

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
SEPTEMBER 24, 2012**

A. ROLL CALL –

The Roll was called with the following results:

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

Members Excused: Rich Yurko (Vice Chair)

Also Present: Paul Lempicki, Code Enforcement Officer
Maryann Stacy, Recording Secretary

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – August 27, 2012 Public Hearings and Regular Business Meeting.

**Ms. Bevins Moved to Accept the Minutes of the August 27, 2012 Meeting as Amended.
BEVINS/CAPONE 3/0 UNANIMOUS**

E. PUBLIC INPUT –

Judy Dennis owner of The Little Inn / Bandito's Mexican Grill (68 Shore Road -Map 6 Block 69) addressed the Board. Ms. Dennis asked the Board for a Variance, or a change in the Ordinance, which will allow her to have outdoor seating/dining at her restaurant (Bandito's Mexican Grill). She is not interested in changing the ordinance for the entire length of Shore Road, only that one block between School Street and Cottage Street where her restaurant is located. She noted that the restaurants around her are allowed to have outdoor seating, including a restaurant almost directly across the street.

Mr. Simpson asked: in what district is Ms. Dennis' restaurant located?

Mr. Lempicki responded that it is in the Limited Business District.

Mr. Simpson asked where the boundaries are for that district, in relationship to Ms. Dennis's restaurant.

Mr. Lempicki responded that he thinks the availability for outdoor service and seating runs from the center of Town and stops at the middle of School Street, just before Ms. Dennis' business. From the center of School Street to the entrance to Perkins Cove is the Limited Business District

which allows for outdoor seating but no outside sales or services, including waitress/waiter service to people seated outside.

Mr. Lempicki pointed out that the Planning Board can not grant a variance, only the Zoning Board of Appeals can grant a variance. What Ms. Dennis needs is a change in the Zoning Ordinance. He reminded everyone that this matter has been before the voters two or three times and it has been rejected each time. However those past attempts to change the Ordinance involved the entire length of Shore Road, Ms. Dennis is only asking to change one block.

Mr. Simpson explained that there are three ways to effect a change in the Zoning Ordinance:

1. Prepare a petition and collect the necessary number of resident's signatures. The required number of signatures is a percentage of the number of people who voted in the last election;
2. Ask the Planning Board to recommend a change to the Select Board who may or may not recommend it to the voters;
3. Go directly to the Select Board and ask them to sponsor the change and present it to the voters.

Ms. Dennis asked which would be the fastest way to accomplish her objective.

Mr. Simpson responded that going directly to the Select Board might be the easiest way. However the Select Board may, or may not, entertain her request.

Ms. Dennis responded that if the Select Board doesn't sponsor her change she would then prepare a petition and collect signatures.

Ms. Simpson suggested she might speak to the Town Clerk for instructions on what she will need to fulfill all petition requirements.

Mr. Lempicki offered to provide a map which will help her illustrate her needs and the change she is seeking.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

- a) **PHILIP CAVARETTA / MEADOWMERE – 74 Main Street – Map 5 Block 4. Approved on August 27, 2012.**

Mr. Capone Moved to Accept the Findings of Fact for PHILIP CAVARETTA / MEADOWMERE – 74 Main Street – Map 5 Block 4 as Submitted. CAPONE/BEVINS 3/0 UNANIMOUS

- b) **CHOWDER'S CAFE – ROBERT H. VARAS – 117 Perkins Cove Road – Map 3 Block 75. Approved on August 27, 2012.**

Mr. Simpson noted, for the record, that the Applicant agreed to abide by the following Conditions of Approval:

1. The Applicant agrees that trash will be picked up on a daily basis;
2. The Applicant agrees that the beach chairs will be moved closer to the Blue Willow and that he will post a sign indicating that no alcohol is allowed on the beach;
3. The Applicant will not store any Clink bags between his building and that of the abutter at 115 Perkins Cove Road.

**Ms. Bevins Moved to Accept the Findings of Fact for CHOWDER'S CAFE – ROBERT H. VARAS – 117 Perkins Cove Road – Map 3 Block 75 as Submitted
BEVINS/CAPONE 3/0 UNANIMOUS**

G. NEW BUSINESS – None

Mr. Simpson noted that on the night of September 17th he and the Code Enforcement Officer went down to Chowders Café in Perkins Cove, with a light meter, to test light levels. There were no lights on in either the Chowders Café building or the abutting neighbor so they were unable to determine the levels. However they did confirm that a light shield has been installed between the two buildings which should alleviate the problem the abutters were having with the light from the Chowders building shining into their home.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Discussion regarding Southern Maine Regional Planning Commission / Town Planner status change.

Mr. Simpson expressed thanks and gratitude for all of the contributions Mr. Lockman has made to the Planning Board and the Town over the years. He (Mr. Simpson) has been asked by the Town Manager to review the manner in which Southern Maine Regional Planning Commission's services are used by the Town and the Planning Board. He (Mr. Simpson) has made it clear to the Town Manager that the Planning Board feels that the consultant position is critical to the Board, however as Board members and Town employees become more efficient the consultant may not have to attend every meeting and might only attend meetings as needed and when invited.

Ms. Bevins noted that Mr. Lockman's fees, for work done on Planning Board Applications, are paid for out of the Applicant's fees and not by the tax payers.

Mr. Capone stressed that it is important that the consultant review applications and give recommendations to the Board on a regular basis. He also expressed his belief that it should be the default that the consultant will attend Planning Board meetings unless he is informed that it is not necessary for him to do so.

The Board members unanimously agreed that this would be the protocol. The Consultant will plan to attend all meetings unless he/she is informed otherwise.

Mr. Simpson agreed to draft a memo to the Town manger outlining the Board's recommendations regarding the consultant's role.

J. ADJOURNMENT -

**Ms. Bevins Moved to Adjourn at 6:20 p.m.
BEVINS/CAPONE 3/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Town of Ogunquit
Recording Secretary

Approved on October 22, 2012