



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

**DUNAWAY CENTER MAIN AUDITORIUM
FEBRUARY 11, 2019**

PUBLIC HEARING

1. Amendment to Ogunquit Zoning Ordinance Restaurant Definitions and Table 702.1.

Mr. Wilkos asked if there was anyone who wished to be heard.

Mr. Heyland reviewed the proposed changes.

Peter Kahn asked of the proposed changes would make it easier, or more difficult, for a business like Cumberland Farms to come into Town.

Mr. Heyland responded that the proposed changes would not affect a business like Cumberland Farms because Cumberland Farms is not a restaurant. Cumberland Farms is a retail store, which doesn't fall under the restaurant ordinances.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 6:04 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Rusty Hayes (Vice Chair)
Jackie Bevins
Muriel Freedman
Mark MacLeod
Priscilla Botsford (1st Alternate)
Brian Aromando (2nd Alternate)

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – January 14, 2019 Public Hearing and Regular Business Meeting.

**Mr. MacLeod Moved to Accept the Minutes of the January 14, 2019 Meeting as submitted.
MACLEOD/FREEDMAN 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.

Mr. Wilkos stated that Mr. Hayes, Mr. MacLeod, and Mr. Wilkos all received anonymous letters/postcards via U.S. Mail. Mr. Wilkos became concerned regarding the safety of the Board Members and the public. He and Mr. Hayes met with the Town Manager, the Chief of Police and Lt. Matt Buttrick. Lt Buttrick conducted an investigation, indentified a suspect, and issued a summons. Mr. Wilkos thanked the Town Manager, the Chief of Police, and Lt Buttrick for acting so quickly.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR - JACKIE & RON, LLC - ANGELO'S – 355 Main Street – Map 7 Block 29 GBD2 - Proposed Amendments to the July 24, 2017 Planning Board Design Review and Site Plan Review Approvals.

**Mr. MacLeod Moved to Accept the Findings of Fact for & RON, LLC - ANGELO'S – 355 Main Street – Map 7 Block 29 as Amended.
MACLEOD/FREEDMAN 5:0 UNANIMOUS**

2. JAY GRAY – FOOD FOR THOUGHT – 414 Main Street – Map 8 Block 26 – GBD2 – Design Review Application for a post 1930 structure. Application to remodel outside seating and serving area for a new Type 2 Restaurant.

Mr. Wilkos noted that the Board held a Site Visit earlier in the day.

Jay Gray stated that he, the property owner, and the abutters held a meeting and they all reached an agreement that a permanent fence would be installed around the perimeter of the property to buffer for noise and light. Both the abutters and the property owners agreed to cover the cost of the new fence.

Ms. Botsford asked about water runoff from the proposed sails/awnings.

Mr. MacLeod noted that there is ten feet of grass area where the water may be absorbed before it reaches the sidewalk.

Mr. Heyland informed the Board that the lighting will be downward dark sky rated lighting and he will work with the Applicant on this.

Ms. Bevins asked for the hours of operations.

Mr. Gray responded that on weeknights he will shut down by 10:00 p.m. and on weekends it will be 11:00 p.m. His liquor License application is to stay open until midnight: but he does not intend to serve that late every night.

Mr. Gray noted that he is modeling after the Beach Fire Grill which stays open until 1:00 a.m. on weekends. He is looking for something earlier than that; however he wants to reserve the option to stay open later for special events.

Mr. Heyland responded that according to the Ordinance the Applicant could stay open until 1:00 as long as he adheres to the noise level restrictions.

Mr. Gray informed the Board that he has provided the abutters with his cell phone number and has asked them to contact him directly if they have any problems. He will work with them regarding noise and lighting.

Mr. Heyland asked about outdoor music.

Mr. Gray responded that he would like to have low level outdoor background music with small outdoor speakers.

The Board indicated that the Applicant would need to provide a conceptual drawing of the proposed design changes including the fence and the sails/awning and how the property will look when the changes have been made.

Mr. Gray indicated that he has what the Board seems to be asking for back at the restaurant and he asked if the Board would give him time to run over to the site and pick up material

**Mr. Hayes Moved to Table the Application to later in this meeting.
HAYES/FREEDMAN 5:0 UNANIMOUS**

G. NEW BUSINESS –

- 1. THOMAS & ANNE MCMONIAGLE / TIM & LAUREN ROONEY – 43 and 53 Ocean Heights Lane (Tax Map 12 Blocks 17-10 and 17-A) RR2. Application to**

Amend a Previously Approved Subdivision to adjust a common property line between two abutters to match properties' current development.

Mr. Wilkos asked if the Applicants, or their representative, was present. No one was.

Mr. MacLeod Moved to Table the Application until someone could be present to represent the Applicants.

MACLEOD/BEVINS 5:0 UNANIMOUS

- 2. ABALONIA/ELIVIA III – 268 Main Street – Tax Map 7 Block 66 – GBD1. Site Plan Review Application for a pre 1930 Type 4 Hotel / Motel. Application to construct an in-ground hot tub with privacy fence, which will not be visible from a public way.**

Ken Holmes addressed the Board and agreed to the abutters requests regarding fencing and hours of operation

It was agreed that this application does not require review by the Ogunquit Historic Preservation Commission because the proposed work will be completely fenced in and it will not be visible from Route One.

Mr. Homes noted that the abutter to the rear has asked for a solid 6' tall wood fence, and he (Mr. Holmes) agreed to this.

Mr. Heyland reviewed his January 9, 2019 Memo to the Board (a copy of which will be maintained in the Applicant's Planning Board file).

Mr. Holmes agreed to close the hot tub area by 10:00 p.m.
He also agreed that the only new lighting would be the light inside the hot tub and no overhead lighting.

Ms. Bevins recommended that parking spaces be numbered on the site plan.

Mr. Holmes agreed that he has the required 18 parking spaces and he agreed to number them on the site plan.

Ms. Freedman asked if there were handicapped parking spaces.

Mr. Holmes responded that handicapped spaces are not required for Inns with less than 25 rooms.

Mr. Heyland agreed to check on this.

Mr. Wilkos reviewed several memos to the Board from Town Department Heads (copies of which will remain in the Applicant's Planning Board file).

Mr. Holmes informed the Board that the current conditions have more impervious surface than will be present once the hot tub is in place.

Mr. Heyland asked to have the impervious surface dimensions added to the site plan. He also requested a note be added to the final site plan confirming that all activity at the spa would cease at 10:00 p.m. and the lights would be turned off.

At this time the Board reviewed the Site Plan Review Submissions Checklist.

**Mr. MacLeod Moved to find the Application Complete.
MACLEOD/BEVINS 5:0 UNANIMOUS**

The Board scheduled a Site Visit to take place on February 25, 2019 at 4:30 p.m. to be followed by a Public Hearing on that same date at 6:00 p.m.

2. **JAY GRAY – FOOD FOR THOUGHT – 414 Main Street – Map 8 Block 26 – GBD2 – Design Review Application for a post 1930 structure. Application to remodel outside seating and serving area for a new Type 2 Restaurant.**

**Mr. Hayes Moved to take this application off the table.
HAYES/BEVINS 5:0 UNANIMOUS**

Mr. Gray submitted illustrations showing the location of the bar and sails/awnings as well what the sails will look like.

Ms. Freedman moved to Approve the application for JAY GRAY – FOOD FOR THOUGHT – 414 Main Street – Map 8 Block 26 – GBD2 – Design Review Application for a post 1930 structure. Application to remodel outside seating and serving area for a new Type 2 Restaurant; with the following conditions:

- **Maximum seating capacity will be set at 40;**
- **The Planning Board will review this approval in August 2019 for possible noise issues;**
- **Outside music will be for background only;**
- **New fence will be installed along the property line;**
- **Hours of operation will be 9:00 a.m. to 11:00 p.m. Sunday through Thursday; and 9:00 a.m. to midnight on Friday and Saturday.**

FREEDMAN/ HAYES 5:0 UNANIMOUS

3. **DICAMILLO ASSOC. LLC / GRASSHOPPER INN – Tax Map 8 Block 40 – GBD2. Site Plan and Design Review Application to remove a single family dwelling; and construct a new 9 room inn with caretaker’s unit.**

Tom Greer and Chris Vance gave a comprehensive Power Point Presentation which included site plans, architectural renderings, as well as a traffic study.

Mr. Feldman reviewed his January 30, 2019 Memo to the Board (a copy of which will be maintained in the Applicant’s Planning Board File).

Ms. Freedman asked how delivery trucks will maneuver within the property.

Mr. MacLeod asked about the curb on Route One.

Mr. Heyland responded that the Applicant will need to contact the DOT and work with the State regarding any cuts to Route One.

Mr. MacLeod asked where the dumpster would be.

Mr. Greer responded that there will be a delivery/trash room and there will be no exterior dumpster, everything will be interior.

Ms. Botsford asked about a roof plan.

Mr. Greer responded that there will be a flat roof portion and he agreed to get a roof plan to the Board.

Mr. Wilkos asked who will be living on the premises.

Mr. Greer responded that there is a caretakers unit where someone will be living.

Mr. Heyland responded that there is a traffic study in the Board's packets and that the study is based upon the previous use of the property and the proposed use which are the same.

Mr. Greer responded that delivery, and other, vehicles will pull into the property and utilize a small turn around.

Mr. Wilkos asked if this application was within one mile of a failed intersection.

Mr. Feldman responded that he isn't convinced that the "failed" intersections in town actually are "failed".

Mr. Wilkos asked what the ordinance requires for a failed intersection.

Mr. Heyland responded that it is unclear. The Board could ask for a traffic study peer review for applying the standards of 8.13.

Mr. Greer informed that Board that it appears that the property was last used as an inn in 2007.

Mr. Aromando asked where the Board can find a definition of a "failed intersection".

Mr. Feldman responded that the State DOT has a manual. He added that he has, in the past, suggested the Town have all the major intersections reviewed.

Mr. Aromando asked if the Applicant's traffic engineer could draft a memo to the Board detailing how this application addresses the proximity to a failed intersection. He asked to have several questions addressed:

When did the last use of that site actually end?

How does the Applicant substantiate that date?

When does that use close off?

Is the use legally nonconforming?

Mr. Heyland agreed that the question of how long the use has been discontinued should be addressed.

The Board reviewed the Site Plan Review and Design Review Submission Checklists.

**Mr. MacLeod Moved to find the Site Plan and Design Review Applications complete.
MACLEOD/ HAYES 5:0 UNANIMOUS**

The Board Scheduled a Site Visit to take place on February 25, 2019 at 3:30 p.m. to be followed by a Public Hearing that same evening at 6:00 p.m.

It was noted that the Board has asked the Applicant to provide additional information and that the Hearing may need to be tabled beyond February 25, 2019.

Mr. Heyland agreed that it should be incumbent upon the applicant to provide the Board with the Traffic Study as well as information as to how it complies with the Town Ordinance. If the Board still has questions after that it can require a third party peer review.

Ms. Botsford asked if the applicant can provide a roof plan for the February 25th meeting.

Mr. Greer agreed that he will; he also agreed to meet with the traffic engineer and obtain details regarding the compliance with the Town Zoning Ordinance.

Ms. Botsford asked if the intent is to level / grade the site prior to construction.

Mr. Greer agreed that it is. The intent is to have the entrance to the building about three feet above the sidewalk.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland informed the Board that his office is looking at options for getting Planning Board packet information placed on the Town Website. It is a much more complex project than anticipated; however he is working on it.

I. OTHER BUSINESS –

1. Amendment to Ogunquit Zoning Ordinance Restaurant Definitions and Table 702.1.

**Mr. MacLeod Moved to send the proposed Ordinance Amendment to the Select Board with a recommendation that it be submitted to the Town Voters at the June 2019 Town Meeting.
MACLEOD/HAYES 5:0 UNANIMOUS**

J. ADJOURNMENT -

**Mr. Hayes Moved to Adjourn at 8:20 p.m.
HAYES/MACLEOD 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

Approved on March 11, 2019

Note: All Planning Board meetings are video archived, and may be viewed at any time, on the Town of Ogunquit's website at www.townofogunquit.org.