

**OGUNQUIT PLANNING BOARD MINUTES
PUBLIC HEARINGS and REGULAR BUSINESS MEETING
FEBRUARY 14, 2011**

PUBLIC HEARINGS

1. JOHN and CAROL REILLY – 297 Main Street – Map 7 Lot 17.

Michael Gaudette addressed the Board and the public. Mr. Gaudette gave a brief overview of the proposed project. He noted that the Applicants are before the Board for Design Review for outside work, primarily window replacement. Mr. Gaudette stated that the existing windows are single pane, wooden framed, fifty year old windows. When he first began this project he spoke with the Code Enforcement Officer who agreed to the use of vinyl – nine over six – cottage style windows. The Applicant is also seeking to replace the front door which is currently not tall enough to meet Code Requirements. This will require removal of the existing transom window in order to heighten the doorway.

Mr. Gaudette confirmed that he had removed an existing deck (porch) from the back of the house. He did this without a permit and he is now seeking to replace it with a new deck (porch) of the same size.

The barn door will also be replaced with a double in-swing bungalow style door, similar to the old-style barn doors. They will also replace the single windows with two, side-by-side, new windows. The barn will also require replacement of a rear door and rear and side windows. Mr. Gaudette noted that none of the rear or side changes can be seen from Main Street.

Jerry DeHart, Chair of the Ogunquit Historic Preservation Commission (OHPC) addressed the Board. The Commission is concerned that the vinyl windows are not “historic” in nature. They also request that any vinyl siding which is removed from the structures be replaced with wood siding. The Commission has not seen any photos of the proposed front door or barn door and they would like to do so.

Mr. DeHart noted that this home is pre-1930 and is on the National Historic Register, it is also on the State Historic Registry, and in various publications and artworks, and this is the exact type of structure which the Historic Preservation Ordinances were written for. Mr. DeHart went on to say that the OHPC is an advisory Board and that they advise the Planning Board not to approve this application at this time.

Mr. Yurko asked if the OHPC’s objections to the windows are because they are vinyl.

Mr. DeHart responded that they object to the vinyl material as well as the changes in sizing, with the exception of the life safety egress windows. Any change to the windows will change the nature of the house significantly.

Mr. Yurko asked for the specific difference in size between the existing windows and the proposed new windows.

Mr. Gaudette responded that the difference will be minimal. He again stated that when he first began this project he consulted with the Code Enforcement Officer who told him that if he “sticks to the nine

over six he won't have any problems". Based upon this information Mr. Gaudette purchased the vinyl nine over six windows, however he has been able to put them on temporary hold. He noted that the Board has approved such windows on other projects and that the house next door was approved for the use of similar windows.

Mr. Gaudette again noted that the front door needs to be enlarged by eight inches to bring it up to code. This will require the removal of the existing transom window. To compensate for this he has chosen a replacement door with four lights at the top. In addition he might be able to install a small style with a sill over the door to give the appearance of a transom window.

Mr. Yurko again asked which windows would be enlarged, and by how much.

Mr. Gaudette responded that the windows in the house will stay the same except for the bathroom windows which will be reduced. The windows in the barn will be enlarged. They will install double windows instead of the single window, which will double the glass size.

Mr. DeHart responded that replacement windows reduce glass area, he went on to say that the house next door definitely does not have vinyl windows.

Helen Horn, OHPC addressed the Board. Mrs. Horn pointed out that it would be helpful if the Commission could see a scaled drawing. She also noted that it is the OHPC's responsibility to raise public awareness and work with property owners to make them aware of their property's history. She noted that when the applicants came to the Board they seemed unaware that there was any historical significance to the house. She agreed with Mr. DeHart that windows are one of the strongest defining features of older buildings, and when you change them you change the entire building. She suggested that this project only involves a few windows and a couple of doors and it wouldn't be impossibly burdensome to replace them carefully.

Mr. Pinkham asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 6:20 p.m.

2. KENNEBUNK SAVINGS BANK – 142 Main Street – Map 6 Lot 24/25.

Michael Broadhead addressed the Board and noted that the Applicant is requesting permission to place a temporary bank building on the property while they renovate the existing bank.

Mr. Pinkham asked if there was anyone else who wished to be heard. There was no one, and the Public Hearing was closed at 6:25 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

The roll was called with the following results:

Members Present: Tim Pinkham, Chairperson
 Richard Yurko, Vice Chairperson
 Hank Hokans
 Greg Titman
 Craig Capone

- B. **MISSION STATEMENT** - The Mission Statement was read into the record by Mr. Pinkham.
- C. **MINUTES** – **January 24, 2011 Public Hearings and Regular Business Meeting.**

The Board requested a check of the audio recording to confirm statements attributed to Mr. Yurko. Acceptance of the Minutes was tabled to the February 28, 2011 meeting.

D. **PUBLIC INPUT** – None

E. **UNFINISHED BUSINESS** –

1. **ACCEPTANCE OF FINDINGS OF FACT FOR:**

- a) **AMIO, LLC (ANCHORAGE BY THE SEA) / MICHAEL RAMSEY – 125 Shore Road – Map 6 Lot 74.**

Mr. Yurko Moved to Accept the Findings of Fact for AMIO, LLC (ANCHORAGE BY THE SEA) / MICHAEL RAMSEY – 125 Shore Road – Map 6 Lot 74 as Submitted.
YURKO/HOKANS 5/0 UNANIMOUS

- b) **173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14.**

Mr. Yurko Moved to Accept the Findings of Fact for 173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14 as Submitted.
YURKO/TITMAN 4/1 (Mr. Hokans Dissenting)

Mr. Pinkham noted that the Agenda would not be followed as posted: Item #4 would be heard first followed by Item #3. The Agenda would thence be followed in its original order.

2. **ROBERT DUFFY / SEA ROSE SUITES – 232 Shore Road – Map 5 Lot 9 – Site Plan Review and Design Review for a pre 1930 structure. Application for placement of a 40' x 16' in-ground swimming pool with a 4' to 10' padded perimeter.**

Mr. Yurko informed the Board and the Applicant that he (Mr. Yurko) is a part owner of the Morning Dove Bed and Breakfast which is across Bourne Lane from 232 Shore Road. Mr. Yurko stated that he has no financial interest in the application at hand, however to avoid any appearance of conflict of interest he would recuse himself from hearing and voting on this application.

Mr. Duffy responded that he has no objection to Mr. Yurko remaining seated to hear this application.

Mr. Yurko agreed and stated that he is sure he can deliberate on this application without bias.

Mr. Hokans Moved to retain Mr. Yurko as a full voting member for this Application because he can act without bias in this matter.
HOKANS/TITMAN 4/0 (Mr. Yurko abstaining).

Robert Duffy addressed the Board. Mr. Duffy briefly explained his continued concern for both the quality of his own property and the quality of life for his abutters and the neighborhood and community in general. He reassured the Board and the public that he is very concerned about his neighbors and he has no intention of doing anything that would cause distress to anyone. Mr. Duffy pointed out that this

property is already zoned for commercial activity, it is Mr. Duffy's intent to renovate the existing structure to put in a manager's apartment as well as a second apartment for several of his chambermaids.

Mr. Duffy referred to the letters he has received from one abutter. He noted that the abutter seems to have changed her mind about what she wants. He noted that he will do whatever the abutters want however they need to be clear and consistent with their suggestions and he is looking to the Board to tell him how to proceed.

James Beetz addressed the Board as the applicant's representative. He provided a letter from his arborist which states that trees planted to create a solid barrier will probably not survive. The trees should be spaced and given time to grow together. Mr. Beetz referred to Ms. Bianchi's most recent letter which states that she no longer wants a fence running along the property line. He again stated that he wants to do whatever it takes to make the abutters happy however he takes issue with the notion that he should be told what plantings he must plant, or what type of fence to put up, or what color to paint the buildings. He also noted that there are several abutters who have asked for conflicting things and it will be impossible to satisfy everyone's requests.

Mr. Duffy agreed to not put in the fence and to plant arborvitae staggered with the abutters' existing arborvitae as Ms. Dow and Ms. Bianchi request.

Mr. Yurko pointed out that the Board's original suggestion did not contain a fence. He agreed that the abutter's request to plant staggered arborvitae along the property line is a good one.

Mr. Lockman suggested the Applicant and the abutters might meet and come to an agreement. However ultimately it will be up to the Board to approve or deny the proposed plans.

Mr. Hokans asked about the fence directly around the pool.

Mr. Beetz responded that the security fence around the pool will be wrought iron and will not be six feet tall, and it will not provide adequate screening for noise.

Lisa Dow (12 Bourne Lane) addressed the Board as a direct abutter of the proposed project. Ms. Dow stated that her concerns are that:

1. Thuja Ngra Arborvitae's be planted to stagger with the existing Thuja Ngra Arborvitae's on the shared property line;
2. The existing cherry tree be pruned to accommodate the new arborvitae but that the tree be left in place;
3. There be no continuous fenceline;
4. The driveway indicated as gravel covered not be paved as this might impact the drainage.

Mr. Hokans Moved to Approve the Application for ROBERT DUFFY / SEA ROSE SUITES – 232 Shore Road – Map 5 Lot 9 – with a revised plan to be submitted to the Land Use Office which will indicate the planting and maintaining of a row of six foot (6') or taller Thuja Ngra Arborvitae planted four feet apart and staggered with the existing row along the property line between the Applicant's property and the property of Louise Bianchi and Lisa Dow, and that the applicant remain mindful of Option A of the February 14, 2011 letter to the Board from Louise Bianchi and Lisa Dow with the removal of the language which states “ If the Board approves this option, we strongly request solid privacy fencing around the pool”.

HOKANS/YURKO 5/0 UNANIMOUS

Mr. Beetz asked if the Board requires the planting of arborvitaes along the other two borders (Shore Road and Bourne Lane). The Board responded that nothing is required on the Bourne Lane boundary.

3. JOHN and CAROL REILLY – 297 Main Street – Map 7 Lot 17. Design Review for a pre-1930 structure. Application to: replace the rear porch with a deck (porch), replace the garage door with a new door, add new windows, and move the barn door to the rear.

Mr. Pinkham noted that a Public Hearing had been held and that this applicant has been before the Board on numerous occasions regarding this application.

Mr. Gaudette referred the Board to the letter he submitted from the U.S. Parks Service which indicates that they could not find this property listed. While he does not dispute that this is a “historic home” he does not believe that it is listed on any historic register.

Regarding the windows – Mr. Gaudette stressed that they do not intend to put in a cheap product, however the vinyl windows will last longer than wood, and while they agree that they will lose a bit of glass size with the vinyl replacement windows they feel the cost concerns override this. Mr. Gaudette again noted that he was given permission, by the Code Enforcement Officer, to install vinyl windows with grids between the glass. That is what he was given permission to install and this is what he (Mr. Gaudette) ordered. Mr. Gaudette stated that he personally inspected the windows on the house next door and he confirmed that they are vinyl.

Regarding the vinyl siding – Mr. Gaudette agreed that it is a shame that the vinyl siding was installed back in the 1970’s, however it is there and it would be a severe financial hardship to the applicants to now replace the vinyl with wood.

Mr. Gaudette informed the Board that he went online daily to check for posting of OHPC meetings and/or minutes. It was his intention to attend one of their meetings, or review the minutes from a meeting where this application was discussed. He has been unable to locate any agendas or minutes from the OHPC online.

Mr. Hokans asked for confirmation that the applicant does not intend to remove the vinyl siding and replace it with wood.

Mr. Gaudette responded that they do not intend to remove the vinyl siding at this time.

Mr. Hokans asked if they would consider installing wood siding on those areas where the vinyl siding has already, or will be, removed during the renovations.

Mr. Gaudette responded that the back of the building where the deck (porch) was removed has an area approximately 10’x12’ and that they would like to use vinyl in order to conform to the rest of the house. There are a few other very small areas which will also be repaired with vinyl replacement.

Mr. Lempicki informed the Board that the “rear deck (porch)” Mr. Gaudette refers to was not a “deck (porch)” but rather it was a roofed glass enclosed porch similar to a sunroom. Mr. Gaudette is seeking now to replace this “sunroom” with a deck (porch).

Mr. Gaudette confirmed what Mr. Lempicki described.

Mr. Hokans stated that the Board is concerned with what is visible from a public right of way.

Mr. Lockman referred the Board to Section 11.3.C of the Zoning Ordinance which states that the Board has jurisdiction over: “any material change in the exterior appearance of existing buildings, driveways or parking areas within the District by additions, reconstruction or other alteration, only if it is visible from a public street or public right-of-way”.

Mr. Titman suggested that the Board needs to agree, as a group, as to whether or not this property is on a historical registry.

Mr. Pinkam polled the Board members asking if they believe that the property is a historically important building in Ogunquit. After discussion, the Board unanimously agreed that it is.

Mr. Hokans noted that the property is not obviously visible from the street and that most people in town probably don't even know it's there. He also suggested the properties' less than prominent location may make it less “historically significant”.

Mr. Yurko responded that this building is clearly registered with the State. Additionally, this house has historical significance going back to before 1800 and it is one of the things the Ordinance says they should preserve.

Mr. Capone noted that this area has a degree of pedestrian traffic and this building is clearly seen by people walking by.

Mr. Titman stated that he believes this building is listed on the historic register and as such is doesn't matter whether or not it is clearly seen from the street. Its status as a historically significant structure makes it worthy of protection.

Mr. Lockman reminded the Board that they can get recommendations from the OHPC. which needs to be concerned with the property's status on a historic registry. However the Planning Board's powers are very strong and it has the jurisdiction over materials used etc whether or not the property is listed on any historic register. However Section 11.2 of the Ogunquit Zoning Ordinance does state that if a structure is listed on the National, Maine, or Ogunquit Historic Register it is automatically deemed to have “historical significance”. Whereas if it is not listed on any historic register it will be up to the Board to determine if it has historical significance.

Mr. Pinkham asked Mr. Gaudette if there are building materials, which may be purchased on today's market would emulate those of pre 1930, such as wood.

Mr. Gaudette responded that they can purchase wood windows.

Mr. Yurko asked if Mr. Gaudette ever contacted the OHPC to request a meeting with them.

Mr. Gaudette responded that he did not.

Mr. DeHart confirmed that the OHPC never received a request from Mr. Gaudette asking for a meeting.

Mr. Capone asked if the purpose of the enlargement of the front door is to make it a legal means of egress. He asked if there is another door that already meets code, and if there needs to be more than one.

Mr. Gaudette responded that the front door will be the main entrance to the house, and the door leading to the deck (porch) on the back of the house will be the 2nd means of egress.

Mr. Lempicki added that this is a single family dwelling and it only needs one door, however there are new building codes which require a front and a back door.

Mr. Gaudette noted that the existing front door is only six feet high and really needs to be enlarged.

Mr. Hokans asked if the Board will require a meeting between the Applicants and the OHPC and hope that they can come to an agreement which the Planning Board can ratify, or will the Board go through the application and vote on each element individually.

Mr. Gaudette pointed out that the Applicant was given a list of the Board's requirements and he responded to each one. He again noted that he received permission from the Code Enforcement Officer to put in the vinyl windows.

Mr. Yurko responded that he does not think that the Code Enforcement Officer can approve anything other than a one-for-one replacement, and he (Mr. Yurko) does not consider a vinyl window to be a one-for-one replacement for wood windows on a historic building.

Mr. Lempicki added that there is no permit until one is issued.

Mr. Titman asked if the barn is also a pre 1930 structure.

Mr. Gaudette responded that he can't be sure however he estimates the barn to be c. 1940. He based this on the modern sized lumber used in its construction.

Mr. DeHart informed the Board that the OHPC has one photo of the barn from 1946 which shows the barn in a settled form, but that they have not been given access to the interior.

Mr. Lempicki responded that he has been inside the barn, and based on the way it is constructed, and the lumber used, he believes it to be part of the original house.

Mr. Pinkham asked Mr. DeHart to outline exactly what the OHPC wants the Board to consider regarding this application.

Mr. DeHart responded that the OHPC does not want the Board to conduct a line for line approval of this application. They would like to sit down with the applicants first, and they ask the Board not to make a decision on this application until the OHPC and the applicants come to some resolution.

Mr. Yurko responded that the Board has the authority to go through the application line by line, however this may not be the most effective approach. He suggested the Applicants meet with the OHPC and try to come to an agreement, and that they then present this agreement to the Board.

Mr. Hokans Moved to Table the Application of JOHN and CAROL REILLY – 297 Main Street – Map 7 Lot 17 until after the Applicants meet with the Ogunquit Historic Preservation Commission.

HOKANS/YURKO 5/0 UNANIMOUS

Mr. Lockman again reminded the Board that they want to make it clear to the Applicant and the OHPC that the Planning Board has not handed over the final decision. The final decision on this application remains within the jurisdiction of the Planning Board.

John Reilly addressed the Board. Mr. Reilly is the property owner and he asked what would happen if they were to decide to do nothing and leave the building exactly the way it is.

Mr. Pinkham responded that the application would be withdrawn and the process would terminate.

4. DON GORVETT / DON GORVETT GRAVURE GALLERY – 309 Shore Road – Map 3 Lot 17 – Site Plan Review for Change of Use for a Pre 1930 structure.

John Bannon, from the Law Firm of Murray, Plumb, and Murray addressed the Board as the representative of the Applicant and the property owner James Hartwell. He referred the Board to the updated submissions. He noted that the Board is here only to determine completeness of the application and if it is found to be complete, to schedule the Public Hearing for this matter.

Mr. Yurko noted that this application is a model of “completeness”.

**Mr. Yurko Moved to Find the Application for DON GORVETT / DON GORVETT GRAVURE GALLERY – 309 Shore Road – Map 3 Lot 17 – Site Plan Review for Change of Use for a Pre 1930 structure complete and to Schedule the Public Hearing.
YURKO/HOKANS 5/0 UNANIMOUS.**

The Public Hearing was scheduled to take place on February 28, 2011 at 6:00 p.m.

5. KENNEBUNK SAVINGS BANK – 142 Main Street – Map 6 Lot 24/25 – Design Review and Site Plan Review for a post 1930 structure. Application to place a temporary structure on site pending remodel of existing bank building.

Mr. Pinkham noted that a Public Hearing had been held and that no one spoke for, or against, this application as submitted.

**Mr. Hokans Moved to Approve the Application for KENNEBUNK SAVINGS BANK – 142 Main Street – Map 6 Lot 24/25.
HOKANS/YURKO 5/0 UNANIMOUS**

F. NEW BUSINESS –

1. BEACHMERE FAMILY LTD/SARAH DIMENT & LOUESA GILLESPIE – 62 Beachmere Place – Map 6 Lot 91 – Design Review for the post 1930 section of a pre 1930 structure. Application to remove portions of two existing chimneys.

Louesa Gillespie addressed the Board. Ms. Gillespie gave a brief overview of the proposed project. She noted that cleanliness was the primary reason for the change from traditional fireplaces to gas fireplaces. The now unnecessary chimneys will be cut off at the deck (porch) fence level and will be covered to create tables.

Mr. Hokans asked if there were any safety concerns.

Mr. Lempicki responded that there are not.

Mr. Hokans Moved to Approved the Application for BEACHMERE FAMILY LTD/SARAH DIMENT & LOUESA GILLESPIE – 62 Beachmere Place – Map 6 Lot 91 – Design Review for the

post 1930 section of a pre 1930 structure. Application to remove portions of two existing chimneys without any Public Hearing.

HOKANS/YURKO 5/0 UNANIMOUS

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS – None

I. ADJOURNMENT -

Mr. Yurko Moved to Adjourn at 7:55 p.m.

YURKO/HOKANS 5/0 UNANIMOUS

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on February 28, 2011