

**OGUNQUIT PLANNING BOARD  
REGULAR BUSINESS MEETING  
JUNE 25, 2012**

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

The Roll was called with the following results:

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

Also Present: Paul Lempicki, Ogunquit Code Enforcement Officer

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES –** May 29, 2012 Public Hearings and Regular Business Meeting.

The Minutes of the May 28, 2012 Meeting were Accepted as Submitted.

**E. PUBLIC INPUT –** None

**F. UNFINISHED BUSINESS –**

**1. Findings of Fact for:**

- a) **MARK ANASTAS / LIQUID DREAMS – 696 Main Street – Map 10 Block 5.**  
**Approved on May 29, 2012.**

**Ms. Bevins Moved to Accept the Findings of Fact for MARK ANASTAS / LIQUID DREAMS – 696 Main Street – Map 10 Block 5 as Submitted.**  
**BEVINS/COLES 4/0 UNANIMOUS**

- b) **JOSEPH LINDSEY – 49 Bittersweet Lane – Map 21 Block 6 – Subdivision.**  
**Approved on May 29, 2012.**

**Ms. Bevins Moved to Accept the Findings of Fact for JOSEPH LINDSEY – 49 Bittersweet Lane – Map 21 Block 6 – Subdivision as Submitted.**  
**BEVINS/COLES 4/0 UNANIMOUS**

**2. ~~R. W. SCANLON, LLC Discussion regarding the division of Beach Street property (13, 25, and 27 Beach Street – Tax Map 7 Block 72).~~**  
**THIS APPLICATION WAS TABLED TO JULY 9, 2012 AT THE APPLICANT'S REQUEST.**

**G. NEW BUSINESS –**

**1. B&K REALTY, LLC / PARADISE BY THE SEA SUBDIVISION – 174 Shore Road – Map 6 Block 119. Revision of previously Approved Subdivision Plan. Revision to footprint of: Building #3, Cabana, Pool, and roadway. Original Approval Granted on 22 October 2007.**

Ken Markley of Northeasterly Surveying, addressed the Board as the representative for B&K Realty, LLC. Mr. Markley informed the Board that the proposed changes are in fact minor clarifications of structure locations. Building #3, the Cabana and pool have been moved back a bit and the driveway has been reconfigured to come around the side. Coverage calculations show that coverage will only be 23% (Residential Zone limits coverage to 30%).

The fire turnaround has been modified to avoid the cabana overhang. The Fire Chief has reviewed the change and gave it his OK.

Mr. Markley noted that there are no drainage changes. He has reviewed all of the Planning Board Minutes for this project and sees no open issues.

Mr. Markley informed the Board that Site Plan Review is not required because the work will not be in the Limited Business District.

Mr. Simpson asked if there are any issues with setbacks.

Mr. Lempicki responded that there are no setback issues.

Mr. Simpson noted that the Town Planner (J.T. Lockman) has suggested that a Public Hearing is optional. He asked if there was any Board member who felt a Public Hearing is necessary.

The Board members unanimously agreed that no Public Hearing is required.

**Mr. Coles Moved to Approve B&K REALTY, LLC / PARADISE BY THE SEA SUBDIVISION – 174 Shore Road – Map 6 Block 119. Revision of previously Approved Subdivision Plan. Revision to footprint of: Building #3, Cabana, Pool, and roadway. COLES/BEVINS 4/0 UNANIMOUS**

Mr. Markley asked the Board members to sign a paper copy of the plans which they agreed to do.

**2. PHILIP CAVARETTA / MEADOWMERE RESORT – 74 Main Street – Map 5 Block 4 – Dumpster Screening Waiver Request.**

Phil Cavaretta addressed the Board.

Mr. Simpson reviewed Article 8.16.B and C of the Ogunquit Zoning Ordinance which states that:

*“Trash containers, recyclables containers and dumpsters shall be located within a cabinet or screened so as not to be visible from a public way or from the ordinary eye level of an individual standing on the ground from abutting residential property or*

*transient accommodations. In a residential district or a property abutting a residential district or on a property abutting a strictly residential use only, trash containers, recyclables containers and dumpsters shall meet the setback requirement for structures.*

*C. If any business is unable to comply with these standards, because of serious space limitations that make such enclosures or screening unworkable, it may apply to the Planning Board for a waiver, using forms provided for such purpose by the Land Use Office. The application fee for a waiver of this section shall be set annually by the Board of Selectmen. The Planning Board may waive any or all portions of this Article with or without limitations, when, after-review of the waiver application, it is determined that suitable conforming space is not available on a subject property for the location of any screening for exposed trash containers, recyclables containers, or dumpsters. The Planning Board may schedule a site visit to the subject property, before making a final determination on such a waiver application.”*

Mr. Cavaretta responded that the Meadowmere Resort’s dumpster is located on Bourne Lane. It was moved there in 2005 at the request of the Code Enforcement Officer after neighbors on Obeds Lane complained of noise from the trucks emptying the dumpster there. At the time Mr. Lempicki, Mr. Cavaretta, and representatives from Ocean Side Rubbish reviewed the property and agreed that the only suitable relocation site was the current placement.

After the dumpster was relocated to the Bourne Lane location Mr. Lempicki asked Mr. Cavaretta to screen it with trees so that it would be buffered from Jonathan’s Restaurant and the residential neighbor across Bourne Lane. Mr. Cavaretta did this and built an enclosure around three sides of the dumpster.

Oceanside did not want doors across the front of the dumpster because it would be too difficult to access and empty the dumpster. This is because the posts upon which the doors would hang would have to be very widely spaced and as a result one of the doors would swing out into Bourne Lane.

Mr. Cavaretta expressed concern that given the number of employees who access the dumpster on a daily basis it is likely that at some point the door would be left open and this would pose a serious safety hazard to motorists on Bourne Lane. He also stated that given the tight nature of the buildings on the property, and the size of the trash removal trucks, there is no alternate location.

Mr. Cavaretta also pointed out that the dumpster, in its current location, can not be seen until a motorist or pedestrian is directly in front of it. He also noted that he has never received any complaints from any of his neighbors.

Mr. Simpson summarized that the primary issue is a safety concern and a potential danger if doors are installed and extend out into Bourne Lane when opened.

Mr. Cavaretta agreed and added that there is also the issue of overhanging electrical wires and the necessity of having to pull the dumpster way out of its enclosure in order to lift and empty it beyond the overhanging wires. He also stressed that he personally inspects the dumpster area regularly and they keep it very clean and maintained.

Mr. Coles noted that because the Town asked Mr. Cavaretta to make an accommodation in 2005 and the Town has subsequently changed the dumpster screening requirements, there is now an issue. Mr. Cavaretta could return the dumpster to the original Obeds Lane location however this would again upset the residential neighbor.

Mr. Cavaretta agreed and added that at the time the dumpster was moved to its current location he knew that it was inadvisable to install doors, and Mr. Lempicki informed him that if he complied with the vegetative screening request that doors would not be required. He reiterated that doors would pose a safety issue for motorists on Bourne Lane.

Mr. Coles stated that the current problem is a result of Mr. Cavaretta's agreeing to accommodate the Town.

Mr. Simpson asked: if the gate was the same dimension as the current opening, would the truck be able to back in and lift and empty the dumpster?

Mr. Cavaretta responded that it would not. The dumpster currently extends about one foot beyond the enclosure and the trucks are just able to grab it. If there were doors the supporting posts would have to be located very far apart so that the truck could back up between them. This would cause the open door to extend out into Bourne Lane.

Mr. Capone asked if a single door could be used.

Mr. Cavaretta responded that it would have to be a very large door which would only exacerbate the danger.

Mr. Coles suggested that this case is a perfect situation for a waiver, particularly since the current situation is a result of Mr. Cavaretta's willingness to abide by a request from the Town.

Ms. Bevins agreed and added that she is familiar with the property and can not see any other appropriately safe location for the dumpster.

Mr. Capone also agreed.

Mr. Coles Moved to Grant a Dumpster Screening Waiver for PHILIP CAVARETTA / MEADOWMERE RESORT – 74 Main Street – Map 5 Block 4.  
COLES/BEVINS

Ms. Bevins noted that she is disinclined to give this type of waiver however given the unusual situation in this case she is willing to grant one.

Mr. Coles agreed and added that if this situation had come about in any other way other than an accommodation to the Town it would be a different situation.

Mr. Lempicki confirmed Mr. Cavaretta's comments.

Mr. Simpson restated Mr. Coles Motion:

**Mr. Coles Moved to Grant a Dumpster Screening Waiver for PHILIP CAVARETTA / MEADOWMERE RESORT – 74 Main Street – Map 5 Block 4. COLES/BEVINS 3/1 (Mr. Simpson Dissenting)**

**3. JERROLD & JOAN DUPONT / LAZY DAISY – 45 Shore Road – Map 7 Block 112. Design Review Application to replace clapboard siding with white vinyl siding on a pre 1930 structure.**

Jerry Dupont addressed the Board. Mr. Dupont noted that he lives at 14 Wharf Lane which abuts his property at 45 Shore Road. He has been at that location for 40 years and has owned the Lazy Daisy property for 22 years. He confirmed that it is a pre 1930 structure and that it is very difficult to keep it painted and maintained. He acknowledged that he did not obtain a permit prior to installing the siding and that this was done out of ignorance that he was required to do so.

Mr. Dupont noted that he is not seeking to make any structural changes to the property. He also pointed out that he has several neighbors who have installed vinyl siding, he also submitted a sample of the siding he will use.

Mr. Simpson noted that the Ogunquit Historic Preservation Commission agreed that the use of vinyl siding on this property is acceptable.

Mr. Coles expressed surprise at this.

**Mr. Coles Moved to Approve Design Review for JERROLD & JOAN DUPONT / LAZY DAISY – 45 Shore Road – Map 7 Block 112. Design Review Application to replace clapboard siding with white vinyl siding on a pre 1930 structure. COLES/BEVINS 4/0 UNANIMOUS**

**4. MARK ANASTAS / HOOKS – 696 Main Street – Map 10 Block 5 – Design Review for a post 1930 structure. Application to replace existing metal awning with wood pergola.**

Mr. Simpson asked if this pergola will replace the awning with the metal supports currently in front of the front door.

Mr. Anastas responded that it will not. The proposed pergola will be located on the deck where the old metal awning was removed. The old posts are rusted and he does not want to use them anymore. The top of the new pergola will be painted white and the supporting posts will be natural cedar.

Mr. Simpson confirmed that this area will be the seating area for the café.

Mr. Anastas agreed.

**Mr. Capone Moved to Approve Design Review for MARK ANASTAS / HOOKS – 696 Main Street – Map 10 Block 5 – Design Review for a post 1930 structure. Application to replace existing metal awning with wood pergola. CAPONE/COLES 4/0 UNANIMOUS**

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

I. **OTHER BUSINESS** – None

J. **ADJOURNMENT** -

**Mr. Coles Moved to Adjourn at 6:37 p.m.**  
**COLES/BEVINS 4/0 UNANIMOUS**

Respectfully Submitted

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Maryann Stacy  
Town of Ogunquit  
Planning Board Recording Secretary

*Accepted on July 9, 2012*