



Town of Ogunquit
Planning Board
Post Office Box 875
Ogunquit, Maine 03907-0875

Tel: 207-646-9326

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES**

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

A. ROLL CALL –

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

Also Present: Scott Heyland, Code Enforcement Officer

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – November 13, 2018 Public Hearings and Regular Business Meeting.

Ms. Freedman Moved to Accept the Minutes of the November 13, 2018 Meeting as Amended.

FREEDMAN/HAYES 5:0 (Ms. Botsford voted due to Ms. Bevins' absence from the November 13, 2018 meeting)

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

Mr. Wilkos asked if there was any member of the public 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:

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.

Mr. MacLeod Moved to amend the Motion of Approval he made at the November 13, 2018 Hearing. (Ms. Botsford voted due to Ms. Bevins’ absence from the November 13, 2018 meeting)

MACLEOD/HAYES 5:0 UNANIMOUS

Mr. Hayes Moved to Accept the Findings of Fact for Studio East Motel as Amended. HAYES/FREEDMAN 5:0 UNANIMOUS (Ms. Botsford voted due to Ms. Bevins’ absence from the November 13, 2018 meeting)

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. *Approved on November 13, 2018.*

Mr. Hayes Moved to Approve the Findings of Fact for Donovan Management Co. aka Pink Blossoms Family Resort as Submitted.

HAYES/FREEDMAN 5:0 (Ms. Botsford voted due to Ms. Bevins’ absence from the November 13, 2018 meeting)

2. JACKIE & RON, LLC - ANGELO’S – 355 Main Street – Map 7 Block 29 GBD2 – After the Fact - Proposed Amendments to the July 24, 2017 Planning Board Design Review and Site Plan Review Approvals.

Proposed Amendments:

- **Delete stone wall along Route One; and replace it with black metal fence;**
- **Amend patio area from 600sf to a total of 1500sf;**
- **Clarify “service area”**
- **Game ending time to coincide with ½ hour after sunset;**
- **Outside service until 10:00 p.m.; and closing of outside patron area at 11:00 p.m.**

Ms. Bevins asked to be recused from hearing this application.

Mr. MacLeod Moved to Recuse Ms. Bevins for the duration of this application.

MACLEOD/HAYES 4:0 UNANIMOUS

Ms. Bevins left the Board Table for the Duration of this Hearing.

Mr. Wilkos noted that Ms. Botsford (1st Alternate) would be a full voting member for the duration of this Application Hearing.

Mr. Wilkos noted that the only After the Fact portion of the application is the replacement of the stone wall with the black metal fence.

Mr. DeHart summarized the proposed amendments. He noted that the Applicant was requesting a deletion of the proposed stone wall and replacing it with the black iron fence. This was discussed at the original plan and at the site visit where the Applicant proposed a black iron fence around the entire property.

Mr. DeHart explained that the service area is not being expanded. The Applicant will be taking service area from inside the building and moving it to outside the building. There will be no expansion of parking requirements. He noted the Fire Department's letter contained in the Board's packets.

The Applicant is asking to have the outdoor games cease ½ hour after sunset because the time for sunset changes over the course of the summer months.

Mr. DeHart also added that the Applicant is asking to move the service time to one hour longer than what was originally approved. They were approved for ceasing of service at 9:00 p.m. and having the area empty by 10:00 p.m. The Applicant is requesting a ceasing of service at 10:00 p.m. and an emptying of the area by 11:00 p.m. A one hour extension.

Ms. Freedman asked about Mr. DeHart's comments about "no expansion". She asked if the inside left side of the restaurant would no longer be in use.

Mr. DeHart responded that the original approval from c. 1986 included 5,035 square feet amount of square feet of dining and parking. Over the years the interior space use has been reconfigured to uses other than dining. The current Applicant is not asking for any expansion of dining space, they are only clarifying where that dining space currently is located. He noted that there was documentation of this in the Board's first packet of information.

**Mr. MacLeod Moved to Confirm the Application Complete.
MACLEOD/HAYES 5:0 UNANIMOUS**

The Board Scheduled a Site Visit to take place on December 10, 2018 at 3:00 p.m.

The Board also scheduled a Public Hearing to take place on December 10, 2018 at 6:00 p.m.

G. NEW BUSINESS –

Ms. Bevins returned to the Board Table as a full voting member and Ms. Botsford returned to 1st Alternate Status.

1. SCOTT VOGEL – 16 Beach Street – Map 7 Block 98 & 100 – DBD – Design Review for a pre 1930 Structure. Application to relocate access from the Front Porch corner to the side of 16 Beach Street.

Jerry DeHart gave an overview of the proposed project explaining that the new access driveway would come straight out onto Beach Street; and not via the right-of-way next to the Front Porch Restaurant where there is a blind driveway and two crosswalks.

Mr. Wilkos noted that the Board received a Memo from the Acting Fire Chief (Ed Smith) dated November 20, 2018. Mr. Wilkos asked Mr. Smith to review his comments.

Chief Smith asked if this project involved an 1830 structure and if it was on the Historical District; and if the OHPC said this project was OK.

Mr. Wilkos confirmed that it had been reviewed by the OHPC and they were OK with the proposal.

Chief Smith confirmed that he had discussed the project with Mr. DeHart. He asked Mr. DeHart to include two wide curbs so that emergency vehicles could access the new driveway. He was unsure about the safety aspect of the change to the sidewalk. Chief Smith suggested moving the proposed driveway to the east side of the property even though it would require the removal of an existing garage.

Chief Smith agreed that the existing situation involves several safety issues. It's a very tight space and there are currently five or six propane tanks, which the Applicant proposes to replace with a single underground tank.

Mr. Wilkos asked Chief Smith; what his opinion is from a public safety perspective.

Chief Smith responded that Beach Street is narrow. For large fire trucks to access the rear of the Front Porch Restaurant the current configuration is not safe. He knows that the eventual plan is to put an addition on the Front Porch; and he isn't sure what should be done at this point. He did agree that the current situation is a mess and needs to be improved.

Mr. Wilkos asked if Chief Smith was comfortable with the proposed plan as presented.

Chief Smith responded that the current right-of-way is ten feet wide and a fire truck is about eight feet wide. The proposed new driveway will back up against Veterans Park and he doesn't see that the driveway could be made any wider. The proposal would create a tight situation which would probably work; although he isn't 100% comfortable with it. He is concerned about any future addition to the Front Porch.

Mr. DeHart responded that the current entrance near the Front Porch Restaurant is smaller than the ten feet the Applicant is asking for; and there are currently gas tanks lining that driveway. The Applicant is asking to relocate the entrance, make it bigger, and remove the fuel tanks. The new driveway would also eliminate the currently existing blind spot; and would reduce the crosswalk interference from the current two crosswalks to one. It is his opinion that, while it isn't an ideal situation, the proposed changes would be much safer than the existing conditions.

Mr. DeHart asked Chief Smith to rethink his written comments to the Board.

Mr. MacLeod asked how long a ladder truck is.

Chief Smith responded that he wouldn't put a ladder truck down behind those buildings. It wouldn't be able to turn around to get out. They could drive a truck into the parking area and it

would have to back out. He agreed that he could go along with the proposed plan as long as the curb cut is wide enough and the driveway was wide enough.

Ms. Freedman asked about the parking behind the buildings.

Mr. DeHart indicated, on the site plan, how the parking is laid out. He agreed that the only thing that would be able to turn around back there would be an ambulance. Larger vehicles like delivery trucks and fire trucks would have to back out, as they currently do.

Mr. Hayes reminded everyone that the Board is only concerned with the current application before it. They are not there to discuss what may, or may not, happen in the future. There is no proposal for an addition to the restaurant before the Board at this time.

Mr. DeHart agreed and added that the Applicant is trying to make a bad situation better.

Chief Smith asked the Board to hold a Site Visit.

Mr. Heyland added that the proposal is before the Board for Design Review only because Article 11 of the Zoning Ordinance requires the driveway be reviewed.

Mr. Wilkos asked: who would be responsible for the changes to the curb.

Mr. Heyland responded that the notes on the Site Plan indicated that Mr. DeHart had a meeting with the Interim Public Works Director Carol Murray. He noted that the Board had not received a memo from her.

Mr. DeHart stated that Ms. Murray informed him that she was 100% behind the project. He acknowledged that no one seemed to know how to contact the Public Works Director; and it took him a long time to reach her and schedule a meeting. He (Mr. DeHart) spent a lot of time attempting to contact and set up meetings with the Fire Chief and the Public Works Director; and the fact that Ms. Murray didn't submit a memo to the Board is unfair to his client.

Mr. DeHart confirmed that the Applicant agrees to replace the arborvitae trees between the proposed new driveway and Veterans Park, and pay any expenses for curb cutting etc. There will be no cost to the Town.

Mr. Wilkos asked the recording secretary to contact Ms. Murray and ask her to submit a memo to the Board with her comments; and to attend any Site Visit the Board schedules.

Mr. MacLeod asked if the cedar trees in Veterans Park; and the curb cut on the Beach Street sidewalk fall under the jurisdiction of the Planning Board.

Mr. Heyland responded that if all the Town Department Heads agree, he believes the Board can make the call.

Mr. Hayes reminded everyone that the Applicant has the right to prune any portion of the trees which overhang the Applicant's property.

Mr. DeHart agreed and added that parts of the root systems are in the Applicant's parcel as well. He reviewed all of this with Ms. Murray.

Mr. Wilkos reviewed the OHPC comments (*a copy of which will be maintained in the Applicant's Planning Board File*).

Doug Mayer, Acting Chair of the Conservation Commission expressed the Commission's concern about the loss of impervious surface. He asked if the existing right-of-way next to the Front Porch Restaurant would be removed; and if pervious surface would be reintroduced, if the new driveway is approved.

Mr. DeHart responded that pervious surface requirements don't apply in the DBD.

Mr. Mayer stated that when any pervious surface is removed, in any part of the Town; and impervious surface area is introduced, stormwater runoff/management needs to be considered very seriously.

Mr. DeHart responded that this isn't a Code Requirement.

Ms. Botsford asked if the Code has any requirement for paved vs. unpaved with respect to lot coverage.

Mr. Heyland responded that the Dimensional Requirements Table has limitations on building coverage; however in the DBD almost everything is covered by: pavement, roofs, buildings, etc. Changes depend on existing stormwater management structures to handle stormwater flow. He would assume that the grading of the new driveway would direct water runoff to a catch basin closest to the new driveway entrance.

Mr. MacLeod Moved to Find the Application Complete for SCOTT VOGEL – 16 Beach Street – Map 7 Block 98 & 100 – DBD – Design Review for a pre 1930 Structure. Application to relocate access from the Front Porch corner to the side of 16 Beach Street.
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 SCOTT VOGEL – 16 Beach Street – Map 7 Block 98 & 100 – DBD – Design Review for a pre 1930 Structure. Application to relocate access from the Front Porch corner to the side of 16 Beach Street. MACLEOD/HAYES 5:0 UNANIMOUS

The Board Scheduled a Site Visit to take place on December 10, 2018 at 2:00 p.m.

Mr. Heyland asked Mr. Dehart to flag the limits of the proposed new paving as well as the apron for the new driveway entrance.

Mr. DeHart and Chief Smith agreed to meet and mark out the best driveway/curb cut apron area on Beach Street.

The Board also scheduled a Public Hearing to take place on December 10, 2018 at 6:00 p.m.

The Board confirmed the Planning Board's schedule for December 10, 2018.

2:00 p.m. Site Visit at 16 Beach Street

3:00 p.m. Site Visit at Angelo's

4:00 to 5:30 p.m. Workshop

6:00 p.m. Public Hearings and Regular Business Meeting

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Discussion of Restaurant Type Definitions 3rd Workshop.

Mr. Wilkos noted that the Board held a 3rd workshop on Restaurant Definitions. The Board and Code Enforcement Officer made a few changes. At the next meeting the Board will take a final look at the language and probably set up a Public Hearing for the Ordinance Amendments regarding Restaurant Definitions.

J. ADJOURNMENT –

Mr. Hayes Moved to Adjourn at 7:00 p.m.

HAYES/FREEDMAN 5:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

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Town of Ogunquit

Planning Board

Recording Secretary

Approved on December 10, 2018