

**OGUNQUIT PLANNING BOARD  
PUBLIC HEARING and REGULAR BUSINESS MEETING  
APRIL 23, 2012**

**PUBLIC HEARING**

**1. ABALONIA, LLC / ELIVIA III, LLC – 268 Main Street – Map 7 Block 66.**

Mr. Simpson 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 6:02 p.m.

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

The Roll was called with the following results:

Members Present: Don Simpson (Chair)  
Robert Coles (Vice Chair)  
Craig Capone  
Jackie Bevins

Also Present: Paul Lempicki, Ogunquit Code Enforcement Officer

**B. PLEDGE OF ALLEGIANCE -**

**C. MISSION STATEMENT -** The Mission Statement was read by Ms. Bevins.

**D. MINUTES – April 9, 2012 Public Hearings and Regular Business Meeting.**

**Ms. Bevins Moved to Accept the Minutes of the April 9, 2012 Public Hearings and Regular Business Meeting as Amended.**

**BEVINS/COLES 4/0 UNANIMOUS**

**E. PUBLIC INPUT –**

Mr. Simpson asked if there was anyone who wished to address the Board on any matter not on this meeting's agenda. There was no one.

**F. UNFINISHED BUSINESS –**

**1. Findings of Fact for:**

- a) **COVE HOUSE COFFEE / RUSS THIBEAULT – 178 Main Street – Map 6 Block 40C.  
Approved on April 9, 2012.**

**Mr. Coles Moved to Accept the Findings of Fact for Cove House Coffee / Russ Thibeault – 178 Main Street – Map 6 Block 40C as Submitted.  
COLES/CAPONE 4/0 UNANIMOUS**

- b) **PERKINS COVE LOBSTER POUND / WAYNE PERKINS – 324 Shore Road – Map 3 Block 4-5. Approved on April 9, 2012.**

**Ms. Bevins Moved to Accept the Findings of Fact for PERKINS COVE LOBSTER POUND / WAYNE PERKINS – 324 Shore Road – Map 3 Block 4-5 as Submitted.  
BEVINS/COLES 4/0 UNANIMOUS**

2. **ABALONIA, LLC / ELIVIA III, LLC – 268 Main Street – Map 7 Block 66 – Design Review and Site Plan Review for a pre 1930 structure. Application to install an in-ground swimming pool.**

Ken Holmes addressed the Board as the owner of Abalonia, LLC.

Mr. Simpson noted that there was no mention of a fence on the application, he also referred to the Fire Chief's March 29, 2012 Memo to the Board stating that the pool needs to be fenced in.

Mr. Holmes agreed that the pool will be fenced in and that the fence will conform to all Town and State requirements.

Mr. Coles asked about buffering.

Mr. Holmes responded that there are already good sized trees on the property which they will retain, he has left messages for Ethel Such who is the Condominium Association President for Dunelawn asking what their preference would be for buffering. Mr. Holmes informed the Board that he is willing to accommodate the Dunelawn Association's wishes with regard to the type of buffering they use.

Mr. Simpson asked if the proposed plans meet all setback requirements.

Mr. Lempicki responded that they do.

**Mr. Coles Moved to Approve the Site Plan Application for ABALONIA, LLC / ELIVIA III, LLC – 268 Main Street – Map 7 Block 66 – Design Review and Site Plan Review for a pre 1930 structure. Application to install an in-ground swimming pool.  
COLES/CAPONE 4/0 UNANIMOUS**

**Mr. Capone Moved to Approve Design Review for ABALONIA, LLC / ELIVIA III, LLC – 268 Main Street – Map 7 Block 66 – Design Review and Site Plan Review for a pre 1930 structure. Application to install an in-ground swimming pool.  
CAPONE/COLES 4/0 UNANIMOUS**

**G. NEW BUSINESS –**

1. **THE EGG AND I – 501 Main Street – Map 8 Block 4 – Dumpster Screening Waiver Request.**

Mike Burgess addressed the Board as the representative for Bob Appis owner of the Egg and I. Mr. Burgess informed the Board that Mr. Appis was unable to attend due to a death in his family.

Mr. Simpson expressed condolences and asked if Mr. Burgess would be able to respond to the Board's questions and suggestions, and if he had authority to make decisions on this matter.

Mr. Burgess responded that he would do his best.

Mr. Simpson pointed out that the existing dumpsters are relatively small and that they are on wheels. When trucks come to empty them the dumpsters are rolled out. He asked if the Applicant had considered erecting a fence around them with a gate on the front. He suggested the dumpsters could still be rolled out to meet the trucks when they come to empty them.

Mr. Burgess responded that the dumpsters are located so close to the road that the opening of a gate would pose a safety hazard.

Mr. Simpson responded that the dumpsters still have to be rolled out and it doesn't appear that fencing them in would cause any more of a safety hazard than they already have. He asked for the Code Enforcement Officer's opinion.

Mr. Lempicki responded that there are many places in Town where the trucks have to back out into the road. He pointed out that the trucks would have to park vertically across the road. He asked if there is any reason why Mr. Appis would not want to enclose the dumpsters.

Mr. Burgess responded that it is only a safety issue, however he doesn't believe that the trucks have to park vertically across the road.

Mr. Simpson agreed and added that he has seen the trucks parked parallel to the road, the dumpsters are pulled out and up to the truck for emptying.

Mr. Capone pointed out that the gates would also need to be opened (probably out into the road) when staff put trash into the dumpsters, and he suggested this might be a safety hazard to staff.

Mr. Coles suggested that these dumpsters are the type where trash is put into the top of the dumpster and if the fence is the same height as the dumpster staff could reach over and put trash directly into the dumpster from the top.

Mr. Simpson responded that there are covers on the dumpsters. He asked if there has been any thought to moving the dumpsters to one or two of the existing parking spaces. He pointed out that the business owns the parking lot behind the building and that they have a parking agreement with the Ogunquit Lobster Pound across Route One.

Mr. Burgess responded that they do not want to lose any of the parking spaces directly adjacent to the restaurant.

Mr. Coles asked if the Police Chief should review the plan and give the Board her opinion.

Mr. Simpson agreed.

Mr. Burgess asked if they might put up fencing on either side of the dumpsters, or do they have to be totally enclosed.

Mr. Lempicki responded that they have to be totally enclosed so that they can not be seen.

Ms. Bevins pointed out that there appear to be two different types of dumpsters.

Mr. Lempicki responded that the smaller of the dumpsters is a grease bin for used grease.

Mr. Simpson asked if the Applicant would consider moving the dumpsters to the right of the rear door.

Mr. Coles asked if the Applicant would consider using a parallel opening gate. He noted it would restrict one of the parking spaces.

Mr. Capone pointed out that the rear door next to the dumpsters is indicated on the plans as the handicapped entrance. This door would have to be kept clear and could not be blocked by an open gate from the dumpster fencing.

Mr. Simpson asked if the parking situation for this restaurant is sufficient to meet current parking regulations. He wanted to know if the applicant used two or three parking spaces for the dumpsters, would there still be enough parking.

Mr. Lempicki responded that there would be, particularly given the dirt parking lot across King's Highway and the availability of the parking at the Lobster Pound.

Mr. Simpson suggested the Board might want to table this application until the Applicant can appear and the Police Chief can submit her recommendations.

Mr. Coles asked if the Applicant has any urgency.

Mr. Lempicki responded that he isn't pushing them on this matter.

Mr. Burgess agreed that a postponement would not be a problem for the Mr. Appis.

**Mr. Coles Moved to Table the Application for THE EGG AND I – 501 Main Street – Map 8 Block 4 – Dumpster Screening Waiver Request to the May 14, 2012 Meeting.  
COLES/CAPONE 4/0 UNANIMOUS**

Ms. Bevins noted that she has seen many other restaurants that do not have fences around their dumpsters and she asked why.

Mr. Lempicki responded that he has five other restaurants he is working on in that area and that there are others that do not have fences.

Mr. Simpson asked the public to contact the Code Enforcement Office and report any restaurants with dumpsters that are not enclosed.

**2. NELLIE LITTLEFIELD INN & SPA / GAZEBO REAL ESTATE LLC – 27 Shore Road – Map 7 Block 104 – Design Review and Site Plan Review for a pre 1930 structure.  
Application to construct a 10'x15' in-ground hot tub with wrought iron fence and stone wall enclosure.**

Scott Osgood addressed the Board as the owner of Nellie Littlefield Inn & Spa.

Mr. Simpson noted that the Board had received a memo from the Ogunquit Historic Preservation Commission.

David Barton, Ogunquit Historic Preservation Commission, addressed the Board. He noted that the Commission is requesting a vegetative buffer be added to the stone wall and iron fencing so that the spa will not be visible from Shore Road. The Commission suggested this will preserve the Victorian look of the property and give added privacy to people using the spa.

Mr. Osgood thanked the Commission for their input and agreed that they would include a line of arborvitae trees next to the stone wall.

Mr. Capone asked about the utility shed which appears on the plans but is not noted anywhere else in the application paperwork.

Mr. Osgood responded that this shed will house the pumps and heaters for the spa. It will be visually compatible to the main house. They will use similar shingles and colors.

Mr. Lempicki agreed that the shed is shown on the plans but it was not included in the rest of the application paperwork so there is no description.

Mr. Coles asked if there is any issue with lot coverage.

Mr. Lempicki responded that there is not.

Mr. Capone asked if there will be any loss of parking spaces as a result of this project.

Mr. Osgood responded that there will not be any loss of parking spaces.

Mr. Simpson informed the Applicant that the Board would be willing to find the application complete if Mr. Osgood would agree to meet with the Code Enforcement Officer and have the amended application in to the Land Use Office by the end of the business day on April 24<sup>th</sup>.

Mr. Osgood agreed.

**Mr. Coles Moved to Find the Application Complete with the condition that the Applicant provides a revised application, which includes the utility shed, by the close of business on April 24, 2012. COLES/CAPONE 4/0 UNANIMOUS**

Mr. Simpson noted that the Public Hearing for this application would take place on May 14, 2012 at 6:00 p.m. If there are any members of the public who can not attend they are welcome to submit written comments to the Land Use Office.

#### **H. CODE ENFORCEMENT OFFICER BUSINESS –**

Mr. Simpson noted that at the last meeting he asked the Code Enforcement Officer to look into the status of the temporary Dumpster Screening Waiver which was granted to Steve Lorusso / Riverbrook Park and Sales Inc on August 22, 2011. Mr. Simpson reminded the Board that the temporary waiver was granted pending the construction of a new building. He suggested that there do not appear to be any plans to construct the new building, and he asked if the Board should consider withdrawing the waiver.

Mr. Coles asked if there was any time frame limit on the temporary waiver.

Mr. Simpson responded that there was not.

Ms. Bevins asked if it has been confirmed that Mr. Lorusso is not going to build.

Mr. Simpson responded that no building plans, or permit applications, have been submitted. He recommended the Board send a letter to Mr. Lorusso asking what his intentions are.

The Board agreed.

Mr. Coles suggested that all future temporary waivers should include an expiration date.

The Board agreed.

**I. OTHER BUSINESS – None**

**J. ADJOURNMENT -**

**Ms. Bevins Moved to Adjourn at 6:35 p.m.  
BEVINS/COLES 4/0 UNANIMOUS**

Respectfully Submitted

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Maryann Stacy  
Recording Secretary

*Approved May 14, 2012*