

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
NOVEMBER 26, 2012**

A. ROLL CALL –

The Roll was called with the following results:

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

Members Excused: 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 – November 12, 2012 and November 19, 2012.

**Ms. Bevins Moved to Accept the Minutes of the November 12, 2012 Meeting as Amended.
BEVINS/YURKO 3/0 UNANIMOUS**

**Mr. Yurko Moved to Accept the Minutes of the November 19, 2012 Site Visit and Meeting
as Amended.
YURKO/BEVINS 3/0 UNANIMOUS**

E. PUBLIC INPUT – None

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

1. 195 MAIN STREET, LLC – 195 Main St - Map 7 Block 121 (approved on November 12, 2012).

**Mr. Yurko Moved to Accept the Findings of Fact for 195 Main St - Map 7 Block 121 as Submitted.
YURKO/BEVINS 3/0 UNANIMOUS**

2. KATHLEEN CAMMAROTA – 200 Shore Road – Map 6 Block 112 (approved on November 12, 2012).

**Mr. Yurko Moved to Accept the Findings of Fact for KATHLEEN CAMMAROTA – 200 Shore
Road – Map 6 Block 112 as Submitted.
YURKO/BEVINS 3/0 UNANIMOUS**

3. **NATIVE GROUNDS, INC / CORNERSTONE – 228 Main Street – Map 7 Block 71-A (Approved on November 19, 2012).**

**Mr. Yurko Moved to Accept the Findings of Fact for NATIVE GROUNDS, INC / CORNERSTONE – 228 Main Street – Map 7 Block 71-A as Submitted.
YURKO/BEVINS 3/0 UNANIMOUS**

G. NEW BUSINESS –

1. **JACQUELINE BEVINS / JACKIE’S TOO – 91 Perkins Cove Road – Map 3 Block 67-1 – Design Review and Site Plan Review for a post 1930 structure. Application to replace an existing metal frame shed roof, which is over a 32’x24’ existing deck, with a flat wood structured roof.**

Mr. Simpson noted that Ms. Bevins would have to recuse herself from hearing this Application, that being done and with the absence of Mr. Capone, there will be only two sitting Board members which leaves the Board without a quorum. As a result this application would be tabled to the December 10, 2012 Meeting.

2. **BRUNO, LOLA, PARIS PROPERTIES / PIZZA NAPOLI – 667 Main Street – Map 12 Block 19-1 – Design Review and Site Plan Review for a post 1930 structure. Application to add a 10’x14’10” non-dining deck waiting area, and a 20’x16’ addition, remove one window, relocate fireplace, and rework ADA parking area.**

Brian Aromando addressed the Board as the Applicant’s representative.

Mr. Simpson introduced Mr. O’Brien the Ogunquit Fire Chief.

Mr. Simpson asked Chief O’Brien to explain his November 19, 2012 Memo wherein he stated that the new deck waiting area is not a required deck. Waiting areas do need to be separated from exits to main buildings, however there could be a waiting area at ground level outside exit area. Chief O’Brien referenced NFPA Life Safety Code Chapter 13-1.7.2.

Chief O’Brien responded that the Code requires that the proposed waiting area must have its own egress, so in the event of an incident people inside the building would be able to egress down the proposed stairway without interfering with the egress of the people coming from the waiting area. For this application to meet Code there would have to be a second set of stairs to service the waiting area, separate from the stairway which services the seating area.

Mr. Yurko pointed out that the main exit door swings outward, blocking egress from the waiting area, causing a further point of congestion.

Chief O’Brien also noted that the Code does not require a separate deck for a waiting area. People can wait on a ground level patio or on the grassy area. Chief O’Brien does not want businesses to cite the Code as an excuse for building an additional deck. He noted that customers waiting for a table at La Pizzeria, in the center of town, wait on the curbside or the adjacent alleyway. While this is not an ideal situation it does meet code.

Chief O'Brien noted that the deck is not required for a waiting area however if they are going to have the deck it has to meet codes.

Mr. Simpson asked the Chief if a second set of stairs would satisfy his concerns.

Chief O'Brien responded that it would.

Mr. Yurko noted that the plans appear to indicate that there is sufficient area for a second stairway. He also noted that Mr. DeHart had responded to the Chief's Memo and that these issues might be resolved at the Public Hearing.

Chief O'Brien reiterated that the deck, as a waiting area, is not required by him. If the deck were not built, the Applicant could use a grassy area or patio as a waiting area. He also informed the Board that the Applicant currently allows staff to park in the ADA parking space. When the ADA parking spaces are relocated he would like to see the Applicant keep them available for ADA use only.

Mr. Aromando summarized the Chief's statements that a second stairway is required so that the occupants of the deck will not share the stairway with the occupants inside the restaurant.

Mr. Simpson pointed out that it is not the responsibility of the Chief or the Board to make recommendations.

Mr. Aromando noted that the reason for the deck is to provide a safe waiting area for customers. He asked: if there were a waiting area inside would the Applicant be required to install a second set of stairs?

Mr. Lempicki responded that businesses with inside waiting areas are required to have the proper number of egress doorways and that this application involves a separate waiting area. He also pointed out that the extra wide stairway will allow for people to enter and exit at the same time.

Mr. Aromando asked if the Board would accept a second set of stairs as a solution to the problem.

Mr. Simpson reiterated that it is not up to the Board to tell the Applicant what to do, the Board has made several suggestions but they will not instruct the Applicant as to what to do.

Mr. Aromando asked: if the stairway was twice the width of the required stairway would it be considered to be the equivalent of a second stairway?

Chief O'Brien responded that if the Applicant were to double the width of the stairs it would potentially double the occupancy load that could be put within the building. This might require a railing in the middle of the stairway, however as long as the stairway is wide enough to handle the occupancy load for the building and the outside seating and waiting area, they would meet Code. He also noted that the problem with the door swinging out to block the area of egress still isn't solved. This could be solved by widening the platform between the door and the waiting/deck area.

Chief O'Brian summarized that there are calculations which are used to determine the capacity load of the stairs and the building, including waiting areas. The calculations are three square feet per person in a waiting area. You calculate all the numbers of the restaurant and the waiting area, and if that number can be handled by a 36" staircase then yes they can all exit down that same set of stairs as long as the exit door does not block the egress from other areas. If those stairs can't handle the occupancy load for the entire complex then the Applicant has to look at installing a second set of stairs or widening the existing set of stairs.

Mr. Yurko pointed out that this meeting is to determine completeness of the application. He noted that there are issues with the application as submitted. These issues can be discussed at the Public Hearing or the Applicant may submit revised plans prior to the Public Hearing. Mr. Yurko agreed that the use of the deck as a waiting area has merit and he suggested the Applicant may want to confer with the Fire Chief and the Code Enforcement Officer.

**Mr. Yurko Moved to Find the Application Complete and Schedule a Public Hearing.
YURKO/BEVINS 3/0 UNANIMOUS**

It was noted that the Public Hearing would take place on December 10, 2012.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Set Planning Board Meeting Calendar for January to June of 2013.

The Board set the calendar for the first six months of 2013 noting that the only obvious conflict is on May 27th which is a holiday. It was suggested that the Board move that meeting to May 28th which is a Tuesday. The Board agreed, noting that the alternative would be to cancel that meeting.

J. ADJOURNMENT -

Mr. Yurko Moved to Adjourn at 6:34 p.m.
YURKO/BEVINS 3/0 UNANIMOUS

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on December 10, 2012