



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

**DUNAWAY CENTER MAIN AUDITORIUM  
July 8, 2019**

**PUBLIC HEARINGS**

- 1. TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review - Thirteen (13) Repair projects to storm damaged areas along the Marginal Way Walking Path; subject projects require DEP Permit by Rule (PBR).**

Bill Walsh from Walsh Engineering gave a brief presentation regarding the thirteen proposed repair and stabilization projects on the Marginal Way.

Mr. Wilkos asked if there was anyone from the public who wished to speak for, against, or ask questions about this application. There was no one and the Public Hearing was closed at 6:16 p.m.

- 2. LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) – RP/SGD1. Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019.**

Geoff Aleva from Civil Consultants summarized that the proposed project involves the construction of a new elevator which will service three out of the five hotel buildings on the property. The elevator will be constructed over existing impervious parking lot area; and Mr. Aleva noted that the Ogunquit Zoning Board of Appeals Granted a Variance for the 200 square foot elevator building. The Ogunquit Historic Preservation Commission (OHPC) also reviewed the project and granted design approval.

Mr. Aleva added that due to the different elevations between the three buildings; and the multiple stops the elevator will make to accommodate these differences, there will be some deck modifications to add ramps and allow for smoother transitions between the buildings.

Mr. Wilkos asked if there was anyone from the public who wished to speak for, against, or ask questions about this application. There was no one and the Public Hearing was closed at 6:19 p.m.

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

Members Present: Steve Wilkos (Chair)  
Muriel Freedman  
Mark MacLeod  
Priscilla Botsford (1<sup>st</sup> Alternate)

Members Excused: Rusty Hayes (Vice Chair)  
Jackie Bevins  
Brian Aromando (2<sup>nd</sup> Alternate)

**Mr. MacLeod Moved to Excuse Rusty Hayes, Jackie Bevins, and Brian Aromando.  
MACLEOD/FREEDMAN 3:0 UNANIMOUS**

Mr. Wilkos moved Ms. Botsford from alternate position to full voting position.

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES – June 24, 2019**

**Mr. MacLeod Moved to Accept the Minutes from the July 24, 2019 Meeting as Submitted.  
MACLEOD/BOTSFORD 4:0 UNANIMOUS**

**E. PUBLIC INPUT –**

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

Elaine Cooper (23 Spring Street) gave a presentation regarding research she has been conducting into residential development in Ogunquit and its impact on Town services.

Ms. Cooper stated that she has documented:  
139 new homes built since 2004;  
39 demolitions with new house replacements;  
42 one +/- bedroom additions

for a total of 554 bedrooms added to Ogunquit since 2004 which represents about nine new houses per year with an increase in new home construction in recent years to about thirteen new homes per year. So far this year there have been thirteen new houses built.

Ms. Cooper stated that she has information from the: Transfer Station, Police, Fire, and Visitor Services that they are all “screaming that we have lots more people here”.

The Transfer Station has a 42% increase in the number of people crossing over the threshold to dump their trash.

Ms. Cooper suggested that the Town has decisions to make regarding how it moves forward, if it moves forward, and how it does things in relation to conservation concerns and the protection of the beach and the environment. She noted that there may be too many developments, too much infrastructure, too many people here, too much trash; and that there are many ways to interpret the data.

Ms. Cooper stated that she discovered one house in Resource Protection where a single family dwelling was converted to a multifamily dwelling which covered more lot than they were allowed. Also the net residential area didn't equal anywhere near what it was supposed to; and setbacks weren't right. There were several issues on just this one house; and she thinks there are a lot more like that.

Ms. Cooper noted a lot more houses being built on the Ogunquit River and the Shoreline; and she asked if we are doing this the way we are suppose too; and the way we want too. Are we following the plan and caring for the environment?

Ms. Cooper stated that she isn't against development and she cares about businesses and wants them to succeed but we may be getting to the point where we are putting up so much development that it affects the beach.

Ms. Cooper noted that most of the development is east of Route One and she asked the Board to work with the Comprehensive Plan Committee, Conservation Commission, and OHPC to resolve some of the issues.

Ms. Botsford asked what the Land Use Office and Town Planner had for new home numbers; compared to Ms. Cooper's numbers; and how many per year they had.

Mr. Heyland responded that he had roughly 139 minus the 39 demolitions for about 100. He added that he did not look at new bedroom additions; and he estimates an average of about nine new homes per year. This does not take into consideration that some homes have been demolished with no new structure being built on the property. Mr. Heyland noted two houses off of Cherry Lane which were demolished and not rebuilt.

Ms. Cooper responded that her notes from the workshop say 6.5 new houses per year.

Louesa Gillespie (Israel Head Road) noted that the 2003 Comprehensive Plan recommended the Planning Board establish a Housing Committee.

Rob Fogerty (School Street) asked if the Town has the right to limit the number of new house building permits. He suggested that people have the right to do what they want with their private property, as long as they follow the zoning requirements. He noted that he had a two family home which he turned into a single family home; and he asked if Ms. Cooper included that type of conversion into her counts.

Mr. Fogerty added that new houses equal more property taxes and an increase in the tax base; it isn't a "net loss". He suggested that improvements are a good thing.

Ms. Botsford responded that another part of Ms. Cooper's presentation involved infrastructure. No one is building houses "off the grid" people are here because of the services they will receive. There are two parts to what Ms. Cooper is saying; there is an infrastructure issue and the problem may be bigger than the Planning Board, it may need to go to the Select Board.

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

**F. UNFINISHED BUSINESS –**

**1. TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review - Thirteen (13) Repair projects to storm damaged areas along the Marginal Way Walking Path; subject projects require DEP Permit by Rule (PBR).**

Mr. Wilkos noted that the Planning Board held a Site Visit earlier in the day and a Public Hearing earlier in this meeting; and no one from the public spoke during the Public Hearing.

Ms. Botsford asked about erosion from above.

Mr. Walsh responded that there are a couple of locations where they will deal with rainwater erosion during the next phase of the repair projects. He noted one particular location near the Little Beach Lighthouse.

At this time the Board reviewed the Site Plan Review standards as outlined in Section 6.7 of the Ogunquit Zoning Ordinance.

A. Does this application involve a pre-1931 structure?

The Board unanimously agreed that this project does not involve any structures.

Has the application been reviewed by the OHPC?

The Board confirmed that it had not.

B. Has the Application been submitted for review by all Applicable Town Department

Heads?

Mr. Heyland confirmed that it was submitted to all applicable department heads.

C. The Planning Board shall review the specifics of the proposed application for compliance with Article 6.5 of the Ogunquit Zoning Ordinance as follows: The Board shall approve the above-noted application if the Applicant can prove that the proposed use or structure:

1. Will allow the orderly and reasonable use of adjacent properties.

The Board unanimously agreed that it will, because it is an established walking path and the proposed projects do not involve any new structures.

2. Will not adversely affect the safety, the health, and the welfare of the Town.

The Board unanimously agreed that it will not, because the proposed work will repair existing damages and prevent future similar damage.

3. Will not create an undue increase of vehicular traffic congestion on public streets or highways.

The Board unanimously agreed that this standard is not applicable.

4. Includes adequate and proper public or private facilities for the storage, treatment, handling, use of, removal, or discharge of sewage, refuse, hazardous material or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

The Board unanimously agreed that this standard is not applicable.

5. Materials incidental thereto or produced thereby will not give off noxious gases, odors, smoke or soot.

The Board unanimously agreed that they will not, because the proposed work involves masonry, backfill, and plantings. Nothing will generate any gas, odors, smoke, or soot.

6. Will not cause disturbing emission of electrical discharges, dust, light, vibration, or noise.

The Board unanimously agreed it will not, because the proposed work, and use, only involves rock; and all repair work will be done in the off season.

7. The operations in pursuance of the use will not cause undue interference with the orderly enjoyment by the public of parking or recreation facilities, existing, or proposed by the Town or by other competent governmental agencies.

The Board unanimously agreed that they will not, because this project involves the improvement

of the recreation facility.

8. Contains adequate, off-street parking in compliance with this Ordinance.

The Board unanimously agreed that this standard is not applicable.

9. Does not create a hazard to life, limb or property because of fire, flood, erosion created by reason of use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

The Board unanimously agreed that it will not, because the repairs and maintenance will prevent future erosion.

10. Will be sensitive to adjacent historic properties in compliance with Article 11.

The Board unanimously agreed that this standard is not applicable, because there are no adjacent “historic properties”.

11. Has a plot area which is sufficient, appropriate and adequate for the proposed use and the reasonably anticipated operation thereof.

The Board unanimously agreed that it does, because there will be no major expansion other than for the proposed maintenance and repairs to the existing infrastructure.

12. Will be adequately screened and buffered from contiguous properties.

The Board unanimously agreed that it will, because of existing buffering and the addition of new vegetation.

13. Will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations.

The Board unanimously agreed that it will, because the proposed project involves repairs and the addition of landscaping which is in compliance with Ogunquit Zoning Regulations.

14. Will provide for adequate pedestrian circulation.

The Board unanimously agreed that it will, because the proposed project is to maintain the existing pedestrian path.

15. Anticipates and mitigates potential nuisance created by its location;

The Board unanimously agreed that it will, because temporary fencing will be in place during

construction to protect existing landscaping.

16. Complies in a satisfactory manner with all applicable performance standards criteria contained in this Ordinance.

The Board unanimously agreed that it will, because it meets items 1 through 15 as noted above.

Mr. MacLeod Moved to Approve the Site Plan Application for TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review - Thirteen (13) Repair projects to storm damaged areas along the Marginal Way Walking Path; subject projects require DEP Permit by Rule (PBR).

MACLEOD/FREEDMAN

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 Approve the Site Plan Application for TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review - Thirteen (13) Repair projects to storm damaged areas along the Marginal Way Walking Path; subject projects require DEP Permit by Rule (PBR).**

**MACLEOD/FREEDMAN 4:0 UNANIMOUS**

2. **LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) – RP/SGD1. Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019.**

Mr. Wilkos noted that a site visit was held earlier in the day which he, Ms. Freedman, and Mr. MacLeod attended. Mr. Wilkos also noted that a Public Hearing was held earlier in this meeting and no one from the public spoke.

Mr. MacLeod asked for confirmation that the new elevator would use vegetable oil. Mr. MacLeod noted if there was ever a leak there may still be oil on the beach however vegetable oil degrades much faster, 5 times the rate, than mineral oil.

Mr. Aleva responded that the elevator would use the same biodegradable oil as the elevator on the Ogunquit Beach Lobster House project.

Mr. MacLeod asked about a notation on Drawing A.3.0.1 “total travel in future...”.

Mr. Aleva responded that this is an irrelevant leftover notation on the architectural plans for another project and he agreed to remove it from the Norseman Final Plans.

Mr. Heyland asked if there was a detail drawing indicating the proposed height of the new elevator structure.

Mr. Aleva responded that the height is indicated as 27.5 feet. It will be below the adjacent building height and the top of the elevator shaft will not be visible from the beach.

Mr. Aleva confirmed that there will be one parking space lost from the area of the new elevator structure. He noted that the hotel purchases day and evening parking passes for the Main Beach Parking Lot in order to meet guest parking needs.

At this time the Board reviewed the Design Review standards as outlined in Section 11.7.C of the Ogunquit Zoning Ordinance.

A. Does this application involve a pre-1931 structure?

The Board unanimously agreed that this project does not involve any pre 1930 structures. The Norseman Hotel was constructed in 1977 (per Ogunquit VISION Tax data).

B. Has the application been reviewed by the OHPC?

The Board unanimously agreed that it was reviewed by the OHPC, which agreed to the proposed design.

1) Scale of Building – Is the scale of the building visually compatible with the site and neighborhood as to the relationship of the open spaces around it and the size of doors/windows/porches/balconies?

The Board unanimously agreed that it is, because the new elevator shaft will not be visible from adjacent properties except for the Neptune Hotel; it will not be visible from the beach; and the proposed height is lower than existing buildings.

2) Height – Is the height of the building visually compatible with the heights of the buildings in the neighborhood?

The Board unanimously agreed that it is because the elevator shaft height will be lower than existing buildings.

3) Proportion of Front Façade – Is the relationship of the width to the height of the front façade visually compatible with that of its neighbors?

The Board unanimously agreed that this standard is not applicable because the proposed project does not involve the front façade.

4) Relationship of Solids to Voids in Front Façade – Is the pattern of solids and voids in the front façade visually compatible with that of its neighbors?

The Board unanimously agreed that this standard is not applicable because the proposed project does not involve the front façade.

- 5) Proportions of Openings Within the Facility – Is the relationship of the height of windows and doors to their width visually compatible with the architectural style of the building and with that of its neighbors?

The Board unanimously agreed that it is, because new doors and windows will be similar to the existing building; and because the proposed design received approval from the OHPC.

- 6) Roof Shapes – Is the shape and proportion of the roof visually compatible with the architectural style of the building and with those of neighboring buildings?

The Board unanimously agreed that it is, because the proposed elevator shaft roof will be lower than existing buildings and will not be visible from the beach.

- 7) Relationship of Façade Materials – Are the facades of a building, particularly the front façade, visually compatible with those of other buildings around it?

The Board unanimously agreed that they are, because the elevator shaft facade will be constructed to match the existing buildings.

- 8) Relationship of Spaces to Buildings on the Street – Has the rhythm of spaces to buildings been considered when determining visual compatibility, whether it is between buildings or between a building and the street?

The Board unanimously agreed that it has, because it will not be visible from the street and it will not abut any streets.

- 9) Site Features – Is the size, placement, and materials of walls, fences, signs, driveways, and parking areas visually compatible with the building and neighboring buildings?

The Board unanimously agreed that this standard is not applicable to this project.

- 10) Architectural, Historical or Neighborhood Significance – Have the construction, reconstruction, maintenance, or moving of pre-1931 buildings been done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing in 1930.

The Board unanimously agreed that this standard is not applicable to this project because there are no pre 1931 structures involved.

Does the Planning Board desire an irrevocable letter of credit or performance bond prior to the issuance of a Building Permit?

The Board unanimously agreed that it does not; and Mr. Heyland agreed.

Mr. MacLeod Moved to Approve the Application for Design Review for LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) –RP/SGD1.

Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019.

MACLEOD / FREEDMAN

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 Approve the Application for Design Review for LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) –RP/SGD1. Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019. MACLEOD / FREEDMAN 4:0 UNANIMOUS**

At this time the Board reviewed the Site Plan Review standards as outlined in Section 6.5 of the Ogunquit Zoning Ordinance.

A. Does this application involve a pre-1931 structure?

The Board unanimously agreed that this project does not involve any pre 1930 structures. This hotel was constructed in 1977 (per Ogunquit VISION Tax data).

Has the application been reviewed by the OHPC?

The Board unanimously agreed that it was reviewed by the OHPC which agreed to the proposed design.

B. Has the Application been submitted for review by all Applicable Town Department Heads?

Mr. Heyland confirmed that it was submitted to all applicable department heads.

C. The Planning Board shall review the specifics of the proposed application for compliance with Article 6.5 of the Ogunquit Zoning Ordinance as follows: The Board shall approve the above-noted application if the Applicant can prove that the proposed use or structure:

1. Will allow the orderly and reasonable use of adjacent properties.

The Board unanimously agreed that it will, because the proposed project will not impact adjacent properties.

2. Will not adversely affect the safety, the health, and the welfare of the Town.

The Board unanimously agreed that it will not, because the proposed project has been approved by Town Department Heads; the Zoning Board of Appeals granted a variance on the grounds of

accessibility; and the Applicant has agreed to use vegetable oil in place of mineral oil for the elevator hydraulics.

3. Will not create an undue increase of vehicular traffic congestion on public streets or highways.

The Board unanimously agreed that it will not, because the proposed project will not add any expansion, guest rooms, or traffic to the existing site.

4. Includes adequate and proper public or private facilities for the storage, treatment, handling, use of, removal, or discharge of sewage, refuse, hazardous material or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

The Board unanimously agreed that it will, because the Applicant will use the existing sewer line and because the Applicant has agreed to use vegetable oil in place of mineral oil for the elevator hydraulics.

5. Materials incidental thereto or produced thereby will not give off noxious gases, odors, smoke or soot.

The Board unanimously agreed that they will not, because the normal elevator use will not give off noxious gases, odors, smoke, or soot.

6. Will not cause disturbing emission of electrical discharges, dust, light, vibration, or noise.

The Board unanimously agreed it will not, because the proposed elevator will be in an enclosed structure; and construction will be completed during the off season.

7. The operations in pursuance of the use will not cause undue interference with the orderly enjoyment by the public of parking or recreation facilities, existing, or proposed by the Town or by other competent governmental agencies.

The Board unanimously agreed that they will not, because it will not be visible from the beach or nearby parking areas.

8. Contains adequate, off-street parking in compliance with this Ordinance.

Katy Kelly, Manager at the Norseman Hotel informed the Board that on the busiest nights the Norseman purchases about fifteen parking passes from the Town. This number fluctuates with need; however they have never been without sufficient parking for their guests.

After some discussion regarding the loss of one parking space for the construction of the elevator building; and the fact that the Applicant obtains parking space passes from the Town to compensate for the lack of adequate parking spaces the Board agreed that the proposed project will meet this standard.

9. Does not create a hazard to life, limb or property because of fire, flood, erosion created by reason of use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

The Board unanimously agreed that it will not, because the Applicant has agreed that the proposed elevator size will be sufficient to allow for an emergency stretcher, per the Ogunquit Fire Chief's request.

10. Will be sensitive to adjacent historic properties in compliance with Article 11.

The Board unanimously agreed that this standard is not applicable, because there are no adjacent "historic properties".

11. Has a plot area which is sufficient, appropriate and adequate for the proposed use and the reasonably anticipated operation thereof.

The Board unanimously agreed that it does, because the proposed elevator structure is minimal in square footage; and because the Zoning Board of Appeals granted a variance relative to lot area.

12. Will be adequately screened and buffered from contiguous properties.

The Board unanimously agreed that it will, because it will be constructed in an existing parking area which is almost completely surrounded by existing buildings.

13. Will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations.

The Board reviewed the possibility of additional storm water mediation; and the applicant agreed to work with the Code Enforcement Officer during construction regarding possible improvements to storm water runoff and control; Mr. Aleva also confirmed that no rain water runoff will flow to the north side of the property where there is an existing erosion condition.

Mr. Aleva confirmed that there will be no increase in storm water flow due to the construction of the elevator. He agreed to explore the use of additional roof drainage systems and the installation of a drywell to capture water from the elevator structure's roof.

Mr. Heyland confirmed that there is an existing erosion situation on the north side of this property. His concern is that there be no exacerbation of this condition due to the proposed elevator construction project.

Mr. Heyland stated that if the Board is comfortable that there will be no increase in storm water run off; then any additional storm water mitigation measures will be an improvement to the site.

Mr. Aleva reiterated that it is his professional opinion, as an engineer, that this project will not increase storm water flow off of the site.

Mr. Heyland again brought up the use of a drywell to capture the small amount of water runoff from the elevator structure's roof drainage.

Mr. Aleva agreed to develop a plan to direct the water from the roof into a system which will infiltrate it into the sand under the parking lot. He agreed to add a drywell to capture the water from the elevator roof. He will include this on the Final Plan.

Mr. Heyland agreed that this would be perfect.

After additional discussion the Board unanimously agreed that this standard will be met because The proposed structure will not increase impervious ground surface on the site; and because of the Applicant's agreement to install a drywell to capture water from the elevator roof.

It was agreed that there be a condition of approval that on-site water remain on the site and water, related to the new structure, be directed within the courtyard; and there will be no water flow to the north.

14. Will provide for adequate pedestrian circulation.

The Board unanimously agreed that it will, because the purpose of the elevator is to improve handicapped accessibility.

15. Anticipates and mitigates potential nuisance created by its location;

The Board unanimously agreed that it will, because the only two potential nuisances have been mitigated by the use of vegetable oil in the elevator hydraulics; and the installation of a drywell to capture the elevator roof's rainwater runoff.

16. Complies in a satisfactory manner with all applicable performance standards criteria contained in this Ordinance.

The Board unanimously agreed that it will, because it meets items 1 through 15 as noted above and will include the following conditions of approval:

1. Timing of construction will be consistent with INFW requirements.
2. Elevator mechanics will utilize vegetable oil in the hydraulics.
3. Final Plan will include a drywell to handle any roof rainwater runoff from the new elevator structure.
4. Removal of reference A.3.0.1 to "total travel in future..."

Mr. MacLeod Moved to Approve the Application for Site Plan Review for LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) –RP/SGD1. Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019. With the following condition of approval:

1. Timing of construction will be consistent with INFW requirements.
2. Elevator mechanics will utilize vegetable oil in the hydraulics.
3. Final Plan will include a drywell to handle any roof rainwater runoff from the new elevator structure.
4. Removal of reference A.3.0.1 to “total travel in future...”.

MACLEOD / BOTSFORD

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 Approve the Application for Site Plan Review for LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) –RP/SGD1. Site Plan and Design Review Application for a post 1930 structure. Application to construct a new elevator and stairs; and remove existing ramp and stairs. Per Zoning Board of Appeals Variance Granted on May 2, 2019. With the following conditions of approval:**

1. **Timing of construction will be consistent with INFW requirements.**
2. **Elevator mechanics will utilize vegetable oil in the hydraulics.**
3. **Final Plan will include a drywell to handle any roof rainwater runoff from the new elevator structure.**
4. **Removal of reference A.3.0.1 to “total travel in future...”.**

**MACLEOD / BOTSFORD 4:0 UNANIMOUS**

**G. NEW BUSINESS –**

1. **THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road (Tax Map 7 Block 115) – LBD. ~~Application to Amend a previously approved Site Plan Review. Conversion from Retail Use to a Type 3 Restaurant. Originally Approved on April 9, 2018.~~ Site Plan Review for a Change of Use from a Type 3 Restaurant to a Type 1 Restaurant.**

Ms. Haight stated that she is asking to move the existing twelve outdoor seats inside. The new plan will include twelve indoor seats arranged around three tables, one 2-person couch, and a standing area.

Mr. Heyland stated that there was a discrepancy with the wording describing the proposed project. This project does not involve a change of use from “retail” to “Type 3 Restaurant”. This project is for a change of use from a “Type 3 Restaurant” to a “Type 1 Restaurant”.

Mr. Heyland asked the Applicant if it is her intention to send customers out of the building with food. He noted that this alteration of application description will not affect anything at this Hearing, however he wants to be very clear about what this applicant is asking to do.

Ms. Haight responded “absolutely not”. There will be no take out of food: and she confirmed that the proposed food service will be for a “tasting room” experience only. There will be no sandwiches, or cooking on site. Her menu will include only: cheese plates, olives and nuts, and charcuterie boards for pairing with wine.

Mr. Heyland explained that the changes involve the 11’x17’ interior space, which has been used for retail space. This space will now be used for dining room space. This space, assuming it is not inhibited by furniture, can accommodate twelve seats. However the final occupancy load will have to come from the Fire Chief. Mr. Heyland wanted everyone to understand that there is a difference between “seating count” and “occupancy load”. It is the Fire Chief’s purview to set the occupancy load.

Mr. Heyland noted that the Applicant has submitted two Submission Waiver Requests: Submission Item 6.6.C.3.T and Item 6.6.C.3.U. He suggested the Board make a determination on these two waiver requests when they review the Submissions Checklist Items.

Mr. Wilkos expressed some confusion and asked if the Planning Board doesn’t determine the number of “seats”.

Mr. Heyland responded that due to this application’s combination of: table seats, couches, and standing high top tables he does not want this Applicant to leave thinking she has approval for a specific number of “seats”. Mr. Heyland noted that the Planning Board might set one number of seats; and the Applicant may receive a different count from the Fire Chief.

The appropriate determination to be made by the Planning Board is the establishment of a specific square footage of “dining area”. It will be up to the Fire Chief to determine how many “seats” may be safely set up in that space.

Ms. Haight agreed and noted that she has had one inspection by the Fire Chief; and the Chief will be coming back for a Final Inspection after the dining/seating furniture is in place. At that time the Chief will confirm the seating count.

Ms. Haight confirmed that the proposed tables and chairs and the couch are in place; and she has ten chairs and one 72” wide couch for a total of twelve seats. She will be happy with a seating limit of twelve seats and an occupancy limit for a larger number because she intends to have a “standing area” with high-top tables where customers can drink their wine and consume food.

Ms. Freedman asked what the Fire Chief set as an occupancy load.

Ms. Haight responded that it’s about 20 to 25 people.

Mr. Heyland reiterated that the application is for an 11'x17' dining/seating area; and there is a separate "standing area" which will include high-top bars where patrons will stand. He again pointed out that there is a difference between "seating/dining" count and "occupancy load".

Ms. Haight confirmed that all the "seats" are for high-top tables which are 41" tall.

Ms. Botsford noted that the site plan the Applicant provided for the interior layout is confusing.

Mr. Heyland agreed that the plan was not prepared by an architect; and he suggested the Board may want to hold a Site Visit to get a clearer picture of the interior space. He also suggested that any approval from the Board might include the total number of square feet of the dining area and not the number of "seats". He asked for a total amount of square footage for the Type 1 Restaurant food/beverage consumption area.

Ms. Botsford asked for confirmation that there will be no cooking.

Ms. Haight confirmed that there will be no cooking.

Ms. Freedman noted the Fire Chief's Memo dated June 19<sup>th</sup> which states that a follow-up inspection would be held. She asked for a new memo from the Chief confirming that the follow-up inspection took place; and what the occupancy load was set at following that follow-up inspection.

Mr. Heyland responded that it is the jurisdiction of the Fire Chief and the Code Enforcement Office to confirm that all Life Safety measures (exit signs, clear escape routes, etc) are in place. These things do not fall under the purview of the Planning Board.

Mr. Wilkos noted that the Board is being asked to approve a Type 1 Restaurant: and he asked if all the proposed seats are indentified on the plan.

Ms. Haight confirmed that all twelve seats are indicated on the plan with X's. All of the seating will be restricted to the 11'x17' area she has indicated on the plan.

Ms. Freedman asked for confirmation that the proposed change of use will remove the "retail use".

Ms. Haight confirmed that she will no longer have retail wine sales. She also confirmed that there will no longer be any outside seating. All the seats will be indoors where she has control over patron's consumption of alcohol.

Mr. Wilkos asked about a Site Visit.

Ms. Haight responded that she would be happy for a Site Visit. She noted that all the furniture is in place except for the table tops which are being varnished and may not be back in place for the Site Visit.

It was agreed that this would not be a problem as long as the seats are in place and the Board can clearly see how the seating and other furniture and service areas will be arranged.

**Mr. MacLeod Moved to Grant the Waiver Request for Item 6.6.C.3.T – An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. MACLEOD/FREEDMAN 4:0 UNANIMOUS**

Mr. MacLeod asked if this project would require ten or more parking spaces.

Mr. Heyland confirmed that it would not.

**Mr. MacLeod Moved to Grant the Waiver Request for Item 6.6.C.3.U - A traffic impact analysis prepared by a Registered Professional Engineer with experience in traffic engineering. MACLEOD/BOTSFORD 4:0 UNANIMOUS**

**Mr. MacLeod Moved to Find the Application Complete for THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road (Tax Map 7 Block 115) – LBD. MACLEOD/FREEDMAN 4:0 UNANIMOUS**

Mr. Wilkos confirmed that a Site Visit would take place on July 22, 2019 at 5:00 p.m.

Mr. Wilkos also confirmed that the Public Hearing for this application would take place on July 22, 2019 at 6:00 p.m.

It was noted that going forward the caption for this application would be “A Change of Use from a Type 3 Restaurant to a Type 1 Restaurant”.

#### **H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Heyland responded to comments which were made earlier during the Public Input portion of this meeting. He expressed concern regarding the suggestion that homes have been constructed in the Resource Projection Zone without appropriate permits, or that violate setbacks or lot coverage. Mr. Heyland stressed that he carefully and thoroughly reviews every permit application which comes into his office. Every permit which leaves his office is thoroughly vetted and none of the permits he has issued have been successfully appealed. Mr. Heyland wants the public to know that there are no houses or additions being constructed without proper review and permitting.

Mr. Heyland suggested that any “housing committee” might be more appropriately handled by the next Comprehensive Plan Committee.

#### **I. OTHER BUSINESS – None**

**J. ADJOURNMENT –**

**Ms. Freedman Moved to Adjourn at 8:15 p.m.**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy  
Town of Ogunquit  
Planning Board  
Recording Secretary

*Approved on July 22, 2019*

*Note:*

- *These minutes are not a transcript.*
- *All Planning Board meetings are video archived, and may be viewed for one year after the meeting date, on the Town of Ogunquit's website at [www.townofogunquit.org](http://www.townofogunquit.org).*