



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

**DUNAWAY CENTER MAIN AUDITORIUM  
OCTOBER 22, 2018**

**PUBLIC HEARING**

**NANCY T. HUNT – 68 Pulpit Rock Road – Map 1 Block 19 – SLR/RP. Site Plan Review Application involving a pre 1930 structure. Application to repair and stabilize land area which was damaged by the March 2018 Storm.**

Mr. Wilkos noted that a Site Visit had been held earlier in the afternoon. He asked if there was anyone who wished to speak for, or against, this application. There being no one the Public Hearing was closed at 6:02 p.m.

**A. ROLL CALL –**

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

Also Present: Scott Heyland, Code Enforcement Officer

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES – September 24, 2018 Regular Business Meeting.**

It was noted that the draft of the September 24, 2018 Minutes had an incorrect date (September 10, 2018) in the heading. No action was taken regarding the September 24<sup>th</sup> Minutes.

Mr. Wilkos noted that the Workshop Minutes were unavailable at this time.

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

Peter Kahn, Tern Street stated that at the September 24<sup>th</sup> Planning Board Meeting he asked several questions about Angelo's Restaurant; and Mr. Heyland responded that he would speak with the Town Attorney and get back to the Board. Mr. Kahn asked if the public would hear anything about this at this meeting.

Mr. Heyland responded that the Angelo's application would be back before the Board at the November 26<sup>th</sup> meeting.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was no one.

**F. UNFINISHED BUSINESS –**

- 1. FINDINGS OF FACT FOR: 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.**

**Mr. Hayes Moved to Accept the Findings of Fact for Dunelawn Condominium Association as Submitted.**

**HAYES/BEVINS 5:0 UNANIMOUS**

- 2. NANCY T. HUNT – 68 Pulpit Rock Road – Map 1 Block 19 – SLR/RP. Site Plan Review Application involving a pre 1930 structure. Application to repair and stabilize land area which was damaged by the March 2018 Storm.**

Mr. Wilkos noted that the Board held a Site Visit and Public Hearing earlier in the evening. The Chair of the Conservation Commission, Doug Mayer attended the Site Visit.

Mr. Heyland noted that he had provided a Habitat Map from SMPDC which shows that the subject parcel is clear.

Mr. Wilkos reviewed an e-mail the Board received from Conservation Commission Chairman Doug Mayer who gave his approval to this project.

Tim Darling stated that the rip-rap he will install will be an erosion control method and will be installed on a dry sunny day when there is no rainwater runoff to undermine the material. He should be able to complete the installation in one day and take the second day for clean-up.

At this time the Board Reviewed the Findings of Fact Worksheet for this project and found all standards either satisfied or not applicable.

Mr. Hayes Moved to Approve the Site Plan Application for NANCY T. HUNT – 68 Pulpit Rock Road – Map 1 Block 19 – SLR/RP. Site Plan Review Application involving a pre 1930 structure. Application to repair and stabilize land area which was

damaged by the March 2018 Storm.  
HAYES/BEVINS

Mr. Wilkos called for discussion. There being none he called for a vote on Mr. Hayes' Motion:

**Mr. Hayes Moved to Approve the Site Plan Application for NANCY T. HUNT – 68 Pulpit Rock Road – Map 1 Block 19 – SLR/RP. Site Plan Review Application involving a pre 1930 structure. Application to repair and stabilize land area which was damaged by the March 2018 Storm.  
HAYES/BEVINS 5:0 UNANIMOUS**

**G. NEW BUSINESS –**

- 1. STUDIO EAST MOTEL – 267 Main Street – Map 7 Block 10 – GBD1. Site Plan Review Application for a post 1930 structure. Application to replace an existing decaying retaining wall.**

Gary Latulippe addressed the Board and informed them that the project involves the replacement of an old, failing retaining wall.

The Board reviewed the Site Plan Submissions Checklist and found everything to have been submitted or deemed not applicable by the Code Enforcement Officer.

Mr. Heyland noted that a Permit by Rule had been issued by the DEP.

Mr. McCloud asked about the Zoning District.

Mr. Heyland suggested the Applicant include the zoning boundary line information on the Final Site Plan which the Board members will sign after approval of the project.

Mr. Latulippe asked for clarification.

Mr. Heyland responded that the property is bisected by two different zone lines. The extreme rear of the property is in the SPD. He added that the proposed project is within 75 feet of the stream which is why this project is before the Board. He suggested the surveyor can plot the 75' line onto the existing site plan.

Mr. MacLeod suggested that the drawing makes it clear that the work is within the SPD and he doesn't need to have a revised survey.

Mr. Heyland clarified that the proposed project work will be within the SPD; however the majority of the property is located in the GBD1 closer to Main Street. He added that there will be no expansion to the existing structure.

The Board asked Mr. Latulippe to have the zoning boundary line added to the Final Plan.

Mr. Latulippe agreed.

Mr. Hayes Moved to Find the Application Complete for STUDIO EAST MOTEL – 267 Main Street – Map 7 Block 10 – GBD1. Site Plan Review Application for a post 1930 structure. Application to replace an existing decaying retaining wall.  
HAYES/BEVINS

Mr. Wilkos called for discussion. There being none he called for a vote on Mr. Hayes' Motion:

**Mr. Hayes Moved to Find the Application Complete for STUDIO EAST MOTEL – 267 Main Street – Map 7 Block 10 – GBD1. Site Plan Review Application for a post 1930 structure. Application to replace an existing decaying retaining wall.  
HAYES/BEVINS 5:0 UNANIMOUS**

The Board scheduled a Public Hearing to take place on Tuesday November 13, 2018 at 6:00 p.m.

The Board scheduled a Site Visit to take place on Tuesday November 13, 2018 at Noon.

**2. DONOVAN MANAGEMENT CO., LLC aka PINK BLOSSOMS FAMILY RESORT – 154 Shore Road – Map 6 Block 121- Site Plan Review Application for a post 1930 structure. Application to Replace existing swimming pool and patio with a new swimming pool and patio consisting of an additional 870 square feet; also request to add onto the 2<sup>nd</sup> floor of existing garage**

Andrew Donovan, owner of Pink Blossoms Resort informed the Board that he is proposing replacing a 35 year old in-ground swimming pool. This will also allow him to bring the swimming pool into compliance with the Virginia Baker Handicapped Safety Act. The second part of the project is to add a dormer to the rear of the 2<sup>nd</sup> floor of the garage for additional storage space.

Mr. Heyland added that in his opinion the expansion of the garage may not be allowable under Section 9.8.C of the Zoning Ordinance which does not allow for any portion of a building to be within 60 feet of any lot line. The proposed addition of the dormer will exceed this restriction.

Mr. Donovan responded that he is aware of the Ordinance restriction. He asked what the alternatives would be if the Planning Board denies this portion of his application.

Mr. Heyland responded that the Applicant may take his request to expand the garage to the Zoning Board of Appeals which is the only Board with jurisdiction to grant a variance to the setback restrictions.

Mr. Donovan responded that he will remove the garage expansion from his application; and proceed only with the application for the new pool and patio.

Mr. Heyland reviewed the proposed project description from his October 2, 2018 Memo to the Board. He asked if the Applicant intends to alter the lighting around the pool.

Mr. Donovan responded that the lighting and the fencing will be updated however the style will remain the same. He agreed to look into Dark Sky Compliant Lighting. He added that the pool area is locked at 8:00 p.m. and the lighting is dimmed at that time as well.

Mr. Heyland asked about noise; and noted that he had received correspondence from a neighbor expressing concern.

Mr. Donovan reiterated that the pool area is closed at 8:00 p.m. which should take care of any noise issues at night.

The Board reviewed the Site Plan Submissions Checklist and found everything to have been submitted or deemed not applicable by the Code Enforcement Officer.

Mr. Hayes Moved to find the Application Complete for DONOVAN MANAGEMENT CO., LLC aka PINK BLOSSOMS FAMILY RESORT – 154 Shore Road – Map 6 Block 121- Site Plan Review Application for a post 1930 structure. Application to Replace existing swimming pool and patio with a new swimming pool and patio consisting of an additional 870 square feet. HAYES/BEVINS

Mr. Wilkos called for discussion. There being none he called for a vote on Mr. Hayes' motion:

**Mr. Hayes Moved to find the Application Complete for DONOVAN MANAGEMENT CO., LLC aka PINK BLOSSOMS FAMILY RESORT – 154 Shore Road – Map 6 Block 121- Site Plan Review Application for a post 1930 structure. Application to Replace existing swimming pool and patio with a new swimming pool and patio consisting of an additional 870 square feet.  
HAYES/BEVINS 5:0 UNANIMOUS**

The Board scheduled a Public Hearing to take place on Tuesday November 13, 2018 at 6:00 p.m.

The Board scheduled a Site Visit to take place on Tuesday November 13, 2018 at 12:30 p.m.

Mr. Heyland reminded the Applicant not to move forward with the project until after he receives final approval from the Planning Board. He noted that the property owner began to remove some of the fencing and some of the patio tiles because of some leakage around the pool. This is all work which he can do without Planning Board Approval.

### **3. Review Complete Streets Policy per the request of The Ogunquit Select Board.**

Mr. Heyland noted that SMPDC helped the BikePed Committee develop the Complete Streets Policy language. It has gone to the Select Board, which sent it to the Planning Board for review.

Eric Sanderson from SMPDC reviewed the proposed Complete Streets Policy which would assist the Planning Board when dealing with projects which impact a public way. The purpose is to accommodate all types of users of a road network: bicycles, pedestrians, public transportation, and private vehicles. DOT has expressed concern that they are usually brought into the process late in the planning stages. He noted that several towns have already adopted Complete Streets Policies.

Mr. Wilkos asked for confirmation that the BikePed Committee engaged SMPDC to develop the Complete Streets Policy language.

Mr. Sanderson confirmed that it did.

Charley LaFlamme added that \$2000 was spent to hire SMPDC for this work. The goal is to look to the future for ways to get the Town using rehabilitated and reconstructed streets.

Mr. Heyland added that the policy has a requirement that the BikePed Committee report annually to the Select Board.

Mr. LaFlamme added that when the BikePed Committee went before the Select Board, the Select Board seemed to really like the plan; and at one point it seemed that they thought they had approved it. When it was brought to the Select Board's attention, that they had not, in fact, approved it the Select Board sent it to the Planning Board for further review.

Mr. Wilkos suggested the Board take a little more time to review the proposed policy.

Mr. MacLeod asked about adding this to the Zoning Ordinance.

Mr. Heyland responded that it would not be added to the Zoning Ordinance; however it may be added to the Municipal Code.

Mr. Sanderson added that this document would be a guide only and not regulatory.

Mr. Wilkos asked why it has been sent to the Planning Board if it isn't part of the Zoning Ordinance.

Mr. Heyland suggested the Planning Board should ask the Select Board.

Ms. Freedman pointed out that Ogunquit really only has one "main street". Most of Ogunquit's streets are narrow; and she asked what is the definition of a "Complete Street".

Mr. Sanderson responded that for this policy it would be a public way which includes a bike lane, sidewalk, or some other buffer between vehicular traffic and bicyclists/pedestrian where possible.

Ms. Botsford asked who would make a determination about the inclusion of bike lanes when a roadway was being repaved.

Mr. Heyland responded it would probably be the Select Board; it would not be the Planning Board.

Mr. LaFlamme added that the focus is the addition of sidewalks and /or bike lanes where feasible and cost effective. It is more for reconstruction of roads than for repaving. He added that the MDOT has a mandate that they have to look at all uses of roadways; this is beginning to filter down to the town level.

Mr. MacLeod suggested there may be a reference to the Comprehensive Plan under Item 10.a.

Mr. LaFlamme added that it is his understanding that the Select Board wants the Planning Board to vet the plan. He felt the Select Board was not ready to look at the proposed plan again.

Mr. Sanderson suggested the Planning Board might either give a formal presentation to the Select Board or they may submit a memo or notes. He offered SMPDC's services to help draft a submission to the Select Board.

Mr. LaFlamme added that having this policy accepted is the only thing standing between Ogunquit becoming a "Bicycle Friendly Community". He noted that the BikePed Committee had a great deal of input with the DOT and the work done on Route One; and the changes they put in place have made a great difference in the safety of pedestrians and bicyclists.

Mr. Wilkos asked where other communities put this policy.

Mr. Sanderson responded that it is not intended to be regulatory however it is made a part of the Planning Board process. He agreed to look into what other town's have done.

Mr. Wilkos stated that he is still unclear as to why this was sent to the Planning Board if it isn't going to be made part of the Zoning Ordinance.

Mr. Heyland responded that this document can be used in conjunction with Title 6 and when the Board reviews infrastructure for things like subdivisions.

Mr. Wilkos noted that it is the Select Board which develops Municipal Ordinances; and he again asked why this isn't before the Select Board.

Mr. Heyland responded that he did not know; Mr. Wilkos will have to ask the Select Board.

The other Planning Board Members agreed that this is not in the purview of the Planning Board and that it falls under the Select Board's oversight.

Mr. Sanderson added that Item 10.b indicates that the BikePed Committee may review and make recommendations to any regulating documents which may include Planning Board material and/or applications.

Ms. Botsford suggested it is premature for the Planning Board to be involved at this stage.

Mr. MacLeod and Mr. Hayes both agreed that it is a good plan; and that the Planning Board is probably not the place for it.

Ms. Bevins agreed.

Mr. Wilkos agreed that it is a good plan and that the Planning Board doesn't have jurisdiction. It should be sent back to the Select Board with a memo stating that because it will not be part of the Zoning Ordinance the Select Board, which has jurisdiction of Municipal Ordinances, and any references to the Planning Board should be changed to the Select Board. However the Planning Board unanimously supports the Complete Streets Policy.

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

**I. OTHER BUSINESS –**

Ms. Freedman asked what needs to happen to allow for gas stations in Town.

Mr. Heyland responded that as of now gasoline stations are not allowed anywhere in town. The Board would have to start with a discussion regarding whether or not they will be allowed, where, and how. He also pointed out that most gas stations today come with large retail stores attached to them. He suggested a workshop. The Gibbs station has one year to reestablish the use as a gas station.

Mr. Heyland added that one of the problems with the existing Gibbs Station is that the existing tanks will probably need to be replaced at a cost of about \$250,000.

Mr. Heyland suggested a workshop might cover questions like:  
Where in town would gas stations be allowed?  
Should the Town limit the number of pumps?  
What accessory uses should be allowed?  
Would it be a benefit to the Town?

He noted that it could be discussed under Contract Zoning as well.

Elaine Cooper, Spring Street suggested that when summer comes people will be angry when they have to travel to Wells or York for gas. She suggested the Board should at least look into it and have answers ready.

Mr. Heyland confirmed that the Gibbs station gas station use may be discontinued for up to one year.

The Board agreed that it would hold workshops on: Restaurant Definitions, Lot Density, and Gas Stations.

The Board scheduled a workshop resuming the Restaurant Definitions on November 13<sup>th</sup> from 4:30 p.m. to 5:30 p.m.

**J. ADJOURNMENT –**

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

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Approved on November 13, 2018*