



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

**DUNAWAY CENTER MAIN AUDITORIUM
SEPTEMBER 10, 2018**

A. ROLL CALL – 6:00 p.m.

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

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

B. PLEDGE OF ALLEGIANCE -

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

Mr. Hayes Moved to take the agenda out of order; and hear item I-2 (Discuss amending Planning Board By-Laws to set time limit for Public Input) at this point in the meeting. HAYES/BEVINS 5:0 UNANIMOUS

Mr. Hayes suggested that the three minutes given by the Select Board may not be enough. Mr. Hayes suggested the Planning Board allow four minutes with a warning at the three minute mark.

The Board determined that it would impose a time limit for public input. Members of the public will henceforth be allowed four minutes to address the Board with a warning at the three minute mark. It was also determined that this time limit would apply only to Public Input for items not on the Board's meeting agenda.

Mr. Hayes Moved to place a four minute time limit for people to speak under Public Input; and that there will be a one minute warning given at the three minute mark. This will be included in the Planning Board By-Laws. HAYES/FREEDMAN 5:0 UNANIMOUS

D. **MINUTES** – ~~August 13, 2018~~ Minutes Unavailable at This Time.

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

Peter Kahn noted that the Board did not take Public Input on the time limit change, and he asked if there was a reason for that. He also asked if public input has been abused in the past and why the Board felt it necessary to place a time limit on public input.

Mr. Wilkos responded that it has been abused which is why the Board is taking this action.

F. **UNFINISHED BUSINESS** –

1. **FINDINGS OF FACT 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.

**Mr. Hayes Moved to Accept the Findings of Fact for JONATHAN WEST / WEST BOARDINGHOUSE – 71 Main Street – Map 17 Block 37A as Amended.
HAYES/BEVINS 5:0 UNANIMOUS**

JUDITH DENNIS / BANDITO’S MEXICAN GRILL – 68 Shore Road – Map 6 Block 69 – GBD1 – Additional Amended Site Plan Review for a post 1930 structure. Site Plan Review – Application to expand use from 49 (25 indoor and 24 outdoor) seats to ~~72~~ 84 (~~30~~ 32 indoor and ~~42~~ 52 outdoor which includes 6 news Adirondack patio seats) seats.

**Mr. MacLeod Moved to Accept the Findings of Fact for JUDITH DENNIS / BANDITO’S MEXICAN GRILL – 68 Shore Road – Map 6 Block 69 as Amended.
MACLEOD/HAYES 5:0 UNANIMOUS**

G. **NEW BUSINESS** –

1. **DUNELAWN CONDOMINIUM ASSOCIATION – River Road – Map 7 Block 79 – GBD1, R, SLR – Proposed Amendments to the October 23, 2017 Planning Board Design Review and Site Plan Review Approvals.
Approved on October 23, 2017.**

John Lorden addressed the Board and summarized the proposed amendments to the previously approved application.

Revise 6’ high white vinyl fence to a 4” high black metal fence which will match the proposed gate.

Eliminate the proposed speed table which will not be needed with the addition of the gate.

Eliminate the stamped concrete at the Route One driveway entrance and at the pedestrian access walkway gate.

New lamp style on the existing poles which will be dark sky compliant.

Addition of one parallel parking space.

All pavement will be removed and replaced.

Mr. Lorden noted that he appeared before the OHPC which had no comments or concerns in their minutes (*a copy of which was distributed to the Board members at the meeting*).

Mr. Heyland reviewed his memo to the Board (*a copy of which will be maintained in the Applicant's file*).

Mr. Wilkos reviewed Memos from the Ogunquit Police and Fire Departments.

Mr. Wilkos suggested the Board hold a Public Hearing to provide abutters the opportunity to be heard.

The Board agreed that a Public Hearing was called for however no Site Visit was needed.

Mr. MacLeod asked if the proposed parking space is restricted by its location to an existing transformer.

Mr. Heyland agreed to look into this.

**Mr. Hayes Moved to Table the Application for DUNELAWN CONDOMINIUM ASSOCIATION – River Road – Map 7 Block 79 and to schedule a Public Hearing to take place on September 24, 2018 at 6:00 p.m.
HAYES/BEVINS 5:0 UNANIMOUS**

**2. JACKIE & RON, LLC - ANGELO'S – 355 Main Street – Map 7 Block 29 GBD2 – Proposed Amendment to the July 24, 2017 Planning Board Design Review and Site Plan Review Approvals.
Approved on July 24, 2017**

Jerry DeHart addressed the Board as the Applicant's representative. Mr. DeHart summarized the proposed changes:

Delete the stone wall along the front of the property and replace it with a black fence which provides for greater safety and matches existing fencing on the property.

Add a television to the inside roof area of the pavilion. Said television will not be visible from anywhere on the property except from the pavilion area.

Add two outside speakers.

Amend the patio area from 600 to 1500 square feet per the site plan.

Amend outdoor game ending time to 30 mins after sunset.

Extend service time to 11:00 p.m. with closing at 12:00 a.m. with the understanding that outside speakers will be shut off at 10:00 p.m.

Mr. Feldman reviewed his memo to the Board (*a copy of which will be maintained in the Applicants File*).

Mr. Heyland reminded the Board that originally the stone wall was approved by the Board, however fences are specifically exempt from Design Review. He added that stone walls are considered to be “fences”; however the Board is being asked to amend a previously approved plan which specifically included a stone wall.

Ms. Freedman asked to have the word “will” on the Site Plan changed to “shall”.

Mr. DeHart agreed to make that change.

Ms. Botsford asked if this was an after the fact application.

Mr. DeHart agreed that it is partially an after the fact application for the fence. He apologized for his part in that.

Mr. Hayes suggested that the proposed after the fact changes to this application are very minor; and the Board has had after the fact applications in the past that were horrendous. In this case the changes are small.

Mr. Wilkos added that there was a cost to past applicants who had to come back to the Board with after the fact changes.

Mr. Hayes responded that the Board did not make those earlier applicants revert back to the original plans.

Mr. Heyland agreed with Mr. Hayes.

Mr. Hayes noted that the previous business to occupy this site had speakers on the outside of the building and they were very loud.

Mr. DeHart agreed and added that the current business owner has relocated the speakers from the outside of the main building to the pavilion.

Mr. Heyland referred to the original plan Note #2 which states that the applicant will abide by the noise ordinance. The new plan identifies the location of the proposed pavilion speakers.

Mr. DeHart confirmed that during the original application he (Mr. DeHart) stated that there would be no outside canned music).

Mr. MacLeod noted that a fence around the entire area will more effectively limit the movement of patrons in the outside area.

Mr. Wilkos confirmed that the Board would hold a Public Hearing so that abutters may be heard. He also suggested the Board request any police reports resulting from noise complaints; and he asked if the Board felt a Site Visit would be helpful.

The Board agreed that a Site Visit for the purpose of seeing the location of the proposed pavilion television and the sound levels produced by the proposed outdoor speakers; and to look at the fence along the Route One side of the building would be helpful.

Mr. DeHart noted that the pavilion television has not been installed yet.

Mr. Wilkos informed the Applicant that a Site Visit would take place at 4:00 p.m. on September 24, 2018 to be followed by a Public Hearing at 6:00 p.m. on September 24, 2018

Ms. Bevins abstained from any discussion of this application.

Mr. Wilkos asked the Land Use Office to request police reports regarding past noise complaints for this property.

Mr. Hayes Moved to Table the Application for JACKIE & RON, LLC - ANGELO'S – 355 Main Street – Map 7 Block 29 pending the September 24, 2018 Site Visit and Public Hearing.

HAYES/FREEDMAN 4:0 (Ms. Bevins Abstained)

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Wilkos noted that the Land Use Office received a request for an electronic copy of an application packet.

Mr. Heyland responded that in the past the Land Use Office has provided copies of application packets and been accused of withholding material. He added that most Planning Board Applications include oversized plans which the Land Use Office does not have the ability to scan.

Applicants could be required to provide a complete electronic version of applications; however in most municipalities the public comes into the office to review the file.

Mr. Feldman added that some communities do provide electronic packets. There is better quality control if the electronic submissions come from the applicants and not from the Land Use Office. He added that some of the electronic applications are huge which can involve complications in e-mailing and online posting.

I. OTHER BUSINESS –

1. Discussion regarding Ogunquit Zoning Ordinance Article 2 Definitions of Restaurant Types Workshop.

It was agreed that a 2nd Hearing would take place on September 24,2018 at 4:30. Mr. Feldman would rework draft language for the Board to review at that time.

2. Discuss amending Planning Board By-Laws to set time limit for Public Input.

See above discussion.

Ms. Botsford called for a workshop to discuss lot size regulations as they relate to sewer hook-up.

It was determined that this workshop would be scheduled for sometime after the November 2018 Town Meeting.

Mr. MacLeod asked for a workshop on the results of the Comprehensive Plan and he suggested this workshop take place after the November Town Meeting.

The Recording Secretary agreed to review upcoming holiday/meeting dates.

J. ADJOURNMENT –

**Mr. Hayes Moved to Adjourn at
HAYES/MACLEOD 5:0 UNANIMOUS**

Respectfully Submitted
Maryann Stacy
Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

*Approved on September 24, 2018
Motion to Approve with Amendments.
HAYES/BEVINS 5:0 UNANIMOUS*