

**OGUNQUIT PLANNING BOARD MINUTES
REGULAR BUSINESS MEETING
JANUARY 10, 2011**

A. ROLL CALL –

The roll was called with the following results:

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

Members Excused: Richard Yurko, Vice Chairperson

B. MISSION STATEMENT – The Mission Statement was read into the record by Mr. Hokans.

C. MINUTES – December 13, 2010 Public Hearing and Regular Business Meeting.

The Minutes of the December 13, 2010 Meeting were Accepted as Submitted.

D. PUBLIC INPUT – None

E. UNFINISHED BUSINESS –

1. ACCEPTANCE OF FINDINGS OF FACT FOR: GEOFFREY SCIMONE / RIVERSIDE MOTEL – 50 Riverside Lane – Map 3 Lot 100-G. Approved on December 13, 2010.

The Findings of Fact for Geoffrey Scimone / Riverside Motel (Map 3 Lot 100-G) were Accepted as Submitted.

F. NEW BUSINESS –

1. 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. Determination of Application Completeness / Schedule Public Hearing.

Mr. Gorvett addressed the Board and informed the members that he would like to open a retail gallery.

Mr. Lockman reviewed his 3 January 2011 Memo to the Board in which he stated that this application requires a Site Plan Review due to the change of use from a professional office space to retail space. There will be no changes to the site, structure, or parking. The primary concern with change of use applications is the status of the parking requirements. This application did not include a floor plan

indicating the amount of retail sales area in the proposed gallery. This would need to be compared to the square feet utilized by the office usage, not including storage. The Board must determine if there will be an increase in the number of required parking spaces. The Board was also not informed of the number of parking spaces which will be assigned to this particular business under the lease agreement.

Mr. Hokans asked Mr. Gorrivett how many square feet his gallery will use.

Mr. Gorrivett responded that he believes it will be 1800 square feet. There are four rooms in the building, one of which will be used as a working studio.

Mr. Hokans asked how many parking spaces were assigned to this particular unit.

Mr. Gorrivett responded that it was his general impression that the parking is first come first serve for the entire Thompson Green complex and that there are no specific parking spaces assigned to any one of the individual businesses. He also stated that his parking requirements will be minimal and the bulk of his business will take place in the late afternoon and evening when Café Amore is closed.

Mr. Pinkham responded that the Board is required to follow the Ordinance standards regarding parking. He asked if Mr. Gorrivett had a formal lease from Mr. Hartwell and if it specifically identifies how many parking spaces will be assigned to his business.

Mr. Gorrivett stated that he does have a lease but it does not identify parking.

Mr. Lockman noted that there is the possibility of shared parking or parking waivers.

Mr. Gorrivett asked if there was a parking plan when the space was utilized as a gallery in the past.

Mr. Lempicki responded that he is unaware of any, the last business to occupy this space was the real estate office and it has been vacant for some time.

Mr. Hokans noted that there are two possible uses for the space in this application: professional studio/gallery and retail space. These two uses have conflicting requirements. The applicant states that he will use approximately 1400 square feet of space for retail which will require 7 parking spaces. He also noted that shared parking is a possibility, as is a waiver request if needed.

Mr. Pinkham noted that there are two primary buildings on this property: the one involving this application and a second building which currently contains three retail tenants and one restaurant tenant. This does not include the second floor of the larger building, which apparently is used for meeting room space. The parking requirements for this use are also not specified.

Mr. Pinkham stated that they need to establish the amount of retail space in the other three units, combined with Mr. Gorrivett's retail space, then add to that the floor space of the restaurant to determine whether or not the 24 parking spaces indicated on the submitted plans are sufficient. Mr. Pinkham informed Mr. Gorrivett that the Board needs specific numbers indicating what is currently existing. He also pointed out that the submitted site plan was produced in 1999 and the current conditions are different than indicated on the plans. He also noted that it is general practice for the property owner to assign a specific number of parking spaces for each tenant.

Mr. Gorrivett responded that the owner of the building assured him that there would be at least one parking spot specifically assigned to him.

Mr. Lempicki informed the Board that he had received a telephone call from Mr. Hartwell. It is Mr. Hartwell's opinion that the parking requirements were granted to him some time ago and that he still has the same parking plan today. Mr. Lempicki informed Mr. Hartwell that the ordinance has changed and that it will be difficult for Mr. Gorvett to gather the required information because the majority of the other stores are summer tenants only.

Mr. Capone asked if the original approval for this space still applies if it was originally approved for all retail space, even if the use went from retail to office and back to retail.

Mr. Lockman responded that the Board would need to see the parking analysis from 1999. If the original plans from 1999 indicate that each unit was approved for its existing use, and required parking was calculated then, and is still in effect, then there may not be any problem. The current parking requirements may be satisfied by the 1999 plans, particularly if there are currently more spaces in existence than were indicated on the 1999 plans.

Mr. Hokans asked for confirmation that the building in this application was part of the original plan. The applicant may need to submit a current parking plan indicating the number of existing parking spaces along with the square footage of retail space for the entire complex and the parking requirements calculations for both buildings.

Mr. Titman agreed that the 1999 plans seem to indicate that this structure was not part of the original submission.

Mr. Gorvett informed the Board that he would contact Mr. Hartwell for the requested information. He also noted that much of the square footage of the building may not be used for retail space.

Mr. Hokans moved to table this application pending receipt of additional information on the parking requirements.

HOKANS/TITMAN

Mr. Gorvett asked if this would require another meeting.

Mr. Lempicki responded that Mr. Hartwell will have to provide the square footage of all of the shops including the restaurant's seating capacity. This total square footage will be used to calculate the parking requirements for the complex. Mr. Lempicki added that Mr. Gorvett was depending on information he received from Mr. Hartwell which was a misunderstanding.

Mr. Pinkham agreed and asked for a floorplan for Mr. Gorvett's proposed business.

Mr. Gorvett informed the Board that the original plan for this site was adapted for another purpose. The parking was reduced and there was an agreement between the Town and Mr. Hartwell. He asked if the Board had gone over the history of the site and its purpose.

Mr. Lempicki responded that he searched his files and did not find any reference to this agreement. He informed Mr. Gorvett that Mr. Hartwell should supply proof of this agreement and any approved plans for this site to the Board.

Mr. Pinkham added that every time there is a change of use it changes the requirements.

Mr. Gorvett was informed the he would have one week to provide the requested information.

Mr. Gorvett asked if the Board or Mr. Lempicki would provide Mr. Hartwell with the information. He was informed that it is the responsibility of the applicant to provide the information to the Board and he should submit any paperwork to the Secretary.

Mr. Lempicki reminded Mr. Gorvett that the plans from 1999 which were submitted by Mr. Gorvett do not reflect the currently existing parking layout.

Mr. Lockman informed Mr. Gorvett that the deadline for additional submittals is one week before the meeting and that Mr. Gorvett should have his paperwork in the Land Use Office no later than Jan 18th in order to be put on the Jan 24th Agenda. In the alternative, Mr. Gorvett could agree to wait until the February 14th meeting which would give him additional time to prepare and submit the requested information.

Mr. Pinkham restated Mr. Hokans' motion:

Mr. Hokans Moved to table this application pending receipt of additional information on the parking requirements.

HOKANS/TITMAN 4/0 UNANIMOUS

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

Michael Ramsey addressed the Board. Mr. Ramsey summarized that he is asking to install two handicapped bathroom facilities attached to the pool area café.

Mr. Hokans asked why this application requires Design Review. He asked if ADA required structures aren't exempt from Design Review, he also asked if the new structures can be seen from Shore Road.

Mr. Lempicki responded that he visited the site and confirmed that the new structures will not be visible from Shore Road. In addition, only Life Safety Requirements are exempt from Design Review, ADA requirements are not exempt.

Mr. Hokans Moved to Exempt this Application from Design Review.

HOKANS

Mr. Pinkham called for a second to Mr. Hokan's Motion, there was none forthcoming and the motion failed for lack of a second.

Mr. Hokans Moved to find the Application Complete and schedule the Public Hearing.

HOKANS/TITMAN 4/0 UNANIMOUS

The Public Hearing was scheduled to take place on January 24th at 6:00 p.m.

Mr. Ramsey asked if the Board would require any additional information from him prior to the Public Hearing. He also confirmed the date and time.

Mr. Pinkham responded that the application was complete and nothing further would be required.

3. 173 MAIN STREET, LLC – 173 Main Street – Map 6 Lot 14 – Site Plan Review, Design Review, and Dumpster Screening Waiver for a post 1930 structure. Application for Change of Use from Gas Station/Convenience Store to Sandwich Shop. Determination of Application Completeness / Schedule Public Hearing.

Jerry DeHart addressed the Board as representative to the applicant. Mr. DeHart noted that the structure was originally a garage and the current applicant is seeking to stay with the “machine era look” of the building. There are two garage doors which are still in place and hidden within the walls of the existing structure. The reason for the dumpster waiver request is that they would like to place the dumpster on the south side of the building which abuts another commercial property rather than on the north side where it abuts a residence.

Mr. Titman asked if the garage doors will be operational.

Mr. DeHart responded that they will probably be operational so that they can be opened during the summer months.

Mr. Titman asked if the new second floor would be for storage only.

Mr. DeHart responded that the second floor will be unconditioned space and will be used for storage.

Mr. Titman asked about the setbacks and what the ramifications will be if the Town/State decides to put a sidewalk in front of this building.

Mr. DeHart responded that there is more than enough room for Route 1 and sidewalk expansion. It won't effect the parking for this application. He noted that the State has been very exact in letting the Town know that they have no jurisdiction over the setback area. The applicant will accommodate a sidewalk.

Mr. Hokans asked if the Board should require written proof from the State that they would allow space to be built.

Mr. DeHart responded that the Town has received written instructions from the State several times for other applications. If the State ever wants to take the land any structures would have to be removed.

Mr. Hokans asked if the applicant had considered putting a peaked roof on the building.

Mr. DeHart responded that they did not. The Applicant wants to stay with the building's original character instead of reconstructing a new colonial building. He noted that the abutting restaurant, “Tapas and Tini's”, has a stucco façade and that this new application should fit in nicely with the neighborhood.

Mr. Hokans stated that most of the buildings in that area have a colonial look, and the this building was built at a time when there was no required Design Review and it would be worth considering making it look more in keeping with that part of town.

Mr. DeHart disagreed.

Mr. Hokans asked what the façade material will be.

Mr. DeHart responded that it will be stucco.

Mr. Lockman noted that in his January 3, 2011 Memo to the Board he did not comment on the dumpster waiver. He noted that the application indicates that the dumpster will be screened. He noted that a waiver may not be required for this application.

Mr. DeHart confirmed that the dumpster will be enclosed and if the waiver isn't required then he will withdraw the waiver request.

Mr. Capone asked for confirmation that the existing garage doors are behind the brick wall.

Mr. DeHart responded that the garage doors are in the up position and are hidden behind the existing brick wall.

Mr. Pinkham asked if the building is a cinderblock construction.

Mr. DeHart responded that it is cinderblock with a brick façade as it was built in 1961.

**Mr. Titman Moved to Find the Application Complete and Schedule the Public Hearing and to find the Request for a Dumpster Waiver Unnecessary.
TITMAN/CAPONE 3/1 (with Mr. Hokans Dissenting).**

The Board scheduled the Public Hearing for this Application for January 24, 2011 at 6:00 p.m.

Mr. DeHart confirmed the Public Hearing date and time.

**4. 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.
Determination of Application Completeness / Schedule Public Hearing.**

James Beetz addressed the Board as the Applicant's representative.

Mr. Lockman summarized his January 3, 2011 Memo to the Board. He noted that the newly submitted Plans (dated January 10, 2011) satisfy the concerns he expressed in that memo. He noted that the new plans indicate a twenty foot green space between the hotel and abutting residences has been established, and that a tree line of arborvitaes will be planted between the pool area and the property of abutter Louse Bianchi and that the driveway next to her property has been removed from the plans.

Mr. Lockman pointed out that the twenty foot green space requirement may necessitate the removal of the gravel area along shore road and its replacement with green space. This is not indicated on the new plans. If this is done the plans should be in compliance with Sections 9.8 and 3.5 of the Zoning Ordinance.

Mr. Lockman suggested that the removal of the gravel will mitigate any drainage issues caused by the pool. However the Applicant has not submitted a drainage plan and Mr. Lockman suggested that the Board may want to require him to do so.

Mr. Pinkham noted that the Board received a letter from abutters Louise Bianchi and Lisa Dow expressing several concerns (*a copy of this letter will be maintained in the Applicant's file*), and that the abutters will have the opportunity to more fully express their concerns at the Public Hearing.

Mr. Pinkham asked for confirmation that the gravel area on Shore Road would be converted to green space.

Mr. Beetz responded that this gravel area is used for parking for the two retail businesses there and if it is eliminated there will be no parking for those two shops. Also, there is ledge rock under the gravel.

Mr. Lockman responded that he was not aware there was active retail space in that building; it was his understanding that it was residential. If this is the case, the parking spaces may be grandfathered.

Mr. Pinkham asked about the proposed concrete walk.

Mr. Beetz responded that this walkway originates at a parking lot on the other side of a line of arborvitaes. There are no culverts under it, however the parking lot does have a drainage system in place.

Mr. Hokans asked what size arborvitaes will be planted along the Bianchi property line.

Mr. Beetz responded that they will plant the tallest trees possible, probably about six feet. In addition they will put in grass where the gravel is, all the way from where the driveway was at the second curb cut as shown on the revised plans.

Mr. Pinkham asked if there will be a drainage ditch installed, and what the hours will be for the pool use.

Mr. Beetz responded that there will not be any drainage ditch, and pool hours will be 8:00 a.m. to 8:00 p.m. which are the operating hours for the hotel's office.

Mr. Capone asked where the residents park.

Mr. Beetz responded that they park behind the structure.

Mr. Hokans asked about fencing.

Mr. Beetz responded that the pool will be fenced in. There is already a fence along the property line and they will put arborvitaes along the other property lines.

Mr. Pinkham asked about a lighting plan.

Mr. Beetz responded that there will be outdoor lighting for safety.

Mr. Pinkham asked for specifications for lighting and suggested Mr. Beetz speak with the Code Enforcement Officer.

Mr. Hokans Moved to find the application complete for 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 pending submissions of an outdoor lighting plan and a drainage plan. HOKANS/CAPONE 4/0 UNANIMOUS

The Public Hearing for this application was scheduled to take place on January 24, 2011 pending submission of the lighting and drainage plans.

Mr. Beetz confirmed the Hearing date and time.

**5. ANTHONY and SUSAN CONSIGLI – 474 Shore Road – Map 2 Lot 15 – Subdivision Application. Three (3) Lot Subdivision of 7.94 Acres.
Determination of Sketch Plan Completeness / Schedule Site Visit.**

John Mitchell, Mitchell and Associates addressed the Board as the Applicant’s representative. Mr. Mitchell gave a brief overview of the submitted material.

Mr. Mitchell agreed to provide a Storm Water Management Plan for Lot #3 as recommended by Mr. Lockman.

Mr. Mitchell contacted DEP regarding the setback for the pond, which is a manmade pond built to provide water and ice for the Riverside Motel a long time ago. A representative from the DEP will conduct a site visit to the pond.

Mr. Titman noted that this property has already been significantly altered and is not in the condition it was, nor is it in the condition it will be. He expressed concern that a Site Visit of a “construction site” may not be productive at this point.

Mr. Hokans Moved to find the Sketch Plan complete and schedule a Site Visit for January 11, 2011 at 9:00

HOKANS/TITMAN

After discussion it was determined that a January 11th date would not allow enough time for legal notification of abutters and other interested parties. Mr. Hokans withdrew his Motion.

Mr. Hokans Moved to Find the Sketch Plan complete and to schedule a Site Visit for January 18, 2011 at 9:00 a.m.

HOKANS/TITMAN 4/0 UNANIMOUS

The Board and Mr. Mitchell confirmed the date and time of the Site Visit and agreed to meet on Stapes Pond Road at 8:45 on the morning of January 18th.

G. CODE ENFORCEMENT OFFICER BUSINESS – None

H. OTHER BUSINESS – None

I. ADJOURNMENT -

Mr. Hokans Moved to Adjourn at 7:28 p.m.

HOKANS/CAPONE 4/0 UNANIMOUS

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on January 24, 2011