



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

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

PUBLIC HEARING

THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road (Tax Map 7 Block 115) – LBD. Site Plan Review for a Change of Use from a Type 3 Restaurant to a Type 1 Restaurant.

Mr. Wilkos asked if there was anyone who wished to speak for, against, or ask questions regarding this application. There was no one and the Public Hearing was closed at 6:03 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Rusty Hayes (Vice Chair)
Muriel Freedman
Jackie Bevins
Priscilla Botsford (1st Alternate)

Members Excused: Mark MacLeod
Brian Aromando (2nd Alternate)

**Mr. Hayes Moved to Excuse Mr. MacLeod.
HAYES/BEVINS 4:0 UNANIMOUS**

Mr. Wilkos noted that due to Mr. MacLeod's absence Ms. Botsford would be moved to full voting member status for the duration of this meeting.

**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 Ms. Freedman.

D. MINUTES – July 8, 2019

**Ms. Freedman Moved to Accept the Minutes of the July 8, 2019 Meeting as Submitted.
FREEDMAN/BOTSFORD 3:0 UNANIMOUS (Mr. Hayes and Ms. Bevins were excused from the July 8, 2019 meeting.**

E. PUBLIC INPUT –

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.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

A. TOWN OF OGUNQUIT / MARGINAL WAY – RP (Application Approved on July 8, 2019).

Ms. Freedman Moved to Accept the Findings of Fact for TOWN OF OGUNQUIT / MARGINAL WAY – RP as Submitted.

FREEDMAN/BOTSFORD 3:0 UNANIMOUS (Mr. Hayes and Ms. Bevins were excused from the July 8, 2019 meeting when this Application was Approved.

B. LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87-89) – RP/SGD1 (Application Approved on July 8, 2019).

**Ms. Freedman Moved to Accept the Findings of Fact for LAFAYETTE OGUNQUIT LLC / NORSEMAN – 135 Beach Street (Tax Map 7 Block 87- 89) – RP/SGD1 as Submitted.
FREEDMAN/BOTSFORD 3:0 UNANIMOUS (Mr. Hayes and Ms. Bevins were excused from the July 8, 2019 meeting when this Application was Approved.**

2. THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road (Tax Map 7 Block 115) – LBD. Site Plan Review for a Change of Use from a Type 3 Restaurant to a Type 1 Restaurant.

Mr. Wilkos noted that a Site Visit was held earlier in the day; and it was attended by Planning Board Members Mr. Wilkos, Ms. Freedman, and Ms. Botsford. At the Site Visit the Board members confirmed that the Applicant is proposing the use of twelve seats.

Ms. Haight confirmed that she will have twelve seats.

Mr. Wilkos also noted that a Public Hearing was held at the start of this meeting; and that no one from the public wished to be heard.

Ms. Freedman asked if all the tables will be “high top tables”.

Ms. Haight confirmed that all the tables will be high top tables.

Ms. Botsford noted that the Fire Department set the occupancy limit at twenty (20) which will include both seated and standing patrons.

Mr. Heyland agreed that Bob Bernard from the Ogunquit Fire Department confirmed that the occupancy load has been set at twenty, which is consistent with the Applicant’s Liquor License.

Ms. Botsford asked if the twenty limit occupancy load includes the staff.

Mr. Heyland responded that he does not believe staff is included in the occupancy load; this is because the non-patron areas behind the counters are not included in occupancy load measurement calculations. The occupancy load for this business will be twenty patrons, plus staff.

Ms. Freedman stated that if all twelve seats are filled there can only be eight people standing.

Mr. Heyland added that the occupancy load should be posted somewhere near the door.

Ms. Haight agreed to post it.

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 it does not involve a pre 1931 structure.

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 there will be no exterior use; and there will be no egress changes.

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

The Board unanimously agreed that it will not, because there will be no onsite cooking; and there will be no changes to the egress; and the Fire Chief has reviewed and signed off on the proposal.

- 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 of the granted parking waiver.

- 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 it does, because the property is hooked up to Town water and sewer.

- 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 there will be no onsite cooking

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

The Board unanimously agreed it will not, because there will be no onsite cooking; and because all activity will take place indoors.

- 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 there are no nearby public or recreational facilities.

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

The Board unanimously agreed that this standard is not applicable. It also agreed that parking standards have been waived.

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 there will be no changes to the structure; and because the proposal has been approved by the Fire and Police Chiefs.

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”; and there will be no exterior modification to the subject property.

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 occupancy load of twenty (20) has been set by the Fire Chief.

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

The Board unanimously agreed that it will because there will be no exterior changes.

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 this standard is not applicable, because all activity will take place indoors.

14. Will provide for adequate pedestrian circulation.

The Board unanimously agreed that it will, because there will be no changes to the existing ingress and egress.

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

The Board unanimously agreed that it will, because it is located in a Business District.

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. Hayes moved to Approve the Site Plan Application for THE OGUNQUIT WINE CELLAR / ALEXANDRA HAIGHT – 59 Shore Road (Tax Map 7 Block 115) – LBD. Site Plan Review for a Change of Use from a Type 3 Restaurant to a Type 1 Restaurant. HAYES/BEVINS 5:0 UNANIMOUS

G. NEW BUSINESS – None

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

Mr. Wilkos noted that due to the Sewer District Elections on August 13th the next Planning Board Meeting, which would normally take place on August 12th, would be scheduled for August 14th; however there are no new applications and the August 14th Meeting may be cancelled.

It was noted that the Ogunquit Zoning Ordinance states that:

“Within 30 days of the Public Hearing the Planning Board shall prepare a detailed finding of fact and conclusions and shall reach a decision on the application.”

If the August 14th Planning Board Meeting was cancelled due to lack of business the Board would not be able to sign the Findings of Fact for the Ogunquit Wine Cellar within the 30-day window.

Mr. Heyland agreed to look into this.

The Board scheduled the next Meeting to take place on August 14th and the only thing on that Agenda would be the Acceptance and Signing of the Findings of Fact for the Wine Cellar.

J. ADJOURNMENT –

**Mr. Hayes Moved to Adjourn at 6:28 p.m.
HAYES/BOTSFORD 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy
Town of Ogunquit
Planning Board
Recording Secretary

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.*

Approved on August 26, 2019.