

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
OCTOBER 22, 2012**

A. ROLL CALL –

The Roll was called with the following results:

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

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – September 24, 2012 Business Meeting.

Mr. Capone Moved to Approve the Minutes of the September 24, 2012 Meeting as Submitted.

CAPONE/BEVINS 3/0 (Mr. Yurko was excused from the September 24 2012 Meeting)

E. PUBLIC INPUT – None

F. UNFINISHED BUSINESS – None

G. NEW BUSINESS –

- 1. 195 MAIN STREET, LLC – 195 Main St - Map 7 Block 121 – Design Review and Site Plan Review for a post 1930 structure. Application to add a two story addition to an existing structure.**

Jerry DeHart addressed the Board on behalf of the Applicant. Mr. DeHart distributed a seating chart which was requested by the Town Planner in his 12 October 2012 Memo to the Board.

Mr. DeHart noted that the Applicant's objective is: to meet the Life Safety Code Requirements, maintain an aesthetically pleasing building, all while adding to his business in a way that meets his own needs. The new addition will be used for a dance floor. It will include several windows which are visually compatible with the existing windows on the current structure. The back of the building will be soundproofed. Mr. DeHart confirmed that the Applicant will comply with all

four of the recommendations outlined by the Fire Chief in his 11 October 2012 Memo to the Board.

Mr. Yurko asked if the second floor would be used for tables and chairs.

Mr. DeHart confirmed that it would.

Mr. Yurko asked about the first floor.

Mr. DeHart responded that the first floor would be a dance floor.

Mr. Yurko asked how many people would be able to occupy the dance floor.

Mr. DeHart responded that the Fire Department will tell the Applicant what the occupancy limit will be.

Mr. Yurko pointed out that there is nothing that would prevent the Applicant from using the “dance floor” for shows or as a banquet hall, or another purpose other than dancing.

Mr. DeHart responded that the room will be used as a dance floor.

Mr. Simpson asked for confirmation that the use of the existing structure will not change.

Mr. DeHart confirmed that it will not change.

Mr. Yurko noted that with the addition the building will be very big.

Mr. Simpson agreed that this isn't a very attractive building and that the Applicant is in a difficult position trying to improve it.

Mr. Capone suggested the windows might be taller and that there may be more of them, he suggested a change of siding below the windowsills, or that there might be a pergola over the ramp.

Mr. Simpson asked about the siding on the addition.

Mr. DeHart responded that it will be wood siding.

Ms. Bevins agreed with Mr. Capone that the enlargement of the windows might improve the appearance of the building.

Mr. Yurko asked about the area where the new addition will be located. He noted that this area is currently used by patrons as a smoking area. He expressed concern that patrons may begin to congregate too close to Route One.

Mr. DeHart agreed that the Applicant can look for another area for patrons to congregate outside.

Mr. Lempicki asked if the doors on the second floor leading from the dance floor to the owners living quarters, will be fire doors with self closers and fire separation.

Mr. DeHart confirmed that they will be.

Mr. Capone asked where patrons will be able to go outside to smoke.

Mr. Dehart responded that the owner would prefer not to have smokers, however he will discuss it with his client and respond to this question at the Public Hearing.

Mr. Yurko Moved to Find the Application for 195 MAIN STREET, LLC – 195 Main St - Map 7 Block 121 Complete and advance it to a Public Hearing on November 12, 2012. YURKO/CAPONE 4/0 UNANIMOUS

- 2. KATHLEEN CAMMAROTA – 200 Shore Road – Map 6 Block 112 – Design Review and Site Plan Review for a pre 1930 structure. Application to add an 8’x15’ addition to the rear of the building for ADA bathrooms.**

Jerry DeHart addressed the Board on behalf of the Applicant. Mr. DeHart summarized the proposed addition of ADA accessible bathrooms at the back of the existing restaurant.

Mr. Yurko asked if the addition will take away any parking.

Mr. DeHart responded that the parking will not change.

Ms. Bevins asked if there will be any windows in the new bathrooms.

Mr. DeHart responded that there will not be any windows.

Mr. Yurko Moved to Find the Application for KATHLEEN CAMMAROTA – 200 Shore Road – Map 6 Block 112 Complete and advance it to a Public Hearing on November 12, 2012. YURKO/CAPONE 4/0 UNANIMOUS

- 3. SHEPARD LANE LLC – 38 Shore Road – Map 6 Block 38 – Design Review for a pre 1930 structure. Application to: change front windows to comply with egress Life Safety Code, remove second floor front non-egress windows and replace them with patio doors, and install a new deck over existing porch.**

Jerry DeHart addressed the Board on behalf of the Applicant. Mr. DeHart informed the Board that the Applicant has agreed to changes proposed by the Ogunquit Historic Preservation Commission and he distributed a revised sketch.

Mr. Capone asked if the dormer on the rear right side of the building will be expanded.

Mr. DeHart responded that it will be increased, but it will not extend out any further than the existing building.

Mr. DeHart agreed to abide by the Fire Chief's recommendations as outlined in his 11 October 2012 Memo to the Board. He also noted that sprinkler systems are now required in all B&Bs and Inns.

Mr. Lempicki confirmed this and added that he will be checking sprinkler systems in restaurants and buildings which are being remodeled.

**Mr. Yurko Moved to Find the Application Complete for SHEPARD LANE LLC – 38 Shore Road – Map 6 Block 38.
YURKO/CAPONE 4/0 UNANIMOUS**

**Mr. Yurko Moved to Approve the SHEPARD LANE LLC – 38 Shore Road – Map 6 Block 38 – Design Review for a pre 1930 structure as Amended.
YURKO/CAPONE 4/0 UNANIMOUS**

4. NATIVE GROUNDS, INC / CORNERSTONE – 228 Main Street – Map 7 Block 71-A – Design Review and Site Plan Review for a post 1930 structure. Application to repair and relandscape existing patio, install new supported awning, replace four existing double doors on front of building, and add new porches.

Adam Schoenhardt addressed the Board on behalf of the Applicant. Mr. Schoenhardt noted that the Applicant proposes a reorganization and upgrading of the existing outdoor seating area. The number of tables will not change from the currently licensed 80 seats. The proposed changes involve landscaping and covering with a permanent structure / retractable awing combination.

Mr. Schoenhardt pointed out the relocation of the "walkway" from its current location, directly abutting the building, to further away where it will bisect the seating area. The plan also involves delineating the seating area from the public areas which surround it.

Mr. Simpson noted that the color coded drawing, which Mr. Schoenhardt was using, was not included in the Board's packets and he asked Mr. Schoenhardt to provide it to the Board before the next meeting.

Mr. Yurko asked if the proposed structure will have a flat roof with awnings coming off it, and how many feet the proposed structure will extend out from the building.

Mr. Schoenhardt responded that the end of the retractable awing will extend six feet from the new structure, which in turn extends ten feet out from the existing building.

Mr. Yurko noted that the proposed project will have a dramatic impact on the center of Ogunquit which currently has a very open feel to it.

Mr. Simpson asked for an explanation of the colored diagram.

Mr. Schoenhardt responded that the square footage of the existing seating area will not change, it will be reorganized but not increased. There will also not be any increase in seating. The density of tables will be highest closest to the building and there will be less tables further away from the building.

Mr. Yurko asked about the two parking spaces on Beach Street.

Mr. Schoenhardt responded that the two parking spaces will remain, however they will be covered with a carport style structure which will be a continuation of the new porch. This will be done for aesthetic reasons.

Mr. Yurko asked if the Applicant has researched the use of this area during the last twenty years. It was Mr. Yurko's understanding that when the Applicant recently appeared before the Select Board for a liquor license the Board was told that outdoor wait staff service had been approved in the 1990's based upon the existing configuration of the area at that time. It is his concern that such a dramatic change in the configuration of the area might negate the grandfathering which allows for outdoor wait staff service.

Mr. Simpson agreed and asked Mr. Lempicki to look into the history of the area and determine whether or not the proposed changes might effect the ability of the business to conduct outside wait staff service.

Ms. Bevins asked if Mr. Yurko sees the proposed changes as creating an indoor restaurant which can not serve outside.

Mr. Yurko responded that he does not see it that way. He is concerned that twenty years ago there was a deal between the applicant and the Town whereby the Applicant was allowed to serve outside and in exchange the Town preserved the open space. Mr. Yurko is wondering if enclosing some of that space might not be breaking the terms of the deal.

Ms. Bevins disagreed, she noted that everything the Cavaretta Family does is stylish and in good taste. They have improved the downtown area. Ms. Bevins doesn't believe that the Applicant would make a bad change and that they will continue to do a good job.

Mr. Simpson agreed that the Cavaretta properties are all very appealing, however that consideration must be separated from the application process.

John Cavaretta reminded the Board that there are currently awnings which extend twelve feet out from the building. The proposed project involves adding a more solid roof structure. The café will remain an outdoor café however the proposed changes will give them the ability to use it during inclement weather and longer into the season by adding clear plastic curtains. The relocation of the walkway allows pedestrians to pass through the property without endangering the wait staff and customers.

Mike Cavaretta confirmed John Cavaretta's statements.

Mr. Simpson asked where the new structure will end in relationship to the proposed walkway.

Mike Cavaretta responded that the new awning will end at the edge of the proposed new walkway. He noted that the relocation of the walkway will allow the service staff the opportunity to see and avoid people on the walkway. Currently the existing walkway is directly next to the building which does not give the wait staff time to avoid pedestrians. The majority of the tables

will be close to the building and under the new structure, and there will be only a very few tables in the further seating area.

Mr. Yurko suggested the Applicant may want to focus on the appearance of the proposed structure at the Public Hearing.

Mr. Simpson asked about the clear plastic curtains.

Mr. Schoenhardt responded that they will be dropped down to block rain or wind when needed.

Mr. Yurko asked what the retractable awnings will be made of.

Mr. Schoenhardt responded that they will be a canvas type material and will not have enclosed ends.

Mr. Simpson again requested a copy of the colored diagram and he asked that it clearly indicate the parameters of the proposed structure and exactly where the retractable awning will extend. He also asked for copies of the illustrations of the materials which will be used.

Mr. Yurko reiterated that this project involves the very center of Ogunquit and the Board must take a close look at any project which will have such a dramatic impact in this area.

Mr. Simpson expressed some frustration with the Applicant's submissions packet, and his (Mr. Simpson's) inability to clearly grasp the details of the proposed project.

John Cavaretta noted that when he went before the Planning Board in 1994 the walkway was part of the plan. Prior to the fire in 1982 Tower's Drugstore had the same roof structure and it extended all the way out to the curb.

Mr. Simpson asked the Applicant to submit both the colored diagram and the photographs of the materials samples to the Board prior to the next meeting. He also asked Mr. Lempicki to look into the history of the property and whether or not the proposed changes will impact past approvals which are currently in place.

Mr. Lempicki agreed and asked for confirmation that the number of seats will not increase.

Mike Cavaretta again confirmed that the seating numbers will not change.

Ms. Bevins asked about the windows.

Mr. Schoenhardt responded that there will be folding windows and doors which will be in the same location on the existing structure.

Mr. Yurko Moved to Find the Application Complete for NATIVE GROUNDS, INC / CORNERSTONE – 228 Main Street – Map 7 Block 71-A and Schedule the Public Hearing for November 12, 2012.

YURKO/CAPONE 3/1 (Mr. Simpson Dissenting)

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

The Board members informed the public that there are several openings on the Planning Board and encouraged anyone who is interested to speak to the Town Clerk.

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 7:12 p.m.
YURKO/BEVINS 4/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on November 12, 2012