

**OGUNQUIT PLANNING BOARD MINUTES
REGULAR BUSINESS MEETING
JANUARY 24, 2011**

PUBLIC HEARINGS

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

Mr. Pinkham asked if there was anyone who wished to speak for, or against, this application. There was no one and the Public Hearing was closed at 6:01 p.m.

- 2. 173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14.**

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

Richard Provencher (7 Ho Hum Hill) addressed the Board. Mr. Provencher is an abutter of 173 Main Street, and he is in favor of the proposed project.

- 3. ROBERT DUFFY / SEA ROSE SUITES – 232 Shore Road – Map 5 Lot 9.**

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

James Beetz addressed the Board as the Applicant's representative. Mr. Beetz reminded the Board and the public that his engineer has reviewed the requested drainage plan and the lighting plan and that new plans had been submitted to the Board. The Drainage plan indicates that even in the event of a twenty-five year storm the drainage will not be any worse than it currently is, and in fact may improve, given the installation of the large area of permeable surface treatment around the proposed pool.

Charles Wilson (235 Shore Road) addressed the Board as an abutter of 232 Shore Road. Mr. Wilson is not against the proposed project however, he is concerned about noise. He noted that the area uphill from this project is a completely residential neighborhood and he is concerned about the noise generated from the pool. Mr. Wilson asked the Board to impose a condition of approval that a noise buffer, such as a line of trees or fencing, be put in place along the Shore Road property line.

Mr. Wilson is also concerned that this pool will be utilized by all of the "Pink Blossom" properties and that there will be an increase in traffic as guests are dropped off and picked up at the pool. He noted that there is already a traffic problem at this very odd triangular intersection. He asked the Board to require a designated drop off /pick up location away from Shore Road or Bourne Lane. He suggested a location within the boundaries of the property.

Mr. Hokans asked for confirmation that this will be a private pool for use by the guests of the Sea Rose Suites only.

Mr. Yurko responded that it was his understanding that this is what the applicant stated.

Mr. Wilson also asked for confirmation that the pool's hours of operation be limited to 8:00 a.m. to 8:00 p.m.

Mr. Yurko responded that the Applicant had agreed that the hours of operation for the pool would be 8:00 a.m. to 8:00 p.m.

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.

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. Yurko.

C. MINUTES – January 10, 2011 Regular Business Meeting.

**Mr. Hokans Moved to Accept the Minutes of the January 10, 2011 Meeting as Amended.
HOKANS/YURKO 5/0 UNANIMOUS**

D. PUBLIC INPUT – None

E. UNFINISHED BUSINESS –

Mr. Pinkham noted that there would be a change in the order of the Agenda.

1. AMIO, LLC (ANCHORAGE BY THE SEA) / MICHAEL RAMSEY – 125 Shore Road – Map 6 Lot 74 – Site Plan Review for a Post 1930 structure. Application to construct two handicap accessible bathrooms onto existing poolside café / pool deck.

Michael Ramsey addressed the Board.

Mr. Yurko asked if the two handicapped bathrooms would be adjacent to the café, and he asked if there are any other bathrooms at the café.

Mr. Ramsey confirmed that they would, and that there is currently another bathroom attached to the café. The new handicapped bathrooms will be accessible from the pool area instead of from the parking area.

Mr. Hokans asked Mr. Lempicki to confirm that the new bathrooms were originally thought to be visible from the street however it has since been confirmed that they will not be visible, and they do not require Design Review.

Mr. Lempicki agreed.

Mr. Yurko noted that there is an exception in Section 3.5 for an expansion of a restaurant as not constituting an expansion of a TA-4 accommodation. Since these new bathrooms are adjacent to the café he feels this applies and as such this is not a difficult application to approve.

Mr. Yurko Moved to Approve AMIO, LLC (ANCHORAGE BY THE SEA) / MICHAEL RAMSEY – 125 Shore Road – Map 6 Lot 74 – Site Plan Review for a Post 1930 structure. Application to construct two handicap accessible bathrooms onto existing poolside café / pool deck.

YURKO/HOKANS 5/0 UNANIMOUS

2. 173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14 – Site Plan Review, Design Review for a post 1930 structure. Application for Change of Use from Gas Station/Convenience Store to Sandwich Shop.

Mr. Pinkham noted that a public hearing had been held and that one abutter spoke in favor of this project.

Jerry DeHart addressed the Board as the Applicants' representative. He summarized that the plans are to add a second floor to the structure. Originally this was a concrete block building built as a garage, and it is the Applicants' intent to return it to a retro garage, machine era look. They will add a portico for outside seating, and a stucco façade.

Mr. Hokans asked if both garage doors would be exposed to the outside seating area, and if the submitted drawings accurately represent what it will look like.

Mr. DeHart responded that the intent is to make the garage doors operational if possible, and while there may be more detail in the stucco, the drawings represent what the building will look like.

Mr. Hokans noted that this building was built in 1968 and at that time the Town of Ogunquit was part of The Town of Wells, and there were no Design Review standards as there are today. Mr. Hokans stated that if a structure, in a Design Review District, is being altered for change of use the Board has the ability to discuss changes in the design. Mr. Hokans pointed out that this building has a mansard look to the false roof and he asked why Mr. DeHart had not incorporated that into the new plans.

Mr. DeHart responded that the false mansard roof is not original to the structure and neither is the false brick façade, both of which were put on in the 1970's, and that the Applicants want to take the building back to its original garage look.

Mr. Hokans pointed out that the building had never undergone Design Review.

Mr. DeHart responded that it is his opinion that buildings should be made the best they can be for what they are, and should not be made into something they are not. He also pointed out that this building is not in the center of town.

Mr. Hokans stated that the design for this building is more reflective of California and New Mexico than Maine, and when he looks at it he doesn't visualize a Maine village, which is what Ogunquit is suppose to be. Mr. Hokans cited Section 11.7.A.1 of the Zoning Ordinance which states that: "*Any building, or any part or appurtenance thereof, shall be reconstructed, altered or maintained only in a manner that will preserve its historical and architectural significance. When making that determination, recognition shall be given to the design and past relationship with surrounding buildings*".

Mr. DeHart cited Section 11.7.B of the Zoning Ordinance which states in part that: *“The intent of this Article is not to require that a contemporary or post-1930 building be constructed or altered to meet a specific architectural style (i.e., colonial, federal, etc.). Rather, compatibility with other buildings shall be determined by factors such as: type and style of buildings previously on the parcel, historical design of the buildings and relationship with surrounding buildings.”*

Mr. Hokans responded that when approaching Ogunquit from the South the buildings may be different in style but they have the same feeling of a New England Village. He stated that the stucco suggested by Mr. DeHart is not a New England façade material.

Mr. Dehart disagreed pointing out that Tapa’s and Tini’s and Dunelawn both have stucco facades. In addition he views the south side of town as a commercial area with a very different feel than the north side of Town.

Mr. Yurko referred back to Section 11.7.B and stressed that the important section is: *“compatibility with other buildings shall be determined by factors such as: type and style of buildings previously on the parcel, historical design of the buildings and relationship with surrounding buildings.”* Mr. Yurko noted that while Mr. Hokans is correct on some issues, he (Mr. Yurko) agreed that this building was originally a gas station and he agrees with Mr. DeHart that it should be made to be the best a gas station can be. He also agreed with Mr. DeHart that this section of town provides a transition from the commercial area to the more traditional north side of town and that this design is compatible with many of the surrounding buildings.

Mr. Hokans asked about the location of the bollard in front of the propane tank, and why it was not centered in front of the tank.

Mr. DeHart responded that there will be additional bollards installed.

Mr. Hokans asked why the dumpster is being moved.

Mr. DeHart responded that the Applicant wants to place the dumpster away from the residential abutter. He added that they will also be installing a fence around the dumpster.

Mr. Titman asked about the Fire Chief’s recommendation that a barricade be placed around the outside seating area for patron safety.

Mr. DeHart responded that there will be a curb under the patio, and he noted that there will not be any parking spaces in that area. However he agreed to abide by the Fire Chief’s requirements.

Mr. Lempicki suggested installing granite posts similar to those at the Post Road Tavern.

Mr. Hokans asked if patrons can walk directly up onto the patio, or if they will have to access the patio through the building’s interior.

Mr. DeHart was unsure of the exact pedestrian traffic flow.

Mr. Yurko Moved to Approve Site Plan Review for 173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14 – Site Plan Review, Design Review for a post 1930 structure. Application for Change of Use from Gas Station/Convenience Store to Sandwich Shop, with the condition that the

Applicant comply with the Fire Chief's recommendations to install patio/parking area barriers as determined by the Fire Chief and Code Enforcement Officer.

YURKO/ TITMAN (4/1)(Mr. Hokans Dissenting)

3. 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. Pinkham noted that a Public Hearing had been held and that the Board received input from abutters, both in person and in writing.

Mr. Hokans asked for confirmation that the pool would only be used by patrons of Sea Rose Suites.

Mr. Beetz confirmed that it would only be used by Sea Rose Suites guests, and that they would probably be walking to the pool from the adjacent parking lot, they may also be dropped off in front of the hotel office.

Mr. Yurko expressed concern about the interpretation of the ordinance as it applies to this particular application. He noted that it was only two years ago that the residents of Ogunquit voted to prevent any further hotel/motel expansion. He referred to Section 3.5 which states that:

“With the rapid expansion of transient accommodation type 4 uses in recent years, hotels and motels now take up a disproportionate share of the town’s land area. To promote the health, safety and welfare of Ogunquit citizens, to comply with the most recent amendments to the Comprehensive Plan adopted in 2004, to mitigate parking, traffic and congestion problems, and to preserve a community quality, hotels and motels are no longer permitted uses in the Town of Ogunquit, except in the General Business District-2 (GBD2). Any TA-4 Motel/Hotel use outside of the GBD2 District, legally existing at the time of the adoption or amendment of this Ordinance may continue, but shall only be permitted to expand, be reconstructed or be structurally altered within the owner’s lot of record or contiguous lots of record in a manner that meets all of the following criteria:...”

Mr. Yurko interprets this to mean that expansion may only be permitted if the hotel actually owns the lot. This hotel does not yet own this property, they are not the “owner of record”. Mr. Yurko suggested that this Applicant does not have standing to come before this Board and ask for what amounts to an advisory opinion. He also suggested that the Applicant may be required to have owned the “contiguous lot” at the time the ordinance was adopted, or at the very least at the time the application was filed.

Mr. Yurko also noted that one of the criteria that must be met is that “expansion, reconstruction, or structural alteration shall be accessory to the TA-4 use”. He noted that the definition of “accessory” requires that the use be on the same lot. Mr. Yurko noted that there can not be any units on this particular lot, and as such it can not meet the ordinance’s definition of “accessory”. Mr. Yurko asked Mr. Beetz to comment on whether or not the Applicant meets the criteria of the Ordinance.

Mr. Beetz responded that it was not his understanding that they would have to purchase the property prior to applying for the pool, and it is not their intention to rent any rooms on that lot.

Mr. Lockman responded that he had not looked at the Ordinance in the same way that Mr. Yurko has. He agreed that the voters made it clear that, while they did not want any more hotel units, they did want existing hotels to be able to add accessory uses such as pools, which are specifically cited in subsection 4. He noted that it will be up to the Board to interpret the language.

Mr. Hokans asked if there was a signed purchase and sales agreement.

Mr. Yurko noted that a purchase and sales agreement is not a document which is ordinarily filed with the Registry of Deeds and as such it is not a document "of record". The phrase "lot of record" is used to show that the person actually owns the lot. He suggested the Board conduct a discussion of the submitted plans, then table the application until this Applicant is the actual owner of record of this property.

Mr. Hokans disagreed with Mr. Yurko noting that over the years the Board has seen many Applicants who did not own the property but who would purchase it if the Board granted approval for what they wanted to do. It has been standard procedure for a long time.

Mr. Yurko responded that the Board is not "changing the rules". They are attempting to adhere to the requirements of the Ordinance, and if standard operating procedure has been incorrect in the past it should be corrected as soon as the error is discovered. Continuing to do something which is wrong simply because "that's the way it has always been done" only compounds the mistake. He stated that this application is different from most of the applications the Board receives, and in this case the Ordinance clearly calls for the Applicant to be the "owner of record".

Mr. Lempicki agreed with Mr. Hokans that the Board has been doing things this way for a long time and it isn't fair to this Applicant to suddenly change the rules.

Mr. Yurko responded that he does not see this as a change of rules. In his time on the Board this is the first time the Board has dealt with an application for an expansion of accessory uses under Section 3.5 that goes off the property. This application is of a type that the Board has never had to deal with before.

Mr. Beetz again stated that it is not the Applicant's intention to rent units on this property.

Mr. Yurko asked if the Applicant had a response to the letter from Ms. Bianchi.

Mr. Beetz responded that the Applicant is willing to put in whatever type of buffer will satisfy the abutter. He is willing to put in a privacy fence, or a vegetative buffer, or both. He agreed to plant whatever type of trees the abutter asks for, within reason. Mr. Beetz agreed to do the same for the other property lines on Bourne Lane and Shore Road.

Mr. Yurko Moved to Table this Application until the Applicant is the Owner of Record.

Mr. Pinkham called for a 2nd to Mr. Yurko's motion. There being none the motion failed for lack of a 2nd.

Mr. Titman suggested that while the Board may require a buffer and may specify fencing and/or vegetative it is not the Board's place to micromanage the exact type of plantings, as long as the board attends to the spirit of the abutters' concerns.

Mr. Hokans agreed but reminded everyone that this is a commercial enterprise which abuts several residential areas.

Mr. Lockman agreed and suggested the Board might ask the Applicant to prepare a revised site plan which clearly indicates the location and type of buffers as well as the hours of pool operation.

Mr. Capone noted that any plantings should be of a maturity sufficient to make immediately effective buffers and not something which will require years of growth before they provide sufficient buffers.

Mr. Hokans Moved to Table this application conditional upon the Board's receiving resubmitted plans indicating screening between the pool and abutting residences. Resubmitted plans to also indicate:

1. Location of six foot (6') tall arborvitae trees planted to create a solid screen between residential abutters and pool area; trees to also extend along Bourne Lane property line, and Shore Road property line.
2. Pool hours of operation limited to 8:00 a.m. to 8:00 p.m.

HOKANS/TITMAN

Steve Wilkos addressed the Board as the representative of the property seller (Mark Pommier). Mr. Wilkos suggested that the plans, as submitted, meet the zoning ordinance for screening. He asked for the section of the ordinance which allows the Board to require specific height and types of trees for screening.

Mr. Lockman cited Section 8.3 which states that:

"A non-residential use which abuts an existing or potential residential use shall maintain a buffer strip along the side and rear yards for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Ogunquit. Where natural vegetation cannot be maintained or due to varying site conditions, the buffer area may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. An area no less than one half the width of the side and rear yard setback shall be maintained as a landscaped vegetative buffer and not be paved or used for parking. The permitting authority may require that the buffer effectively screen the commercial use from view from the residential property by a continuous vegetative barrier or stockade fence not less than six feet in height."

Mr. Yurko also cited Section 9.8.C which states that:

"A green space, not less than twenty feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways..."

Mr. Pinkham restated Mr. Hokan's Motion:

Mr. Hokans Moved to Table this application conditional upon the Board's receiving resubmitted plans indicating screening between the pool and abutting residences. Resubmitted plans to also indicate:

1. **Location of six foot (6') tall arborvitae trees planted to create a solid screen between residential abutters and pool area; trees to also extend along Bourne Lane property line, and Shore Road property line.**
2. **Pool hours of operation limited to 8:00 a.m. to 8:00 p.m.**

HOKANS/TITMAN (4/1) (Mr. Yurko Dissenting)

4. **ANTHONY and SUSAN CONSIGLI – 474 Shore Road – Map 2 Lot 15 – Subdivision Application. Three (3) Lot Subdivision of 7.94 Acres.**

Mr. Pinkham noted that the Site Visit originally scheduled for January 18th was cancelled due to weather. He also noted that the Board has held significant discussion regarding the value of a Site Visit to this particular site.

**Mr. Hokans Moved to Waive the Site Visit.
HOKANS/TITMAN 5/0 UNANIMOUS**

Mr. Yurko asked if there was some reason why Lot 3 was shaped the way it was, and why it was so elongated.

Mr. Mitchell responded that the intention of the creation of Lot 3 was for the Consigli's to build a guest house on the property. They wanted to make it a minimal lot size that still has enough frontage on Shore Road to meet frontage requirements.

Mr. Yurko asked if it might be sold at some time in the future.

Mr. Mitchell responded that it could but that is not the owners' intention. He agreed it is an odd shape and that it could be squared off if the Board requires them to do so, however the Applicant prefers to leave it as it is.

Mr. Yurko responded that he was just curious and there is no need to reconfigure the lot at this time.

Mr. Lockman noted that now that the Board has agreed to waive the Site Visit, the next step will be to approve the Sketch Plan and give the Applicant advice for the Preliminary Plan submittal.

Mr. Titman noted the concerns of the Conservation Commission and Mr. Lockman and suggested the Board require the submittal of a Storm Water Management Plan.

Mr. Lockman responded that the Applicant has already agreed to provide a Storm Water Management Plan at the Preliminary Plan Stage.

Mr. Hokans noted that the State has waived any protection for the pond because it is a man-made pond.

**Mr. Hokans Moved to Approve the Sketch Plan and allow submittal of the Preliminary Plan.
HOKANS/CAPONE 5/0 UNANIMOUS.**

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

Mr. Lempicki informed the Board that this application will be for Design Review only. As a single family dwelling it does not require Site Plan Review.

Mr. Lempicki reminded the Board that there was a great deal of concern from the Historic Preservation Commission.

Mr. Titman also reminded the Board that a letter dated July 27, 2010 was sent to the Applicant from the Land Use Office outlining what the Board required in order to find the application complete.

Mr. Gaudette addressed the Board as the Applicants' representative. He referred the Board to a letter from the National Park Service which states that this particular property is not on the National Historic Register.

Mr. Pinkham asked if the property was on the State or Town of Ogunquit Registers.

Mr. Gaudette responded that it is listed in the Capes of Wells book but that the State has no record of it.

Helen Horn (Ogunquit Historic Preservation Commission member) noted that this property is not the Captain Maxwell House, it is the Charles Perkins House. It is her understanding that this house dates to the 1700's.

Jerry DeHart, Chair of the Ogunquit Historic Preservation Commission addressed the Board. Mr. DeHart noted that he had submitted a printout from the Maine Historic Preservation Website and the National Register of Historic Places Website both of which list this property, along with several other Wells Cape Houses, and it is clear that this is a valuable historic property.

Mr. Hokans noted that the National Historic Registry states that if no Federal monies are involved then the property owner can do whatever he/she likes.

Mr. DeHart agreed but pointed out that Ogunquit regulations are more restrictive than those of the National Historic Registry and that the more restrictive requirements apply.

Mr. Yurko suggested that everything which the Board requested in the July 27, 2010 letter has been submitted by the Applicant.

Mr. DeHart pointed out that the Commission had requested floor plans which have not been provided. They requested floor plans in order to determine the need for egress windows in the bedrooms.

Mr. Titman responded that the Board does not have jurisdiction over the interior of the structure.

Mr. Yurko asked if the Applicant would be willing to provide the floor plans anyway.

Mr. Gaudette agreed that the Board does not have jurisdiction over the interior of the house. He noted that the bedrooms with egress sized windows will be on the north side of the house and that only one of the windows can be seen from the street, however Mr. Gaudette agreed to provide the Board with the floor plans prior to the next meeting.

Mr. Yurko Moved to Find the Application Complete for JOHN and CAROL REILLY – 297 Main Street – Map 7 Lot 17. Resubmitted Design Review for a pre-1930 structure. Application to: replace the rear porch with a deck, replace the garage door with a new door, add new windows, and move the barn door to the rear, and to schedule a Public Hearing.
YURKO/HOKANS 5/0 UNANIMOUS

The Board determined that a Public Hearing was needed and scheduled one to take place on February 14, 2011 at 6:00 p.m.

Mr. Gaudette agreed to the date and time. He asked if he should provide cut sheets for the windows prior to the Public Hearing.

Mr. Lempicki responded that he should.

6. PARADISE BY THE SEA – 174 Shore Road – Map 6 Lot 119. Decision confirmation request.

Mr. Pinkham summarized that Mr. Griffin has submitted a letter dated January 20, 2011 requesting that the Board make Mr. Lockman’s November 29, 2010 Memo a part of the official record and confirm that the Board agreed with Mr. Lockman’s conclusions.

Mr. Yurko Moved to make Mr. Lockman’s 29 November 2010 Memo regarding Paradise by the Sea a part of the permanent record and acknowledge the Board’s agreement with Mr. Lockman’s conclusions.

YURKO/HOKANS 5/0 UNANIMOUS.

Following is the content of Mr. Lockman’s 29, November 2010 Memo:

“On 22 October 2007, just over 3 years ago, the Planning approved a Subdivision Application for the Paradise By the Sea Project, as well as a Design Review application to demolish the old boarding house and create the subdivision entrance.

The scope of work contained in the Design Review application, approved at that time, has been completed. The Design Review approval on file includes the subdivision entrance road, and other features within the LBD zone, visible from the public way (Shore Road), which have all been completed. The road, utilities, drainage, fences, grading and landscaping are all installed.

However, the pool is not yet put in, nor the cabana house, nor have any of the condominium residential buildings been constructed. Final designs were not submitted for these at the time of the 2007 proceeding, but rather only conceptual designs.

The Findings of Fact signed by the Planning Board, dated 10 December 2007, just under three years ago, contained the following note about the state of that approval with respect to future required reviews:

“Note: Specific designs for individual homes to be constructed, that will be visible from a Public Way, will be subject to future design reviews by the Planning Board, prior to the issuance of building permits. At this time, the Applicant has only presented conceptual plans for proposed homes. The current design review approval does not include approval for specific home designs within the project. During any future design review proceedings for homes built within the subdivision, the Board will limit the scope of its review to the house designs only, and no amendment to the subdivision approval will be required as long as the proposed homes conform to the footprints shown on this subdivision approval, and are consistent with the conceptual house plans submitted with this subdivision application in September 2007.”

I do not believe any extensions of the 2007 approvals are needed at this time, as all work contained in those approvals has been substantially completed, and hence, the approvals can not expire. However, when individual residential buildings are designed to be placed in the footprints shown on the approved subdivision plan, such buildings will be subject to a new design review proceeding, commencing at that future time, for all work visible from a public way (i.e. Shore Road) and located within the Design Review District (LB zone). Pool and Cabana construction will also be subject to a new design review proceeding, commencing at such a future time as construction approval is sought, if such construction is located in the LB zone and visible from a public way.

The CEO can not issue building permits on future construction at the site, visible from a public way, and located in the LB zone, until a design review is applied for and reviewed for such construction, under article 11 provisions. There would be no need to amend the underlying subdivision approval, unless any footprints or site features were proposed to be changed from those shown on the 2007 recorded plan.

Therefore, I do not find any development permissions, applied for and approved in 2007, which need extending. As with any subdivision approval, future construction of buildings or features shown on recorded plans, can be reviewed, approved and constructed, subject to all zoning provisions at such future time, without need to revisit or extend the subdivision approval, once the subdivision is properly recorded and the infrastructure is substantially completed.”

Mr. Hokans asked if this project will be required to return for Design Review for the homes.

Mr. Pinkham confirmed that it will

Shelby Boudreau, representative for Paradise by the Sea noted that this lot is split between two districts and she asked if all of the structures will fall within Design Review zones. It appears that the first home to be built will be at the back of the lot and she wants to be clear when they have to come for Design Review.

Mr. Lockman responded that if the structure is within the Design Review District, and can be seen from Shore Road, it requires Design Review. If it is not in the district it does not require Design Review.

Ms. Boudreau confirmed her understanding that regardless if the structure can be seen from Shore Road, if it is not in Design Review District it will not require Design Review.

F. NEW BUSINESS –

1. 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 completion of construction of new bank building.

Mr. Lempicki noted that there will not be a new building, the caption should read “remodeling of an existing bank building”.

Mike Broadhead addressed the Board as the representative of Kennebunk Savings Bank. Mr. Broadhead gave a brief summary of the application as submitted. He noted that they anticipate completion of the project by the end of April 2011, and there will be no permanent changes to the site.

Mr. Hokans asked about parking while the temporary structure is in place.

Mr. Lempicki responded that the plan meets all parking, ADA, Life Safety Codes, and setbacks. He also noted that the ATM Machine will remain in place.

Mr. Capone asked about parking for customers and construction workers.

Mr. Lempicki responded that the construction vehicles will park within the fenced off area and will come and go as necessary. He has reviewed the movement of vehicles and parking and found both acceptable.

Mr. Yurko expressed concern about the traffic flow, particularly if the work is not completed by the time tourist season begins.

Mr. Broadhead responded that they do not intend to have the temporary structure in place when the summer begins. They anticipate a time frame of sixty days from placement, to removal, of the temporary structure.

Mr. Yurko asked if the temporary structure might be moved closer to School Street, which would allow for extra parking.

Mr. Lockman responded that the temporary structure was located where it was in order to meet the setback requirements.

Mr. Hokans Moved to Find the Application Complete for 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. HOKANS/TITMAN 5/0 UNANIMOUS

The Public Hearing was scheduled to take place on February 14, 2011 at 6:00 p.m.

Mr. Broadhead confirmed the date and time.

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS – None

I. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 8:30 p.m.
YURKO/HOKANS 5/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on February 28, 2011