



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

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

**REGULAR BUSINESS MEETING**

**A. ROLL CALL – 6:00 P.M.**

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

Also Present: Scott Heyland, Code Enforcement Officer  
Lee Jay Feldman, SMPDC

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES – March 12, 2018 Regular Business Meeting & March 19, 2018 Workshop.**

**Mr. Hayes Moved to Accept the Minutes of the March 12, 2018 Regular Business Meeting as Amended.**

**HAYES/BEVINS 5:0 UNANIMOUS**

**Mr. Hayes Moved to Accept the Minutes of the March 19, 2018 Workshop as Submitted.  
HAYES/BEVINS 5:0 UNANIMOUS**

**E. PUBLIC INPUT –**

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. THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road – Map 7 Block 115 – LBD. Site Plan Review Application for change of use from retail store to Type 3 Restaurant.**

Mr. MacLeod reminded the Board that they left the last meeting with the question regarding the status of the proposed business as a “restaurant” or “retail”. Mr. MacLeod read an e-mail from Town Attorney Mary Costigan dated April 26, 2018:

*“My general understanding of food service establishments is that preparation of food includes any handling of non-prepackaged food. Once food is handled in any way and served to the public, requirements such as hand washing sinks, etc. kick in.*

*In reviewing the definitions of the different restaurant types in Ogunquit, they all include food preparation. The sale of prepackaged food likely falls under retail”.*

Mr. Heyland added that he spoke with Attorney Costigan who verbally confirmed to him that this proposal would be a Type 3 Restaurant.

Ms. Freedman read a memo from the Ogunquit Fire Chief dated March 20, 2018:

*“I have reviewed the plans for the above business and have the following comments on the change of use to Type 3 Restaurant.  
There shall be no cooking producing grease laden vapors or a commercial hood system will be required.  
Fire alarm shall be upgraded if smoke detectors are not in the counter serving area.  
A final inspection shall be completed prior to opening for further evaluation of finished area and to be sure of proper exits and pathways.  
It is okay to pass thru the fire door in the hall to get the public to the bathroom in the front of the building.”*

Ms. Freedman expressed confusion regarding the submitted floor plan; and she suggested the Board would benefit from a Site visit.

Mr. Wilkos asked what Ms. Freedman wants to see.

Ms. Freedman responded that she would like to see the interior layout and the bathroom.

Ms. Bevins stated that she found the submitted floor plan to be insufficient and confusing; and agreed that a Site Visit would help the Board visualize the space.

The Board members agreed that the hand drawn floor plan the applicant submitted on March 12<sup>th</sup> was insufficient and they requested a more detailed plan, including measurements and more careful drafting.

Mr. MacLeod responded that he has no problem with a Site Visit however he doesn't see anything in the Ordinance that reflects the need for a site visit.

Mr. Hayes suggested that these questions about bathrooms and fire doors are Code Enforcement and State of Maine issues.

Mr. Heyland responded that Mr. MacLeod is correct. When the Board reviews a Site Plan they look at things like: parking, lighting, traffic, abutters, dumpsters, and trash, etc. Going into the building to look at the layout may not be within the purview of the Board's review of a Site Plan Application; however the Board has the right to schedule a Site Visit.

Ms. Botsford stated that the Board will be waving several Site Plan Standards.

Mr. Heyland responded that the Board isn't waiving anything; the parking was waived during an earlier application.

Mr. Heyland asked what questions the Board intends to have answered by a Site Visit; and what part of the Ordinance requires the Board to approve what they want to look at during the Site Visit.

Ms. Bevins responded that the submitted plan doesn't have any measurements.

Mr. Heyland asked where in the Ordinance, under Site Plan Review, does it require the Board to know how wide the hallway is.

Mr. Hayes and Mr. MacLeod both stated that they would be alright with going on a Site Visit but they didn't feel they need one.

Ms. Botsford expressed her concern that a Type 3 Restaurant may serve alcohol, and she felt that a visit to the site would help the Board more clearly envision how this restaurant will operate. She added that this will be a new restaurant and there isn't much documentation in the application. Her concern is the change of use and the documentation that should go along with it.

Mr. Heyland added that this proposal does not include the service of alcohol; and if the Applicant ever decided to serve alcohol she would have to come back before the Board for seating, and she would have to go through the liquor licensing process.

Ms. Haight stated that she just found out that the Town Attorney determined her business would be a restaurant. If she had known this earlier she would have provided much more information. She agreed that a Site Visit wouldn't be a problem. Ms. Haight added that trash removal will be via a dumpster outside her restaurant.

Mr. Wilkos polled the Board members asking if they felt the need for a Site Visit. The majority of the Board members responded that they did; and a Site Visit was scheduled to take place on April 9, 2018 at 5:00 p.m.

Mr. Wilkos asked the Applicant to confirm that there would be no customer seating.

Ms. Haight agreed, and added that there is a stone wall on the property that people might sit on, she can't control where people go with food after they leave her restaurant, however she will not be providing any seating.

Ms. Botsford reiterated that under the definition of Type 3 Restaurant the Applicant may serve alcohol.

Mr. Heyland added that any liquor licensing would require a site visit by the Fire Chief and Mr. Heyland.

Mr. Hayes suggested that, if it were to approve the application, the Board may include conditions of approval that there be no seating or serving of alcohol. He added that if the Applicant ever wanted to include seating she would have to come back before the Board because of the parking requirements; and she would need seating to serve alcohol.

Mr. Wilkos asked Mr. Heyland if he can enforce Town regulations using the plan submitted by the Applicant.

Mr. Heyland responded that, of course, it would be nice to have a professional plan. If the Applicant ever came forward with a request to change anything he would require more detailed drawings for Building Permit purposes.

Mr. Heyland added that this meeting is a Completeness Hearing, there won't be any approval at this meeting. He reminded the Board that even though they may find a submission insufficient, it has been submitted thus the Board may find the application complete, and still request additional information.

Ms. Freedman asked how many sinks the State requires.

Ms. Haight responded: one hand washing sink and a two-bay sink; however she will be installing a three-bay sink.

Mr. MacLeod Moved to Find the Application Complete for THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road – Map 7 Block 115 – LBD. Site Plan Review Application for change of use from retail store to Type 3 Restaurant.  
MACLEOD/HAYES

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 Find the Application Complete for THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road – Map 7 Block 115 – LBD. Site Plan Review Application for change of use from retail store to Type 3 Restaurant.  
MACLEOD/HAYES 5:0 UNANIMOUS**

The Board scheduled a Public Hearing for 6:00 p.m. on April 9, 2018

Mr. Wilkos asked the Applicant to have the space clear and accessible for the Site Visit. He also asked her to provide a more carefully drawn floor plan with more measurements and details.

Mr. Heyland suggested to the Applicant that the Board will want to see things like clear identifiable restroom signage and the location of the customer bathroom.

Ms. Haight agreed to the date and time of the Site visit and Public Hearing. She also agreed to provide an improved floor plan drawn to scale.

**G. NEW BUSINESS – None**

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

**I. OTHER BUSINESS – None**

**J. ADJOURNMENT –**

**Ms. Bevins Moved to Adjourn at 6:40 p.m.  
BEVINS/MACLEOD 5:0 UNANIMOUS**

Respectfully Submitted

*Maryann L. Stacy*

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Accepted on April 9, 2018*