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**OGUNQUIT PLANNING BOARD  
PUBLIC HEARING and REGULAR BUSINESS MEETING  
MINUTES  
DUNAWAY CENTER MAIN AUDITORIUM  
JULY 10, 2017**

**PUBLIC HEARING – 6:00 p.m.**

- 1. LOVELEENA KALLA – 275 Shore Road - Map 5 Block 19 – LB. Design Review for a post 1930 structure. Application for a 14’x17’ addition on rear of Unit #2.**

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

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

Members Present: Steve Wilkos (Chair)  
Rusty Hayes (Vice Chair)  
Muriel Freedman  
Jackie Bevins  
Mark MacLeod  
Priscilla Botsford (1<sup>st</sup> Alternate)

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

**1 Election of Chair and Vice Chair.**

**Mr. Hayes nominated Steve Wilkos as Chair.**

**HAYES/BEVINS 5:0 Mr. Wilkos was accepted as Planning Board Chairman.**

**Mr. MacLeod nominated Mr. Hayes as Vice Chair.**

**MACLEOD/FREEDMAN 5:0 Mr. Hayes was accepted as Planning Board Vice Chairman.**

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES – June 26, 2017**

**Mr. Hayes Moved to Accept the Minutes of the June 26, 2017 Meeting as Submitted.**

**HAYES/MACLEOD 5:0 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 meeting's agenda. There was no one.

**F. UNFINISHED BUSINESS –**

**1. LOVELEENA KALLA – 275 Shore Road - Map 5 Block 19 – LB. Design Review for a post 1930 structure. Application for a 14'x17' addition on rear of Unit #2.**

Mr. Wilkos summarized that the Board held a Site Visit to the property. At that visit the Applicant flagged the location of the proposed structure as well as its proposed height.

Mr. Heyland confirmed that the proposed plan would meet the required setbacks, the surveyor will pin the footings; and the Applicant will provide an authorization letter from the Condominium Association.

Mr. Hayes asked about a letter from the other condominium owner.

Dennis Lamonica responded that he had the letter in his truck.

Mr. Hayes responded that he would like to see the letter from the other unit owner indicating that he/she is aware of the proposed addition and has no problems with it.

**Mr. Hayes Moved to Table this Application to allow Mr. Lamonica time to retrieve the requested letter from his truck.**

**HAYES/BEVINS 5:0 UNANIMOUS**

**G. NEW BUSINESS –**

**1. OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review Amendment for a post 1930 structure. Application to amend a previously approved Planning Board Design Review to add three windows. Original Application Approved on March 13, 2017.**

Phil Pickering, Ogunquit Sewer District Superintendant addressed the Board. Mr. Pickering summarized that the proposed new windows are intended to break up a very large flat surface on the beach side. The first window is located in a stairwell, and the second window is located in a restroom; however their primary purpose is to soften the appearance of the east wall which can be seen from the beach.

They have also added a window on the south side to provide additional ventilation to the break room; and a window to provide access to the roof for maintenance of the solar panels.

Mr. Hayes asked if the solar panels were part of the original plan and if the parapet along that roofline is to hide the solar panels.

Mr. Pickering confirmed that the solar panels were part of the original plan. They are intended to lay flat; and the parapet is intended to hide them.

At this time the Board reviewed the Design Review Requirements as noted in Article 11.7.C of the Ogunquit Zoning Ordinance and agreed that the Application meets all standards.

The Board unanimously agreed that no site visit or public hearing was required for this application.

Mr. Hayes Moved to Approve the Application for OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review Amendment for a post 1930 structure. Application to amend a previously approved Planning Board Design Review to add three windows. Original Application Approved on March 13, 2017.

HAYES/BEVINS

Mr. Wilkos called for discussion on Mr. Hayes Motion. There being none he called for a vote:

**Mr. Hayes Moved to Approve the Application for OGUNQUIT SEWER DISTRICT – 80 Marshview Lane – Map 10 Block 54 – SGD1- Design Review Amendment for a post 1930 structure. Application to amend a previously approved Planning Board Design Review to add three windows. Original Application Approved on March 13, 2017.**

**HAYES/BEVINS 5:0 UNANIMOUS**

**2. JACKIE & RON, LLC / ANGELO'S – 355 Main Street – Map 7 Block 29 – GBD2 – Design Review and Site Plan Review for a post 1930 structure. Application to construct outside pavilion and lawn games.**

Ms. Bevins recused herself and left the Board Table.

Ms. Botsford was moved up to full voting member status in Ms. Bevins' absence.

Mr. Wilkos noted that the Land Use Office received a call from resident David Sullivan with a complaint that he had not received an abutter notice regarding this application.

The Recording Secretary explained that when an application comes before the Board, abutters are notified of the application and the date and time of the hearing. Single family homes and privately owned business receive one form of the notification letter; however condominium associations receive a different form of letter. Condominiums are notified through their condominium association president who is informed that the Land Use Office will not be notifying their members. It is up to the Condominium President to inform all the association members. In this case the Glen Avenue Condominium Association President was inadvertently sent the single family home owner letter format; and thus she was unaware that the association members would not be receiving individual notification of this meeting.

However, at some point prior to this meeting the members were informed of the application and hearing date through discussions between themselves. The Town Attorney confirmed that if the public became aware of the meeting prior to the meeting it does not effect the status of the application. Mr. Sullivan implied that the failure to inform the Glen Avenue Condominium Association Members was intentionally done because of who the applicant was. He also asked if the application should be tabled due to this failure of notification. It was explained to him that failure of an abutter to receive notification was not cause for tabling an application and that this has been confirmed to the Land Use Office by the Town Attorney some time ago. The public was assured by the Recording Secretary that the inadvertent mistake was unintentional, had nothing to do with the applicant; and has been corrected for future notifications.

Mr. Wilkos invited anyone who wished to question the integrity of the Planning Board to come up to the microphone and do so. No one did.

Mr. Wilkos noted that the Board received an e-mail from Barbara Ferraro stating that Angelo's was a "formula restaurant". He asked Mr. Heyland to respond.

Mr. Heyland responded that the question of the formula restaurant status of Angelo's was discussed some time ago. The restaurant has been open for several months and it has been determined to absolutely NOT be a formula restaurant.

Jerry DeHart addressed the Board as the Applicants' representative. Mr. Dehart reviewed the site plan which includes a small pavilion surrounded by a patio in front of the existing building. The pavilion is for the service of food and drinks. There will also be a game area proposed however the nature of the games has not been determined.

Hiroko Lindsey of Hiroko Architects addressed the Board as the Applicants' representative. The proposed pavilion is 19'x12'. Ms. Lindsey referred to the application submittal documentation for the architectural details. She noted that the bar will be enclosed with roll up shutters when not in use; and the pavilion's appearance will be similar to the existing building.

Ms. Lindsey added that there will be about 1500 square feet of new patio space which will include a 7' diameter gas fire pit with 2' counter space around it. There will also be a flag pole, game area; and a stone wall around the area.

Mr. Hayes asked about the games.

Mr. DeHart responded that the type of games has not been determined.

Mr. Hayes noted that the drawings indicated horseshoes and corn hole.

Ms. Freedman asked about the drawing which indicates children playing on the lawn; and she asked who would be responsible for watching them.

Mr. DeHart responded that he doesn't have an answer to that.

Ms. Freedman asked about the height of the proposed stone wall.

Ms. Lindsey responded that it will be about 2.5' tall by 2' deep. It will be on the property and not on the right-of-way. There will be about 15' to the wall from the street.

Mr. MacLeod asked about lighting.

Mr. DeHart responded that all lighting will be dark-sky rated and downward. This keeps all the lighting on the ground and does not go into the air and will not effect neighbors.

Mr. Heyland confirmed that Angelo's is already a Type 2 restaurant and they are here for an expansion of that allowable use.

Mr. Hayes asked about the seating and parking.

Mr. DeHart responded that there will be a reduction in required parking as well as a reduction in the overall seating. There will be more than enough parking for the proposed seating.

Mr. MacLeod asked about the fire pit.

Mr. Heyland responded that there is a noise restriction which goes into effect at 9:00 p.m.

Mr. Hayes added that the Fire Chief has asked for an emergency shut off at the fire pit and a fire extinguisher readily available.

Mr. DeHart responded that he spoke with the Fire Chief and the Applicant will comply with all of the Chief's recommendations.

Mr. Feldman reviewed his June 28, 2017 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed the Department Head Memos to the Board (*copies of which will all be maintained in the Applicant's Planning Board File*).

Mr. Wilkos asked how the area for liquor consumption would be contained.

Mr. DeHart responded that he believed it would be roped off.

Mr. Heyland asked if the current sign would be moved.

Mr. DeHart indicated it would be moved to the north end of the property.

Mr. Hayes Moved to Find the Site Plan and Design Review Applications Complete for JACKIE & RON, LLC / ANGELO'S – 355 Main Street – Map 7 Block 29 – GBD2 – Design Review and Site Plan Review for a post 1930 structure. Application to construct outside pavilion and lawn games.

HAYES/FREEDMAN

Mr. MacLeod asked about the two items not marked as submitted on the Submission Checklist.

Mr. Heyland responded that both items have been submitted.

Mr. Wilkos called for a vote on Mr. Hayes' Motion:

**Mr. Hayes Moved to Find the Site Plan and Design Review Applications Complete for JACKIE & RON, LLC / ANGELO'S – 355 Main Street – Map 7 Block 29 – GBD2 – Design Review and Site Plan Review for a post 1930 structure. Application to construct outside pavilion and lawn games.**

**HAYES/FREEDMAN 5:0 UNANIMOUS (Ms. Botsford voted due to Ms. Bevins' recusal)**

The Board scheduled a Site Visit to take place on July 24, 2017 at 3:00 p.m. as well as a Public Hearing to take place on July 24, 2017 at 6:00 p.m.

Mr. Heyland asked the applicant to mark off the location of the pavilion as well as the location of the rock wall, new sign location, flag pole, and fire pit.

Mr. Wilkos noted that the Board has received e-mails from abutters which will be addressed at the Public Hearing.

At this time Ms. Bevins returned to the Table and Ms. Botsford resumed 1<sup>st</sup> Alternate position.

Mr. Wilkos noted that Mr. Lamonica was back and that he had the Condominium Association letter the Board requested.

**Mr. MacLeod Moved to take LOVELEENA KALLA – 275 Shore Road - Map 5 Block 19 – LB. Design Review for a post 1930 structure. Application for a 14'x17' addition on rear of Unit #2 off the Table.**

**MACLEOD/HAYES 5:0 UNANIMOUS**

Mr. Wilkos summarized that the Board had discussed the Site Visit and that there were no comments from the public during the Public Hearing.

At this time the Board reviewed the Design Review Requirements as noted in Article 11.7.C of the Ogunquit Zoning Ordinance and agreed that the Application meets all standards.

Mr. MacLeod Moved to Approve the Design Review for LOVELEENA KALLA – 275 Shore Road - Map 5 Block 19 – LB. Design Review for a post 1930 structure. Application for a 14’x17’ addition on rear of Unit #2 off the Table.

MACLEOD/HAYES

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

**Mr. MacLeod Moved to Approve the Design Review for LOVELEENA KALLA – 275 Shore Road - Map 5 Block 19 – LB. Design Review for a post 1930 structure. Application for a 14’x17’ addition on rear of Unit #2 off the Table.**

**MACLEOD/HAYES 5:0 UNANIMOUS**

- 3. ANN MCKEE – 632 MAIN STREET – Map 9 Block 80-81-4 – General Business District 2 (GBD2). Design Review for a pre-1930 structure. Application to remodel and repair: windows, siding, and roofing. Add a new front entry with roof, remove one front door and balance front window locations, add sliding door to rear of building, and change rear porch with two decks.**

Mr. Wilkos disclosed that he is a direct abutter of this applicant and at one time he co-owned this property. He no longer has any financial interest in this property and he has no problem making a fair and impartial decision. However, he asked the Board members to vote.

**Mr. MacLeod Moved that it is the opinion of the Board that Chairman Wilkos can make a fair and impartial decision on this application.**

**MACLEOD/HAYES 5:0 UNANIMOUS**

Mike Connell addressed the Board as the Applicant’s representative. He noted that he missed the last meeting due to an oversight in his schedule.

Mr. Wilkos asked if, following that missed meeting, there was any further work done on the building?

Mr. Connell responded that he removed cables for the rear abutter who was having a wedding. They also removed the roof over the front door due to its dangerously dilapidated condition. He agreed that it could be replaced if the Board requires. The work done on the front of the building was done after the missed Planning Board Meeting for safety reasons.

Mr. Wilkos asked Mr. Heyland if he was aware that work was done after the June 26<sup>th</sup> meeting, which Mr. Connell missed.

Mr. Heyland responded that he was not.

Mr. Connell summarized the project as beginning with a kitchen renovation. They discovered that the building was structurally unsound. The proposal is to replace the front left door with a window.

Mr. Connell noted that he had met with the Ogunquit Historic Preservation Commission who gave this project their blessing.

Mr. Heyland asked about the rear elevation and the proposal to replace the shed type pitched roof with a flat roof deck.

Mr. Connell responded that they will remove the shed roof on the back and put in a deck.

Mr. Heyland asked if the proposed deck on the lower level will expand the footprint.

Mr. Connell responded that it would not. It will be within the existing footprint of what is there today. The lower level deck will actually replace the floor of the existing room, which will be removed.

Mr. Heyland responded that the elevation drawing seems to indicate that the proposed decks will extend beyond the existing rear room.

Mr. Connell responded that the decks will replace the rear room.

Mr. Hayes asked if there was a letter from the Condominium Association granting authorization for the proposed work.

Mr. Heyland responded that a building permit has already been issued for some of the proposed work. He is unsure if there is a condominium authorization letter in the file.

Mr. Hayes asked if there are any deed restrictions.

Mr. Heyland responded that he is unsure, however the building permit does contain language which states that by signing it the applicant confirms that there are no restrictions upon the property.

Mr. Hayes asked if there was anyone from the OHPC at the meeting.

Mr. Wilkos responded that there is not however the Board does have a letter from the OHPC.

Mr. Wilkos asked if there has been some framing done to the left side of the building.

Mr. Heyland responded that there was some framing and roofing done on the north end of the building. This work was done before he went out there.

Mr. Connell stated that the work was stopped as soon as the Code Enforcement Officer told him he needed to come to the Planning Board.

Mr. Wilkos asked how all this work was done without coming to the Planning Board.

Mr. Connell responded that he was unaware that he needed to come before the Board. He normally does not need Planning Board approval unless he is changing something to the footprint.

Mr. Wilkos reviewed the May 10, 2017 Minutes of the Ogunquit Historic Preservation Commission which contained five design recommendations:

1. All windows widows will be 2 over 1 double hung;
2. The siding will be of white cedar shingle finished natural;
3. That the west elevation be built as drawn with the addition of a temporary freeze board running along the first floor level to separate the new first floor shingles from the old second floor shingles which will be replaced at a future time. It should be noted that the farmer's porch will be built during the second phase of this project;
4. That the North elevation shall have a set of lookalike French doors on the right side of this elevation which is visible from Riverbank Road;
5. That all windows shall have shutters of same design as are now on this building.

Mr. Connell agreed to all of five the OHPC recommendations.

Mr. Hayes noted that Mr. Connell informed the OHPC that the project would take between two and five years. He asked Mr. Heyland when the building permit expires.

Mr. Heyland responded that the Planning Board Approval was only good for one year, and the applicant could come back and ask for an extension.

Mr. Hayes asked about the cemetery.

Mr. Wilkos responded that there is a Revolutionary War Cemetery with about three graves in front of the other building on the property.

Mr. Heyland noted that this project does not impact that area of the property.

Ms. Botsford asked why the applicant didn't submit a site plan or a floor plan.

Mr. Heyland responded that Site Plan Review requires site plans; Design Reviews do not as long as the footprint is not changed. Mr. Heyland asked about any footprint expansion on the front of the building, particularly with farmer's porch replacing the gable roof over the door.

Mr. Connell responded that there may be a little expansion, he does not have it 100% designed yet. What he presented is the "general look".

Mr. Heyland responded that whatever is approved at this meeting is what must be built. He asked how far the existing front gable roof extends out from the building.

Mr. Connell responded that the gables project out three feet. He could leave it at three feet although he would recommend four feet.

Ms. Botsford stated that there seem to be a lot of changes and without the interior plans and site plan it is difficult to understand.

Mr. Heyland responded that the original plan was for design only: window and door changes etc.

Mr. Wilkos stated that if there are changes in the footprint it would need to come before the Board for Site Plan Review.

Mr. MacLeod suggested a condition of approval contingent on the replacement of the gable roof.

Mr. Heyland suggested there appears to be some expansion and he asked for the size of the proposed porch.

Mr. Connell responded that he doesn't have the exact dimensions.

Ms. Freedman asked if there are really 30 parking spaces, as indicated on the "parking plan".

Mr. Connell responded that he has no idea.

Mr. Hayes asked if the Board might require the applicant provide a site plan. He noted that the plan with the 30 parking spaces doesn't seem to show any bump outs, setbacks, or dimensions of existing structures which the applicant proposes to remove.

Mr. Heyland suggested the plan was an older plan, he is unsure about its intended use. He noted that up until this moment he was under the impression there would be no expansions. If there is any expansion, such as a change in the front porch, the applicant would need to provide survey work: a site plan indicating dimensions, setbacks, boundary lines, and the right-of-way which crosses the property.

Mr. Hayes asked about an expansion in the rear.

Mr. Heyland responded that the rear plan is unclear. He stressed that the primary focus is on the front.

Mr. Connell asked if he could revert back to what was originally there.

Mr. Heyland summarized that the applicant will keep the door on the right and reconstruct the original 3' gable overhang so that it will look exactly like the original structure. He noted that if the applicant came in asking to replace the door and gable with an exact replica he (Mr. Heyland) could issue a building permit without the applicant having to come before the Board.

Ms. Botsford asked how far the right-of-way is from the side of the building.

Mr. Heyland responded that he wasn't sure; however that side of the building isn't being modified.

Mr. Heyland summarized that the original front of the building had gable roofs over the two doorways, the proposal calls for the removal of the gables and replacing them with a shed roof.

Now Mr. Connell is agreeing to do away with the shed roof and replace the original gable roof over the door on the right. In the end it will look just like the original. What the Board is really looking at is the north end of the building which has been reframed due to its deteriorated condition. The original structure had a bank of double hung windows; the proposed change is for two double hung windows and a six foot french door. The OHPC has reviewed these changes and expressed that they are OK with the plan.

In addition the left door on the front of the building will be removed and replaced with a window.

Mr. Wilkos suggested the Applicant should come back with a new plan.

Mr. Connell summarized that the changes to the front of the building are: replacement of the left door with a window. Reconstruct the right door to its original appearance. They will do this so that they do not have to come back before the Board for Site Plan Review.

On the north side he will replace the six windows with a double window and one french door.

Mr. Hayes suggested the changes to the front of the structure should be reviewed by the OHPC.

Mr. Connell added that at the rear of the property they will remove the existing room and replace it with a deck and porch within the same footprint.

Mr. Hayes expressed confusion; he noted that Mr. Connell keeps say "we might". The Board really needs definite answers.

Mr. Connell asked what the process would be from there.

Mr. Heyland responded that the OHPC looked at a proposal for a shed roof over a small deck, the applicant has now agreed to revert to the original gable roof over the right door and the elimination of the left door. The OHPC needs to look at the revised plans.

Mr. Heyland suggested the applicant should place temporary platform/steps to the right door. This should be done for safety reasons.

Ms. Botsford asked if Mr. Heyland's office would look at the right-of-way.

Mr. Heyland responded that nothing is being done to that side of the building so there is no requirement to review the right-of-way at this time.

Mr. Wilkos informed the applicant that he needs to come back with a new front elevation drawing indicating the changes discussed at this meeting.

Mr. Heyland stated that the application elevation drawings for the north and rear are not changing and do not need to be resubmitted.

Ms. Botsford asked if Mr. Heyland is working with the application without a plan or site plan. She suggested that the photograph of the rear looks different than the elevation drawing. The roofline appears different.

Mr. Heyland responded that it is his opinion that the roofline may not be clear due to the way the photograph was taken; it also may be because there is a hip-roof on one corner of the building.

Mr. Heyland explained the Design Review process and requirements as defined in the Ordinance.

Mr. Hayes asked if the Board should have cut sheets for the new doors and windows.

Mr. Heyland responded that as long as the replacement is the same in appearance they don't need to submit the cut sheets. If the door is different the Board should receive the specs. He noted that the applicant did submit window sheets.

He asked Mr. Connell to provide the cut sheets for the doors.

Mr. Wilkos informed the applicant that he will need to provide:  
Amended front elevation  
A new review from the OHPC of the amended front plans  
Cut sheets for the doors.

Mr. Connell agreed to meet with the Code Enforcement Officer to discuss the plans.

Mr. Hayes Moved to Table the Application for ANN MCKEE – 632 MAIN STREET – Map 9 Block 80-81-4 – General Business District 2 (GBD2). Design Review for a pre-1930 structure. Application to remodel and repair: windows, siding, and roofing. Add a new front entry with roof, remove one front door and balance front window locations, add sliding door to rear of building, and change rear porch with two decks pending submission of revised elevations and plans.

HAYES/BEVINS

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

**Mr. Hayes Moved to Table the Application for ANN MCKEE – 632 MAIN STREET – Map 9 Block 80-81-4 – General Business District 2 (GBD2). Design Review for a pre-1930 structure. Application to remodel and repair: windows, siding, and roofing. Add a new front entry with roof, remove one front door and balance front window locations, add sliding door to rear of building, and change rear porch with two decks pending submission of revised elevations and plans.**

**HAYES/BEVINS 5:0 UNANIMOUS**

- 4. THE TRAP / JASON EVANS – 117 Perkins Cove Road – Map 3 Block 75 – SGD2 – Site Plan Review for a Change of Use from a Type 1 Restaurant to a Type 2 Restaurant with outdoor service.**

Jason Evans summarized that he is asking for a change from a Type 1 to a Type 2 restaurant status so that they can have outside dining.

Mr. Feldman reviewed his June 30, 2017 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Feldman expressed confusion regarding the seating plan and the number of proposed seats.

Mr. Heyland added that State Law allows for a single bathroom for use by both genders as long as there are 40 or fewer seats; which is the current makeup of this restaurant. He noted that if the applicant were to request additional seating he could ask for a waiver based upon the nearby location of public restrooms. He noted that the applicant currently has 20 seats inside; which leaves him with 20 available seats. These could be all in front or all on the deck, or 10 and 10.

Mr. Evans responded that they have 20 seats inside and 20 seats on the ocean side deck, and no seats out front for a total of 40 seats.

Ms. Bevins asked if food could be served on the beach.

Mr. Feldman responded that no restaurant types are permitted in the Resource Protection Zone. No food or alcohol are allowed, even if it's private property. People could sit on the beach while they wait for a table but may not consume food or beverages on the beach.

Mr. Feldman summarized that the seating plan needs to be reworked.

Mr. Evans stated that he does not intend to ask for a bathroom waiver at this time. He intends to keep the seating to 40 seats, and come back at a later date for the additional seating and the waiver request.

Mr. Feldman responded that the applicant needs to either: 1) reconfigure his seating plan; or 2) request a bathroom waiver and keep the submitted 60 seat plan as submitted.

Mr. Wilkos stated that the applicant could draft a waiver and submit it to the Board at this meeting. The Board has done this before.

Mr. Feldman reminded the Board that, in the past, they have not liked to accept things at the night of the meeting.

Mr. Heyland stated that he would discourage this. He needs to research State Law regarding The Plumbing Code. He would not want the Board to agree to the waiver and 60 seats only for him (Mr. Heyland) to discover that he can't issue the permit. He suggested the Applicant move forward with the 40 seats, and come back at a later time for the additional 20 seats and a possible bathroom waiver request.

Mr. Evans agreed.

Mr. Feldman agreed and added that this Board does not have authority to grant waivers of the Plumbing Code.

Mr. Evans stated that they will have 20 seats indoors and 20 seats on the ocean side deck. There will be no consumption or service of food or beverages on the beach.

Mr. MacLeod asked where the Resource Protection Zone Line is located.

Mr. Heyland responded that it is right at the end of the building, and the deck is not in the RPD.

Ms. Freedman Moved to Find the Application Complete with the condition that the applicant provide an updated seating plan prior to the next meeting.

MF/RH

Mr. Wilkos asked for discussion, there being none he called for a vote on Ms. Freedman's Motion:

**Ms. Freedman Moved to Find the Application Complete with the condition that the applicant provide a revised seating plan, to the Land Use Office, one week before the next meeting.**

**MF/RH 5:0 UNANIMOUS**

Mr. Wilkos noted that the Public Hearing for this application will take place on July 24, 2017 at 6:00 p.m.

The Board agreed that no site visit was needed.

Mr. Feldman reminded the Board that they also need to address: lighting and trash removal, which may be done at the next meeting.

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

**I. OTHER BUSINESS –**

**1. Discussion of 2<sup>nd</sup> Single Family Home Rentals Workshop.**

Mr. Wilkos noted that the Board held a 2<sup>nd</sup> workshop which was well attended. It was determined that the Board would not make any changes to the Zoning Ordinance regarding Single Family Home Rentals. They also discussed Life Safety which falls under the Fire Department's responsibility.

The Board and the Fire Chief agreed that self enforcement is not effective.

It was also noted that that the results of the recent Comprehensive Plan Survey indicated that more people are in favor of not regulating single family home rentals. The Board would wait for the new Comprehensive Plan to be approved before any further discussion.

The Town will stay with the current Business Registration Form currently being used, and the \$150 fee will remain in place.

Mr. Hayes asked who regulates the town trolleys. He noted that he has seen trolleys not stop for stop signs; they roll through the crosswalks and; when they stop to pick up passengers they often stop in the middle of the road.

Mr. Heyland responded that any issues with the trolleys should be taken to the Town Manager.

**J. ADJOURNMENT –**

**Mr. Hayes Moved to Adjourn at 8:15 p.m.  
HAYES BEVINS 5:0 UNANIMOUS**

Respectfully Submitted  
*Maryann Stacy*  
Maryann Stacy  
Ogunquit Planning Board  
Recording Secretary

*Approved on July 24, 2017*