

**OGUNQUIT PLANNING BOARD MINUTES  
SITE VISIT, WORKSHOP, PUBLIC HEARING, AND  
REGULAR BUSINESS MEETING  
APRIL 12, 2010**

**SITE VISIT 4:30 P.M.**

**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.**

**A. ROLL CALL –**

The roll was called with the following results:

Planning Board

Members Present:     Tim Pinkham, Chairperson  
                              Richard Yurko, Vice Chairperson  
                              William Sowa  
                              Greg Titman

Members Excused:     Hank Hokans

Also present:           Thomas Fortier (Town Manager)  
                              Phil Cavaretta (Select Board Member)  
                              Paul Lempicki (Code Enforcement Officer)  
                              J.T. Lockman, SMRPC (Town Planner)  
                              Martin Crosby (Dog Park Committee)  
                              Gordon Lewis (Dog Park Committee)  
                              Mike Horn (Conservation Commission Chair)  
                              Doug Mayer (Conservation Commission)  
                              David Norton (Norton Lawn Care – Dog Park Committee consultant)

Mr. Crosby indicated the layout of the proposed fenceline and parking areas. He noted that there will be a double gate system to prevent dogs escaping. Most of the trees within the proposed enclosure will be removed leaving only a few of the larger shade trees. The trees which are removed will be chipped and used as flooring for the dog runs.

Mr. Crosby informed the Board that they are using the Kennebunk Dog Park as a model for Ogunquit and he suggested anyone who is interested take a ride up there and look it over. Mr. Crosby noted that the Kennebunk Dog Park has been up and running for several years and hasn't had any problems with traffic. Mr. Crosby stated that the Dog Park hours will coincide with the Transfer Station hours which will help alleviate traffic. They anticipate approximately fifteen (15) visitors per day to the Dog Park and expect that many of these visitors will make use of the park while there to use the transfer station and so can not be counted as "extra trips". They also intend to post signage indicating alternate routes of travel to and from the transfer station. This will further reduce vehicle traffic at the Berwick Road / U.S. Route One intersection.

Mr. Crosby informed the group that there had been some concern regarding possible wetlands or ponds in the area. The Town Manager inspected the property and declared it free of wetlands.

Mr. Yurko asked if the wetland inspection included vegetation analysis.

Mr. Crosby responded that it did not. It only included a visual inspection of the area to check for standing water.

Mr. Pinkham asked the Conservation Commission to submit a written report to the Planning Board.

Mr. Horn agreed to do so and asked for a final Site Plan.

Mr. Pinkham asked if the Berwick Road swing gate would be moved up to the current guardhouse location and if the police would supervise the locking of the facility during off hours.

Mr. Lempicki confirmed this to be the case.

Mr. Yurko asked about the fence around the dog runs.

Mr. Crosby responded that they intend to put up a five foot high cyclone fence with rules posted on the entrance gate.

Mr. Sowa expressed an ongoing concern regarding the exact location of the parking area and the proposed traffic flow pattern around the new fuel pump area. He again called for a detailed site plan of the proposed project and its location relative to existing roads and structures and the yet to be installed fuel pumps.

Mr. Cavaretta agreed that there is confusion about the exact layout of the parking area and the traffic flow to and from the Dog Park relative to the new Town fuel pumps. He expressed concern that the patrons of the Dog Park will be forced to interact with the Town vehicles as they come and go from the pumps. He also expressed concern that people will take advantage of the ease of access to the Transfer Station during off hours by bypassing the locked gate and disposing of trash illegally.

Mr. Mayer asked if the property boundary had been specifically located and documented. He noted that the Dog Park appears to extend right up to the boundary line.

Mr. Crosby responded that the boundary line has been located and that the Dog Park does indeed extend up to the line.

At this time some members of the group took a tour of the proposed fenceline.

Mr. Horn asked who will be paying for the Dog Park.

Mr. Crosby responded that there will be no Town funds used for this project. It will be completely funded by donations and volunteer labor.

Mr. Mayer asked about liability.

Mr. Crosby and Mr. Norton both responded that the rules for use will be posted on the gate and that individual dog owners are responsible for the conduct of their dogs.

Mr. Horn asked about maintenance and clean-up of the area.

Mr. Crosby responded that they will provide bags and trash cans for disposal of feces and they expect the Town to empty the trash cans in the same way they do at the beach and other areas in town.

Mr. Pinkham asked if there were any further questions. There were none and the meeting was adjourned at 5:10 p.m.

### **WORKSHOP WITH THE HISTORIC PRESERVATION COMMISSION – 6:00 P.M.**

Planning Board

Members Present: Tim Pinkham Chairperson  
Richard Yurko, Vice Chairperson  
William Sowa  
Greg Titman

Members Excused: Hank Hokans

Also present: Jerry DeHart (Historic Preservation Commission Chair)  
Helen Horn (Historic Preservation Commission)  
David Barton (Historic Preservation Commission)  
Don Simpson (Historic Preservation Commission)

David Barton addressed the Board. Mr. Barton reminded the Board that in 1999 the voters of Ogunquit approved the creation of the Historic Preservation Commission in order to protect the character of the Town. One of the goals of the Town and the Commission is to maintain the scale of the Town.

The Commission also serves as a resource for residents, business owners, and Town government. The Commission offers guidance to new property owners and those seeking to improve, or alter, the appearance of historic properties.

Mr. Yurko noted that he is the owner of three pre-1930 properties which he purchased specifically because of their historic nature. He asked Mr. Barton if the Planning Board had somehow failed the Commission.

Mr. Barton responded that The Commission is often not involved in new applications until late in the process when many of the design decisions have already been made, and they are often seen as obstructionists.

Don Simpson responded that the Commission would like to set up a system where the property owner is referred to the Commission at the very beginning of a project, well before they have finalized design plans. He suggested the Commission might develop a handout which might be mailed to all of the owners of pre-1930 structures, and may also be given to applicants the very first time they come into the Land Use Office. Mr. Simpson also suggested they might work more closely with local realtors to inform potential buyers of the nature and responsibility of owning a “historic property”.

The Recording Secretary informed the Board that by the time an applicant comes in to the Land Use Office with a Planning Board application it is often the case that the design plans are in the final stage and the applicant is often unwilling to make changes. Applications are sent to the Commission for

review as soon as they come into the Land Use Office, but by that time the applicants have already worked with architects and engineers.

Mr. Yurko agreed that information dissemination, and the strengthening of the support base, will be important factors.

It was agreed by all that there is a need for a comprehensive list of all pre-1930 structures in Ogunquit, and that this list needs to be in electronic format which might be linked to the Tax Assessor's database.

Ms. Horn informed the Board that, in addition to structures, there are sites which are considered to be "historic". She noted that the Commission hopes to have Perkins Cove designated as a historic site/district.

Mr. Lockman suggested that the list might be provided to local realtors and that the Commission might want to issue a Certificate to owners of pre-1930 structures and that this certificate might be filed with the York County Registry of Deeds as a flag for future owners.

Jerry DeHart informed the Board that it is the intent of the Commission to develop a more scientific approach to evaluating these historic properties. He noted that in the past the Commission may have been overly sentimental and that they hope to take a more specific approach in the future. The focus of the Commission has always been to maintain the character of the Town, particularly along Shore Road and Route One approaches into, and out of, Town.

Mr. DeHart expressed some concern over the ease by which one-for-one replacement permits are issued for work done on historic structures. He would like to see a more rigid examination of these applications before permits are issued. He specifically referred to the use of vinyl siding and vinyl windows which may be considered to be one-for-one replacement to wooden materials which have a similar appearance. He would like the Commission to be notified of any work done on these historic structures even when the work does not require Planning Board approval.

Mr. Lempicki reminded the Board that there have been recent changes to the Ordinance which give the Code Enforcement Officer greater leeway to grant permits for one-for-one replacements without Planning Board involvement. He noted that this was done to relieve the flood of applications which had been overwhelming the Board.

Mr. DeHart suggested the Ordinance may have been streamlined too much. He also agreed that not every pre-1930 structure is a "treasure".

Mr. Yurko suggested the Commission might want to submit an ordinance revision for the Board's consideration.

Mr. Lempicki informed the Board that he has a meeting scheduled with Mr. Simpson to discuss ways in which the Commission might work more closely with the Land Use Office.

Mr. Pinkham summarized that there needs to be better due diligence between the Planning Board and the Historic Preservation Commission and there needs to be work done to increase public awareness of the value of the Commission as a resource. A list of pre-1930 structures needs to be created in electronic format. Mr. Pinkham noted that the one-for-one replacement permitting process needs to be closely looked at and he asked the Commission to take an active role in this and to help the Board draft any changes.

Mr. Pinkham thanked the Commission for the work they do and suggested that a second workshop may be helpful. He asked if there was anyone else who wished to be heard. There was no one and the Workshop was closed at 6:50 p.m.

### **PUBLIC HEARING 6:50**

#### **Proposed Amendments to the Ogunquit Zoning Ordinance Standards for Signs.**

Mr. Pinkham noted that the Board held several workshops on this issue and that a final draft has been presented. He noted that this final draft had been made available to the public in several locations including the Town's website. He asked if there was anyone who wished to be heard.

Bob Wolfort thanked the Board for the work they have done and he praised the changes in this final version.

The Board suggested two editorial changes which did not represent any substantive changes. Both of which were agreed upon.

Mr. Pinkham asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 7:05 p.m.

### **REGULAR BUSINESS MEETING – 7:05 P.M.**

#### **A. ROLL CALL –**

The roll was called with the following results:

Members present: Tim Pinkham (Chairperson)  
Richard Yurko (Vice Chairperson)  
William Sowa  
Greg Titman

Members excused: Hank Hokans

Also present: Paul Lempicki, Code Enforcement Officer  
J. T. Lockman, SMRPC, Town Planner

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

**C. MINUTES –** March 22, 2010 Workshop and Regular Business Meeting.

The Minutes of the March 22, 2010 Workshop and Regular Business Meeting were Approved as submitted.

**D. PUBLIC INPUT -** None

**E. UNFINISHED BUSINESS –**

**1. Request for one year extension of the Design Review approval received on May 11, 2009 for the OGUNQUIT MOTEL CORP / TIDEWATER RESORT – 724 Main Street (Map 11 Lot 6).**

Steve Lorusso addressed the Board and explained that his reason for requesting this extension is based upon the current economy and financial difficulties in obtaining financing for this project.

Mr. Yurko confirmed that this is the only requested extension, from Mr. Lorusso, which the Board has the authority to grant.

**Mr. Yurko Moved to Grant the requested extension.**

**YURKO/SOWA 4/0 UNANIMOUS**

**2. 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. Yurko felt there were two primary issues with this application: 1) the configuration of the dog park, parking, and traffic flow so close to the fuel pumping station. He noted that some of the Town vehicles using the fuel station are fire trucks and other large vehicles. This may pose a problem for people using the Dog Park and/or attempting to navigate around the fuel station to access the dog park parking area. 2) the issue of congestion at the end of Berwick Road. Mr. Yurko felt this is a non-issue. He noted that the Dog Park location is almost a full mile from the intersection in question. The Ordinance refers to the impact on “nearby intersections”. It was Mr. Yurko’s contention that one mile does not qualify as “nearby”.

Mr. Sowa expressed concern that the Board set very high standards for the Town when it wanted to install the fueling station at this same location. That applicant was required to show that there would be no impact on the Berwick Road intersection, which they were able to do. Mr. Sowa asked Mr. Lockman if he continued to stand by his recommendation that this Dog Park would not comply with the standards of 8.13.

Mr. Yurko noted that he held the same position during that application as he does on this one. That the intersection does not constitute a “nearby” intersection.

Mr. Lockman stated that during the Hallett Application process he had advised the Board that the strictness of 8.13 could be overlooked. Justice Fritzsche determined that this analysis was incorrect and ruled against the Town which caused countless problems. Mr. Lockman found it ironic that he was now being asked the exact same question again. He agreed that Mr. Yurko’s argument has not been adjudicated and that it may be valid. However based on his experience with the Hallett case, Mr. Lockman took a hard line when he advised the Board that the standards of Section 8.13 need to be met in this case.

Mr. Lockman strongly suggested that the Board needs to require a detailed and definitive site plan for this project which will show: the property boundary lines, access road, curbs, sidewalks, parking areas, traffic flow patterns, dog run fence lines, and other significant landmarks including the dog park’s relationship to the new fuel station.

Mr. Yurko responded that he has read the Hallett Decision several times. In that Decision Justice Fritzsche stated that the Town is obligated to follow, and apply, the Ordinances as they are written. However the Ordinance was slightly different then. In this case Mr. Yurko is doing exactly what Justice Fritzsche ordered, he is following the wording of the current ordinance. It is his contention that there is no way that an intersection a mile away can be considered to be “nearby”.

Mr. Yurko agreed that the Board does need a site plan. He expressed concern that the Dog Park Committee has a problem in that they can not come up with the necessary funding to obtain the site plan without Board approval and they can't get Board approval without the site plan. Mr. Yurko suggested the Board might grant the Applicants "Conditional Approval" pending submission of an acceptable site plan.

Mr. Pinkham agreed to the need for a detailed final site plan. He also noted that he had requested written confirmation from the Conservation Commission regarding wetlands, which the Board has received.

Mr. Yurko pointed out that the Conservation Commission has requested that the trees to be removed be marked so that the Commission can evaluate them.

Mr. Titman also agreed to the need for a detailed site plan. He was particularly concerned that each of the previously submitted plans were different, he also expressed concern about the parking at the Dog Park.

Mr. Crosby responded that they could move the parking area if necessary.

Mr. Lockman informed the applicant that the Board needs to see exact dimensions of the parking area, including the individual parking spaces, as well as traffic flow patterns indicating how vehicles will access the parking spaces and navigate around the new fuel station.

Mr. Pinkham would also like to see the property boundaries indicated on the site plan. He would also like to see a written review from the Fire Chief and the Director of Public Works indicating that they have reviewed the final Site Plan and that their vehicles will have sufficient space to turn around when utilizing the fueling station.

Mr. Sowa asked for confirmation from Mr. Webber and Chief Smith that there will be sufficient space for Town vehicles to access the fuel station. He asked if the Board should table this application pending submission of the site plan.

Mr. Yurko suggested the Board grant preliminary approval subject to the provision by the Applicant of a more detailed and definitive Site Plan on, or before, June 1, 2010, and a further Public Hearing thereafter. In advance of the Public Hearing the Board will request review by the Fire, Police, and Public Works Departments.

Mr. Crosby asked who would prepare the Site Plan.

Mr. Lockman responded that whoever prepares the Site Plan needs to show the road, the fence line, the property boundaries, the parking spaces, curbs, fuel station, etc.

Mr. Crosby asked if he could go to the Land Use Office and obtain a list of things which need to be included on the Site Plan.

Mr. Yurko responded that he could, and then he would have to find someone qualified to draw it.

Mr. Lockman suggested the Applicants review his 7 December 2009 Memo to the Board.

It was determined that this application would be rescheduled to come back before the Board when the Applicants submit the required Site Plan.

Mr. Yurko summarized that the Applicant needs to have a detailed and definitive site plan prepared and submitted to the Land Use Office. At that time this Application would be placed back on the Board's agenda.

**3. Final Discussion Regarding Proposed Amendments to the Ogunquit Zoning Ordinance Standards for Signs.**

**Mr. Yurko Moved to Send the proposed Amendment to the Select Board for inclusion on the June Warrant.**

**YURKO/TITMAN 4/0 UNANIMOUS**

**4. Acceptance of Findings of Fact for BOB SCANLON/SPOILED ROTTEN – 13 Beach Street (Map 7 Lot 72). Approved on March 22, 2010.**

**Mr. Yurko Moved to Approve the Findings of Fact for SCANLON/SPOILED ROTTEN – 13 Beach Street (Map 7 Lot 72).**

**YURKO/SOWA 4/0 UNANIMOUS**

**F. NEW BUSINESS – None**

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

**H. OTHER BUSINESS – None**

**I. ADJOURNMENT -**

**Mr. Yurko Moved to Adjourn at 7:30 p.m.**

**YURKO/TITMAN 4/0 UNANIMOUS**

Respectfully Submitted

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Maryann Stacy  
Recording Secretary

*Approved on April 26, 2010*