

# OGUNQUIT PLANNING BOARD MINUTES

## MARCH 23, 2015

### PUBLIC HEARING 6:00 P.M.

- 1. LAFAYETTE OGUNQUIT LLC/NORSEMAN – 115 Beach Street – Map 7 Block 86 – Shoreland General Development 1 / Ogunquit Beach. Site Plan and Design Review for a post 1930 structure. Application for demolition and reconstruction of a structurally deficient six unit hotel building. Reconstructed structure to be built in existing footprint and reduced to three units.**

Jeff Aleva, representing the Applicant gave a brief overview of the proposed project. It is a reconstruction of a structurally deficient building that was not safe to occupy. The original building was a single story building with six hotel units in it. The proposed reconstruction will also be a single story building but with only three hotel units. One unit will be fully handicapped accessible meeting all ADA requirements, another unit will be outfitted for hearing and visually impaired guests, and the third unit will be a regular hotel unit.

The project has been reviewed and received a Maine DEP Sand Dune Permit which includes shoreland impacts, erosion consideration, and wildlife impacts. Part of the project is to remove debris which was under and behind the original structure. Due to restrictions of the Sand Dune Permit and Piping Plover breeding timeframe they were granted a permit to demolish the original foundation and building and begin construction of the new foundation. The applicant understands that this is being done at his own risk and if Planning Board approval isn't granted the foundation might have to be removed. The foundation work required installation of a temporary siltation boom and sheet piles which will be removed in the next two weeks.

Mr. Aleva presented a mockup of the materials which will be used in the building.

Mr. Heyland asked if the riprap which is there now is for the horizontal areas under the structure and the larger riprap will be brought in later?

Mr. Aleva confirmed this to be the case.

Mr. Wilkos asked if there was anyone in the audience who wished to speak for, or against, this application, or if there was anyone with any questions for the applicant? There being no one, the Public Hearing was closed at 6:18 p.m.

Mr. Wilkos noted that the Board received a letter from Mary Ross questioning the location of the building.

Mr. Heyland responded to her letter confirming that the Applicant's engineers documented the location of the original structure and the new structure will be located in the original footprint.

Mr. Wilkos added that the Board had also received a letter from Marjorie Katz asking about the sand movement.

Mr. Heyland responded that the answer is similar to his response to Mary Ross.

- 2. Acceptance of the revised Town of Ogunquit Official Zoning Map dated June 9, 2015 and resulting changes to the Ogunquit Zoning Ordinance.**

Mr. Wilkos noted that there is a copy of the current map and the proposed map on the wall outside the auditorium.

Mr. Heyland summarized that the new map incorporates the Shoreland Zoning and General Zoning. He suggested property owners look to see if the changes effect their property.

Mr. Wilkos asked if there was anyone in the audience who wished to be heard on this proposed amendment, or if anyone had any questions. There being no one the Public Hearing was closed at 6:20 p.m.

- 3. Removal of language in Section 8.13.C of the Ogunquit Zoning Ordinance which refers to non-existent subsections: “The following standards and design criteria in this subsection as well as in subsections D through G below, shall apply to any land use activities\*\*\*”**

Mr. Heyland noted that several cycles previously Sections D through G of the Zoning Ordinance were removed however the reference to them was inadvertently left in the Ordinance. This amendment will remove the reference which should have been removed earlier.

Mr. Wilkos asked if there was anyone in the audience who wished to be heard on this proposed amendment, or if anyone had any questions. There being no one the Public Hearing was closed at 6:25 p.m.

- 4. A change to the Zoning Ordinance to allow for Type 2 and Type 3 Restaurants in the Limited Business District / Shore Road, with restrictive conditions (see attached).**

Mr. Wilkos reviewed the “restrictions” which are proposed for both Type 2 and Type 3 Restaurants in the LBD.

Mr. Wilkos asked if there was anyone in the audience who wished to be heard on this proposed amendment, or if anyone had any questions. There being no one the Public Hearing was closed at 6:30 p.m.

### **REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

Mr. Wilkos called the roll with the following results:

Present: Steve Wilkos (Chair)  
Muriel Freedman (Vice Chair)  
Ken Walsh  
Jackie Bevins

Also present: Scott Heyland, Code Enforcement Officer  
Maryann Stacy, Recording Secretary

**B. PLEDGE OF ALLEGIANCE -**

**C. MISSION STATEMENT –** The Mission Statement was read by Mr. Walsh.

**D. MINUTES – March 9, 2015**

**Mr. Walsh Moved to Accept the Minutes of the March 9, 2015 Meeting as Submitted.  
WALSH/BEVINS 4:0 UNANIMOUS**

**E. PUBLIC INPUT –** For any matter NOT already on this Agenda.

Mr. Wilkos asked if there was anyone in the audience who wished to be heard on any matter not on this meeting's agenda.

Dan Bardsley, 8 George Jacobs Lane addressed the Board. Mr. Bardsley stated that in January of 2015 a definition of "Boarding House" was approved by the previous Planning Board. It was recorded in the meeting minutes and was to be brought before the public in a Public Hearing. It has come to his attention, and the attention of his community, that the minutes from the March 9, 2015 Meeting stop that previous approval of the Boarding House Definition. He was expecting that the definition would be brought before the public so that they could vet the definition and any changes to it, and to get feedback from the public. Mr. Bardsley stated that the issue has been worked on since August 2014 and is only five sentences. He noted that there have been workshops and six Planning Board Meetings, and it has come to his attention that it probably won't hit the community until November 2015. His community wants to know, "what are the issues holding up the definition? What are the problems the Board sees in the current definition?"

Mr. Heyland responded that the Board held two workshops regarding the definition of Boarding House. A definition was created by the Town Planner, Lee Jay Feldman which was presented to the Board. At that meeting there was a great deal of discussion as to whether the presented definition was strong enough, whether it targeted the problems as presented to the Board, and whether or not it was the appropriate language to present to the voters. At that point this Board determined it appropriate to table the presented definition pending further work on the boarding house issue as a whole. It has been suggested that a subcommittee be appointed to work on the issue of boarding houses in Town.

Mr. Heyland added that a rush to institute the proposed definition might become problematic with enforcement and overreaching regarding other uses in Town, and at this time it has been tabled.

Mr. Bardsley referred to Ogunquit Zoning Ordinance Article 1.5 -Conflict with Other Ordinances. He again stated that "his community" wants to know why the National Fire Protection Association Chapter 26 -Lodging and Rooming House cannot be enforced. He also pointed out that the current Zoning Ordinance prohibits Boarding Houses in Residential Areas.

Mr. Bardsley stated that "his community wants to know why the Board can't schedule an emergency workshop to work on the five sentences of the Boarding House Definition. Get it back into the public's hands so they can hear what the problems are".

Mr. Wilkos responded that there isn't enough time to workshop this matter and have it in the Select Board's hands in time for it to be placed on the June Warrant.

Mr. Heyland stated that the definition Mr. Bardsley is referring to is different than the definition in the Town Ordinance. If the Town were to apply that definition, any family that rented their single family home for a week would be a boarding house. This is the problem with the proposed definition. Before regulations can be applied a definition has to be determined.

Mr. Bardsley argued that the gentleman who owns the property in his neighborhood came before the Board and admitted that he is running a boarding house.

Mr. Heyland disagreed that such an admission was made; he only stated that his employees were living there. He stated that the proposed definition would capture weekly home rentals which is why the Board has determined that it needs further work.

Mr. Bardsley responded that his community isn't getting any feedback.

Ms. Freedman asked why he keeps referring to "his community"?

Mr. Bardsley responded that he speaks for his neighborhood and he represents the community of Ogunquit and he is concerned about the entire town.

Ms. Bevins responded that the Board is concerned with the entire town which is why they are waiting to do this properly so it is fair for everybody and not rush it through.

Mr. Wilkos reiterated that the wording of the proposed definition was ambiguous and would be difficult to enforce, and difficult to interpret and the Planning Board wants to do it correctly. The Board will schedule a workshop in the near future.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was no one.

**F. UNFINISHED BUSINESS –**

**1. Findings of Fact for STICKAMAYKA GROUP, LLC / STEVEN R. DUNLEVY – 7 Oarweed Lane (Building #2) – Map 3 Block 91**

**Ms. Freedman Moved to Accept the Findings of Fact for STICKAMAYKA GROUP, LLC / STEVEN R. DUNLEVY – 7 Oarweed Lane (Building #2) – Map 3 Block 91 as submitted. FREEDMAN/WALSH 4:0 UNANIMOUS**

**2. LAFAYETTE OGUNQUIT LLC/NORSEMAN – 115 Beach Street – Map 7 Block 86 – Shoreland General Development 1 / Ogunquit Beach. Site Plan and Design Review for a post 1930 structure. Application for demolition and reconstruction of a structurally deficient six unit hotel building. Reconstructed structure to be built in existing footprint and reduced to three units.**

Mr. Wilkos noted that a Public Hearing had been held without any input from the public.

Mr. Aleva reiterated that the project is to reconstruct a structurally deficient portion of the Norseman Hotel on Beach Street. They have gone through the Maine DEP Sand Dune Process and have received a permit to remove and reconstruct the building. They have received a foundation permit from the Town and they proceeded at their own risk due to the limitations in the Sand Dune Permit which prohibit certain activities after a particular date.

They have prepared the site for driving the piles. They discovered that the materials used in the 1950s would prevent them from proper driving of the wood piles to support the structure. They have installed a temporary coffer dam around the perimeter of the site. After the coffer dam is removed the area will

be graded and rip rapped similar to what was there before this project began, except that all the debris that was under the original structure has been removed. This will further protect the estuary and river.

Mr. Aleva reiterated that the original building had six hotel units and the new building will only have three. They are asking the Board for final approval.

Mr. Wilkos noted that the Finding of Completeness was granted conditionally upon submission of the elevations drawing and the materials samples and cut sheets.

Mr. Aleva responded that this has all been submitted.

The Board unanimously agreed that those three items have been submitted and the Application is now complete.

The Board reviewed the Design Review Checklist and found all requirements acceptable.

**Ms. Bevins Moved to Approve Design Review Certification for LAFAYETTE OGUNQUIT LLC/NORSEMAN – 115 Beach Street – Map 7 Block 86.  
BEVINS/WALSH 4:0 UNANIMOUS**

At this time the Board reviewed the Site Plan Review Checklist and found all requirements to be satisfied.

**Ms. Bevins Moved to Approve Site Plan Review Certification for LAFAYETTE OGUNQUIT LLC/NORSEMAN – 115 Beach Street – Map 7 Block 86.  
BEVINS/WALSH 4:0 UNANIMOUS**

**G. NEW BUSINESS – None**

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

**I. OTHER BUSINESS –**

**1. Acceptance of the revised Town of Ogunquit Official Zoning Map dated June 9, 2015 and resulting changes to the Ogunquit Zoning Ordinance.**

Mr. Wilkos noted that the Board held a Public Hearing and there were no comments from the public.

Mr. Walsh asked if Mr. Heyland was comfortable that all requirements have been met to move the proposed ordinance amendments forward.

Mr. Heyland responded that he is.

**Ms. Freedman Moved to Accept the revised Town of Ogunquit Official Zoning Map dated June 9, 2015 and resulting changes to the Ogunquit Zoning Ordinance.  
FREEDMAN/BEVINS 4:0 UNANIMOUS**

**Ms. Freedman Moved to Submit the Revised Town of Ogunquit Official Zoning Map dated June 9, 2015 and resulting changes to the Ogunquit Zoning Ordinance to the Select Board with a request that it be placed on the June Warrant.**

**FREEDMAN/BEVINS 4:0 UNANIMOUS**

2. **Removal of language in Section 8.13.C of the Ogunquit Zoning Ordinance which refers to non-existent subsections:** “The following standards and design criteria in this subsection ~~as well as in subsections D through G below~~, shall apply to any land use activities\*\*\*”

Mr. Wilkos noted that a Public Hearing was held earlier this evening and there were no comments from the public.

**Ms. Freedman Moved to Approve Removal of language in Section 8.13.C of the Ogunquit Zoning Ordinance which refers to non-existent subsections:** “The following standards and design criteria in this subsection ~~as well as in subsections D through G below~~, shall apply to any land use activities” and to send it to the Select Board with a request that it be placed on the June Warrant.

**FREEDMAN/WALSH 4:0 UNANIMOUS**

3. **A change to the Zoning Ordinance to allow for Type 2 and Type 3 Restaurants in the Limited Business District / Shore Road, with restrictive conditions (see attached).**

Mr. Wilkos noted that a Public Hearing was held earlier this evening and there were no comments from the public.

**Ms. Freedman Moved to Approve the change to the Zoning Ordinance to allow for Type 2 and Type 3 Restaurants in the Limited Business District / Shore Road, with restrictive conditions, and that it be sent to the Select Board with a request that it be placed on the June 2015 Warrant.**

**FREEDMAN/WALSH 4:0 UNANIMOUS**

Mr. Wilkos asked the Board members how they wish to proceed regarding the Boarding House Definition brought up during the Public Input portion of the meeting.

Ms. Freedman responded that she calculated that there are not enough Planning Board meetings left before proposed amendments have to be submitted to the Select Board and there is not enough time for it to be placed on the June Warrant.

Ms. Freedman asked the public to consider volunteering to sit on the Planning Board. She noted that the Board currently has a great deal of work ongoing and she suggested the Board wait until after the June Town Meeting before it takes up the Boarding House issue again.

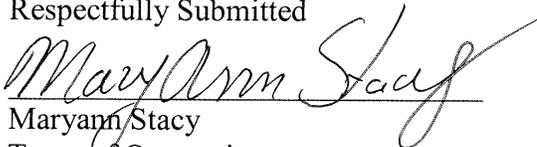
Ms. Bevins and Mr. Wilkos agreed.

**J. ADJOURNMENT –**

**Ms. Bevins Moved to Adjourn at 7:10 p.m.**

**BEVINS/FREEDMAN 4:0 UNANIMOUS**

Respectfully Submitted



Maryann Stacy  
Town of Ogunquit  
Recording Secretary

*Approved on April 13, 2015*