



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

**DUNAWAY CENTER MAIN AUDITORIUM  
FEBRUARY 26, 2018**

**PUBLIC HEARINGS**

- 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 asked if there was anyone who wished to speak for, or against, this application. There was no one and the Public Hearing was closed at 6:06 p.m.

- 2. Proposed Amendments to the Ogunquit Zoning Ordinance to Update Shoreland Zoning Regulations relevant to “Chapter 1000; Guidelines for Municipal Shoreland Zoning Ordinances.”**

Mr. Wilkos noted that the Planning Board held two Workshops which were well attended.

Kirsten Ross (Highland Ave) asked the Board to separate out the language regarding the protection for the Streamland Protection District.

Jerry DeHart suggested that the voters in 2015 were unaware that they would be taking two individuals’ property. When zoning changes the Town doesn’t get to zero out a person’s property value. Mr. DeHart noted that, at one time, he lived at Scotch Hill where he had a neighbor complain about his (Mr. DeHart’s) property. DEP came down and he (Mr. DeHart) and the DEP Representative walked the stream from Scotch Hill / Black Boar area up to the Windward property where the water flows under the roadway, and it was deemed by the DEP to NOT be a stream. Mr. DeHart suggested that it is only fair to give a person, whose land has been taken, the opportunity to come before the ZBA and the Planning Board for an appeal.

There being no one else who wished to be heard the Public Hearing was closed at 6:11 p.m.

**3. Proposed Amendment to the Ogunquit Zoning Ordinance; Article 8.12 A-Frame Signs.**

Mr. Wilkos reviewed the proposed language change and asked if there was anyone who wished to be heard on this matter.

Louise Hokens asked if the freestanding signs will be on the sidewalks, or wherever people want to put them?

Mr. Heyland responded that business owners would be allowed to use an A-Frame sign if there is room to place the sign outside of the front yard setback. They will never be on a sidewalk.

Ms. Hokens responded that most A-Frames are on sidewalks.

Mr. Wilkos added that there is another change to the A-Frame Sign Ordinance language which specifies the location of, and number of, allowable off premises signs.

There being no more comments from the public the Public Hearing was closed at 6:15 p.m.

**4. Proposed Amendment to Ogunquit Zoning Ordinance; Article 2 Vending or Buyer Operated Retail Device.**

Mr. Wilkos reviewed the proposed Ordinance language and asked if there was anyone who wished to be heard on this matter. There being no one the Public Hearing was closed at 6:17 p.m.

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

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

Members Excused: Rusty Hayes

Also Present: Scott Heyland, Code Enforcement Officer

Mr. Wilkos noted that due to Mr. Hayes' 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 Mr. MacLeod

**D. MINUTES – February 12, 2018 Shoreland Zoning Workshop**

**Ms. Freedman Moved to Approve the Minutes of the February 12, 2018 Workshop as Amended.**

**FREEDMAN/BOTSFORD 4:0 (Mr. MacLeod was not in attendance at that workshop)**

**~~February 12, 2018 Regular Business Meeting~~ – Unavailable at this time.**

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

**2. Senior Community Housing Committee – Barbara Ferraro.**

Ms. Ferraro summarized that the Senior Community Housing Committee (The Committee) is working toward promoting independence and enriching the lives of the 62 and over senior population by exploring housing options which allow seniors to reside in Ogunquit in a manner which is affordable, makes them feel empowered, have choices, and have a sense of security and peace of mind. This work was based upon the results of the recent Comprehensive Plan Survey. This work has been ongoing for several years; and the Committee is asking the Board to schedule a workshop to review their proposal.

Mr. Wilkos asked the Board members how they felt about scheduling a workshop.

Mr. MacLeod responded that the Board would need additional information as well as a list of which ordinances need to be changed.

Ms. Bevins responded that the Board would get that information at a workshop and she had no problem scheduling a workshop.

Ms. Freedman responded that she is uncomfortable scheduling a workshop because the Board has never scheduled a workshop based upon Public Input.

Mr. Feldman added that the community is updating the Comprehensive Plan and one of the things on this meeting's agenda is the creation of a Future Land Use Subcommittee. This would be a perfect subcommittee group to meet with the Housing Committee.

Mr. Wilkos responded that the Housing Committee is asking for a workshop with the Planning Board.

Ms. Botsford agreed with Mr. Feldman.

Ms. Ferraro asked if the Housing Committee can't present the plans to the Planning Board. They have available property, engineered plans, and a list of the relevant ordinances; and they want to

present these to the Planning Board. She pointed out that this isn't a land use issue, they already have the land and it belongs to a private owner.

Mr. Feldman suggested that the Housing Committee could meet with the Planning Board / Comprehensive Plan Subcommittee. Together they could work on ordinances which would allow the proposed housing project to occur.

Ms. Freedman stated that the Board has never had a project like this brought to the Planning Board until it has been cleared by the Code Enforcement Office. This is the first time the Board has ever done anything like this. She suggested the Board wait until after it meets with the Town Attorney and gets her advice.

Mr. Heyland responded that there has to be a process for members of the public who want to change the ordinances. He added that none of the Housing Committee plans meet the ordinance so he can't accept an application from them. He asked how ordinances have been changed in the past.

Mr. Wilkos responded that the Board holds a workshop.

Mr. Heyland added that they now have a member of the public asking for a workshop to amend ordinances based upon the current Comprehensive Plan. The Housing Committee is just asking for a workshop. He asked what a person from the community is to do if they have something they want the Planning Board to explore as a potential change to the Ordinance.

Mr. MacLeod pointed out that at this point the Board doesn't even know what ordinances would be impacted.

Mr. Heyland responded that they wouldn't know until they have the workshop.

Ms. Bevins suggested that the Committee will bring their presentation to a workshop, then everyone will know what they are proposing.

Mr. Heyland agreed and added that if the information is submitted to the Land Use Office well before the workshop the Board members will have it in their packets and there will be copies in the Land Use Office for the public to see.

The Board agreed to hold a workshop with the Housing Committee on March 26, 2018 from 4:00 to 5:00 p.m.

Mr. Heyland asked Ms. Ferraro to have all the documents submitted to the Land Use Office two weeks before that workshop date.

**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.**

Jerry DeHart addressed the Board as the Applicant's representative. He noted that no one spoke during the Public Hearing and he asked the Board to move forward with approval.

The Board reviewed the standards of Design Review for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance:

1) **Scale of Building** – Is the scale of the building visually compatible with the site and neighborhood as to the relationship of the open spaces around it and the size of doors/windows/porches/balconies?

By a show of hands the Board Agreed 5:0 that this standard has been met.

2) **Height** – Is the height of the building visually compatible with the heights of the buildings in the neighborhood?

By a show of hands the Board Agreed 5:0 that this standard has been met.

3) **Proportion of Front Façade** – Is the relationship of the width to the height of the front façade visually compatible with that of its neighbors?

By a show of hands the Board Agreed 5:0 that this standard has been met.

4) **Relationship of Solids to Voids in Front Façade** – Is the pattern of solids and voids in the front façade visually compatible with that of its neighbors?

By a show of hands the Board Agreed 5:0 that this standard has been met.

5) **Proportions of Openings Within the Facility** – Is the relationship of the height of windows and doors to their width visually compatible with the architectural style of the building and with that of its neighbors?

By a show of hands the Board Agreed 5:0 that this standard has been met.

6) **Roof Shapes** – Is the shape and proportion of the roof visually compatible with the architectural style of the building and with those of neighboring buildings?

By a show of hands the Board Agreed 5:0 that this standard has been met.

7) **Relationship of Façade Materials** – Are the facades of a building, particularly the front façade, visually compatible with those of other buildings around it?

By a show of hands the Board Agreed 5:0 that this standard has been met.

8) **Relationship of Spaces to Buildings on the Street** – Has the rhythm spaces to buildings been considered when determining visual compatibility, whether it is between buildings or between a building and the street?

By a show of hands the Board Agreed 5:0 that this standard has been met.

9) **Site Features** – Is the size, placement, and materials of walls, fences, signs, driveways, and parking areas visually compatible with the building and neighboring buildings?

By a show of hands the Board Agreed 5:0 that this standard has been met.

10) **Architectural, Historical or Neighborhood Significance** – Have the construction, reconstruction, maintenance, or moving of pre-1931 buildings been done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing in 1930.

By a show of hands the Board Agreed 5:0 that this standard is not applicable.

Mr. MacLeod Moved to Approve the Design Review Application for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. Design 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.

MACLEOD/BEVINS

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

**Mr. MacLeod Moved to Approve the Design Review Application for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. Design 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.**

**MACLEOD/BEVINS 5:0 UNANIMOUS**

At this time the Board reviewed the Ordinance Standards as outlined in Section 6.7 of the Ogunquit Zoning Ordinance:

A. Does this application involve a pre-1931 structure?

By a show of hands the Board unanimously agreed that it did not.

Has the application been reviewed by the OHPC?

Mr. Heyland responded that it had not. This requirement was not applicable to this application.

B. Has the Application been submitted for review by all Applicable Town Department Heads?

Mr. Heyland confirmed that it had.

1. Will allow the orderly and reasonable use of adjacent properties.

By a show of hands the Board Agreed 5:0 that this standard has been met.

2. Will not adversely effect the safety, the health and the welfare of the Town.

By a show of hands the Board Agreed 5:0 that this standard has been met.

3. Will not create an undue increase of vehicular traffic congestion on public streets or highways.

By a show of hands the Board Agreed 5:0 that this standard has been met.

4. Includes adequate and proper public or private facilities for the storage, treatment, handling, use of, removal, or discharge of sewage, refuse, hazardous material or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

By a show of hands the Board Agreed 5:0 that this standard has been met.

5. Materials incidental thereto or produced thereby will not give off noxious gases, odors, smoke or soot.

By a show of hands the Board Agreed 5:0 that this standard has been met.

6. Will not cause disturbing emission of electrical discharges, dust, light, vibration, or noise.

By a show of hands the Board Agreed 5:0 that this standard has been met.

7. The operations in pursuance of the use will not cause undue interference with the orderly enjoyment by the public of parking or recreation facilities, existing, or proposed by the Town or by other competent governmental agencies.

By a show of hands the Board Agreed 5:0 that this standard has been met.

8. Contains adequate, off-street parking in compliance with this Ordinance.

By a show of hands the Board Agreed 5:0 that this standard has been met.

9. Does not create a hazard to life, limb or property because of fire, flood, erosion created by reason of use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

By a show of hands the Board Agreed 5:0 that this standard has been met.

10. Will be sensitive to adjacent historic properties in compliance with Article 11.

By a show of hands the Board Agreed 5:0 that this standard has been met.

11. Has a plot area which is sufficient, appropriate and adequate for the proposed use and the reasonably anticipated operation thereof.

By a show of hands the Board Agreed 5:0 that this standard has been met.

12. Will be adequately screened and buffered from contiguous properties.

By a show of hands the Board Agreed 5:0 that this standard has been met.

13. Will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations.

By a show of hands the Board Agreed 5:0 that this standard has been met.

14. Will provide for adequate pedestrian circulation.

By a show of hands the Board Agreed 5:0 that this standard has been met.

15. Anticipates and mitigates potential nuisance created by its location;

By a show of hands the Board Agreed 5:0 that this standard has been met.

16. Complies in a satisfactory manner with all applicable performance standards criteria contained in this Ordinance.

By a show of hands the Board Agreed 5:0 that this standard has been met.

Mr. MacLeod Moved to Approve the Site Plan Review Application for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. 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.

MACLEOD/BEVINS

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

**Mr. MacLeod Moved to Approve the Site Plan Review Application for RIVERSIDE MOTEL AND HOTEL / GEOFFREY SCIMONE – 50 Riverside Lane – Map 3 Block 100-G – SGD2. 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.**

**MACLEOD/BEVINS 5:0 UNANIMOUS**

**2. Proposed Amendments to the Ogunquit Zoning Ordinance to Update Shoreland Zoning Regulations relevant to “Chapter 1000; Guidelines for Municipal Shoreland Zoning Ordinances.”**

Mr. Wilkos noted that the Board held a public Hearing earlier in the evening which was well attended; and the Board did receive some very valuable feedback from the public.

Mr. Heyland stated that one of the issues in question is whether or not the Board will separate out the stream protection language which allows property owners in the Stream Protection District to appeal to the Zoning Board of Appeals for a Variance.

Mr. Wilkos polled the Board asking if each member felt that the language in Table 702.1- Land Use Permitted in Zoning Districts – Single Family Dwelling, other than manufactured housing unit be changed from “Not Permitted” to “Site Plan Review”; along with Footnote 12 which states “Provided that a variance from the setback requirement is obtained from the Board of Appeals”; should be a standalone warrant article or if it should be included as part of the whole.

Mr. MacLeod Moved to separate out, and present as a standalone warrant Article the proposed Ordinance amendment involving Table 702.1 Single Family Dwellings in the Stream Protection District and Footnote 12.

MACLEOD/BEVINS

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

**Mr. MacLeod Moved to separate out, and present as a standalone warrant Article the proposed Ordinance amendment involving Table 702.1 Single Family Dwellings in the Stream Protection District and Footnote 12.**

**MACLEOD/BEVINS 5:0 UNANIMOUS**

It was agreed to strike the proposed additional note in Article 2 under Coastal Wetland.

It was agreed to leave the proposed language in Article 2 Normal High Water Line referring to Highest Annual Tide.

It was agreed by the Board to leave the 6 month period until a permit expires.

It was agreed by the Board to leave the 40,000 lot size in the SLR District; and not increase the minimum lot size to 60,000.

It was agreed that the existing 30 day timeframe for notifying applicants remain at 30 days and not be increased to 35 days.

It was agreed by the Board that its “designee” is not clearly specified in the existing or proposed language; however it the proposed language in the Shoreland Zoning portions of the Ordinance will be left as presented; and as referred to in Article 6.4 of the Ordinance.

Mr. MacLeod Moved to submit the proposed Shoreland Zoning revisions, as amended at this meeting, to the Select Board with a recommendation that they be included on the June 2018 Town Meeting Warrant.

MACLEOD/BEVINS

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

**Mr. MacLeod Moved to submit the proposed Shoreland Zoning revisions, as amended at this meeting, to the Select Board with a recommendation that they be included on the June 2018 Town Meeting Warrant.**

**MACLEOD/BEVINS 4:1 (Ms. Botsford Dissenting)**

**3. Proposed Amendment to the Ogunquit Zoning Ordinance; Article 8.12 A-Frame Signs.**

Mr. Wilkos noted that this item has been work-shopped by the Board and that a Public Hearing was held earlier in this meeting.

Mr. MacLeod Moved to send this proposal to the Select Board with a recommendation that it be included on the June 2018 Town Meeting Warrant.

MACLEOD/BEVINS

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

**Mr. MacLeod Moved to send this proposal to the Select Board with a recommendation that it be included on the June 2018 Town Meeting Warrant.**

**MACLEOD/BEVINS 5:0 UNANIMOUS**

**4. Proposed Amendment to Ogunquit Zoning Ordinance; Article 2 Vending or Buyer Operated Retail Device.**

Mr. Wilkos asked Ms. Botsford if she was a member of the Bike-Ped Committee.

Ms. Botsford acknowledged that she was and asked if she should recuse herself.

The Board agreed that Ms. Botsford should recuse herself for the duration of this discussion.

Mr. Botsford recused herself and left the Board Table.

For the record Ms. Freedman read the proposed Ordinance amendment.

Mr. Heyland explained that the request is to add bike rental kiosks to the existing exemption list. If the Board sends this proposal to the voters it will be allowing the voters to decide whether or not to add them to the existing exemption list.

Mr. MacLeod Moved to send the proposed amendment to the Select Board with a recommendation that it be included on the June 2018 Town Meeting Warrant, with the addition of some type of zoning restrictions be included in the Land Use Table.  
MacLeod

Mr. Wilkos called for a second to Mr. MacLeod's Motion. There being none the motion failed for lack of a second.

**G. NEW BUSINESS – None**

**H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Heyland asked the Board to establish a protocol for residents who come into his office asking to present something to the Planning Board for consideration.

Mr. Wilkos asked Mr. Feldman what other towns do when an applicant has a non-application item they want to bring to the Board.

Mr. Feldman agreed to collect information regarding other towns' protocol for this question and provide it to the Board at the next meeting.

**I. OTHER BUSINESS –**

**1. Establish a Planning Board Subcommittee to work with Southern Maine Planning and Development Commission (SMPDC) and the Comprehensive Plan Committee regarding Ogunquit's Future Land Use and Land Use Map.**

Mr. Feldman suggested it will take several meetings with the subcommittee, possibly once a week over a six week period. The Subcommittee will look at where development is currently occurring; and where and what intensity development should occur in the future.

Mr. Feldman also suggested that members of the subcommittee may contain members of the Zoning Board or the Conservation Committee. He suggested that the subcommittee be limited to five to seven individuals.

It was agreed that members of the Planning Board: Muriel Freedman and Priscilla Botsford will serve on the subcommittee. Zoning Board of Appeals member Carole Aaron volunteered to serve as well.

Rick Dolliver suggested that only the Select Board may appoint committee members.

It was agreed that the Planning Board will produce a list of subcommittee members which it will present to the Select Board for appointments. It was also agreed that the Board would reach out

to the Zoning Board and the Conservation Commission and ask if they will provide one member from their boards to serve on the subcommittee.

**J. ADJOURNMENT –**

**Mr. MacLeod Moved to Adjourn at 8:15 p.m.  
MACLEOD/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Approved on March 12, 2017  
Mr. MacLeod Moved to Accept as Amended.  
MACLEOD/BEVINS 5:0 UNANIMOUS*