



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

**DUNAWAY CENTER MAIN AUDITORIUM
September 9, 2019**

PUBLIC HEARING

MISTER T LLC / LINDA BRIGGS – 387 Main Street – Map 14 Block 13 – GBD2 – Site Plan and Design Review for Change of Use from gas station to office. Application to construct a new structure for use as a real estate office.

Paul Dobberstein, Ambid Engineering gave a brief overview of the proposed project.

Mr. Wilkos asked if there was anyone from the public who wished to speak for, or against, this application; or had questions for the Applicant. There was no one and the Public Hearing was closed at 6:05 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Mark MacLeod (Vice-Chair)
Muriel Freedman
Jackie Bevins
Priscilla Botsford
Brian Aromando (1st Alternate)
Elaine Cooper (2nd Alternate)

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – August 26 , 2019 Regular Business Meeting.

Mr. MacLeod Moved to Accept the Minuets for the August 26, 2019 Meeting as Amended. MACLEOD/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. There was no one.

F. UNFINISHED BUSINESS –

1. MISTER T LLC / LINDA BRIGGS – 387 Main Street – Map 14 Block 13 – GBD2 – Site Plan and Design Review for Change of Use from gas station to office. Application to construct a new structure for use as a real estate office.

Mr. Wilkos noted that a Site Visit had been held earlier in the afternoon to which the Bike Ped Committee was invited; and a Public Hearing was held at the start of this meeting. He also noted that no one from the public spoke at the Public Hearing.

Paul Dobberstein addressed the Board as the Applicant's representative.

Ms. Cooper asked about the State Fire Marshall's Report which Mr. Chagnon said he would provide.

Mr. Heyland responded that Mr. Chagnon had not provided it yet. However Fire Marshall permitting is usually handled during the Building Permit process and doesn't fall under the Planning Board's purview.

Ms. Cooper asked if there was a DEP Report; and if it should be part of the package.

Mr. Heyland responded that there is a copy on file in the Land Use Office; and it will be made a part of the record.

Ms. Cooper asked about the proposed impervious surface coverage; and she suggested there is more than the allowable 30%.

Mr. Heyland responded that the 30% limit only applies to building coverage. Outside the Shoreland Zone it does not include things like pavement or walkways or similar things.

Mr. Dobberstein confirmed that the building coverage will not exceed the allowable 30%. He also stated that currently the lot has 60% impervious coverage. Post construction the lot's impervious coverage will be reduced to 49%.

Ms. Botsford stated that she likes the proposed building design, however it is her opinion that it is tall when considered in the context of surrounding structures. She noted the new hotel being constructed across the street will only be 27' tall; and most of the existing surrounding structures

are much lower than the proposed real estate office; particularly the structures close to Route One. Ms. Botsford noted that there are some taller structures however they are set back off of Glen Avenue and are at a higher elevation. She suggested the proposed 2.5 stories seems gratuitous.

Ms. Botsford suggested this property is located in a “Historic District” and she asked if the applicant might provide drawings which illustrate the proposed structure within the context of the surrounding buildings.

Mr. Wilkos agreed and noted that the Board had asked for similar drawings from past applicants, particularly the Blue Water Inn Project. He asked the Board members how they felt about requiring the Applicant to provide 3D renderings which illustrate the proposed structure within the context of the surrounding buildings.

Mr. Aromando asked if this property is, in fact, located in a “Historic District”.

Ms. Cooper responded that in the surrounding neighborhood there are at least four pre 1930 structures and several 1950’s structures.

Mr. Aromando asked if the Town has classified this neighborhood as a “Historic District”.

Ms. Botsford responded that it is her understanding that the Ogunquit Historic Preservation Commission (OHPC) classified this area as a Historic District.

Mr. Aromando stated that the OHPC has stated that this neighborhood has Historical Significance however he has not seen that it has been designated as a “Historical District”. He asked if Ogunquit has any designated Historic Districts.

Mr. Heyland responded that the Zoning Ordinance has a designated “District” which includes: GBD1, GBD2, LBD, the Beach Districts, and the Perkins Cove District. The Ordinance requires review by the OHPC for pre 1930 structures in those districts.

Mr. Aromando suggested that OHPC review of structures which are not pre 1930 construction goes beyond the requirements of the Zoning Ordinance. He pointed out that this project does not involve a pre 1930 structure.

Ms. Cooper stated that the Greenery building next door to the subject property is 1930. She added that the Planning Board’s Mission Statement states:

- “Considering input from the Land Use Office, concerned residents and various town committees such as the Historic Preservation Commission and the Conservation Commission.
- Protecting and enhancing our historical and environmental treasures and safeguarding the visual charm of Ogunquit for future generations.”

She also referred to Zoning Ordinance Article 11.7.B which states that the Board will “assure that new buildings are designed and built in a manner compatible with the character of The District in terms of visual scale and visual affect.” Ms. Cooper stated that the Board has a responsibility to look at new construction in relationship to all of the buildings around it; on both sides of the street.

Mr. Aromando agreed that the Board has a responsibility to look at it, however he also pointed out that in that area of the GBD, there are several restaurants, several hotels and motels, commercial businesses, and three structures which are three stories high stacked up behind the subject property.

Mr. Aromando argued that the Board can look at the structure’s context however when the Board talks about a “Historical District” and the need to do things to preserve the history of Ogunquit in that neighborhood, he wants to be cautious.

Ms. Cooper responded that she is talking about visual charm and maintaining the small charming village.

Mr. MacLeod didn’t see a need for a new drawing. He noted that the Board held a Site Visit and nearby properties include a brick hotel, an empty lot, and three story houses on the Glen Ave. hill which will all tower over this new building. He also pointed out that the new hotel across the street will only be about five feet shorter than the proposed structure.

Ms. Bevins stated that she likes the look of the proposed plan and she doesn’t see a need for a new drawing.

Ms. Botsford noted that some members of the Bike Ped Committee attended the Site Visit. She asked about a mow strip abutting the bike path in front of this property. Ms. Botsford noted that this property has three vehicle entrances: one on Glen Avenue and two of Route One. She suggested this many vehicle access pointes poses a safety hazard. She noted that the Bide Ped Committee asked for one driveway on Route One and one driveway on Glen Avenue. They also asked for a mowstrip for pedestrian safety.

Mr. Feldman reviewed the two concerns of the Bike Ped Committee. He spoke with the Project Manager from the Maine DOT who oversaw the recent Route One project. He informed Mr. Feldman that the sidewalk in this area was located on the northbound side of Route One at the request of the Town of Ogunquit. The Town did not want a sidewalk on the southbound side of Route One in that area.

Mr. Feldman confirmed that there are two curb openings on Route One and the Board may request the Applicant remove one of them. He noted that the Applicant has proposed to modify the openings by narrowing them to slow traffic as it enters and leaves the property.

It was agreed that it would be difficult to relocate a curb opening. It would require DOT approval and there is currently a moratorium of opening up Route One.

Ms. Botsford noted that the mow strip could be located where the current hedgerow is located. The mow strip allows pedestrians to step off the road into a safe area when needed.

Mr. MacLeod noted that when a bicyclist is riding southbound in the bike path and they come upon a pedestrian there is nowhere for the pedestrian to step out of the way. Either the bicyclist or the pedestrian has to step into the roadway.

Ms. Bevins would like to see the driveways left the way they are.

Ms. Cooper expressed concern about the safety of the Glen Ave vehicle opening.

Ms. Botsford noted that the Bike Ped Committee is working to make Ogunquit an AARP Friendly town; and safety is a primary concern. Whenever the Town has the opportunity to make something safer and pedestrian friendly the Board has an obligation to look at it. The Bike Ped Committee members are recommending the removal of one of the vehicle access points on Route One.

Mr. Heyland stated that the removal of a curb cut would not require DOT approval.

Mr. MacLeod noted that vehicles often use Glen Ave to bypass some of the Route One Traffic, they also are known to cut through the subject property to access Glen Ave. This is a danger to bicyclists particularly given the height of the existing hedgerow. He would like to see those hedges removed and replaced with grass. He would like to see one Route One access cut removed as well.

Ms. Botsford pointed out that the hedges don't belong to the Applicant. That land belongs to the State of Maine and it would probably be up to the Town to remove the hedges and maintain a grass mow strip.

Mr. Heyland agreed; and he noted that in front of almost every property along Route One there is a small amount of area belonging to the DOT which individual property owners maintain.

Mr. Aromando asked if the town has the responsibility to remove the hedges to improve the line of sight; and plant the grass mow strip for pedestrian safety.

Mr. Aromando asked Mr. Feldman why narrowing the driveway access is beneficial.

Mr. Feldman responded that it slows the traffic entering and exiting the property and creates a better line of sight.

Mr. Aromando noted that the Applicant has already improved the safety factor by narrowing all three entrance/exits. He also suggested that the new development will affect drivers ability to use the property as a cut through between Route One and Glen Ave. He suggested pushing cyclists and pedestrians up Glen Ave; which is much safer than Route One.

Mr. Wilkos asked if there are any studies regarding the safety of one vs. two vehicle entrances.

Mr. Feldman responded that he doesn't know; and he agreed to find out. He suggested asking the Ogunquit Police Department about accident history in this area. He noted that this information was provided by the Grasshopper Inn during their Planning Board Review.

Mr. Aromando pointed out that Bintliff's has two access points off of Route One, as does Ronnie E's, and The Greenery, and he asked if they should limit this Applicant to one entrance on Route One.

There was discussion about the need for a third party traffic review of the safety between one and two vehicle access points. It was noted that this would put a financial burden upon the Applicant and may cause interference with her ability to purchase the property.

Mr. Feldman pointed out that the Board members received a Trip Generation Report from Milone & Macbroom which stated that the proposed small office building, with five employees, will generate a total number of weekday trips at 32; the trips generated from the gas station use were calculated to be 1,376. He also noted that the total vehicle trips in the AM Peak hour for the real estate office will be 5 and the total PM Peak hour trips will be 6; the Gas Station use generated 82 trips in the AM Peak hours and 112 in the PM Peak hours.

It was pointed out that the Applicant has a licensed Traffic engineer who can answer the Board's questions without the need for a third party review.

Mr. Dobberstein reiterated that the Applicant does not want to eliminate one of the entrances.

It was agreed between the Board and the Applicant that:

1. The hedgerow would be removed by the Town and replaced with a grass mowstrip.
2. Applicant agreed to remove the southern vehicle entrance to the property.

Mr. Heyland informed the Board and the Applicant that the Applicant will need to submit an amended Final Site Plan which includes:

1. The hedgerow removal;
2. Removal of the southern curb opening;
3. Realignment of the remaining northerly vehicle access point.

It was also noted that the Public Works Director will need to confirm that the storm drain is connected and will continue to function properly. Mr. Heyland agreed to contact the Public Works Director.

After discussion, the majority of the Board agreed that the proposed height of the new structure is acceptable.

Mr. MacLeod Moved to Table the Hearing for MISTER T LLC / LINDA BRIGGS – 387 Main Street – Map 14 Block 13 to September 23, 2019 for the Site Plan and Design Review Decisions; and a review of the Final Site Plan.

MACLEOD/BEVINS 5:0 UNANIMOUS

Mr. Dobberstein asked if the Public Hearing was closed and if it would be reopened.

Mr. Wilkos responded that it has been closed and it can/may be reopened.

G. NEW BUSINESS –

- 1. YORK RIVER LLC - 15, 25, & 29 Autumn River Lane – Map 20 Blocks 15-C2, 15-C3, and 16 – RR2 - Subdivision Sketch Plan Application. Request for a lot line adjustment with abutting lot to the north; and the creation of three new lots from the remaining acreage.**

Isaiah Plant, Kimball Survey and Design, the Applicant's representative, gave a brief overview of the proposed Sketch Plan. He noted that this project involves the amendment of two abutting subdivisions. The property was originally approved in 2006 as a three lot subdivision under Marley Subdivision. This Applicant purchased lots 2 and 3 which are currently vacant and total approximately 5.6 acres. The abutting property to the north was Lot 6 on a different subdivision plan which was approved in 1977. The current proposal involves a lot line adjustment with the abutters to the north as illustrated on the Sketch Plan.

Mr. Plant also informed the Board that the property has passed the soil tests and density requirements. All of the lots will all be serviced by well and septic; and fire protection for the structures will be provided by whole house sprinkler systems.

Mr. Feldman reviewed his 8-28-19 input and e-mail communications with Mr. Plant.

Ms. Cooper asked for an explanation of the soil test pits.

Mr. Feldman noted that the Soil Test results will be provided during the Preliminary Plan Stage of the review process.

Mr. Plant explained that the test pits are dug to the limiting factor i.e. water or ledge. If they can't get deep enough they move to another area; and they are required to show all test pits on the plan even those pits which were not deep enough to provide sufficient information.

Ms. Cooper asked about the sprinkler systems.

Mr. Plant responded that this was a requirement of the Marley Subdivision and the Applicant carried it forward.

Mr. Heyland noted that the sprinkler systems are designed to allow occupants to escape the building, not to preserve the structure. They will still need the protection of tanker trucks in case of a fire.

Mr. MacLeod asked about the original configurations of the two original subdivisions.

Mr. Plant responded that they were lacking frontage. The old lot line will now be abandoned to provide this applicant with enough frontage to create one additional lot.

Mr. MacLeod asked about a “No Cut Buffer”.

Mr. Plant responded that this will be a buffer along the Ogunquit River.

Mr. Heyland added that the Applicant will be required to use “No Cut” signage posted on the trees on the buffer boundary.

Mr. Aromando asked if the Applicant will comply with Mr. Feldman’s requests about expanding the plan to show all the other lots.

Mr. Plant agreed to do pull the original subdivision survey’s so the Board can see the scope of the changes.

Mr. Feldman agreed to work with Mr. Plant to put together a 60 scale of the two subdivisions with the new plans overlaid to show the changes.

Ms. Cooper asked if this will create a new subdivision.

Mr. Plant responded that it will not, the proposal involves the amending of two existing subdivisions.

Mr. MacLeod asked how many units are in each existing subdivision.

Mr. Plant responded that there were 6 lots in the 1973 Subdivision and 3 lots in the Marley Subdivision.

At this time the Board reviewed the Sketch Plan Submissions Checklist.

**Ms. Freedman Moved to find the Sketch Plan Application Complete for York River LLC.
FREEDMAN/BEVINS 5:0 UNANIMOUS**

The Board scheduled a Site Visit to take place on September 23, 2019 at 4:00 p.m.

The Board determined that no Public Hearing was required at this stage.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Re-adoption or amendment of Planning Board By-Laws.

**Ms. Bevins Moved to Re-Adopt the proposed Planning Board By-Laws as amended.
BEVINS/MACLEOD 5:0 UNANIMOUS**

J. ADJOURNMENT –

**Ms. Freedman Moved to Adjourn at 7:55 p.m.
FREEDMAN/BEVINS 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 September 23, 2019