



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

**DUNAWAY CENTER MAIN AUDITORIUM
JULY 9, 2018**

PUBLIC HEARING

- 1. JONATHAN WEST / WEST BOARDINGHOUSE – 71 Main Street – Map 17 Block 37A – GBD2 – Site Plan and Design Review to construct a new sixteen (16) bed boardinghouse.**

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 6:05 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL – 6:00 P.M.

Members Present: Steve Wilkos (Chair)
Rusty Hayes (Vice Chair)
Muriel Freedman
Mark MacLeod
Jackie Bevins

Members Excused: Priscilla Botsford (1st Alternate)

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

Election of Officers.

**Mr. Hayes Nominated Mr. Wilkos as Chair.
HAYES/MACLEOD 5:0 UNANIMOUS**

**Ms. Bevins Nominated Mr. Hayes as Vice Chair.
BEVINS/FREEDMAN 5:0 UNANIMOUS**

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – June 18, 2018 Public Hearings and Regular Business Meeting.

**Mr. Hayes Moved to Approve the Minutes of the June 18, 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 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:

- a. NORTHERN UNION / MATTHEW WICKERT – 261 Shore Road (Map 5 Block 15) LBD. Site Plan and Design Review for a pre1930 structure. Application to convert from a Type 1 Restaurant to a Type 2 Restaurant, the addition of a gas fire pit and patio area, the reconfiguration of parking areas, and request for parking waivers.**

Mr. Feldman noted that the Site Plan was only submitted this afternoon and he did not have time to review it in detail. He suggested that Notation Number 7 may not accurately reflect the Condition of Approval which the Board placed upon this applicant. He suggested the Board may want to table any approval of the Findings of Fact until the issue can be addressed with the Applicant who was not in attendance at this meeting.

Mr. Feldman explained that, during the hearings, there had been a great deal of discussion regarding parking spaces on Stearns Road which are located on municipal property; and are not part of the Northern Union parking plan. Notation 7 on the Site Plan states that any municipal approval of this plan excludes the existing parking area along the Stearns Road boundary. The notation does not explain in detail that these parking spaces are not directly associated with Northern Union. He suggested the Board may want to tighten up this language because it seems to insinuate that it is excluded from any consideration.

Mr. Wilkos asked how this would effect the Applicant's ability to operate.

Mr. Feldman responded that while the Applicant did receive the Board's approval it technically doesn't go into effect until the Findings of Fact are approved; and he probably shouldn't operate as a Type 2 Restaurant until the issue is addressed.

Mr. Wilkos noted that the Town only received a single copy of the Site Plan this afternoon; and the Board members have not seen it. There has not been time for everyone to review it.

Mr. Feldman noted that the Applicant's ability to operate is a code enforcement issue; and if the Applicant shows a good faith effort to correct the language before the next Planning Board Meeting he might be allowed to continue to serve patrons seated outside. However he would not recommend allowing this issue to go unresolved for very much longer than the two weeks.

Ms. Bevins asked about the signs the applicant put up on the Stearns Road parking spaces.

Mr. Heyland responded that the applicant placed signage on the municipal Stearns Road parking spaces which state that parking is for Northern Union Customers and violators will be towed.

Mr. Heyland sent an e-mail to the Applicant telling him to remove the signs; and he has not received a response yet.

Ms. Bevins suggested the Town put bike racks in those spaces instead of having parking spaces.

Mr. Heyland responded that the parking spaces would be used like any other municipal parking. People could park there and walk into Perkins Cove or they could park there and go into Northern Union. The issue is that the Applicant has designated, with signage, that these parking spaces are exclusively for Northern Union patrons.

Mr. Feldman reiterated that the Board has given the Applicant approval to operate as a Type 2 Restaurant, although technically that approval doesn't become effective until the Findings of Fact are approved and the Site Plan is signed. However if the Applicant shows a good faith effort to quickly resolve the issues with the Stearns Road parking spaces he might be allowed to operate as a Type 2 Restaurant and provide wait service to his outside seated patrons.

Mr. Wilkos agreed that he would not want to effect someone's business during the high summer season.

Mr. Heyland agreed that the Board did approve the application so there is some area to allow the Applicant to operate as a Type 2 Restaurant.

Mr. MacLeod Moved to Table the Approval of the Findings of Fact for NORTHERN UNION / MATTHEW WICKERT – 261 Shore Road (Map 5 Block 15) LBD pending correction of Note 7 on the Site Plan.

MACLEOD/HAYES 5:0 UNANIMOUS

- b. JACK'S ELECTRIC SCOOTER SHOP / JOHN PALMACCI – 731 Main Street – Map 12 Block 10-A (Suite 1) – GBD2. Site Plan Review for Change of Use from Insurance Agency to Retail Use in a post 1930 structure.**

Mr. MacLeod Moved to Approve the Findings of Fact for JACK'S ELECTRIC SCOOTER SHOP / JOHN PALMACCI – 731 Main Street – Map 12 Block 10-A (Suite 1) as Submitted.

MACLEOD/BEVINS 5:0 UNANIMOUS

2. JONATHAN WEST / WEST BOARDINGHOUSE – 71 Main Street – Map 17 Block 37A – GBD2 – Site Plan and Design Review to construct a new sixteen (16) bed boardinghouse.

Mr. Wilkos noted that the Board held a Site Visit to the subject property earlier in the afternoon, and a Public Hearing was held just prior to this meeting. No one from the public asked to be heard during the Public Hearing.

Neal Rapozza, Civil Consultants provided a brief overview of the proposed plan and the changes suggested at the June 18, 2018 meeting. He noted that the Traffic Engineer who prepared the Traffic Analysis was present to answer any questions.

Mr. Wilkos asked about the northern buffering.

Mr. Rapozza responded that they would plant Arborvitae Trees and replace the existing fence with new fencing. They can also stagger the arborvitae trees to buffer additional angles .

Mr. Heyland suggested using a combination of vegetative buffering and stockade fencing not less than six feet in height to minimize any impact on abutting residential properties. He added that in the past arborvitae have not survived in that area, and the Board may want to place conditions on their longevity.

Mr. MacLeod added that the west side of the property will need buffering.

Mark Connaughton (33 Agamenticus Road) stated that the fence is in disrepair and the pine trees appear to be rotting out. He noted that the arborvitae in his yard were eaten by deer. He asked for an arborist to look at the existing oak trees. He would also like a fence and arborvitae trees as a buffer.

Mr. Feldman suggested the Board might get a 3rd party arborist to look at the existing trees and report back to the Board. He agreed to work with the Code Enforcement Officer to find a 3rd party registered arborist. He added that the survey will need to clearly indicate which trees are on Mr. West's property. Without permission from the abutters Mr. West cannot do anything with trees which are not on his property.

Mr. Hayes noted that the proposed handicapped parking space is on a slope and needs to be leveled.

Mr. Rapozza agreed to this and also agreed to make a notation on the Site Plan indicating the slope of the handicapped parking space.

The Board came to a consensus that it would like to see a combination of fencing and arborvitae trees used as buffer. It was noted that headlights from cars pulling into the parking area would shine onto abutting properties and a fence would control this.

The Board also agreed that it would leave the exact location and style/type of fence material up to the Applicant as long as the fence is six feet tall.

Mr. Rapozza agreed that the existing fence will be removed and replaced, probably with a white vinyl, stockade type fence.

Mr. Feldman added that the site will also need to be cleaned up of material which has been allowed to accumulate there; including old vehicles.

Mr. Rapoza agreed that signage will be put in place to indicate reserved parking for the Boarding House residents.

Mr. Rapoza asked if the Board had any questions for Mr. Palmer regarding the Traffic Analysis.

The Board had no questions.

Mr. MacLeod Moved to Table the Application for JONATHAN WEST / WEST BOARDINGHOUSE – 71 Main Street – Map 17 Block 37A – GBD2 – Site Plan and Design Review to construct a new sixteen (16) bed boardinghouse pending receipt of an arborist’s report.

MACLEOD/ FREEDMAN 5:0 UNANIMOUS 5:0 UNAINMOUS

Mr. Feldman agreed to work with the Code Enforcement Officer and Mr. Rapozza to contact an arborist and obtain a written report.

3. ANN MCKEE – 632 Main Street – Map 3 Block 80-81-4 – GBD2 – Design Review for a pre 1930 Structure. Design Review to change window sizes and locations, add a front porch, change rear enclosed porch to two-story deck, remove shutters, and add siding.

Mike Connell addressed the Board as the Applicant’s representative. He noted the submission of a letter, dated June 13, 2018, from the Great Works Regional Land Trust addressing the concerns about the setback.

Mr. Wilkos acknowledged the letter and the response from the Town Attorney which confirmed satisfaction of right, title, and interest.

At this time the Board reviewed the Design Review Approval Checklist with the following results:

A. Does this review involve a structure built prior to December 31, 1930?

The Board unanimously agreed that it does; and that it had been reviewed by the Ogunquit Historic Preservation Commission.

B. Review the specifics of the proposed application for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance as follows:

- 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?

The Board unanimously agreed that it is.

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

The Board unanimously agreed that this standard is not applicable to this proposal because the height is not proposed to be changed.

- 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?

The Board unanimously agreed that it is.

- 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?

The Board unanimously agreed that it is.

- 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?

The Board unanimously agreed that they are.

- 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?

The Board unanimously agreed that the roof is not changing and thus this standard is not applicable.

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

The Board unanimously agreed that they are.

- 8) **Relationship of Spaces to Buildings on the Street** – Has the rhythm of spaces to

buildings been considered when determining visual compatibility, whether it is between buildings or between a building and the street?

The Board unanimously agreed that it has.

- 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?

The Board unanimously agreed that this standard is not applicable.

- 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?

The Board unanimously agreed that it has; and the OHPC agreed.

**Mr. Hayes Moved to Approve Design Review for ANN MCKEE – 632 Main Street – Map 3 Block 80-81-4 – GBD2.
HAYES/BEVINS 5:0 UNANIMOUS**

Mr. Heyland reminded Mr. Connell to contact him about the Building Permit.

G. NEW BUSINESS –

- 1. ALEXANDRA HAIGHT / THE WINE CELLAR – 59 Shore Road – Map 7 Block 115 – LBD – Amendment Design Review for a pre 1930 Structure. Application for additional outside seating at an existing Type 3 Restaurant.**

Ms. Haight summarized that she is asking for three outside tables with twelve chairs for outside patron seating. She confirmed that her business will remain a Type 3 Restaurant and that there will be no outside wait service; and the existing benches will be removed.

Mr. Wilkos confirmed review of the project by the Ogunquit Historic Preservation Commission and that Ms. Haight agreed to their recommendation to remove the existing benches.

Mr. MacLeod asked how tight the new tables would be along the walkway.

Ms. Haight responded that the tables are 32” x32” and will be placed at an angle against the stone wall; so no chairs will intrude into the walkway; and that there is plenty of room. She also confirmed that the proposed use of the 10’x10’ “umbrella” will cover all the tables and provide shade during hours of operation. She closes at 3:00 p.m. when the sun moves and the tables will not be in use.

At this time the Board reviewed the Design Review Approval Checklist with the following results:

A. Does this review involve a structure built prior to December 31, 1930?

The Board unanimously agreed that it does; and that it had been reviewed by the Ogunquit Historic Preservation Commission.

B. Review the specifics of the proposed application for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance as follows:

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?

The Board unanimously agreed that this standard is not applicable.

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

The Board unanimously agreed that this standard is not applicable.

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?

The Board unanimously agreed that this standard is not applicable.

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?

The Board unanimously agreed that this standard is not applicable.

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?

The Board unanimously agreed that this standard is not applicable.

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?

The Board unanimously agreed that the roof is not changing and thus this standard is not applicable.

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

The Board unanimously agreed that this standard is not applicable.

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

The Board unanimously agreed that this standard is not applicable.

- 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?

The Board unanimously agreed that they are.

- 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?

The Board unanimously agreed that it has; and the OHPC agreed.

Mr. Hayes Moved to Approve Design Review for ALEXANDRA HAIGHT / THE WINE CELLAR – 59 Shore Road – Map 7 Block 115 – LBD with the condition that there be no wait service at the outside seating.

HAYES/BEVINS 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded everyone that there is an upcoming Board Training in Portland.

Mr. Heyland informed the Board that the Town’s Sound Meter has been calibrated and he will be picking it up.

Mr. Wilkos reminded everyone of the upcoming Comprehensive Plan Public Hearings.

Mr. Wilkos reviewed a memo to the Board from the Town Manager regarding Contract Zoning and Mr. Feldman’s drafts of possible Ordinance Amendment language.

The Board agreed a workshop was needed and scheduled a Workshop to discuss Contract Zoning to take place on July 23, 2018 from 4:30 to 5:30 p.m.

I. OTHER BUSINESS –

1. Proposed Ordinance Amendment to allow small cell installation on Ocean Avenue/North Beach.

Scott Anderson addressed the Board and provided a summary of the proposed installation at the

North Beach location. He noted Mr. Feldman had submitted potential Ordinance language amendments for the Board's consideration.

Mr. Wilkos reviewed correspondence from a resident asking the Board to explore additional outside research and information regarding the use of the proposed equipment.

Mr. MacLeod asked if the proposed equipment installation is in anticipation of 5G networks.

Mr. Anderson responded that it is. Small Cell Antennas are targeted toward the 5G rollout and will provide the same coverage without the addition of new tower structures. This equipment can be installed on existing structures.

Mr. MacLeod asked how many more of these small cell antennas the Town might anticipate having to install. He suggested the Town may need one at the Main Beach, Perkins Cove, and the Footbridge Beach.

Mr. Anderson responded that the extent of coverage was not included in the last application. He offered to gather information on how they interconnect and where, in Ogunquit, there is a lack of coverage. He also noted that these small cells are relatively low impact visually.

Mr. Anderson noted that the Town of Scarborough hired IDK Communications, an independent radio frequency engineer to advise them, in case the Town wanted a 3rd party consultant.

Mr. Feldman agreed to work with the Code Enforcement Officer to locate an outside consultant. He agreed that the cost would generally have to be at the expense of the Town because this project involves an Ordinance amendment and not a specific application.

Mr. Anderson offered to submit additional information regarding the proposed equipment.

The Board agreed that a workshop would be helpful however it deferred scheduling a specific date until after it knows more about the 3rd party consultant's review.

Mr. Feldman agreed to gather information regarding cost and scheduling.

2. Discussion of Zoning Ordinance, Article 2 Definitions of Restaurant Types.

Mr. Heyland noted that there has been some confusion regarding the six restaurant definitions. He referred back to the recent confusion about tables and seating. He asked the Board to start a discussion regarding restaurant types and definitions.

The Board scheduled a Workshop to take place on August 13, 2018 from 4:30 to 5:30 p.m.

3. Confirm Calendar for Planning Board Meetings for the remainder of 2018.

The Board confirmed a schedule for the remainder of 2018 calendar year:

July 9th and 23rd
Aug 13th and 27th
Sept 10th and 24th
Oct 9th and 22nd
Nov 13th and 26th
Dec 17th

J. ADJOURNMENT –

**Mr. Hayes Moved to Adjourn at 7:45 p.m.
HAYES/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

Approved on July 23, 2018