

**OGUNQUIT PLANNING BOARD MINUTES  
PUBLIC HEARING and REGULAR BUSINESS MEETING  
JUNE 28, 2010**

**PUBLIC HEARING - 6:00 p.m.**

**TOWN OF OGUNQUIT - Spring Hill Road (Map 18 Lot 15B). Site Plan Review. Application to create a dog park of approximately  $\frac{3}{4}$  to 1 acre.**

Mr. Pinkham asked if there was anyone who wished to speak for, or against, this application.

Mr. Lempicki informed the Board that he has received a few telephone calls from residents expressing various concerns. One question involved the issue of liability. Mr. Lempicki noted that the Dog Park Committee has submitted a letter to the Board which states that individual dog owners are liable for the conduct of their dogs while using the park. Another issue concerns the removal of feces. This also is the responsibility of the dog owners. In addition he asked about the use of security video cameras at the dog park.

Mr. Crosby responded that there has been discussion regarding the use of security cameras at the new fuel pumps. This has nothing to do with the Dog Park, and the cameras will be in place regardless of whether or not the Dog Park is there.

Mr. Lempicki asked if money has been raised to move the Transfer Station gate.

Mr. Crosby responded that this is negotiable.

Mr. Lempicki asked for confirmation that no trees will be cut until the fence is in place.

Mr. Crosby confirmed this. He also agreed to consult the Conservation Commission prior to removing any trees.

Majorie Katz (7 Lilywood Lane) addressed the Board. Ms. Katz is in favor of the Dog Park. She noted that there are many dog owners in town and that dogs need a place to run and socialize. Ogunquit is seriously lacking in places for dog owners to take their dogs, particularly now that the beach and the public parks are all but off limits. Ms. Katz also pointed out that there are several pet friendly hotels in both Wells and Ogunquit and visitors may ask themselves why they should stay in Ogunquit when they will have to go to Wells to exercise their dogs. She feels that the Berwick Road site is a good location for the Dog Park, and she pointed out that she uses the Kennebunk Dog Park and finds it to be well maintained and problem free. Ms. Katz asked the Board to approve this application.

Mr. Pinkham asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 6:10 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  
William Sowa  
Hank Hokans  
Craig Capone, 1<sup>st</sup> Alternate

Members Excused: Greg Titman

Also present: Paul Lempicki, Code Enforcement Officer

Mr. Pinkham noted that this would be Mr. Sowa's last meeting as a member of the Board. He thanked Mr. Sowa for his years of service to the Town and stated that he has been a valuable member of the Planning Board and he will be greatly missed.

**Mr. Yurko noted the excused absence of Mr. Titman and Moved to have Mr. Capone as a full voting member for this meeting.**

**YURKO/HOKANS 4/0 UNANIMOUS**

**B. MISSION STATEMENT** – The Mission Statement was read by Mr. Pinkham.

**C. MINUTES – June 14, 2010 Regular Business Meeting**

The Minutes of the June 14, 2010 Meeting were Accepted as Submitted.

**D. PUBLIC INPUT** - None

**E. UNFINISHED BUSINESS** –

**1. TOWN OF OGUNQUIT - Spring Hill Road (Map 18 Lot 15B). Site Plan Review.  
Application to create a dog park of approximately  $\frac{3}{4}$  to 1 acre.**

Mr. Hokans asked how far away the nearest residence is, and if it is near enough that dog barking may become a problem.

Mr. Crosby responded that the nearest residence is some distance away and he can't imagine that there will be any issue with noise. Mr. Crosby referred to the Kennebunk Dog Park which has homes substantially closer than those at the Ogunquit facility, and there doesn't seem to be any problem in Kennebunk.

Mr. Lempicki added that the nearest home is at least one thousand feet away from the entrance on Berwick Road.

Mr. Hokans asked if any of the Town Department Heads have any issue with the proposed plan.

Mr. Lempicki responded that there are no problems. He did note that there was some concern that the dog park would be completely self sustaining, furthermore the Dog Park Committee has confirmed that they will not begin any work until all funding is in place.

Mr. Crosby confirmed that the Select Board has given them a one year probationary period whereby they can prove that they will be good neighbors.

Tony Mauro pointed out that the key component of this project will be the fencing.

Mr. Hokans asked if the type of fence being proposed is legal in Ogunquit.

Mr. Pinkham responded that cyclone fencing is allowed only in certain areas of Ogunquit.

Mr. Lempicki confirmed this and added that the Committee will have to obtain a fence permit and he (Mr. Lempicki) will confirm that everything is done according to Code.

**Mr. Yurko Moved to Approve the Application for TOWN OF OGUNQUIT - Spring Hill Road (Map 18 Lot 15B). Site Plan Review. Application to create a dog park of approximately ¾ to 1 acre. With the following conditions:**

- 1. Adherence to the Select Board's one year "good neighbor" probation period beginning from the date of opening;**
- 2. Construction will not commence until funding to fully enclose the park is secured;**
- 3. The Conservation Commission will be consulted prior to the removal of any trees.**

**YURKO/HOKANS 5/0 UNANIMOUS**

- 2. Request for one year extension under Section 6.6 and Section 11.12 of the Town Zoning Ordinance for:**

- a) OGUNQUIT MOTEL CORP / TIDEWATER RESORT – 724 Main Street (Map 11 Lot 6). Request a Site Plan Review extension Under Section 6.6 for a previously granted Application (approved May 11, 2009).  
If requested extension is granted the new deadlines will be: project commencement before May 11, 2011, and project completion before May 11, 2012.**
- b) RIVERBROOK PARK AND SALES, INC. – 731 Main Street (Map 12 Lot 10-A) – Request for an additional year extension for Design Review and Site Plan Review under Section 11.12 and Section 6.6 for a previously granted Application (approved April 14, 2008) (one year extension request granted February 23, 2009).  
If requested extension is granted the new deadline will be project completion before April 14, 2012.**

Mr. Yurko pointed out that the Applicant was not present. He noted that someone is required to make a showing and he suggested this matter be tabled until the Applicant, or his representative, is available to present his case and answer questions.

Mr. Hokans agreed and suggested the Board be provided with documentary proof which supports the Applicant's assertion that he is basing his application on financial difficulties.

**Mr. Yurko Moved to Table the above matters, and to ask the applicant to provide documentary evidence to support the basis for his requests.**

**YURKO/HOKANS 5/0 UNANIMOUS**

**F. NEW BUSINESS –**

**1. WILLIAM LITCHFIELD and CCS & M, LLC – 414 Main Street - Map 8 Lot 26 – GBD2. Site Plan Review and Design Review for a post 1930 structure. Application to add a 9’x12’ service entrance to an existing building.**

William Litchfield addressed the Board. Mr. Litchfield summarized that he is asking to put an addition onto an existing restaurant in order to bring things up to Code and allow them to operate the business as a take-out restaurant.

Mr. Hokans stated that this would be a change of use as well.

Mr. Litchfield disagreed and pointed out that the space is currently empty but last year it was operated as a sandwich take-out restaurant.

Mr. Yurko asked what the studio space is being used for.

Mr. Litchfield responded that it is currently unoccupied and is being used for storage.

Mr. Pinkham reviewed Mr. Lockman’s 21 June 2010 Memo to the Board wherein he stated that:

*“The proposal is to add a 9 x 12, 108 square foot entryway to create a small take out restaurant at this location, in addition to the three existing apartments. 22 parking spaces are provided, according to the application. Building coverage will remain under 20%.*

*With the proposed use included, the parking required for this site would be:*

<i>Three dwelling units:</i>	<i>6 spaces</i>
<i>Restaurant type 3</i>	
<i>Approx. 600 square feet</i>	<i>6 spaces</i>
<i>Total required</i>	<i>12 spaces.</i>

*I see no open issues, and believe the application is complete and ready to schedule for a public hearing. I would however, check with the applicant regarding compliance with the new dumpster, recyclable container ordinance, as they have not indicated any details on where trash will be stored. Any proposed trash or recycles storage should be shown on the site plan.”*

Mr. Yurko asked for an explanation of how the rest of this property is being used.

Bob Pesiri, one of the property owners, responded that there is studio space on the first floor which will be rented out for commercial space. There are also three dwelling units in the building (two apartments on the second floor and a single apartment on the first floor). This building was originally used as a motel which accounts for the many doors, however it has been remodeled by joining together several “hotel rooms” to create the existing apartments.

Mr. Lempicki informed the Board that last year there was a hot dog/sandwich shop in the space in question. He asked the Board to review the definition of a Type 3 Restaurant:

*Restaurant, Type 3*

*An establishment where food and/or beverages (either alcoholic or nonalcoholic) are prepared and served to the public, which meets all of the following characteristics:*

*(1) where food and/or beverages are served for consumption on or for takeout off the premises,*

- (2) *where food and/or beverages are not served to pedestrians from an exterior opening or counter, nor to occupants in motor vehicles;*
- (3) *where exterior loudspeakers are not used; and*
- (4) *where alcoholic beverages may be served only within an enclosed area for on-premise consumption. (Amended 4/01/06 ATM)*

Mr. Lempicki noted that he is having problems with some of the restaurants in town regarding the enforcement of “outside sales and services” and the placement, and number, of outside tables being used.

Mr. Yurko asked how many tables the applicant intends to use and where he intends to place them.

Mr. Litchfield responded that he would like to place eight tables, with four seats each, in front of the existing take out, and he noted that there is 30 feet between the building and Route One.

Mr. Lempicki confirmed this and informed the Board that the applicant will be required to install a new NFPA-96 Hood system which will allow him to cook fried foods. The existing building, even with the new addition, is too small for indoor seating which is why it will have to be a take-out. Patrons will go into the building to order and pay for food, which they will take away or consume at the outdoor tables. He stressed that outdoor sales and services are not permitted and this applicant will not have a license to sell alcohol.

Mr. Litchfield responded that he does not intend to offer alcoholic beverages at this time. He confirmed that customers will have to come inside to order and pay for food which they will take away or eat at the outdoor tables. He acknowledged that there are pass-through windows on the building, but that they will not be used.

Mr. Capone suggested that one corner of the building appears to encroach into the thirty foot setback by about two feet in the area of the “wood deck”.

Mr. Litchfield referred to the large plan which indicates 30 feet to the deck and he noted that some of the deck will be removed during construction of the new addition.

Mr. Lempicki responded that the Zoning Ordinance requires a surveyor to stake the setbacks and if the plan doesn't meet the setbacks he will not allow them to pour the concrete. He (Mr. Lempicki) will confirm that all setbacks are met before he issues a Certificate of Occupancy.

Mr. Hokans asked if the Board could be provided with a copy of the survey plan.

Mr. Sowa suggested the Board leave it up to Mr. Lempicki to confirm that all setbacks are met.

Mr. Hokans asked if outdoor tables may be placed within the setbacks.

Mr. Lempicki responded that they may because tables are not considered to be structures.

Mr. Lempicki referred the Board to the Fire Chief's recommendations for this application, which are rather extensive.

**Mr. Yurko Moved to Find the Application Complete for WILLIAM LITCHFIELD and CCS & M, LLC – 414 Main Street - Map 8 Lot 26 – GBD2. Site Plan Review and Design Review for a post**

**1930 structure. Application to add a 9’x12’ service entrance to an existing building.  
YURKO/HOKANS 5/0 UNANIMOUS**

At this time the Board scheduled a Pubic Hearing to take place on July 12, 2010 at 6:00 p.m.

Mr. Litchfield confirmed the date and time.

**G. CODE ENFORCEMENT OFFICER BUSINESS – None**

**H. OTHER BUSINESS –**

**1. Adoption of Amended By-Laws.**

**Mr. Hokans Moved to Accept the By-Laws as written.  
HOKANS/CAPONE 5/0 UNANIMOUS**

**2. Setting of Planning Board Calendar from July 1, 2010 to December 31, 2010.**

At this time the Board confirmed the schedule for the remainder of 2010.

**I. ADJOURNMENT -**

**Mr. Sowa Moved to Adjourn at 7:00 p.m.  
SOWA/YURKO 5/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy  
Recording Secretary

*Approved on July 12, 2010*