



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARING and REGULAR BUSINESS MEETING
MINUTES
DUNAWAY CENTER MAIN AUDITORIUM
FEBRUARY 24, 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 27, 2020 Subdivision Regulation Workshop #1.

Ms. Freedman Moved to Accept the Minutes of the January 27, 2020 Workshop as Submitted.

FREEDMAN/BEVINS 5:0 UNANIMOUS

February 10, 2020 Subdivision Regulation Workshop #2.

Ms. Freedman Moved to Accept the Minutes of the February 10, 2020 Workshop as Submitted.

FREEDMAN/BEVINS 5:0 UNANIMOUS

February 10, 2020 Regular Business Meeting.

Ms. Freedman Moved to Accept the Minutes of the February 10, 2020 Meeting as Submitted.

FREEDMAN/BEVINS 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.

Mr. Wilkos noted that the Board held two workshops earlier in the evening: Strings of Lights and Food Trucks.

F. UNFINISHED BUSINESS –

1. PUBLIC HEARING:

BRYAN and RAPHAELA CHATELLE – 34 School Street, Building # 1 – Map 6 Block 31.

Mr. Wilkos opened the Public Hearing at 6:04 p.m. He noted that the Board held a Site Visit to this property at 3:30 that afternoon.

Mr. Chatelle summarized the need for additional parking for his tenants both for convenience and safety.

Mr. Wilkos asked if there was anyone from the public who wished to speak. There was no one.

Ms. Cooper asked for the distance between the edge of the existing driveway to the new driveway. She noted that if the applicant has more than four parking spaces, vehicles may not back out into the street.

Mr. Chatelle estimated it was about 34 feet. He agreed that he only wanted three parking spaces. He added that he wanted to allow for 10 foot wide parking spaces so people will have room to open car doors etc.

Mr. Heyland confirmed that the maximum width of the entire opening, including the width of the existing driveway, can be no more than 36 feet.

The Board members agreed that the driveway should be 36 feet to accommodate three vehicles.

Ms. Botsford noted that most of the questions on the Design Review Checklist refer to a “building” and this application does not involve a building.

The Public Hearing was closed at approximately 6:15 p.m.

1-A. BRYAN and RAPHAELA CHATELLE – 34 School Street, Building # 1 – Map 6 Block 31 – GBD1 – Design Review to add two new parking spaces and install a new stone wall along driveway for a post 1930 single family residence.

At this time the Board reviewed the Design Review Approval checklist:

DESIGN REVIEW CERTIFICATION CHECKLIST

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

The Board unanimously agreed that it did not.

B. Review the specifics of the proposed application for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance as follows:

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 this standard is not applicable because this application does not involve a building.

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

The Board unanimously agreed that this standard is not applicable because this application does not involve a 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 this standard is not applicable because this application does not involve a building.

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 this application does not involve a building.

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 this standard is not applicable because this application does not involve a building.

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 this standard is not applicable because this application does not involve a building.

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 this standard is not applicable because this application does not involve a building.

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 this standard is not applicable because this application does not involve a 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, because the replacement wall will be constructed from the original stones and will be visually the same as the existing wall. Also because there are other properties on this street with the same parking configuration.

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 because this application does not involve a building.

C. Does the review require more time to complete?

The Board unanimously determined that it does not require additional time to complete.

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

It was confirmed that it did not.

Mr. Heyland confirmed that a performance bond would only be required if the applicant does any work involving the opening of the public street.

Mr. Heyland noted that there was some concern about a private sewer line. This line will have to be dealt with between the two parties.

**Mr. MacLeod Moved to Approve the Design Review Application for BRYAN and RAPHAELA CHATELLE – 34 School Street, Building # 1 – Map 6 Block 31 – GBD1 – Design Review to add two new parking spaces and install a new stone wall along driveway for a post 1930 single family residence.
MACLEOD/BEVINS 5:0 UNANIMOUS**

G. NEW BUSINESS –

1. COASTAL WINE OGUNQUIT / KATLYN MITSCH – 239 Shore Road – Map 5 Block 10-1 – LBD – Design Review and Site Plan Review for post 1930 structure. Application for change of use from retail to Type 2 Restaurant with the addition of new outdoor seating.

Ms. Mitsch gave a brief overview of the proposed project.

Mr. Wilkos noted that the Board had received correspondence from abutters which would be reviewed at the Public Hearing.

Mr. MacLeod asked if there would be any changes to the existing building.

Ms. Mitsch responded that there would be no changes to the building.

At this time the Board reviewed the Design Review Submissions Checklist.

Mr. MacLeod Moved to Find the Design Review Application Complete for COASTAL WINE OGUNQUIT / KATLYN MITSCH – 239 Shore Road – Map 5 Block 10-1 – LBD. MACLEOD/BEVINS 5:0 UNANIMOUS

Mr. Heyland reviewed his February 14, 2020 Application Review Memo to the Board.

Mr. Wilkos noted that the Applicant has submitted two Site Plan Submission Waiver Requests:

- 6.6.C.3.T Estimate of the Amount of Traffic Generated on a Daily Basis at Peak Hours.
- 6.6.C.3.U Traffic Impact Analysis.

Ms. Botsford noted that one of the abutter letters referred to parking and she felt it should be discussed as part of the waiver request. The abutter letter expressed concern that previous businesses at this location have generated customer parking on the street which created a dangerous situation at that intersection. In addition, there will be a need for regular commercial deliveries which will also pose hazardous and disruptive situations in the neighborhood.

Ms. Mitsch responded that her business will have a delivery service which will reduce customer parking. Also she anticipates most of her business will be driven by foot traffic.

She is requesting a waiver for “no on site customer parking” and if granted she will include this in her advertising so that potential customers are aware that there is no parking.

Regarding commercial deliveries she does not anticipate regular commercial deliveries. However any deliveries she does have should be very fast and infrequent.

Mr. Wilkos asked if there were any abutters present. There were none.

Mr. Aromando noted that there are a few public parking spots just south of the applicant’s property. He noted that they are for short term parking.

Mr. Heyland agreed and pointed out that there are a couple of public parking spaces on Ledge Road as well.

Mr. Aromando added that there is a large active restaurant just three lots down the street from the applicant's property.

Ms. Freedman asked if wine delivery is allowed.

Mr. Heyland responded that he believes it is legal; however the applicant will have to follow all State Alcohol Licensing Laws.

Mr. Wilkos asked how many parking spaces are currently on site.

Mr. Heyland responded that there are four existing parking spaces. The Applicant is required to retain two parking spaces for the residential apartment on the second floor.

Regarding the parking for the proposed restaurant. The Applicant is required to have one parking space for every 100 square feet of dining area. The proposed restaurant, including interior and outside dining and retail space requires her to have seven parking spaces. The Applicant is requesting a waiver for all seven parking spaces.

Mr. Heyland noted that most of the restaurants who ask for parking waivers do so because they can't meet the required number of parking spaces. While most businesses provide some parking and waive some parking; some businesses have been granted waivers for all the parking.

Mr. MacLeod confirmed that the Applicant is required to retain two of the existing four parking spaces for the residential unit; and that she is asking to remove the other two existing parking spaces so that she can accommodate the outside dining area. Thus, she is requesting a parking space waiver for the seven parking spaces she is required to have for the proposed restaurant use.

Mr. Heyland noted that vehicles backing out of the existing parking area pose a hazardous situation. By removing two of the existing parking spaces this Applicant may be reducing that hazardous situation.

Mr. Aromando asked if the Applicant can have a successful business without outside dining. He suggested a Site Visit may be helpful.

Ms. Botsford expressed her concern about commercial delivery trucks blocking the sidewalk or roadway. She noted that, in the past, the Board has approved restaurants that have no parking.

Ms. Bevins expressed her concern about the two residential parking spaces located next to the outside dining area.

Ms. Cooper asked what the hours of operation will be.

Ms. Mitsch responded that she will be open 11:00 a.m. to 10:00 p.m. during the busy season; and 11:00 a.m. to 7:00 p.m. during the shoulder seasons. She agreed to request her delivery drivers park in the pull off just down the street from her property, or on Ledge Road.

Ms. Freedman confirmed that the property is in the LBD and outside service must stop by 9:00 p.m. She also asked for the seating capacity.

Ms. Mitsch responded that she anticipates her seating capacity will be 40; however that will be determined by the Fire Chief and Code Officer.

Mr. Heyland added that capacity is calculated at 15 square feet per person; so for this application's outside dining: 270 square feet would be divided by 15. Thus the outside seating capacity will probably be 18 persons.

It was noted that the Board may not schedule a Public Hearing until the application is found complete; and it cannot find the application complete without either granting the waiver requests or requiring the applicant to provide the two submissions.

Mr. MacLeod Moved to Grant a Waiver for Submission Requirement 6.6.C.3.T - Estimate of the Amount of Traffic Generated on a Daily Basis at Peak Hours.
MACLEOD/BOTSFORD 5:0 UNANIMOUS

Mr. MacLeod Moved to Grant a Waiver for Submission Requirement 6.6.C.3.U - Traffic Impact Analysis.
MACLEOD/BOTSFORD 5:0 UNANIMOUS

Ms. Cooper asked for the dimensions of the parking area.

Ms. Mitsch responded that the width is approximately 36 feet and the depth between the street and the storefront is approximately 27 to 28 feet.

The Board reviewed the submission requirements checklist for Site Plan Review.

Mr. MacLeod Moved to Find the Site Plan Review Application Complete for COASTAL WINE OGUNQUIT / KATLYN MITSCH – 239 Shore Road – Map 5 Block 10-1 – LBD.
MACLEOD/BEVINS 5:0 UNANIMOUS

The Board scheduled a Site Visit to take place on March 9, 2020 at 5:00 p.m.

Mr. Heyland asked the Applicant to indicate the: limits of the 9 foot parking stalls being reserved for the upstairs residential use, and the location of the outside planters and tables. He also asked her to provide information about the type of outside lighting she intends to use.

Mr. Heyland also suggested the Applicant look at the buffering between her property and the residential abutters to ensure that she meets the required buffering standards.

Ms. Botsford asked about noise.

Ms. Mitsch confirmed that she will not have outside music.

The Board scheduled a Public Hearing to take place at the March 9, 2020 Meeting.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Discussion regarding Zoning Ordinance Article 8.7 – Lighting Workshop.

Mr. Heyland and Mr. Feldman will prepare a draft of language for the Board to review.

During the workshop the Board reached a consensus that strings of small bulb lights will be allowed on living shrubbery; strings of other types of lights will not be allowed; and the Town will adopt Dark Sky Lighting requirements.

2. Discussion regarding Food Trucks Workshop – OZO Table 702.1 Outdoor Sales.

The Board agreed that a committee should be formed to explore food options. Said committee should include at least three members of the Planning Board as well as individuals from: Visitor Services, Conservation Commission, Public Works Department, and the Sustainability Committee.

J. ADJOURNMENT –

**Mr. MacLeod Moved to Adjourn at 7:07 p.m.
MACLEOD/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

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Town of Ogunquit

Planning Board Recording Secretary

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.*

Approved on March 9, 2020