

**OGUNQUIT PLANNING BOARD  
REGULAR BUSINESS MEETING  
OCTOBER 24, 2011 6:00 p.m.**

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

The Roll was called with the following results:

Members Present:     Tim Pinkham, Chair  
                              Robert Coles, Vicechair  
                              Craig Capone

Members Excused:    Don Simpson

Also Present:         J.T. Lockman, Southern Maine Regional Planning Commission  
                              Paul Lempicki, Ogunquit Code Enforcement Officer

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

**C. MINUTES – September 26, 2011.**

The Minutes of the September 26, 2011 Meeting were Accepted as Submitted.

**D. PUBLIC INPUT –** None

**E. UNFINISHED BUSINESS –** None

**F. NEW BUSINESS –**

**1. MANDY BRUNO – OGUNQUIT PSYCHIC – 20 Shore Rd, Unit 2A – Map 7 Block 118-4 – Site Plan Review for Change of Use from residential to commercial, for a post 1930 structure.**

Ms. Bruno informed the Board that she would like to open a shop for psychic and tarot card readings as well as the sale of books, candles, and incense. Her business is not a high traffic business and is primarily by appointment only. She has had a similar business in Sanford for over ten years. There will be no structural changes to the building, only minor cosmetic interior changes.

Mr. Pinkham noted that there are no open zoning issues, however the Ogunquit Fire Chief supplied several comments regarding Life Safety Requirements in his 13 October 2011 Memo to the Board, all of which must be met by the Applicant.

**Mr. Coles Moved to Find the Application for MANDY BRUNO – OGUNQUIT PSYCHIC – 20 Shore Rd, Unit 2A – Map 7 Block 118-4 Complete, and to Schedule a Public Hearing to be held on November 14, 2011 at 6:00 p.m.  
COLES/CAPONE 3/0 UNANIMOUS**

Mr. Pinkham confirmed the date and time of the Public Hearing as November 14, 2011 at 6:00 p.m.

Ms. Bruno agreed.

**2. JOSEPH LINDSEY – 49 Bittersweet Lane – Map 21 Block 6 – Subdivision – Sketch Plan Application. Eight (8) Lot Subdivision of 18.4 Acres in the Farmland District.**

Ken Markley addressed the Board as Mr. Lindsey's representative. Mr. Markley noted that after reviewing Mr. Lockman's 14 October 2011 Memo regarding the need for clustering, there has been a change to the original plan. Mr. Markley distributed the revised plans (dated 5 October 2011) to the Board members. He noted that there is one existing house already on site, there is also an existing foundation at the rear of the property. It is the applicant's intention to put in eight additional houses. Mr. Markley also noted that the designated open space exceeds the Town's requirements. The open space consists of 4.1 acres of wetlands and 4.6 acres of upland. The proposal is to build a 500 foot long cul-de-sac to service the units. It is the Applicant's desire to minimize the environmental impact by utilizing shared driveways, and buffers will be put in place between the proposed houses and the abutters.

The Applicant believes the proposed plan minimizes the environmental impact particularly regarding the wetlands. There is an existing crossing over the wetlands which will be upgraded to whatever road specifications are decided upon. There will be another wetland crossing in the southeast two lots. In addition the open areas will come as close as possible to the dwellings.

The new houses will be served off of Bittersweet Lane which is a 75 foot right-of-way. Some residents have a 25 foot right-of-way and others have a 75 foot right-of-way. There is also a 50 foot right-of-way going to the Stevens Family Trust, 30 feet of which they have a right to cross over, which can be located anywhere within the 50 foot right-of-way.

Mr. Markley also noted that there will be a fire pond which is not shown on the plans. This fire pond will be close to the northwest side of the cul-de-sac where the water table is high. This will also provide easy access for fire equipment.

Mr. Markely informed the Board that he will be seeking input from the Board regarding road standards. He noted that Bittersweet Lane is an extremely long road to service, and it will be difficult to make it economically feasible to bring up to Town standards. It is the Applicant's hope that the Board will take this into consideration.

Mr. Lockman reviewed his 14 October 2011 Memo (*a copy of which will be maintained in the Applicant's Planning Board file*).

Mr. Coles asked if someone will have to come before the Board to modify the right-of-way for Sonoma Woods.

Mr. Lockman responded that the entire right-of-way is on Mr. Lindsey's plan and it will be taken care of by the processing of the current plan. In addition, all of Bittersweet Lane will be shown on Mr. Lindsey's plan when it is recorded.

Mr. Lockman noted that there should be some general proposals from the Applicant regarding the management and maintenance of common areas, open spaces, and the road. Regarding the wetlands, none of the wetlands on the site are of a type or size which would require Shorland Zoning protection. However forested wetlands and smaller open wetlands are still regulated by the DEP, which requires a buffer distance of 25 feet. There are other considerations regarding storm water management which will be worked out as the application proceeds.

Mr. Coles noted that the Conservation Commission is suggesting that a storm water containment and disbursement plan be provided.

Mr. Lockman responded that the Storm Water Plan will be required at the Final Plan Stage, the question is whether or not the Applicant will have to submit this plan to the DEP as well as the Planning Board. If the Applicant requires DEP approval they will have to submit it at the Final Plan Stage.

Mr. Coles noted that it appears to him as if 12.12 acres will be reserved for open space.

Mr. Markely responded that it will be 8.7 acres, and the total acreage for the development is 16.39 acres.

Mr. Coles asked if 50% of the acreage has to be left open.

Mr. Markely responded that they have 8.54 acres which is more than the 8.2 acres they are required to have.

Mr. Capone asked if this includes the Bittersweet Lane right-of-way.

Mr. Markely responded that they did not include Bittersweet Lane because it is not part of the proposed developed area. It is an existing right-of-way.

Mr. Capone asked about the portion which was created but never approved.

Mr. Markley responded that they did not include that portion which includes the right-of-way for the Stevens parcel. There will be some improvement to this portion of Bittersweet Lane and there may be improvement to the entire length of Bittersweet Lane.

Stillman Bradish (369 North Village Road) addressed the Board. Mr. Bradish noted that when Ogunquit became a town it did not have a Farm District or an Industrial Zone. The State required both these districts be created. He noted that he has reviewed all the plans regarding this property, and there have been a lot of things which are not above-board, and there is a lot of missing paperwork. He pointed out that this property is in the Farm District not the Rural Residential District. When he looks at the ordinances he sees that the Farm District requires 200,000 square feet. However there is a footnote which states that only 60,000 square feet is required for a residence. Mr. Bradish questions whether or not this application should even be before this Board. He disagreed with the Applicant, he (Mr. Bradish) has hunted this land all his life and he asserts that it does contain a deeryard regardless of what the Applicant says. He asked the Board to walk the entire property and not just the road and the areas flagged by the applicant. He suggested they wear boots because there are a lot of wetlands Mr. Bradish expressed his belief that Mr. Maddox has lead the Applicant down an incorrect path.

Mr. Pinkham thanked Mr. Bradish for his comments.

Mr. Lockman responded that the 60,000 square feet Mr. Bradish referred to has been in the Ordinance for a long time and he (Mr. Lockman) has questioned it as well.

Mr. Markely added that they were aware of this notation. He noted that a lot of larger wetland and upland areas within this project are being reserved which are adjacent to each other and to other open spaces on abutting parcels. He also suggested that most people only occupy about ½ acre of their property and the rest of most lots is generally left as open space.

Mr. Capone asked if the project will actually consist of ten lots, not eight, when it is complete.

Mr. Markley responded that it will, the 60,000 lends itself to eight lots but with the 1.2 multiplier and the smaller lot sizes, ten is the actual number which came up.

Mr. Lockman added that for preserving half the open space, and for making half of that dry land there is a 20% bonus built in. He referred to Article 9.6 of the Ogunquit Zoning Ordinance. The reasoning behind this ruling is that if developers are required to cluster they should be given a density bonus to balance out the reservation of the open space.

**Mr. Coles Moved to hold a Site Visit on November 1, 2011 at 9:00 a.m. At that time the Applicant will provide a narrative regarding the management of open space and the infrastructure regarding the homeowners association and whether or not the road will be kept private or offered to the Town. Application Completeness will be determined upon submittal of the Narrative. COLES/CAPONE 3/0 UNANIMOUS**

Mr. Markley confirmed the date and time (November 1, 2011 at 9:00 a.m.) of the site visit and that next Planning Board Meeting which will be held on November 14, 2011 at 6:00 p.m.

**G. CODE ENFORCEMENT OFFICER BUSINESS –**

**H. OTHER BUSINESS –**

The Board decided that there will be a single meeting in December which will be held on December 12, 2011.

**I. ADJOURNMENT -**

**Mr. Coles Moved to Adjourn at 6:55 p.m.  
COLES/CAPONE 3/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy  
Recording Secretary

Approved on November 14, 2011