



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

Tel: 207-646-9326

**OGUNQUIT PLANNING BOARD  
PUBLIC HEARING and REGULAR BUSINESS MEETING  
MINUTES**

**DUNAWAY CENTER MAIN AUDITORIUM  
APRIL 22, 2019**

**PUBLIC HEARING**

**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.**

Mr. Underwood reminded the Board that while the Black Boar Inn has the use of ten parking spaces adjacent to the building, it is the Condominium Association which has the responsibility and control of that parking area.

Mr. Wilkos asked if there was anyone who wished to be heard regarding this application. 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 (1<sup>st</sup> Alternate)  
Brian Aromando (2<sup>nd</sup> Alternate)

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES – March 25, 2019 and April 8, 2019**

**Mr. Hayes Moved to Accept the Minutes of the March 25 2019 Meeting as Submitted.  
HAYES/BEVINS 5:0 UNANIMOUS**

There was discussion regarding the exact wording of Mr. MacLeod's Motion to Approve the Application for Grasshopper Inn.

It was decided that the Recording Secretary would review the video tape of that meeting and Make any amendments necessary.

**Mr. Hayes Moved to Accept the Minutes of the April 8, 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 in the audience 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 *Planning Board Actions: Accept as submitted or Amend:***

**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.**

**Mr. Hayes Moved to Accept the Findings of Fact for ASHTON ARMS LLC – 123 Riverbank Road – Tax Map 9 Block 69.  
HAYES/BEVINS 5:0 UNANIMOUS**

**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 7 room Bed and Breakfast (TA2) with caretaker's unit.**

There was discussion regarding the exact wording of Mr. MacLeod's Motion to Approve (made on April 8, 2019).

There was a question regarding the conditions of approval as noted on the Findings of Fact:

- “No Beach Access” sign to be posted.
- Final Plan shall correct the “no right turn” notation.
- Final Plan shall include dark sky friendly lighting used on sign.
- Construct manhole on Grasshopper Lane to tie in with 24” pipe.
- Restaurant service shall be for patrons staying on site; and not open to the public.
- Dark sky friendly lighting to be used on site.
- Outdoor dining may be for breakfast, lunch.
- Exterior rear balcony lighting shall be downward facing dark sky friendly lighting.

- Outdoor music may only be used on the Route One side of the property.
- Provide a cost estimate for the tie in to the public water, sewer, and stormwater utilities; and a letter of credit, bond, or other surety prior to the issuance of a building permit.

Mr. MacLeod asserted that his motion only contained four conditions of approval:

Mr. MacLeod Moved to Approve the Site Plan 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 7 room Bed and Breakfast with caretaker’s unit with the following conditions:

- “No Beach Access” sign to be posted.
- Final Plan shall correct the “no right turn” notation.
- Restaurant service shall be for patrons staying on site; and not open to the public.
- Provide a cost estimate for the tie in to the public water, sewer, and stormwater utilities; and a letter of credit, bond, or other surety prior to the issuance of a building permit.

It was agreed that all of the conditions listed on the Findings of Fact were discussed and agreed to by the Applicant’s representative during meetings.

It was agreed that only the four items listed by Mr. MacLeod would remain on the Findings of Fact; and the other “conditions” would be noted on the Final Plan as submitted by the Applicant.

It was also agreed that the question of dinner service was discussed but was not approved by the Board and would need to be removed from the Findings of Fact and the Final Site Plan. Service would be for breakfast and lunch only, and would be for guests only and not open to the public.

**Ms. Freedman Moved to Table Approval of the Findings of Fact for DICAMILLO ASSOC. LLC / GRASSHOPPER INN – Tax Map 8 Block 40 pending review by the Land Use Office and notification to the Applicant.**

**FREEDMAN/MACLEOD 5:0 UNANIMOUS**

**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.**

**Ms. Freedman Moved to Approve the Decision Letter for GRAHANELLI REALTY LLC – 724 Main Street – Map 11 Block 6.**

**FREEDMAN/HAYES 5:0 UNANIMOUS**

**2. 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.**

Mr. Wilkos noted that a site visit had been held earlier in the day; and a Public Hearing was held earlier in this meeting and no one from the public spoke.

Ms. Freedman asked for a corrected parking layout on the Site Plan.

Mr. Heyland confirmed that the existing parking conditions do not match the 2005 approved parking plan.

The Board agreed that the existing parking conditions need to match the approved Site Plan; or the Site Plan needs to be updated to match the existing parking conditions.

Mr. Heyland added that if the application to add a Type 1 Restaurant to the Black Boar Inn is approved it needs to be noted on the Site Plan. Mr. Heyland added that this change to the Plan could be made at the same time as the parking plan amendment.

Mr. Wilkos agreed that the Site Plan needs:

A note regarding the addition of a Type 1 Restaurant in the Black Boar Inn;  
Corrected parking plan.

Mr. Heyland confirmed that when the Board takes an action, the Applicant will need to come back with an updated Site Plan for the Board members to sign. He noted that Final Plans are always submitted after the Board makes a decision.

The Board members all agreed that the Site Plan needs to be updated:

\*A note needs to be added regarding the addition of a Type 1 Restaurant;

\*Existing parking conditions need to match the approved 2005 Site Plan; or the Site Plan needs to be updated to match the existing parking conditions

Mr. Aromando asked if it has been confirmed that the existing parking conditions meet Code.

Mr. Heyland responded that this has not been established. The only thing that has been established is that the existing parking conditions do not match what was approved by the Planning Board in 2005.

Ms. Freedman asked if the updated Site Plan will be prepared by a surveyor and if it will contain the surveyor's seal and signature.

Mr. Heyland confirmed that it would. If the applicant decides to modify the parking plan to indicate a change to the existing parking arrangement it will need to be confirmed by the surveyor/engineer. Also a note will need to be added to the plan that a Type 1 Restaurant has been added to the property.

Mr. Underwood stated that the Black Boar Inn has ten parking spaces in a parking lot owned by AC Condo. Assoc. Even if the parking lot arrangement is repainted the Black Boar Inn still has ten spaces.

Mr. Heyland asked if the Applicant was planning to rearrange the existing parking to match the 2005 plan; or if he was going to change the plan to match the existing parking conditions.

Mr. Underwood responded that the Condo. Assoc. Board meets once a year and he believes they will maintain existing conditions and amend the 2005 Site Plan.

Mr. Heyland responded that if that is the case he will need to confirm that the existing parking arrangement meets Code.

Mr. Aromando noted that this application involves two separate entities: AC Condo Assoc and the Applicant who is seeking a change of use. Mr. Aromando suggested the question about the parking lot needs to be addressed to the AC Condo Assoc. Mr. Underwood may not have the authority to change the existing parking configuration or amend the site plan.

Mr. Aromando stated that this application requires ten parking spaces; and the applicant has Shown that he has those parking spaces. It is the Condo. Assoc. which needs to be held to task to meet the 2005 approved parking layout. Mr. Aromando also suggested the existing parking layout may not meet Code.

Mr. Heyland responded that the Site Plan is not accurate; and there is nothing which shows that the Applicant has the ten parking spaces he says he has.

Mr. MacLeod noted that in 2005 the Planning Board signed off on a particular plan. Today this Board conducted a site visit and discovered that the existing conditions do not match the 2005 Approved Plan. He is not comfortable signing a Site Plan for this application knowing that the Existing parking layout is not as depicted on the Plan.

Ms. Botsford asked if this is the way the Board handles changes to Plans.

Mr. Heyland responded that if the change was as simple as adding a Note indicating the addition of a Type 1 Restaurant to Unit One, the Board could approve the application tonight and the applicant could go away and provide an updated Plan for the Board's next meeting. However rearranging a parking area, which has requirements for handicapped spaces he (Mr. Heyland) wouldn't feel comfortable sending the applicant away to get an updated plan as a condition of approval. Mr. Heyland asked what would happen if the Board approves this application tonight and it turns out there are not ten parking stalls available.

Mr. MacLeod reiterated that he would not be comfortable signing a Plan which isn't correct.

The Board agreed that an updated Plan needs to be submitted; and that it needs to be signed by the surveyor/engineer.

**Mr. MacLeod Moved to Table the application for 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 pending submittal of a revised Site Plan**

**MACLEOD/FREEDMAN 5:0 UNANIMOUS**

Mr. Heyland informed the Applicant that he will need to provide an updated Site Plan signed and dated by a licensed surveyor or engineer. He noted that the Applicant might contact Livingston Engineering who prepared the 2005 plan because they should have all the original material.

**G. NEW BUSINESS – None**

**H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Heyland noted a flaw in Article 9.8 of the Zoning Ordinance. It will need to be Amended; and he would like to submit language to the Board for discussion. It will need to be reviewed by the Planning Board and submitted to the voters next November.

**I. OTHER BUSINESS –**

The Board agreed to schedule a workshop to take place on May 13, 2019 to establish a list of future workshop topics and to prioritize that list.

Mr. Wilkos noted that due to the Memorial Day holiday, the 2<sup>nd</sup> meeting in May will take place on May 29<sup>th</sup> instead of May 27<sup>th</sup>.

**J. ADJOURNMENT -**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Approved on May 13, 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](http://www.townofogunquit.org).*
- *These minutes are not a transcript.*