

Maryann Stacy

From: scott scherschel [scottscherschel@yahoo.com]
Sent: Friday, June 12, 2020 10:12 AM
To: Maryann Stacy
Subject: Re: 239 Shore Road Application for Change of Use
Attachments: Planning Board letter 6-11-2020.docx

Maryann,

Please find a letter attached to this email that I would like to be included in the Planning Board materials packet for the upcoming meeting on June 22nd.
Should you have any questions, I can be reached at (813) 417-9269.

Thank you!

Scott Scherschel

June 11, 2020

Ogunquit Planning Board
Maryann Stacy, Recording Secretary
mstacy@townofogunquit.org

Re: 239 Shore Road, Application for Change of Use to Type 2 restaurant, with the addition of new outdoor seating.

Dear Members of the Ogunquit Planning Board:

Having not had the opportunity to see what—if any—changes or additions to the site plan that the applicant has made since the last meeting, I can only continue to express the same concerns and feelings that I have put forward in past letters and comments during the meetings.

The property at 239 Shore Road has a number of issues that make compliance to zoning ordinances for the requested change of use either difficult or impossible to comply with. Though the parking and delivery issues were discussed extensively during the last board meeting, I felt that the decision to grant the request to waive the parking requirements may have happened too quickly. It is the understanding of the abutting neighbors that other elements of the zoning requirements (such as setbacks, vegetative buffer zone, trash receptacle storage, etc.) are not something that the board can overlook, and that the property must be made to come into appropriate compliance. As of this time, there is no indication that this will be the case. Nor has there been any real indication that the applicant will have the means or method to control any untoward situations that might arise from such a business model, such as potential noise, crowds, smoking etc. Saying that these things are not allowed does nothing on a practical level to make them not happen.

Also, mention was made in the Revised Application dated May 13, 2020 of this application being a “conditional approval”, however the business model and application show nothing being changed from the original application in regards to concerns expressed during the meetings by neighbors and abutters.

It is my opinion that there is NO compelling reason for the members of the Planning Board to grant this request for Change of Use. Granting the request would in effect be putting the desires of one resident above that of many others, and above those residents who will in fact be most affected (and unnecessarily so) by this change of use.

I urge the Members of the Board to deny this Application for Change of Use to Restaurant Type 2, with the addition of new outdoor seating.

Sincerely,
Scott Scherschel
240 Shore Road
Ogunquit, ME 03907

e-mailed to Applicant 6-17-2020

Maryann Stacy

From: Gregory Long [gregorylong3@yahoo.com]
Sent: Friday, June 12, 2020 11:32 AM
To: Maryann Stacy
Subject: 239 Shore Road
Attachments: 239 Shore Road 6-12-20.pdf

Maryann -

Attached is an update to my concerns regarding 239 Shore Road. I believe 239 Shore is on the agenda for the next Planning Board meeting. Could you be sure to include the attached letter?

Thanks!

Gregory Long
240 Shore Road

June 12, 2020

Attention Planning Board members:

I'd like to reiterate my concerns about the change of use for 239 Shore Road from retail to restaurant type 2.

In the last meeting, the board granted a parking waiver which also set aside the need for commercial deliveries. Unfortunately, we continue to see delivery trucks regularly parking on sidewalks and in front of residential homes. I've attached a few photos from just this week.



e-mailed to Applicant 6-12-2020

1. In the last packet, waste receptacles were shown on the side. They would need to be behind the building in order to meet setback requirements.
2. There is not a sufficient vegetation buffer (7.5 feet wide, 6 feet tall) on all sides abutting residential properties. The owner needs to plant a 6 foot tall border on three sides of her property to comply.
3. The buffer cannot be paved for parking. Excavation will need to be done on part of the parking lot to comply with the side buffer requirements.
4. The outdoor seating must be 20 feet back from the property line. When outdoor seating is requested, zoning ordinances consider that as an expansion of the structure. Structures in the Limited Business District must be 20 feet back from the front property line. The last application that we've seen has seating within that setback.
5. While a waiver for parking was granted, the property's front parking lot does not comply with zoning requirements. Parking is not allowed in the front setback. Since the board believes there is ample parking for customers, residents could park in these public spaces. The parking in front of the property should be removed altogether and landscaped as defined by the zoning ordinances.

All neighbors around 239 Shore Road are in agreement that the planning board should deny the application for a change of use. We're still concerned about noise and litter and the impact on our homes.

One could argue that zoning ordinances in the Limited Business District permit a restaurant type 2. But it allows the change of use **only** if it meets the criteria from the site plan review checklist. If you go back to the 16 point checklist, 239 Shore Road still does not meet the majority of the criteria. We would definitely welcome Coastal Wines as a retail neighbor, but not as a restaurant. We ask you to deny the change of use request.

Thank you.

Gregory Long
240 Shore Road