



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

**DUNAWAY CENTER MAIN AUDITORIUM
MARCH 25, 2019**

REGULAR BUSINESS MEETING

A. ROLL CALL –

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

Members Excused: Priscilla Botsford (1st Alternate)

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

**Ms. Freedman Moved to Excuse Ms. Botsford from this meeting.
FREEDMAN/HAYES 5:0 UNANIMOUS**

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – March 11, 2019 Public Hearing and Regular Business Meeting.

**Mr. Hayes Moved to Approve the Minutes of the March 11, 2019 Meeting as Amended.
HAYES/BEVINS 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.

Jim Hartwell (Hartwell House 312 Shore Road) addressed the Board regarding the SG3 (Ogunquit Playhouse) proposal. He expressed his belief that there are other ways, perhaps better ways, to deal with this proposal, other than the process being used here. He noted that the proposal could be considered under: Spot Zoning, Contract Zoning, or a Variance Request. Mr. Hartwell stated that the process being used to get that project approved is flawed.

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

Mr. Wilkos noted that the MMA held a recent training seminar. He stated that this training is held yearly and most members of the Planning Board do attend. This year: Mr. Wilkos, Ms. Freedman, Mr. MacLeod, Mr. Aromando, and Mr. Heyland attended.

F. UNFINISHED BUSINESS –

1. 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 that the Public Hearing for this application is still open.

Chris Vance, Vance Architects gave a brief summary of the most recent changes to the proposed plans (*copies of the most recent plans are available for review in the Ogunquit Land Use Office as well as the Town of Ogunquit's website. Copies will also be maintained in the Applicant's Planning Board File*).

Ms Freedman asked for clarification regarding vehicle entrance and exit locations. Mr. Vance indicated on the overhead projected plan where the access and exit points are proposed to be located.

Doug Mayer, Chairman of the Conservation Commission addressed the Board and confirmed that CONCOM is pleased with the proposed changes which will prohibit any stormwater from entering the existing swale.

Mr. Wilkos reviewed recent correspondence from the public as well as the most recent memo to the Board from the Ogunquit Fire Chief (*copies will be maintained in the Applicant's Planning Board File*).

Mr. Feldman responded to the above-noted comments with the following suggestions:

New signage on the applicant's property just off the Grasshopper Lane / Route One intersection which indicates that there is "no beach access" and that "vehicles should turn around at the applicant's driveway".

Restaurant service shall only be for the patrons of the Inn and the restaurant will not be open to the public. Outdoor meals shall be limited to breakfast and lunch; and no dinner will be served outdoors.

No external lighting shall be allowed on the balconies.

No outdoor music shall be allowed anywhere on the site.

It should be noted on the plan that the site will contain seven (7) guest rooms.

Mr. Feldman also reviewed the traffic study which confirmed that Grasshopper Lane is the appropriate location for vehicle entrance and exits.

Mr. Feldman also noted that the application's extra two parking spaces may violate the off-street parking zoning setback restrictions.

Mr. Heyland confirmed that no waiver may be granted for the extra two parking spaces/drop off parking; which are proposed to be located in the setback.

The applicant asked if the two parking spaces could be designated as "standing 15 minutes drop off spaces".

The Board agreed that there are no provisions for waiving the Zoning Ordinance Requirements.

The Applicant's representative offered to reduce the two parking spaces to one space and to pull it back out of the setbacks. He did stress that he looks at the need for "check in parking spaces" is a safety issue.

The Board unanimously agreed that it must follow the Ordinance; and that this parking space proposal would satisfy the Ordinance requirements.

Mr. Wilkos reminded everyone that the Public Hearing, for this application is still open, and he asked if there was anyone from the public who wished to be heard.

Glen Deletetsky addressed the Board and stated that:

The Planning Board is attempting tell the Applicant how to circumvent the Ordinance;
The proposed buffering is inadequate;
Change-Over guest parking will spill onto Grasshopper Lane;
There is no stormwater catch basin at that end of Grasshopper Lane.

Mr. Deletetsky stated that it is his opinion that the board is advising an applicant how to circumvent the Ordinance; and the Board's duty is to uphold the Ordinance.

Mr. Wilkos asked if there was any other member of the public who wished to be heard. There was no one that the Public Hearing for this Application was closed at 6:48 p.m.

It was agreed, by the Board and the Applicant, that one of the two “drop off” vehicle spaces will be removed; and the other space would be backed out of the setback. In addition the handicapped parking space would be reconfigured to allow for the new parking arrangement.

Mr. Wilkos asked if the Applicant understood what is needed for the next Board Meeting.

Mr. Feldman suggested that the Board consider his recommended notes to the plan be added to the new updated plan.

- New sign on the applicant’s property just off the Grasshopper Lane / Route One intersection which indicates that there is “no beach access” and that “public / non Grasshopper Inn guest vehicles, should turn around at the applicant’s driveway”. Mr. Feldman noted that the Town Public Works Department could place a “no beach access / dead end” sign on the corner of Grasshopper and Route One.
- Restaurant service shall only be for the patrons of the Inn and the restaurant will not be open to the public. Outdoor meals shall be limited to breakfast and lunch; and no dinner will be served outdoors.
- Balcony lights on the back side of the building will not allow lighting to spill over the property line. Balcony lights will be shielded from the neighbors and dark sky rated.
- Outdoor music shall be allowed on the front outdoor patio only; music will be turned off by 10:00 p.m.
- The plan shall include a notation that the site shall consist of seven rooms.

Mr. Wilkos noted that this is the 4th meeting for this application; and the Board will be holding a 5th meeting on Monday April 8th.

**Ms. Freedman Moved to Table the Application to the April 8, 2019 Meeting pending submission of requested Site Plan revisions.
FREEDMAN/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.

Applicant Ken Holmes addressed Board. Mr. Holmes stated that he has amended the submitted site plan to include the numbering of the parking spaces by the architect; and a small movement of the proposed hot tub patio area out of the easement; and the date on the new plan is stamped with a March date.

The Board reviewed the Site Plan Review Standards Checklist and found all standards, as outlined on Section 6.7 of the Ogunquit Zoning Ordinance, to be satisfied for the reasons to be noted on the Findings of Fact Document which will be maintained in the Applicant's Planning Board File.

Mr. MacLeod moved to Approve 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/BEVINS 5:0 UNANIMOUS

Mr. Wilkos confirmed that, with the above approval, this applicant is now a closed application. As such Mr. Wilkos reviewed a recently submitted letter to the editor of a local news paper wherein the writer stated that "The Ogunquit Planning Board Lacks Fairness" where the writer stated that the Board spent more time seeing petty reasons to delay construction of a hot tub than it did protecting the public's interest at an earlier meeting which entailed the creation of an entirely new development zone with far reaching effects on the community".

Mr. Wilkos response is that the writer of the letter is comparing apples and oranges. The hot tub was an application before the Planning Board for Site Plan Review. The creation of a new development zone was not an application before the Planning Board, but rather a requested amendment to the Ogunquit Zoning Ordinance. The Planning Board held two workshops and a Public Hearing to review the proposed zoning amendment. The proposed amendments were detailed step by step with public input encouraged.

The letter went on to state that at Monday's meeting a minor matter before the Board for the third time was held up because the Applicant's plan to add a small outdoor hot tub but did not specifically identify which of eleven parking spaces would be designated handicapped.

Mr. Wilkos responded that dimensional requirements and standards for a handicapped parking space are different than the dimensional requirements and standards for a non-handicapped parking space.

The letter writer stated that the Planning Board could have easily agreed with the Applicant as a condition of approval to designate a specific appropriate space as handicapped to be verified by the Code Enforcement Officer after which updated plans could be submitted accordingly.

Mr. Wilkos responded that Site Plan Review is strictly governed by the Ogunquit Zoning Ordinance Article 6 Section 6.6 Procedures for Site Plan Review; and site plans submitted by the applicant must be accurate. Any changes the Planning Board requests should be updated by a certified professional engineer, with a revision date added to the Site Plan. Then the Planning Board follows Section 6.6 of the Ogunquit Zoning Ordinance to determine whether or not to approve the Site Plan Application.

G. NEW BUSINESS –

1. ELIVIA, LLC / Ken Holmes – 12 Hoyts Lane – Map 7 Block 66-A – GBD1 – Design Review Application to construct a small retaining wall in front of a pre 1930 structure.

Applicant Ken Holmes addressed Board and gave a review of the proposed project to hold back water flow. Mr. Holmes noted that there will be some vegetation and flowers added to the site in addition to the wall.

Mr. Wilkos noted that the proposed wall has been reviewed by OHPC which approved the design.

The Board agreed that a Site Visit would be helpful and scheduled a Site Visit to take place on April 8, 2019 at 4:30 p.m.

It was confirmed that the proposed wall height will go from three feet to four feet as it moves across the site.

Ms. Freedman Moved to Table the application for ELIVIA, LLC / Ken Holmes – 12 Hoyts Lane – Map 7 Block 66-A – GBD1 – Design Review Application to construct a small retaining wall in front of a pre 1930 structure pending the April 8, 2019 Site Visit and Public Hearing.

FREEDMAN/HAYES 5:0 UNANIMOUS

2. GRAHANELLI REALTY LLC – 724 Main Street – Map 11 Block 6 – GBD2/R/SLC/RP – Application to Amend a Site Plan which was granted by the Ogunquit Planning Board on September 26, 2016.

Attorney Greg Orso addressed the Board as the applicant's representative.

Mr. Feldman reviewed his March 12, 2019 Memo to the Planning Board summarizing the original Planning Board Approval and Conditions of Approval; and the current proposed amendments.

Mr. Wilkos reviewed the Memo's from the Fire and Police Chiefs, neither of which expressed any concerns or questions.

Mr. Heyland noted that, with the exception of the proposed fence, all of the proposed amendments are Site Plan Notations.

Ms. Freedman Moved to Find the Application for GRAHANELLI REALTY LLC – 724 Main Street – Map 11 Block 6 – GBD2/R/SLC/RP – Application to Amend a Site Plan which was granted by the Ogunquit Planning Board on September 26, 2016 Complete.
FREEDMAN/ BEVINS 5:0 UNANIMOUS

Mr. Wilkos informed Attorney Orso that a Public Hearing would take place at 6:00 p.m. on Monday April 8, 2019.

The Board determined that a Site Visit would be helpful.

A Site Visit was scheduled to take place on April 8, 2019 at 4:00 p.m.

Attorney Orso agreed to flag the location of the proposed fence, as well as the location of overnight trolley storage.

Mr. MacLeod asked for confirmation from the Ogunquit Police Chief that there have not been any complaints regarding this property.

Mr. Heyland agreed to get that information from Chief Arnaudin.

3. COSO ENTERPRISES LLC / DWAIN UNDERWOOD / BLACK BOAR INN – 277 Main Street – Map 7 Block 13-1 – GBD1 – Application to Amend a Previously Approved Site Plan. Request to add a Type 1 Restaurant, as an accessory use to an existing Type 3 Transient Accommodation – Inn.

Applicant Dwain Underwood submitted letters from the Ogunquit Sewer District and the Ogunquit Water District Letters.

Mr. Feldman reviewed his March 12, 2019 Memo to the Planning Board.

Mr. Hayes asked about parking: he noted that the Inn requires 6 parking spaces for guests, 2 parking spaces for the manager's dwelling unit, and 2 parking spaces for the proposed public restaurant patrons.

Mr. Heyland confirmed that the property has a surplus of two parking spaces. The Applicant has more than is required.

Mr. Underwood confirmed that all dining would be indoors, there would be no outside dining.

Mr. Underwood confirmed that one of the parking spaces (Space 1 on the Site Plan) is marked as Handicapped, which meets the ADA requirement.

Paul Breen 33 Youngs Crossing Road stated that he has had problems with noise during the summer. He called the police one time. He stated that he wants the owner to comply with the "noise bylaw". If the applicant does that he (Mr. Breen) will not call the police. He does not want any outside dining or outside music.

Mr. Hayes asked if Mr. Breen was sure that the noise was coming from the Inn and not another location.

Mr. Breen responded that he is sure.

Mr. Underwood was surprised that there was a noise complaint. His inn is very quiet and he has never even had to speak to any of his guests regarding noise. He suggested Mr. Breen's noise problem may be coming from another location.

Mr. Feldman reviewed the Ogunquit Zoning Ordinance definition of Type 1 Restaurant.

Mr. Wilkos asked Mr. Heyland to contact the Ogunquit Police Chief and ask if there have been any other noise complaints

The Board confirmed that it cannot find the Application complete without a Deed.

Mr. MacLeod Moved to Table the Application pending the submission of the required deed confirming Mr. Underwood owns the property.

MACLEOD/HAYES 5:0 UNANIMOUS

- 4. Ashton Arms LLC – 123 Riverbank Road – Tax Map 9 Block 69 – SLR/RP – Building permit to demolish existing single family dwelling and associated sheds; and construct a new single family house.**

Norm Chamberlain from Walsh Engineering addressed the Board as the Applicants' representative.

Mr. Walsh reviewed Section 3.3.H. of the Ogunquit Zoning Ordinance:

Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or is damaged or destroyed, regardless of the cause, by more than 50% of its market value of the structure before such damage, destruction or removal, may be reconstructed or replaced, provided that a permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

Mr. Walsh asserted that the proposed reconstruction and relocation of the new dwelling will meet Zoning Requirements. He noted that the lot is very small and it is the Applicant's intent to minimize the loss of any trees.

The existing house is a bit more than 27 feet back from the HAT; the proposed new location will Be pushed back 1/10 of a foot further from the HAT.

Mr. Walsh emphasized that the lot is very small; there is very little space that is not within a setback to the resources or abutters. He also noted that the slope of the lot is very flat and they

will be using soil erosion fencing or erosion berm to prevent sediment from getting into the river. They do not propose cutting of any trees.

Mr. Heyland reviewed his March 13, 2019 Memo to the Board.

Mr. Heyland instructed the Applicant to flag the location of the proposed new structure as well as any other proposed features such as driveways, decks etc.

Mr. MacLeod noted that the Conservation Commission reviewed the proposal.

Doug Mayer from the Conservation Commission stated that this is a sensitive property; and the CONCOM's concern is stormwater management. He noted that water runs over Riverbank Road across the applicant's property and into the river. He recommended that any driveway on the property be gravel or some other form of pervious surfacing to allow water to absorb into the ground before it reaches the river.

Mr. Mayer also noted that the existing house is currently on septic and he wondered if the new house could be tied into the sewer system.

Mr. Chamberlain responded that the applicant has agreed to not pave the driveway.

Mr. Aromando noted that there are other forms of stormwater management to capture water runoff before it reaches the river; he noted that there are catch systems, burms, and other forms of stormwater management the applicant can use.

Mr. Heyland noted that this application is not a Site Plan and there is no checklist for submission completeness.

Mr. MacLeod Moved to Table the application for Ashton Arms LLC – 123 Riverbank Road – Tax Map 9 Block 69 – SLR/RP – Building permit to demolish existing single family dwelling and associated sheds; and construct a new single family house pending a Public Hearing and Site Visit.

MACLEOD/HAYES 5:0

The Board scheduled a Public Hearing to take place on April 8, 2019 at 6:00 p.m. and a Site Visit to take place on April 8, 2019 at 3:30 p.m.

Mr. Heyland instructed Mr. Chamberlain to flag the corners of the proposed new structure as well as the outline of the driveway

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

Mr. MacLeod asked if the Restaurant Definitions had been changed.

Mr. Heyland responded that this will go to the voters in June.

Ms. Freedman stated that she does not want to see a pile of paperwork on the Board table on meeting night. She noted that submissions need to be included in the Board Members' packets.

Mr. Heyland responded that the Board has the ability to table any application when it feels submitted material is lengthy or technical.

Mr. Heyland noted that material which has been requested by the Board often comes in after the packets have gone out.

J. ADJOURNMENT –

**Ms. Bevins Moved to Adjourn at 8:33 p.m.
BEVINS/FREEDMAN 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board

Recording Secretary

Approved on April 22, 2019