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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES**

**DUNAWAY CENTER MAIN AUDITORIUM
AUGUST 14, 2017**

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Rusty Hayes (Vice Chair)
Muriel Freedman
Priscilla Botsford (1st Alternate)

Members Excused: Jackie Bevins
Mark MacLeod

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

Due to the absence of Ms. Bevins and Mr. MacLeod, Ms. Botsford was moved from 1st Alternate to full voting member for the duration of this meeting.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – July 24, 2017 Site Visit, Public Hearings and Regular Business Meeting.

**Mr. Hayes Moved to Accept the Minutes of the July 24, 2017 Site Visit as Submitted.
HAYES/FREEDMAN 4:0 UNANIMOUS**

Mr. Hayes Moved to Accept the Minutes of the July 24, 2017 Public Hearings and Regular Business Meeting as Submitted.

HAYES/FREEDMAN 4:0 UNANIMOUS

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

Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

- 1. 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.**

Approved on July 24, 2017

Mr. Hayes Moved to Accept the Findings of Fact as Submitted.

HAYES/FREEDMAN 4:0 UNANIMOUS

- 2. 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.**

Approved on July 24, 2017

Mr. Hayes Moved to Accept the Findings of Fact as Submitted.

HAYES/FREEDMAN 4:0 UNANIMOUS

G. NEW BUSINESS –

- 1. JANICE LINCOLN & PENELOPE FOX / BERWICK ROAD SUBDIVISION – Berwick Road (Map 18 Block 3-4) RR1 and SP. Sketch Plan Application for a five unit (two bedroom single family homes) cluster subdivision.**

James Paolini addressed the Board. He summarized that the Applicants are proposing a five unit, cluster subdivision off Berwick Road. The lots will be serviced by wells and septic, and underground electric and propane tanks. The lots will be approximately ½ acre each and the homes will be single family shingle style of 1200 to 2000 square feet. The entire parcel is 10.5 acres; wetlands and steep slopes have been flagged and indicated on the plans (dated July 10, 2017). Over half the parcel will be left open space and will be shared ownership between the owners of the five (5) lots. The open space will be held in trust which will keep it as is, and untouched.

The entrance off of Berwick Road allows for adequate site distance in both directions. It will be a paved twenty-two foot (22') wide road with a cul-de-sac at the end built to town specifications. There will also be either a paved sidewalk or a walking path to Berwick Road. He anticipates that the residents will either walk or ride bikes into town.

Mr. Feldman reviewed his 8-2-17 Memo to the Board:

I. Proposal

The applicant has submitted a Sketch application in conformance with Article 5 of the Subdivision regulations. Currently, the plan shows 5 lots in a cluster configuration in the middle of a 10.45 acre site in the RRI zone. The cul-de-sac is proposed to be 330' ± in length with a 50' right of way and 22' of pavement. All of these standards will be discussed later in the memo under issues to consider.

II. Process

The following is the process from the subdivision regulations which the planning board needs to follow as part of the process

- **5.2 Sketch Plan Meeting Procedure:**
 - A. The applicant shall present the Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.*
 - B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the subsequent application.*
 - C. The date of the on-site inspection is selected.*
- **5.4 On-Site Inspection** *Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets or drives, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.*
- **5.5 Follow-up and Acceptance of Sketch Plan** *At its next meeting following the on-site inspection, the board should discuss the inspection and note various conditions or features found. If the Board finds the sketch plan acceptable, it should then write a letter to the applicant highlighting its findings from the inspection, giving any general guidance to the applicant regarding the future submittal of a preliminary plan application, and informing the applicant of the contour interval to be required for the preliminary plan application. If the Board finds the sketch plan unacceptable, it should indicate its decision to the applicant*

in writing, and the applicant shall be required to submit a new, modified sketch plan application if it wishes to proceed with the proposed project

III. Issues to Consider for Preliminary Application.

There are a number of issues for the applicant to consider in moving forward with this application. They are as follows:

- *The road as proposed meets the standards of the ordinance with the inclusion of a sidewalk. A full plan profile of the design will be needed at the Preliminary level.*
- *There is a Well head located on the Diamond property abutting lot #5. There needs to be a 100' clear area not allowing a septic system in this area. The Plans need to show both well head locations and test pits for the septic systems. With a 100' clearance between them.*
- *With the identity of the Wetlands on the site Vernal Pools will also need to be identified and that will be a difficult task this time of the year.*
- *The applicant must meet all of the standards of Article 9 9.6 of the zoning ordinance within the cluster provisions.*
- *Based on the Net Density calculations shown on the plan, the applicant can obtain the 5 lots as proposed.*
- *The applicant will need to show a footprint for every lot including the driveway access which must be deducted in order to show that the lot coverage will not exceed the requirement for each lot as based on the definition of **Net Residential Density** found in the Definition portion of the zoning ordinance. The applicant should be aware early on that they will be held to these lengths and sizes as a maximum construction design for each lot.*
- *The applicant will need to review Article 8 section 8.13.C of the zoning ordinance and demonstrate that this development will not impact traffic capacity at the intersection of Berwick Road and Route 1.*

IV. Recommendation

- *Set the date for the site walk, preferably prior to the next meeting. Place them on the next agenda for follow-up discussion based on the findings of the site walk and provide the applicant direction in order to prepare a Preliminary submission if the board agrees."*

Mr. Hayes noted that the Applicant has indicated that there will be underground propane tanks and electric and he asked if these should be flagged for the site visit.

Mr. Feldman responded that they should be flagged and indicated on the preliminary plans. It should be shown that they will meet the required standards.

Ms. Freedman noted that the intersection of Berwick Road and Route One is already at a D Level of Service. She asked if this doesn't stop them from going forward.

Mr. Feldman responded that it would be premature for the Board to determine that the project can't happen until the Applicant provides the data in a traffic study and the Board determines that there isn't anything the Applicant can do to remedy the issue. He also pointed out that Level of Service D is a wide spectrum of number of cars passing through the intersection and/or the

number of seconds a car is delayed at the intersection. The question that may be asked is ‘can the applicant continue to keep the project within the Level of Service D without it going to Level of Service F?’ or are there things they can do to remedy the situation.

Mr. Feldman agreed that this issue is something the Applicant will have to address with a full Traffic Impact Study as part of the Preliminary Application. The Applicant may also have to decide whether or not they want to go forward with this application.

Mr. Wilkos asked if it is the State that determines that the Berwick Road Route One intersection is a failed intersection.

Mr. Feldman responded that the State’s traffic counts are several years old. There have been traffic impact studies done which determined that this is a failed intersection, however this application will require a full traffic impact study and that will make the determination.

Mr. Wilkos summarized that at this meeting the Board will find the Sketch Plan Acceptable and will schedule a Site Visit.

Ms. Freedman asked how walk-able the property is.

Mr. Paolini responded that it’s walk-able; and his engineer will flag the property.

Mr. Feldman informed the Applicant that, for the site visit, he will need to:

- Flag the center line of the road;
- Flag each of the lot frontages, and one back corner;
- Flag the probable house locations.

Mr. Hayes asked if they need to flag the septic and well sites.

Mr. Feldman responded that they do not, however they will need to include that information on the Preliminary Plan; and at that time the Board might consider a 2nd site visit.

At this time the Board scheduled a Site Visit to take place on August 28, 2017 at 4:00 p.m. The Board also determined that the Application will come back before the Board that same night to discuss the Site Visit and any further information that the Applicant may need going forward with the Preliminary Plan.

The Applicant agreed to the date and time for the Site Visit and next Board Meeting.

H. CODE ENFORCEMENT OFFICER BUSINESS –

1. Shoreland Zoning Ordinance (Section 9.15) Amendment.

Mr. Heyland explained that towns are required to have a Shoreland Ordinance that either meets or exceeds that State’s. In 2014 the State revised Chapter 1000 which is the State model for shoreland zoning. It is his intention to put that document before the voters with a few minor changes which will make it fit Ogunquit’s situation. This will extract all the shoreland language

out of the current Ogunquit Zoning Ordinance and create a new stand-alone ordinance. There will be a lot more information that the Town did not have before. One of the larger changes will be in the way the Town calculates expansion potential for structures that don't meet the required setback. Currently there is a 30% allowable expansion based on volume and floor area. The new ordinance will allow 30% based on footprint which is a slightly simpler way of dealing with non-conforming structures.

Another change will be an increase in language dealing with shoreland vegetation removal.

Mr. Heyland recommended any resident who has a home in the Shoreland Zone come into the Land Use Office to discuss the changes and how they may be impacted by them.

At this time the Board scheduled a Public Hearing for this Ordinance Amendment for August 28, 2017 at 6:00 p.m.

I. OTHER BUSINESS – Correspondence.

1. Correspondence from Attorney Scott Anderson obo Verizon Wireless regarding a request for a Zoning Amendment to permit the installation of a small cell facility in the Shoreland Zoning District.

It was determined that the new Shoreland Zoning Ordinance amendment may make Attorney Anderson's request unnecessary. He agreed that he would wait until the November Town Meeting and see what happens with the Shoreland Ordinance.

Mr. Heyland noted that the new shoreland zoning would allow an applicant to come before the Planning Board with a request to install small cell facilities in the Shoreland Zone. Under the current Shoreland Zoning Ordinance the applicant couldn't even come before the Board.

In other words, Attorney Anderson's request will be met if the new Shoreland Ordinance amendment passes in November.

He also noted that communication services are considered to be essential services which allow applicants to come before the Board. He added that a small cell installation inside of a building, such as inside the cupola on the Main Beach Bathroom would be preferable to the installation of cell towers.

Mr. Hayes asked if the small cell towers, which were already approved, have been installed.

Attorney Anderson responded that they have not. The Maine DOT slowed things down while they determine if they need special permits.

Ms. Freedman asked how close they could be to the town line.

Mr. Heyland responded he believes they would be fifteen feet (15') at most.

Mr. Hayes asked if these are essential to enable the Town to use the kiosks in parking areas.

Mr. Heyland responded that they probably are.

Attorney Anderson added that he has met with the Police Chief and the Visitor Services and they have several other parking lots where they would like to see the cells.

Attorney Anderson stated that he would wait until the November Town Meeting and see where the Shoreland Ordinance Amendment goes.

2. Per Ogunquit Select Board: Schedule Workshop regarding Ogunquit Zoning Ordinance regarding the use of A-Frame Signs.

Mr. Wilkos stated that the Select Board has asked the Planning Board to schedule a workshop regarding the use of A-Frame Signs. He reviewed those sections of the Ogunquit Zoning Ordinance which deal with A-Frame Signs: Article 8.12.2.h and Article 8.12.3.q.

Mr. Heyland noted that there was a request before the Select Board, by an organization, to use an A-Frame sign. He (Mr. Heyland) reviewed the history of the A-Frame Ordinance and it is his opinion that the way it has been interpreted is not the original intention. He noted that there has been some discussion about those groups which are given “special” consideration to use these types of signs.

Mr. Wilkos reminded everyone that there has already been some discussion about allowing A-Frame signs on private property. He also noted that these signs appear all over town and the Code Enforcement Officer is required to make people take them down.

Mr. Heyland agreed. He noted that the current Ordinance puts a cap on eight allowable signs at three locations: Rotary Park in the Perkins Cove, in front of the Ogunquit Camera Shop, and in the Center of Town.

He suggested the Board consider where A-Frame signs may be placed.

Mr. Feldman agreed to look at how other towns handle the question of A-Frames.

The Board scheduled a workshop to take place on September 11, 2017 at 4:00 p.m.

2. Fire Pits.

Mr. Heyland informed the Board that he has received a request for the Board to look at wood burning fire pits in the center of town. He agreed that “recreational fires” could be incorporated into the Table of Land Uses to control where they may, and may not, be used. He agreed that while some people feel the wood burning fire pits are a nuisance and health hazard other people have expressed the opposite view, stating that they like the smell and authenticity of wood vs. propane.

He added that the current ordinance doesn't address this question.

Ms. Botsford noted that most people installing fire pits are using propane because it's easier, cheaper, and cleaner. She felt that the existence of one fire pit and one complaint may not rise to the level of needing a workshop.

Mr. Wilkos agreed with Ms. Botsford however he also agreed that it would be helpful to get some public input.

The Board agreed to a workshop regarding the use of wood burning fire pits in Town, to take place on September 25, 2017. The discussion would exclude propane fire pits and focus on the wood burn fire pits which cause smoke.

J. ADJOURNMENT –

**Mr. Hayes Moved to Adjourn at 7:05 p.m.
HAYES/FREEDMAN 4:0**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Ogunquit Planning Board

Recording Secretary

Approved on September 11, 2017