

OGUNQUIT PLANNING BOARD MINUTES

PUBLIC HEARING and REGULAR BUSINESS MEETING MARCH 14, 2011

A. ROLL CALL –

The roll was called with the following results:

Members Present: Tim Pinkham, Chairperson
Richard Yurko, Vice Chairperson
Hank Hokans

Members Excused: Greg Titman
Craig Capone

B. MISSION STATEMENT - The Mission Statement was read into the record by Mr. Yurko.

C. MINUTES – February 28, 2011 Public Hearing and Regular Business Meeting.

The Minutes from the February 28, 2011 Public Hearing and Regular Business Meeting were accepted as submitted.

D. PUBLIC INPUT – None

The Board called for a moment of silence in honor of the victims of the recent earthquake and tsunami in Japan.

E. UNFINISHED BUSINESS –

1. **Acceptance of Findings of Fact for:
DON GORVETT / DON GORVETT GRAVURE GALLERY – 309 Shore Road – Map 3
Lot 17.**

The Board Accepted the Findings of Fact for DON GORVETT / DON GORVETT GRAVURE GALLERY – 309 Shore Road – Map 3 Lot 17.

2. **Review of revised proposed amendment to Section 7 of the Ogunquit Zoning Ordinance to Allow Outside Sales of Live Lobsters by Commercial Lobstering License Holders in Designated Fisherman Parking Areas of Perkins Cove (Draft 2).**

Mr. Yurko pointed out that the term “vehicles” includes boats, and that sales of lobsters may take place from lobster boats.

Mr. Yurko also pointed out that, however unlikely, the possibility does exist for lobstermen from other harbors to truck lobsters in for sale in Perkins Cove. He suggested the inclusion of language to restrict the sale of live lobsters to those lobsters which are landed in Perkins Cove.

Mr. Hokans asked for language which restricts the sale of lobsters to those parking areas within the bait wharf parking area which directly abuts the Harbor Master's Office, and that parking spaces directly adjacent to the trolley stop shall not be used for the sale of lobsters.

He suggested Draft 3 Footnote #10 be changed to eliminate the words "designated Fisherman Parking Areas" and that it be replaced with "bait-wharf parking area adjacent to the Harbor Master's Office".

Mr. Lempicki reminded everyone about the restriction of signs.

Mr. Yurko suggested including language which states that: "this provision does not provide any exception to any sign ordinance outlined elsewhere in the Ordinance".

Mr. Lempicki pointed out that the allowable size limit for signs in that Zone is 12 square feet.

Mr. Yurko asked if the Board wants to have this provision: 1. affirmatively ban signs for this activity, or 2. Say that this provision does not grant any exception to existing sign restrictions and requirements.

Mr. Yurko suggested amending Draft 3 Footnote #10 to read: "As an exception, live lobsters landed in Perkins Cove may be sold from vehicles, or boats, owned or operated by holders of Commercial Lobstering Licenses, within the bait-wharf parking area directly adjacent to the Harbor Master's Office, located in the Shoreland General Development 2 – Perkins Cove – SG2 District. This provision does not constitute any exception to the signage provisions of this Ordinance, however no signs advertising any such outdoor live lobster sales shall be permitted.

F. NEW BUSINESS –

1. BEACHFIRE BAR AND GRILL / BILL DOHERTY – 658 Main Street – Map 9 Lot 49 – Design Review for a post 1930 structure. Application to change siding, and replace windows and doors.

Bill Doherty gave a brief overview of the proposed project. He noted that this proposal involves the final phase of a project with was begun four years ago.

Mr. Hokans asked if the siding would be vinyl and if they intended to put on a new roof.

Mr. Doherty confirmed that the siding would be vinyl and that they have already put on a new roof.

**Mr. Hokans Moved to Find the Application for BEACHFIRE BAR AND GRILL / BILL DOHERTY – 658 Main Street – Map 9 Lot 49 Complete.
HOKANS/YURKO 3/0 UNANIMOUS**

**Mr. Hokans Moved to Approve the Application for BEACHFIRE BAR AND GRILL / BILL DOHERTY – 658 Main Street – Map 9 Lot 49.
HOKANS/YURKO 3/0 UNANIMOUS**

2. KENNEBUNK SAVINGS BANK – 142 Main Street – Map 6 Lot 24-25 – Site Plan Review and Design Review for a post 1930 structure. Application to remodel entranceway for ADA compliance, redesign drive-up window and night-drop box, add four new windows, and remodel exterior wood clad.

Mr. Yurko noted that this building was built in 1930 and is not a “post 1930 structure”. As such it is subject to the more stringent rules for Design Review. He asked that this application be submitted to the Historic Preservation Commission for review.

Mr. Lempicki added that on four separate occasions he (Mr. Lempicki) informed Mr. Broadhead that if there was any change to the exterior of the building they would have to come before the Planning Board. He was assured by Mr. Broadhead that there would be no changes to the exterior of the building. When the plans were submitted for building permit there were several additions to the project which constituted exterior changes.

Mr. Hokans noted that the vestibule has been expanded and a new foundation will be added.

Mr. Lempicki added that the drive up window has also been squared off.

Mr. Broadhead informed the Board that in the beginning they did not intend to make any changes to the exterior of the building however as the planning progressed they discovered that they would have to expand the vestibule in order to comply with ADA Standards. They also decided to square off the drive up window to include the night delivery drop box. This will allow patrons to make night deliveries without getting out of their vehicles.

Mr. Yurko noted that the Board has received letters from two abutters. He also pointed out that this meeting is to determine the completeness of the application and to schedule a Public Hearing, which is when abutters and other members of the general public will be allowed to be heard.

Mr. Lempicki pointed out that the plans include a cupola which the Town Planner missed. He confirmed that cupolas are not included in height restriction calculations.

Mr. Hokans asked if the Applicant would be submitting a storm water / drainage plan.

Mr. Lempicki responded that he would not.

**Mr. Yurko Moved to Find the Application Complete for KENNEBUNK SAVINGS BANK – 142 Main Street – Map 6 Lot 24-25 and to submit the application to the Ogunquit Historic Preservation Commission for Review.
YURKO/HOKANS 3/0 UNANIMOUS**

The Public Hearing for this Application was scheduled to take place on March 28, 2011 at 6:00 p.m.

Mr. Broadhead confirmed the date and time.

- 3. 98 PROVENCE BISTRO / EVERETT MINK – 262 Shore Road – Map 5 Lot 28 – Site Plan Review and Design Review for a post 1930 structure. Application for interior renovations to replace windows, expand dining capacity and kitchen area, improve fire safety and ADA requirements, expansion of parking area, improvement of drainage, landscaping and abutter buffering.**

Carol Morressette, the Applicant’s representative gave a brief overview of the proposed project. She noted that it is the objective of this project to: increase the dining capacity, increase parking capacity, improve the buffering between the neighbors and the parking area, improve the kitchen, add a sprinkler system, improve the ADA access, and improve the energy efficiency of the building which was built in

1930. Ms. Morresette stressed that the Applicant is very concerned with the quaintness of the building and surrounding landscaping.

Mr. Yurko reminded the Applicant, and the Board, that he is a direct abutter of the Applicant's property twice over. Mr. Yurko is the owner of a residence and a restaurant, both of which directly abut the property at 262 Shore Road. It is his conclusion that he can not in good faith sit on this application, particularly since his residence is only fifteen feet from the applicant's property. Mr. Yurko noted for the record that the Applicant's representative was willing to waive any potential for conflict and would not ask for his recusal, however at this time Mr. Yurko feels compelled to recuse himself from hearing this application.

Mr. Hokans asked if the remaining two Board members have the authority to vote to put this application to a Public Hearing.

Mr. Pinkham responded that they do not. This application will have to be tabled to the March 28, 2011 meeting, at which time the Board will review it again, vote on completeness, and schedule a Public Hearing which will probably take place on April 11th.

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS – None

I. ADJOURNMENT -

The Board Adjourned at 6:45 p.m.

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on March 28, 2011