



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARING and REGULAR BUSINESS MEETING
MINUTES
DUNAWAY CENTER MAIN AUDITORIUM
MARCH 9, 2020**

PUBLIC HEARING

Proposed Amendments to the Ogunquit Subdivision Regulations.

Mr. Feldman and Mr. Heyland gave an overview of the proposed changes.

Mr. Wilkos asked if there was anyone in the audience who wished to speak for or against the proposed changes, or who had any questions. There was no one and the Public Hearing was closed at 6:04 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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – February 24, 2020 Food Truck Workshop.

Ms. Freedman Moved to Accept the Minutes of the February 24, 2020 Food Truck Workshop as Submitted.

FREEDMAN/BEVINS 5:0 UNANIMOUS

February 24, 2020 Lighting Workshop.

Ms. Freedman Moved to Accept the Minutes of the February 24, 2020 Lighting Workshop as Submitted.

FREEDMAN/BEVINS 5:0 UNANIMOUS

February 24, 2020 Regular Business Meeting.

Ms. Freedman Moved to Accept the Minutes of the February 24, 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 from the public who wished to speak on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

1. PUBLIC HEARING: COASTAL WINE OGUNQUIT / KATLYN MITSCH – 239 Shore Road – Map 5 Block 10-1.

Mr. Wilkos asked if there was anyone who wished to speak for, or against this application, or who had any questions for the Board or the Applicant.

Scott Schershel (240 Shore Road) expressed concern that this proposed business model is not a good fit for the neighborhood. He argued that this lot will not accommodate the proposed business; and a wine and beer bar will have a negative impact on surrounding residences. Mr. Schershel argued that it would be impossible to control the number of patrons of the business and the number of people waiting to be seated or gain access to the business. Even though it may be approved for an outside seating area of 18 patrons, he asked how patrons waiting to be seated will be handled. Will they congregate on the sidewalk or lawn? He is concerned about noise levels. He argued that Ogunquit Zoning Ordinance (OZO) Article 1.1.b will not be met and the proposed use will not be the best use of the land in the town and will damage the value of surrounding properties. He asked the Board to deny this application and not allow a bar into the neighborhood.

Gregory Long (240 Shore Road) asked to distribute handouts summarizing his statements. After consideration the Board determined that, per the Board's By-Laws, it would not accept handouts at a Public Hearing.

Mr. Long reviewed the sixteen points outlined in Article 6.7 of the OZO. He argued that this application would not meet several of them:

Parking: existing parking does not meet zoning requirements. He noted that the Zoning Ordinance prohibits parking in the front setback or any setback adjoining a public street. This property only has parking in its front setback which is also the setback adjoining Shore Road.

Mr. Long referenced Article 8.10.B.2 which states that “Access to parking stalls should not be from major travel lanes, and shall not be immediately accessible from any public way.” He noted that the parking area for this business already violates this standard.

Buffering: He referenced Article 8.10.B.5 – Landscaping. He stated that this business is surrounded by residential properties and cannot be adequately buffered so as to not negatively impact them.

Mr. Long noted that Article 3.2.F regarding Change of Use states that: “A legally existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties...”. Mr. Long argued that this proposed new use will definitely have a negative impact on the residential neighbors; he suggested that the new use will have a greater negative impact because of an increase in traffic and noise and the potential for litter produced by outside dining in the middle of a residential area.

Mr. Long referenced Article 8.3 – Buffering; and he argued that given the closeness of abutting residential homes it will be impossible for this applicant to meet that standards in this article. He argued that the 4th parking space located along the side fence would need to be removed because it may not be paved for parking.

Trash and dumpsters for the restaurant would be non-conforming because they can’t be located to meet Article 8.16.B which requires dumpsters and trash and recyclable containers to meet setbacks, which in this case would be 20 feet from the front and 15 feet from either side.

Mr. Long argued that the Type 2 Restaurant definition requires that the design of the facility’s, advertising or packaging does not promote the consumption of food or beverages off the premises”. He noted that the Applicant’s business model includes the delivery of wine to customers. Her description of the proposed business does not fit the OZO definition of a Type 2 Restaurant.

Mr. Long summarized that, of the sixteen standards included in Article 6.7.A of the Ogunquit Zoning Ordinance, this application cannot meet Standards: 3, 4, 6, 8, 12, 13, 14, and 15. He asked the Board to deny this application.

Mr. Aromando noted that the abutters have raised several questions for consideration. He suggested the Board may want to consider continuing this Public Hearing in order to give the Applicant, the abutters, and the Board time to review and be able to respond to everything.

The Board was polled and unanimously agreed that the best approach for everyone would be to continue the Public Hearing.

June Saraceno (241 Shore Road) informed the Board that she is the closest residential abutter to this property and she agrees with everything Mr. Schershel and Mr. Long said. She has been living in this neighborhood for over twenty-five years and is mostly concerned about smoke and odors, noise, light, the size of the lot being able to support this new use, buffering, and overall nuisance to the neighborhood.

Ms. Saraceno asked the Board to require confirmation of the setbacks on the property. She has not seen any “real earth” layout for the buffering. She also pointed out an “anonymous” parking space which seems to have multiple uses: vehicle parking, a planted buffered zone, and location of benches. She asked how all this can be done in the very small ninety inches (90”) of land. She pointed out that the side door actually opens out into the setback.

She suggested a restaurant will generate more trash and garbage than the previous retail / ice cream store uses.

She also asked the Board to deny the change of use; and she asked that the buffer zone be confirmed.

Don Wunder (66 Woodland Hills) addressed the Board in support of this application. He stated that this property has been a commercial use for over thirty years. He added that people who have purchased property along Shore Road know that it is a commercial zone and that there are commercial properties there.

Mr. Wilkos confirmed that the Public Hearing will be continued.

Ms. Botsford asked for additional information from the Applicant in response to what the Board saw at the Site Visit and in response to the abutters’ comments tonight; particularly a more detailed Site Plan which shows: buffering, setbacks, parking layout including vehicle parking stall dimensions, dumpster location, and pedestrian circulation.

Mr. Aromando agreed. He noted that the survey would have to be amended.

Mr. Heyland noted that the survey is scaled and could be amended.

The Board was polled and unanimously agreed that additional information is needed in response to the abutters concerns expressed at the Site Visit and at the Public Hearing.

Ms. Bevins asked for more information about the seating count and layout. She agreed that there has been a business in that location for over thirty years and that there will probably be a business there in the future.

Mr. Aromando asked if the applicant can make the measurements on the plan herself or if she has to have the plan amended by a surveyor or engineer.

It was agreed that she can do it herself or she can have it professionally done as long as the updated survey/site plan is accurate, clear, and scaled.

It was agreed that the Applicant needs to submit an amended survey/site plan which indicates:

- Width and location of buffer zones as well as a notation regarding type of buffering ;
- Dimension and location of parking stalls;
- Location of dumpster and recycling storage areas; and a notation reference as to how trash and recycling will be handled.

Ms. Mitsch stated that she does not intend to have a dumpster or outside trash/recycling area. She plans to store trash/recycling inside and take it to the Transfer Station daily.

She was informed that she should include this plan in the notes on the survey.

Mr. Heyland informed the Applicant and the public that any input they want to submit to the Board in writing needs to be into the Land Use Office at least one week before a meeting date.

Ms. Saraceno asked for confirmation on the survey/site plan regarding the location of the property line and the location of the buffer.

Mr. Heyland responded that the Board could not find a boundary marker on the ground during the Site Visit. He noted that it is difficult to exactly plot these things on the survey by using a ruler.

Ms. Saraceno stated that her survey says that the stone wall is the boundary line; but she wasn't sure if it was the face of the wall or which wall face . She also stated that there is a three foot overhang over the door. She doesn't think scaling it on a piece of paper, which has been photocopied, will work. She again reiterated that this is a tight area and she is worried about sound, light, smoke, and trash from this business because of how close it will be to her house.

Mr. Heyland noted that there is a scale on the plan which can be used.

Terry Ann Lunt (58 Bournes Lane) noted that she isn't an abutter and she isn't prepared to speak. She is concerned about this new business being a nuisance and she is concerned about public safety. She will speak about her concerns when this application's Public Hearing is continued at the next meeting.

Mr. Wilkos confirmed that the Public Hearing has been continued and the public may also be heard then.

Ms. Mitsch stated that she will want to extend beyond the March 23rd Meeting.

Mr. Wilkos responded that the following meeting will be on April 13th.

1-A. 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.

Mr. MacLeod Moved to postpone the Application for 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.

MACLEOD/FREEDMAN 5:0 UNANIMOUS

Mr. Wilkos confirmed that this application has been postponed and the Public Hearing would be left open.

G. NEW BUSINESS –

1. MEREDITH BAKER – 29 Perkins Cove Road – Map 3 Block 60 – SGD2. Design Review for a pre-1930 structure. Application to remove one window.

Jeb Dufresne addressed the Board as the Applicant’s representative.

It was noted that the Board did not have an authorization letter signed by the Applicant granting Mr. Dufresne permission to represent her in front of the Planning Board.

Mr. MacLeod Moved to Table the Application for MEREDITH BAKER – 29 Perkins Cove Road – Map 3 Block 60 – SGD2. Design Review for a pre-1930 structure. Application to remove one window.

MACLEOD/BOTSFORD 5:0 UNANIMOUS

The Applicant (Meredith Baker) e-mailed her permission for Mr. Dufresne to represent her. The Recording Secretary distributed copies of the e-mail to the Board members; and the Board agreed to move forward.

Mr. MacLeod Moved to put the application for MEREDITH BAKER – 29 Perkins Cove Road – Map 3 Block 60 – SGD2. Design Review for a pre-1930 structure. Application to remove one window back on the table.

MACLEOD/BOTSFORD 5:0 UNANIMOUS

Mr. Dufresne summarized that they want to remove one window to accommodate a kitchen remodel.

Mr. Wilkos referenced the Ogunquit Historic Preservation Commission’s Minutes dated February 12, 2020; and noted that they issued a Certificate of Appropriateness for the proposed window removal.

The Board reviewed the Design Review Submission Checklist and found the application complete with the following motion:

Ms Freedman Moved to Find the Application Complete for MEREDITH BAKER – 29 Perkins Cove Road – Map 3 Block 60 – SGD2. Design Review for a pre-1930 structure. Application to remove one window.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Mr. MacLeod asked if the clapboards would be replaced where the window is currently located.

Mr. Dufresne responded that all the clapboards on that side of the house will be replaced.

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; and that the OHPC had reviewed the application and issued a Certificate of Appropriateness.

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 there will be no changes to the scale of the building.

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

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 there will be no change to the front façade.

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 there will be no change to the front façade.

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 there will be no change to front façade.

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 there will be no change to the roof.

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 there will be no change to the front façade.

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 there will be no change to the relationship of spaces to buildings on the street.

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 because there will be no change to the site features.

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, because the Applicant will retain the facade materials and because the OHPC granted a Certificate of Approval.

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 MEREDITH BAKER – 29 Perkins Cove Road – Map 3 Block 60 – SGD2. Design Review for a pre-1930 structure. Application to remove one window.

MACLEOD/BOTSFORD 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland informed the Board that he and Mr. Feldman are working on language regarding Dark Sky Lighting.

I. OTHER BUSINESS –

1. Review Public Hearing Input: Proposed Amendments To The Ogunquit Subdivision Regulations.

Mr. Wilkos noted that a Public Hearing was held earlier in this meeting. He asked the Board if they were ready to send this to the Select Board.

Ms. Cooper noted that she had a few more minor changes.

Mr. MacLeod noted a small change to Mr. Feldman's summary memo.

The Board agreed that it wanted more time to review the final changes. It was agreed to table any decision to the next meeting.

J. ADJOURNMENT –

**Mr. MacLeod Moved to Adjourn at 7:45 p.m.
MACLEOD/FREEDMAN 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

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 May 26, 2020