



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARING and REGULAR BUSINESS MEETING
MINUTES
DUNAWAY CENTER MAIN AUDITORIUM
JANUARY 27, 2020**

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – January 13, 2020

**Mr. MacLeod Moved to Accept the Minutes of the January 13, 2020 Meeting as Amended.
MACLEOD/BOTSFORD 5:0 UNANIMOUS**

E. PUBLIC INPUT – For any matter not 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. PUBLIC HEARING - OGUNQUIT PROPERTIES PARTNERSHIP LLC.

Mr. Wilkos asked if there was anyone who wished to speak for, or against this application, or who had questions for the Applicant. There was no one and the Public Hearing was closed at 6:06 p.m.

1.A OGUNQUIT PROPERTIES PARTNERSHIP LLC – 731 Main Street, Suite 4 – Map 12 Block 10-A – GBD2/SLR – SITE PLAN and DESIGN REVIEW for Change of Use from service to business and professional office; and install two windows on the Main Street side of the structure.

Jerry DeHart from Coastal General Construction addressed the Board as the Applicant’s representative. Mr. DeHart gave a brief summary of the proposed project.

At this time the Board reviewed the Design Review Approval Checklist regarding Article 11.7.C of the Ogunquit Zoning Ordinance:

Does this review involve a structure built prior to December 31, 1930?

The Board unanimously agreed that it did not.

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, and the two new windows will be the same size and style as the two existing windows.

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; and there will be no change to the height of the building.

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 it is; and there will be no change to the building’s front facade.

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 it is; and the two new windows on the facade visible from Route One will be the same size and style as the two existing windows

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 they are, and the only changes are the two new windows which are the same style and size as the two existing windows. Also the relationship of height to width of the building will not change.

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 they are, and there will be no change to the roof.

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, and there will be no change to the façade.

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, and there will be no change to the building.

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 they are, and there will be no changes to these elements of the property.

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 it has, and this application does not involve a pre-1931 building.

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

It was determined that it did not, because this project does not involve public infrastructure.

Mr. MacLeod Moved to Approve the Application for OGUNQUIT PROPERTIES PARTNERSHIP LLC – 731 Main Street, Suite 4 – Map 12 Block 10-A – GBD2/SLR – DESIGN REVIEW to install two windows on the Main Street side of the structure. MACLEOD/BEVINS 5:0 UNANIMOUS

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

Does this application involve a pre-1931 structure?

The Board unanimously agreed that it did not; and that it had not been reviewed by the OHPC.

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

Mr. Heyland confirmed that it had.

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

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

The Board unanimously agreed that it will, because there was a previous office use at this location and this Applicant's use will have the same impact.

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 was an identical use at this location which had no complaints.

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 use will not generate any additional traffic.

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 it is tied into public sewer and as an office use there will be no hazardous material generated.

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 it will be an office; and because there was a previous office use at this location which did not generate any problems.

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

The Board unanimously agreed that it will not, because there was a previous office use at this location which did not generate any disturbing emissions.

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 it will not, because there are no public parking or recreation facilities adjacent to this location.

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

The Board unanimously agreed that it does; there will be no changes to the parking layout; and there is no additional parking required by this change of use.

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, based upon the review and comments submitted by Town Department Heads who expressed no questions, concerns, or complaints.

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 historic properties adjacent to this site.

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 previous office use at this site had no problems.

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

The Board unanimously agreed that it will, because there will be no change to existing buffering.

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 there will be no change to existing landscaping or stormwater drainage.

14. Will provide for adequate pedestrian circulation.

The Board unanimously agreed that it will, because there will be no change.

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

The Board unanimously agreed that it will, based upon the previous similar use at this site which had no complaints.

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

The Board unanimously agreed that it does, because it meets Standards 1 through 15 above.

Mr. MacLeod Moved to Approve the Application for OGUNQUIT PROPERTIES PARTNERSHIP LLC – 731 Main Street, Suite 4 – Map 12 Block 10-A – GBD2/SLR – SITE PLAN for Change of Use from service to business and professional office; and install two windows on the Main Street side of the structure.

MACLEOD/BEVINS 5:0 UNANIMOUS

G. NEW BUSINESS –

1. 33 SHORE ROAD LLC – 33 Shore Road – Map 7 Block 105 – GBD1 – Design Review to replace and change style of windows and doors.

Jerry DeHart from Coastal General Construction addressed the Board as the Applicant's representative. Mr. DeHart gave a brief overview of the proposed changes to the building's front façade doors and windows.

Mr. Wilkos asked for confirmation that the awnings will be removable.

Mr. DeHart confirmed that they will be removable.

Ms. Cooper asked if the grill pattern on the windows on the right elevation will be changing from three over four to two over four as indicated on the elevation drawings.

Mr. DeHart responded that this is an error on the drawings. There will be no changes to the back windows.

Mr. MacLeod asked if the color of the building will remain the same.

Mr. DeHart responded that it will not. The new color will be similar but of a different shade.

Mr. MacLeod Moved to find the Application complete for 33 SHORE ROAD LLC – 33 Shore Road – Map 7 Block 105 – GBD1 – Design Review to replace and change style of windows and doors.

MACLEOD/BEVINS 5:0 UNANIMOUS

The Board unanimously agreed that no Site Visit or Public Hearing would be required.

Mr. MacLeod Moved to Approve the Application for 33 SHORE ROAD LLC – 33 Shore Road – Map 7 Block 105 – GBD1 – Design Review to replace and change style of windows and doors.

MACLEOD/BEVINS 5:0 UNANIMOUS

2. TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review – Twelve (12) Repair projects, requiring NRPA Permit.

William Walsh from Walsh Engineering addressed the Board as the Applicant's representative. Mr. Walsh noted that these projects arise from the 2018 Storm which caused significant erosion along the Marginal Way. There are a total of twenty-five projects; and the Board has already reviewed thirteen of them. The twelve projects currently under review have gone to the DEP for a Full NRPA Permit, which is required because of their proximity to the water.

Mr. Walsh explained that there is: one repair project, five masonry wall projects, and six revetment projects; and he will provide a full presentation at the Public Hearing.

Mr. Heyland reviewed his January 17, 2020 Memo to the Board.

Mr. Wilkos reviewed Town Department Head memos from:

- Ogunquit Police Chief, dated January 16, 2020;
- Ogunquit Fire and Rescue, dated January 17, 2020;
- Ogunquit Public Works, dated January 14, 2020.

None of the Department Heads expressed any questions or concerns with the proposed projects.

Ms. Botsford asked for clarification between a “concrete wall” and a “concrete masonry wall”.

Mr. Walsh responded that a concrete wall is constructed using only concrete with no stone; and a concrete masonry wall is constructed from stone with concrete in the joints. The concrete wall, which is more substantial, will be at Little Beach.

Ms. Cooper noted that the Board’s packets contained the 2009 Zoning Map; and she asked why the Board wasn’t given the 2015 Zoning Map. She also noted that the Board was given the 2017 FEMA Map and the last time the Board reviewed a beach project they were given the 1992 FEMA Map.

Mr. Heyland responded that the Town’s effective Flood Map is from 1992.

Mr. Walsh added that he used the 2017 FEMA Maps because they are more restrictive and he wanted to go with those higher standards. This was only done from a design standpoint.

Mr. Heyland added that he would provide the Board with copies of the current Zoning Map for the next meeting.

At this time the Board reviewed the Submissions checklist and agreed with the Code Enforcement Officer’s determination that some of the submission requirements were not applicable to this project.

Mr. MacLeod Moved to Find the Application Complete for TOWN OF OGUNQUIT / MARGINAL WAY – RP – Site Plan Review – Twelve (12) Repair projects, requiring NRPA Permit.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

The Board scheduled a Site Visit for February 10, 2020 at 2:00 p.m. and agreed to meet on that date and time at the Little Beach Lighthouse on the Marginal Way.

The Board scheduled a Public Hearing to take place on February 10, 2020 at the 6:00 p.m. Meeting.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Discussion of input from Subdivision Regulations Amendment Workshop.

The Board schedule a 2nd Workshop to take place on February 10, 2020 at 4:00 p.m.

2. Continue to discuss and review changes to the Planning Board By-Laws.

The Board noted a few changes which needed to be made; and agreed that Final Draft copies would be provided to the Board Members for the next meeting; and that the Board would vote to adopt them at that time.

3. Zoning Article 8.7 – Lighting.

Ms. Bevins asked for a discussion regarding outside strings of lights. She noted that the use of outside strings of lights has increased and the town is now very bright at night.

Mr. Heyland added that it is difficult to determine the definition of “strings of lights”. He asked for direction from the Board regarding things like “café lights” which are not the same as the smaller bulbs on traditional strings of lights. He noted that when the current Ordinance regarding Strings of Lights was enacted there were not as many types of bulbs and lighting fixtures. He asked what the intent was and if that intent is still valid. Does the town want to tighten up the restrictions on strings of lights; or loosen them to allow for more use of this type of lighting?

He asked when these types of lights become more than decoration; when do they become purpose lighting?

It was noted that many restaurants with outside dining have awnings with lighting under the awning. This involves “strings of lights” whose use is more than decorative.

Mr. MacLeod noted that Edison Bulbs are relatively new as are the LED lights which are much brighter than the traditional strings of lights in use when the Ordinance was put in place in 2012.

Mr. Wilkos added that the Ordinance regarding Landscape Lighting was added in 2002.

It was agreed that a workshop would be held to discuss “strings of lights” as defined and regulated under Zoning Article 8.7.

Mr. Heyland agreed to provide the Board with photos showing examples of the different types of lights being used.

The Board scheduled a workshop to discuss the definition, regulation, and use of “strings of lights” as covered in Article 8.7 of the Ogunquit Zoning Ordinance. The Workshop will take place on February 24, 2020 at 4:00 p.m.

Ms. Botsford asked for a discussion, possibly a workshop, regarding development which is dependent on properties which are on sewer vs. septic. She wants to discuss lot size and the possibility of decoupling that from the sewer bonus.

Mr. MacLeod noted that the Board needs to have a valid reason for proposing ordinance changes; beyond the Planning Board Members opinions. He suggested waiting to see what comes out of Comprehensive Plan update discussions.

It was agreed that this topic would wait until the Select Board appoints a Comprehensive Plan Committee and the Planning Board can see what direction that board takes.

J. ADJOURNMENT –

**Mr. MacLeod Moved to Adjourn at 7:36 p.m.
MACLEOD/FREEDMAN 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

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Town of Ogunquit

Planning Board Recording Secretary

Approved on February 10, 2020

Notes:

- *These minutes are not a transcript.*
- *Copies of all referenced documents will be maintained in the Application packet on file with the Land Use Office.*
- *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.*