilkos noted that the Public Hearing would take place on February 13, 2017 at 6:00 p.m.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland noted that there would be Public Hearings regarding the Timber Harvesting Ordinance Amendment on February 13th and February 27th.

I. OTHER BUSINESS –

Mr. Wilkos summarized that on February 13th the Board has a 9:00 a.m. Site Visit, a 4:00 Workshop on Single Family Home Rentals, followed by the Public Hearings and Regular Business Meeting at 6:00 p.m.

J. ADJOURNMENT –

Ms. Bevins Moved to Adjourn at 8:45 p.m.

BEVINS/HAYES 5:00 UNANIMOUS

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Recording Secretary

Approved on February 27, 2017