



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES**

**DUNAWAY CENTER MAIN AUDITORIUM
FEBRUARY 12, 2018**

REGULAR BUSINESS MEETING

A. ROLL CALL –

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

Members Excused: Mark MacLeod

Also Present: Scott Heyland, Code Enforcement Officer

Mr. Wilkos noted that due to Mr. MacLeod's absence Ms. Botsford would be a full voting member for the duration of this meeting.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – January 22, 2018

**Mr. Hayes Moved to Accept the Minutes of the January 22, 2018 Meeting as Amended.
HAYES/BEVINS 5:0 UNANIMOUS**

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

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

F. UNFINISHED BUSINESS –

1. RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. Design and Site Plan Review for a post 1930 structure. Application to construct a family room over existing deck, a bathroom over existing porch, and exchange an existing deck for grade level patio with minor expansion.

Mr. Wilkos noted that this application was tabled from the last meeting. He stated that at the last meeting the Applicant felt that the Ogunquit Zoning Ordinance did not require an applicant, who is a member of a condominium association, to present a letter of authorization from that condominium association. Mr. Heyland asked Town Attorney Mary Costigan for a legal opinion on this issue. Attorney Costigan responded via e-mail. Mr. Wilkos asked her to confirm that the Ogunquit Planning Board no longer needs a letter of authorization from a condominium association when an applicant belongs to a condominium association. Her response was that this is correct and is not a requirement of the Ordinance.

Mr. Wilkos confirmed that the Applicant does not require a letter of authorization from the condominium association; and the Planning Board had requested a deed which the Applicant has provided.

Mr. Wilkos noted that the Land Use Office received a letter from George Primeau stating that he had met with a member of the Planning Board and the contractor. Mr. Wilkos asked if there was any member of the Planning Board who met with Mr. Primeau and the contractor.

Ms. Bevins explained that Mr. Primeau came to her restaurant and asked for Mr. DeHart's telephone number, which she gave him. Mr. DeHart came down and he and Mr. Primeau left. She did not know where they went or anything that was said. She was not a part of the meeting.

Jerry DeHart, Coastal General Construction addressed the Board as the Applicant's representative. He confirmed that he saw Mr. and Mrs. Primeau at the restaurant and he (Mr. DeHart) asked for a meeting to attempt to resolve some of the issues which upset Mr. Primeau at the last Planning Board Meeting.

Mr. Wilkos agreed that it appears to be very innocent. He agreed that this is a small town and people see each other in many locations. He polled the Board members asking if they felt Ms. Bevins could make a fair and impartial decision on this case. The Board unanimously agreed that she could and did not need to be recused.

Mr. Hayes Moved to Find the Application Complete for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. Design and Site Plan Review for a post 1930 structure. Application to construct a family room over existing deck, a bathroom over existing porch, and exchange an existing deck for grade level patio with minor expansion.

HAYES/FREEDMAN

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

Mr. Hayes Moved to Find the Application Complete for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. Design and Site Plan Review for a post 1930 structure. Application to construct a family room over existing deck, a bathroom over existing porch, and exchange an existing deck for grade level patio with minor expansion.

HAYES/FREEDMAN 5:0 UNANIMOUS

Mr. Wilkos scheduled a Public Hearing for this Application for Monday February 26, 2018 at 6:00 p.m.

Mr. DeHart informed the Board that Mr. Scimone is in the process of selling the property. He (Mr. DeHart) has a letter of authorization from the new owner. He confirmed that by the February 26th meeting there will be a new representative. This will be the only change to the Application. The proposed design and plans remain the same as does the name of the Corporation.

Mr. Heyland suggested Mr. DeHart submit it to the Land Use Office to be included in the Board Member's packets for the next meeting.

Mr. Wilkos agreed that there shouldn't be any problem.

Mr. Wilkos asked if the Board Members wanted a Site Visit. The Board unanimously agreed that this would not be necessary.

G. NEW BUSINESS – None

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Extension Request from the Ogunquit Sewer District. Final approval was granted on March 13, 2017.

Mr. Hayes Moved to Grant an Extension to the Ogunquit Sewer District for one year, to March 13, 2019.

HAYES/BEVINS

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

Mr. Hayes Moved to Grant an Extension to the Ogunquit Sewer District for one year, to March 13, 2019.

HAYES/BEVINS 5:0 UNANIMOUS

2. Discussion Regarding Proposed Amendments to the Ogunquit Zoning Ordinance to Update Shoreland Zoning Regulations relevant to "Chapter 1000; Guidelines for Municipal Shoreland Zoning Ordinances."

The Board agreed to schedule a 2nd workshop on February 26, 2018 at 4:00 p.m.

Mr. Hayes asked if the Town Attorney could attend that workshop / Public Hearing.

Mr. Heyland agreed to contact the attorney.

The Board agreed to schedule a Public Hearing on February 26, 2018 at 6:00 p.m.

Mr. Hayes asked what the legal repercussions to the Town might be for “taking someone’s land”.

Ms. Botsford noted that the Board did not have the final version of the Amended Ordinance for this meeting.

Mr. Heyland responded that the most recent version is on the Town Website for everyone to see. He noted that the Planning Board has already held one workshop, and will hold another workshop as well as a Public Hearing on February 26th. The proposed changes will then go to the Select Board which will hold even more Public Hearings. There will be ample time for the public to attend workshops and public hearings, and to come in or call his office with any questions or concerns they may have.

Mr. Heyland noted that the biggest piece seems to be the stream protection question, which will probably be the main topic of the workshop and public hearing on February 26th. He reiterated that any member of the public can come see him as well.

3. Discussion Regarding Amendment to the Ogunquit Zoning Ordinance; Article 8.12 A-Frame Signs.

Mr. Wilkos asked if there were any questions from the Board.

Mr. Hayes asked if this would have any effect on the Marginal Way Committee’s sign concerns.

Mr. Heyland responded that he does not think it will. He added that the reason this question originally came up was because people seem to want the use of A-Frame signs, as long as they are regulated as to location and size.

Mr. Heyland agreed that the A-Frame signs will be regulated just like any other type of sign.

Mr. Wilkos reviewed the proposed ordinance language.

The Board agreed to schedule a Public Hearing on February 26, 2018 at 6:00 p.m.

4. Discussion with Bike-Ped Committee regarding Amendment to Ogunquit Zoning Ordinance; Article 2 Vending or Buyer Operated Retail Device.

Jennifer Walker addressed the Board on behalf of the Bike Ped Committee. They are asking to change the vending ordinance to allow for one more exception. They propose a dock-less bike-share kiosks.

Mr. Heyland stated the proposed change would be similar to last year's amendment to the Ordinance which allowed for Town park and pay kiosks. He noted that there are a few existing exemptions to the ordinance: pay telephones, ATMs, and newspaper vending machines. The Bike Ped Committee is asking for a similar exemption. He asked Ms. Walker to describe the kiosks.

Ms. Walker responded that the Committee wants to have bike rentals in Town, which is currently prohibited by the Outside Sales and Service Ordinance. She asked Mr. Heyland about the Park and Pay Kiosks and was told that there is an exception in the Ordinance for them.

The bike kiosks will probably be 3.5 foot machines which will dispense a receipt which allows a person to pick up a bike. She noted that eventually these receipts may be available on smart phones which will do away with the need for the payment kiosks.

Mr. Wilkos summarized that the Bike Ped Committee is asking for an exemption to the outside sales restriction.

Mr. Heyland agreed. Any type of outdoor exchange of currency for a product or service violates the Ordinance. This request is similar to the Town's Park and Pay Kiosks.

Ms. Botsford asked where the bikes will be displayed or stored.

Ms. Walker responded: Chamber of Commerce, Molly Trolley Depot, Beach Parking Lots, and Perkins Cove. She suggested a pilot program of twenty five bikes, five bikes at each location. The bike type is a "cruiser" style which is suitable for most people.

Charley LaFlame added that this type of program is offered in many towns and cities, including Portsmouth NH.

Ms. Freedman asked who will purchase the bikes and who profits.

Ms. Walker responded that it will be a vendor.

Ms. Freedman asked where the bikes will be parked. She noted that the existing bike racks in the center of town are always full and there are bikes everywhere.

Ms. Bevins stated that there aren't enough bike racks in Town, bikes are everywhere.

Ms. Walker responded that the Bike Ped Committee wants more bike racks in general anyway.

Mr. Wilkos reminded everyone that the Planning Board is discussing the outside sales exemption request.

Mr. Heyland agreed and added that the details will be discussed by the Select Board at a later stage in the process. This Board should restrict itself to the request for an exemption for the kiosks. It will be up to the Select Board to discuss the location of the kiosks and bike racks.

Mr. Hayes suggested the Board needs to hear from the residents and businesses in town about how they feel about it.

Ms. Freedman expressed her belief that she doesn't want to see any more outside sales.

Mr. Wilkos agreed.

Ms. Bevins stated that if it is allowed for one it needs to be allowed for everyone.

Mr. Hayes reiterated that the Board needs to hear from the public.

Mr. Wilkos suggested that if the Board were to approve outside sales for this applicant, what reason would it have to deny a request for outside sales from future applicants.

Mr. Hayes responded that holding a Public Hearing isn't granting the request.

Ms. Walker pointed out that the Town has already granted exemptions for outside sales to the Town for the Paid Parking Kiosks for cars.

Mr. Wilkos agreed and added that that exception was granted for "The Town".

Ms. Walker reminded everyone that this is just the first stage in the process. It still needs to go to the Select Board and the Voters. She asked if the Planning Board should allow the town's people to make the decision.

Mr. LaFlame noted that the Comprehensive Plan Committee produced a survey; and the results were that people wanted more ability to ride bikes.

Ms. Freedman suggested that this exemption will be for people who come to Ogunquit, not for people who live here who have their own bikes.

Mr. Wilkos expressed his opinion that zoning should allow something for everyone, or no one.

Ms. Walker reminded the Board that there are already exemptions for other things.

Mr. Wilkos asked the Board Members if they wanted to hold a Public Hearing.

Ms. Freedman responded that she isn't for outside sales.

Ms. Botsford responded that there is a transportation issue at question. She added that this exemption isn't for a "sale" it is for a "service". She would like a public hearing. She agreed that there are still a lot of details which need to be resolved.

Mr. Hayes stated that the Board should hold a Public Hearing and hear from the public. He asked if the Town would lose parking spaces for the bike racks.

Ms. Walker asked if it would make a difference if the Town was going to get the money.

Ms. Freedman responded that it would make a difference to her. She doesn't want to see the Town lose parking space revenue.

Ms. Walker responded that the only hurdle at this stage is the outside sales and services. The details would be worked out later.

Mr. Heyland added that if the proposal was for the Town to purchase the bikes and rent them out at the public parking lots through Visitor Services it would still be a problem. It wouldn't be ok just because the Town was doing it. Be it the Town, or a private citizen, the rules have to be the same for everyone.

Ms. Freedman noted that there are a lot of bike racks at the Main Beach and bikes pull in at no charge.

Mr. LaFlame reiterated that, at this point, they are only asking to let the people speak at a Public Hearing. He also stated that they have no intention of taking any parking space revenue. This program can only reduce congestion and pollution.

Mr. Wilkos stated again that the Board is here for outside sales.

The Board agreed to schedule a Public Hearing on February 26, 2018 at 6:00 p.m.

Mr. Wilkos stated that if the Board were to approve this exemption; and at a future date someone came asking to have food trucks the Board would have no recourse to deny them.

Mr. Heyland disagreed. He added that every case the Board hears is individual to that particular situation and property.

J. ADJOURNMENT –

**Mr. Hayes Moved to Adjourn at 7:30 p.m.
HAYES/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

Approved on March 12, 2018
Mr. Hayes Moved to Accept as Amended.
HAYES/BEVINS 5:0 UNANIMOUS