



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

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

PUBLIC HEARING

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.

Geoff Aleva from Civil Consultants gave a brief overview of the proposed lot line movement.

Mr. Wilkos asked if there was anyone who wished to be heard on this application. There was no one and the Public Hearing was closed at 6:04 pm.

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)

Members Excused: Brian Aromando (2nd Alternate)

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

Mr. Hayes Moved to excuse Mr. Aromando.

HAYES/BEVINS 5:0 UNANIMOUS

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – February 11, 2019 and February 25, 2019.

**Mr. Hayes Moved to Accept the Minutes of the February 11, 2019 Meeting as Submitted.
HAYES/BEVINS 5:0 UNANIMOUS**

**Mr. MacLeod Moved to Accept the Minutes of the February 25, 2019 Meeting as Amended.
MACLEOD/FREEDMAN 4:0 (Mr. Hayes was excused from the February 25, 2019 Meeting; and Mr. Aromando, who was a voting member at that meeting was excused from this meeting.)**

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

Mr. Wilkos asked if there was anyone in the audience who wished to be heard on any matter not on this meeting's agenda.

Heath Ouellette (74 Meadow Lane) reviewed a portion of a letter which was signed by 27 residents, and sent to the Ogunquit Select Board. He commended the Planning Board, Code Enforcement Office, and Ogunquit Playhouse for the work they have done with the Ogunquit Playhouse' proposed Zoning Amendment; and expressed his disappointment in the Select Board's actions delaying this project's process to the Ogunquit Voters. Mr. Ouellette noted that the Planning Board held several meetings, workshops, and a public hearing where many of the Select Board's questions were discussed and answered and any member of the Select Board could have attended, asked questions, and provided input during the process.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was not.

F. UNFINISHED 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 noted that a Public Hearing for this application had been held earlier this evening and that no one wished to be heard.

Mr. MacLeod asked if the reviewed survey/site plan would be filed with the Town and the York County Registry of Deeds.

It was confirmed that it would.

Mr. MacLeod Moved to Approve the Application for 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. MACLEOD/HAYES 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.

Mr. Wilkos noted the Planning Board held a Site Visit earlier in the day and that Doug Mayer from the Conservation Commission was in attendance at that visit.

Applicant Ken Holmes summarized the proposed hot tub project. He agreed to abutters requests for buffers.

Mr. Wilkos noted that Mr. Holmes submitted a revised site plan earlier in the day.

The only changes from the original site plan included the numbering of parking spaces and the addition of one handicapped parking space.

It was confirmed that the Planning Board would accept late submittals of material which the Planning Board requested. The Board could table the application if the submittal was technical, complex, or lengthy.

Mr. Hayes noted that while the plan has been updated, the date on the plan has not changed and there is no notation that this plan is a “revised plan”.

Mr. Heyland noted that the patio area around the proposed hot tub is indicated with a box on the plan. The patio area might be scaled and its dimensions and location more clearly indicated on the plan; and that it shows that it does not encroach into the “green space”.

Mr. Wilkos noted that the Public Hearing was still open; and he asked if there was anyone who wished to be heard. There was no one.

Ms. Bevins noted a few other changes between the original plan and the newly submitted amended plan.

Ms. Freedman asked to have the updated date added to the plan to show when it was revised.

Mr. Wilkos asked if the changes to the plan were done by the surveyor.

Mr. Holmes responded that the Board asked to have the parking spaces numbered, which he did himself.

Mr. Hayes noted that the revised plan should have a revised date added to it so that changes can be tracked.

Mr. Holmes responded that the surveyor prepared the plan and he (Mr. Holmes) numbered the parking spaces.

Mr. Wilkos asked if the plan would have to be recorded in Alfred.

Mr. Heyland responded that it would not; however the Planning Board would sign the final plan and the Town would archive it.

Mr. Wilkos noted that there have been changes to the plan and the “revised” date was not changed. He suggested the Board needs a more accurate plan before it can make a decision.

Mr. Heyland noted the changes the Board has asked for on the plan:

Location of handicapped parking space;

Limits of pavement removal;

Limits of hot tub pavers;

Revised date.

Mr. Wilkos reminded everyone that under Site Plan Review everything about the site may be opened for review.

Mr. Wilkos asked if the parking spaces, particularly the handicapped parking space meet Zoning Ordinance Requirements.

Mr. Heyland noted that the Board has the ability to look at all the 18 parking spaces and confirm that they meet Code.

Mr. Hayes asked if there shouldn't be a setback between the proposed hot tub and parking space number 18.

Mr. Heyland responded that it is unclear whether or not the proposed fence around the hot tub area will affect the dimensions of parking space 18.

Mr. Holmes responded that there will be an additional three feet; and that parking spaces need to be nine feet wide.

Mr. Holmes expressed frustration that he is asking for a hot tub, not a parking lot; and the hot tub will not affect parking. He noted that other applications do not have to put in handicapped parking space. He stated that there is no checklist for this type of application which makes the requirements unclear.

Mr. Wilkos responded that under Site Plan Review the Board needs an accurate plan upon which to base its decision.

The Board unanimously agreed that a corrected updated plan needs to be submitted.

Mr. Holmes agreed to come back with an updated plan; and he reiterated frustration with the nonconformity regarding what the Board looks at for different applications.

Mr. Heyland responded that every application is looked at individually.

Mr. Wilkos asked if the applicant understands what the Board is asking for; and he pointed out that the plan needs to be submitted seven days before a meeting date.

Mr. Holmes confirmed that he understood.

Mr. MacLeod Moved to Table the Application for 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.

MACLEOD/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.**

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

Tom Greer gave a brief power point presentation. He noted that the Town Attorney had informed the Board that a Traffic Study would be required for any application with ten or more parking spaces or fifty trips; and that there is no grandfathering for existing parking spaces. Under those conditions the proposed project would trigger a traffic standards review. The Applicant has decided to reduce the number of proposed rooms in the inn from nine to seven; which brings the required number of parking spaces down from eleven to nine allowing them to move forward without the need for a traffic study.

Mr. Greer noted that he has developed a revised storm water management plan which will change the infiltration areas to under drained soil filters for the collection and treatment of storm water. The water will then be discharged into a storm drain on Grasshopper Lane so that very little water will find its way into the swale behind the Grasshopper and Green Needle properties.

Mr. Greer presented a photometric plan indicating proposed lighting locations and levels across the property.

Mr. Greed agreed that he anticipates the Board will table this application which will give the Applicant and the Board time to prepare and review revised drawings / plans.

Mr. Greer confirmed that while the number of guest rooms will be reduced the size of the proposed building will remain the same. He added that they will also retain two extra parking

spaces beyond what the Ordinance requires. The Ordinance requires them to have nine parking spaces, they will be building eleven parking spaces (two more than the ordinance requires).

Mr. Heyland confirmed that the ordinance bases the requirement for a traffic study upon the required number of parking spaces; not on the available parking spaces.

Mr. Wilkos confirmed Town Attorney Mary Costigan's interpretation expressed in her February 26, 2019 e-mail:

The language you provided requires a traffic analysis for proposed projects requiring 10 or more parking spaces. The proposed project requires 11 spaces so this requirement would apply. There is no mention of credit for existing spaces. Regardless of the number of spaces currently available, the project will require more than 10 spaces, thus potentially creating traffic impacts related to a business that requires that many spaces.

Mr. Feldman noted that the Board was given a traffic peer analysis regarding curb cuts on Route One vs. Grasshopper Lane.

The Board agreed that the submitted memo was not lengthy or overly technical and that it would be reviewed at this meeting.

Ms. Botsford expressed concern that the traffic study was done in the winter and the Board might want to have a traffic review done during the busy tourist season. She suggested it would be better to have the traffic engineer actually visit the site.

Mr. MacLeod noted that abutters have expressed concern about additional traffic being introduced onto Grasshopper Lane. He asked if the intersection could be widened to add a turning lane.

It was agreed that there are questions regarding the location of property lines in that area, as well as the surface conditions. Mr. Feldman agreed to look at the possibility.

Mr. Greer agreed that the Grasshopper right-of-way is very narrow. He agreed to look at the Applicant's property to see if the Grasshopper Lane entrance would be widened in that area.

Mr. Wilkos noted that the Public Hearing was still open and asked if there was anyone who wished to be heard.

Glenn Deletetsky (Grasshopper Lane) informed the Board that the Grasshopper Lane entrance onto Route One is not a right angle and it is very difficult, and dangerous, to make a left turn.

Pam Sawyer (Grasshopper Lane) Conservation Commission Member. She pointed out that there doesn't seem to be a catch basin anywhere near the Applicant's property on Grasshopper Lane.

Mr. Heyland responded that the GIS Maps may not have been updated since the Route One DOT Work. He suggested it will be the Applicant's responsibility to prove to the Planning Board that

there is an appropriate pipe/catch basin available for use in the newly proposed storm water management plan.

Ms. Sawyer asked if the allowable 30% is for the building footprint only or for all impervious surfaces on the site.

Mr. Heyland responded it is for the building footprint only.

Doug Mayer, Conservation Commission, expressed concern about the stormwater management plan and any water which will enter the existing swale to the south east of the site. He proposed No Water be allowed to enter that swale; which historically has been problematic.

Mr. Wilkos asked Mr. Mayer to send an e-mail to the Land Use Office stating the Conservation Commission's request that no water be allowed to enter that swale. Mr. Mayer agreed to do so.

Kathy Kotakis (25 Grasshopper Lane) asked Mr. Wilkos to read her letter to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Ms. Kotakis expressed her belief that any vehicle entrance/exit onto Grasshopper Lane will result in a very dangerous situation. She asked to have the vehicle entrance to the site on Route One and the vehicle exit on Grasshopper Lane.

Mr. Greer responded that the traffic engineer and the peer reviewer both agreed that the safest plan was for the entrance and exit to both be on Grasshopper Lane.

Mr. Feldman reviewed the Reports (*both of which will be maintained in the Applicant's Planning Board File*).

Ms. Botsford reiterated that it would be helpful if the traffic engineer visited the site.

Ms. Kotakis asked for more information regarding the lighting plans for the site; she also asked if there would be any outside music; and what the hours of operation would be for the patio.

Mr. Greer responded that the outside space will be for breakfast and light lunches for guests of the inn only.

Mr. Feldman suggested the Applicant's traffic engineer should meet with the DOT regarding Maine DOT Standards, Section 299.

Lynn Freeman Sour expressed concern about the access of emergency vehicles onto Grasshopper Lane.

Mr. Heyland responded that the plans were reviewed by the Fire Chief. The Fire Chief requested a marked and monitored Fire Lane behind the building, sprinklers, Knox box, and egress access ways, The applicant agreed.

Mr. Heyland added that these issues are generally handled by the Land Use Office during the Building Permit process.

Mr. Wilkos reviewed correspondence from Ocean Side Condominium Assoc. (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Feldman agreed to arrange for the traffic engineer to visit the Grasshopper Lane Route One Site; and to have that engineer draft a memo to the Board with his recommendations and findings.

Mr. Heyland confirmed that when he receives the updated storm water management plan, he will review it and forward it to the Public Works Department.

Mr. Feldman confirmed that he will be looking at the access management issue again and will work with the traffic engineer on visiting the site and drafting a follow-up memo the board.

Mr. Greer informed the Board that he will wait for that updated traffic engineer report before he submits any new plans. He will then submit a whole new set of plans including lighting plans and storm water management plans, and new elevations showing the changes to the balconies.

Mr. Greer confirmed that the only design change to the building will be the balcony realignment on the rear of the building, the front will remain as originally proposed.

Mr. Feldman asked Mr. Greer if he could “beef up” the storm water design. He asked if it could be moved to an LID.

Mr. Greer responded that this is what they are doing, they will be putting in an underground soil filter; and he will be submitting that plan.

Mr. MacLeod Moved to Table the Application for 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.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

G. NEW BUSINESS –

- 1. STACEY CROWELL – 9 Scotch Hill Trail – Map 7 Block 15 – SP/GBD1 – Design Review for a pre 1930 structure. Application to construct a new 12'x13' addition and replace rear doors with windows.**

The Applicant's representative, Jerry DeHart gave the Board a brief summary of the proposed project.

Mr. Wilkos reviewed the Ogunquit Historic Preservation Commission's Memo to the Board indicating that they are in agreement with the proposed plan.

Mr. MacLeod confirmed that there will be no increase in the existing building's footprint.

The Board agreed that no Public Hearing or Site Visit would be needed.

The Board reviewed the Design Review Checklist and found all Ordinance standards to have been satisfied.

Mr. MacLeod Moved to Approve the Application for STACEY CROWELL – 9 Scotch Hill Trail – Map 7 Block 15 – SP/GBD1 – Design Review for a pre 1930 structure. Application to construct a new 12'x13' addition and replace rear doors with windows.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland informed the Board that his office has begun to post Planning Board Applications on the Town Website.

Mr. Heyland also informed the Board that the proposed Land Use / Planning Board Fees including after-the-fact fees were adopted by the Select Board and are now in affect.

I. OTHER BUSINESS –

The Board members agreed that the major intersections in Town need evaluations; and failed intersections need to be identified. There was some discussion regarding who should pay for the review of intersections: the Town or Applicants.

The Board agreed that a workshop should be scheduled. Several topics were suggested:

- 2004 Comprehensive Plan Review
- Lot Density
- Gas Stations
- Food Trucks

J. ADJOURNMENT –

Mr. MacLeod Moved to Adjourn at 8:30 p.m.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

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.

Approved on March 25, 2019