

**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MARCH 25, 2013**

REGULAR BUSINESS MEETING

A. ROLL CALL –

The Roll was called with the following results:

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

Also Present: Lee Jay Feldman, Senior Planner SMRPC

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT -

D. MINUTES – March 11, 2013

The Board Accepted the Minutes of the March 11, 2013 Meeting.

E. PUBLIC INPUT – None

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

- a. JOHN ABBOTT / YOGT -259 Main Street – Map 7 Block 9.**

The Board Approved the Findings of Fact with one amendment.

- 3. MIRANDA POLLARD / ~~FISH BOWL~~ MIRANDA’S (fka Gourmet Express) – 53 Shore Road – Map 7 Block 114. Request for Amendment to Site Plan Approval for a pre 1930 structure.
Site Plan Application for Change of Use granted on May 11, 2009.**

Mr. Simpson noted that at the last meeting the Board asked for a survey of the Map 7 Block 114 property. The Board did receive surveys of abutting properties but did not receive the survey they asked for.

Sue Pollard responded that she misunderstood. She introduced her sister Patsy who pointed out the boundary lines on the survey which was done for the Sea Chambers property.

Mr. Simpson responded that the Board needs a survey which shows where the Map 7 Block 114 property ends in relationship to the right-of-way.

Mr. Feldman pointed out that the survey submitted by the Applicant is clearly identified as a survey which was done for Sea Chambers Inc. This means that the surveyor is not certifying the work done with regard to the Map 7 Block 114 property (Sea Bell). Mr. Feldman suggested the Applicant might take this survey back to the surveyor (Corner Post) and ask them to provide her with a survey of the Sea Bell property and have it stamped certifying that the work is accurate for the Sea Bell Property.

Mr. Simpson agreed that this would suffice. He reiterated that the Board needs a survey of the Sea Bell property. It needs to be certified and show where the property lines are in relationship to the structure, and particularly the areas the Applicant intends to develop. It should include measurements from the building to the property lines particularly where those property lines meet the right-of-way.

Donna Lewis, owner of the Sea Chambers Inc. noted that when the Sea Chambers obtained the existing survey, the Sea Bell was part of the Sea Chambers property. She noted that Sea Chambers LLC owns the motel portion of the property, while Sea Chambers Inc owns the church and the Sea Bell property. The existing survey does include all of the property boundaries which she owned at the time it was created, including the Sea Bell property.

Ms. Bevins stated that the Board wants an up to date survey showing what is currently on the property.

Ms. Lewis responded that the submitted survey is a current survey, that nothing has been added to the property since that survey was done in 1999.

Mr. Simpson reiterated that the 1999 survey is an old survey, the Board needs a current survey which clearly shows the property boundary line for the Sea Bell property in relationship to the right-of-way so that when the applicant puts up a fence, a patio, etc everyone will know exactly where on the property it is located.

Mr. Simpson also noted that if the Applicant intends to serve liquor she will have to have the entire seating area enclosed.

Mr. Feldman added that "enclosed" can be a three foot high fence/rope/barrier that clearly defines the seating area and prohibits people from passing alcohol outside of that area.

Mr. Simpson again instructed the Applicant that the Board wants to see a certified survey with her proposed seating plan, fence location, patio location, etc overlaid on it so that the Board can clearly see where everything will be located in relation to the property boundary lines.

Mr. Yurko noted that the survey which the applicant provided has a hand written “10 feet” on it. He suggested that the survey was done in 1999 for different purposes and it should be easy for whoever prepared the survey to fill in the missing information and confirm that the structures etc are accurately represented.

Mr. Yurko also pointed out that there has been discussion that the Applicant may not have adhered to the conditions set forth in the original approval and that this is something which the Board might have to keep in mind.

Ms. Pollard responded that she spoke with the Code Enforcement Officer and the Town Manager who both OK'd things and nothing else was said.

Mr. Simpson asked about the number and type of bathrooms the applicant will have.

Ms. Pollard responded that she had a copy of the State Regulations which only require her to have one bathroom and it does not have to be handicapped accessible, if she has less than forty (40) seats.

Mr. Feldman agreed to research this issue.

Mr. Simpson asked the Applicant to explain where she got the original 38 seats she keeps referring to.

Ms. Pollard responded that she spoke with the Fire Chief and that the original approval from him was for 20 seats on the existing patio. She is allowed to have one seat for every fifteen square feet. With the proposed addition she will be allowed thirty seats.

Mr. Simpson asked the Applicant to provide a copy of the Fire Chief's paperwork. He also suggested the Board may want to hold a Site Visit.

Ms. Pollard asked Mr. Simpson to be very clear in what he wants shown on the survey.

Mr. Simpson responded that he wants to see how many feet and inches there are from the building to the property line at the back and along the side where the Applicant proposes paving. He indicated on the Applicant's copy of the survey where he wanted to see measurements.

Mr. Yurko Moved to Table the Application pending revised submittals and the scheduling of a Site Visit.

YURKO/BEVINS 5/0 UNANIMOUS

G. NEW BUSINESS –

- 1. MARK ANASTAS / HOOKS – 696 Main Street – Map 10 Block 5 – Design Review for a post 1930 structure. Application to replace sliders with windows, add new sliders, and extend roofline to cover AC units and ductwork.**

Shannon Baker addressed the Board on behalf of the Applicant. Mr. Baker summarized that the proposed plan involves extending the existing roof line across the front of the building and around the side to cover duct work and the air conditioning unit.

Mr. Simpson confirmed that there will be no additional seating. He noted that the Board did receive a letter from an abutter.

Mr. Baker responded that he spoke with the abutter and that the issues have been resolved. The applicant has agreed to plant bushes around the property fence line to deaden the sound.

Dan Grigus, the abutter who wrote to the Board, confirmed that he has spoken to Mr. Baker on site, and that he is agreeable to the plan to put in a vegetative buffer along the fence line to reduce the sound and light coming from the restaurant. He also stated that he had some concern that additional tables might be added however Mr. Baker assured him that this will not happen.

Mr. Simpson congratulated the Applicant and Mr. Grigus on working together to resolve their concerns.

Mr. Yurko Moved to Approve Design Review for MARK ANASTAS / HOOKS – 696 Main Street – Map 10 Block 5 with the notation that the Applicant has agreed to put in additional vegetative buffering along the existing fence line between his property and that of Mr. Grigus.

YURKO/CAPONE 5/0 UNANIMOUS

2. O.V.I. Inc. – 250 Main Street – Map 7 Block 69 – Design Review for a pre 1930 structure. Application to replace existing greenhouse, at rear of building, with stick-built room.

Larry Duell addressed the Board as the Applicant's representative. Mr. Duell summarized that the proposal includes the removal of the existing greenhouse which was probably built in the late 1970's, and replacing it with a wooden structure. The footprint will not change nor will the seating capacity. The new windows will match the existing windows as will the vinyl siding.

Mr. Yurko noted that the Historic Preservation Commission highly recommends the proposed changes.

Mr. Yurko Moved to Approve the Design Review for O.V.I. Inc. – 250 Main Street – Map 7 Block 69.

YURKO/CAPONE 5/0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Simpson noted that the Town has advertised for a temporary full time Code Enforcement Officer.

I. OTHER BUSINESS –

Attorney Patterson, representative for Frill's Inc. asked if there would be a portion of the meeting where the public might speak regarding the Miranda's application.

Mr. Simpson responded that there will not. No Public Hearing had been scheduled for this meeting.

Mr. Yurko added that if Attorney Patterson wanted to ask questions he should submit them in writing to the Board and they would be addressed either at the Site Visit or at the next meeting.

Mr. Simpson confirmed that there were no public hearings on the agenda tonight. He reiterated Mr. Yurko's comments that the Board is happy to respond to any questions submitted in writing.

Mr. Yurko added that typically there is only one Public Hearing, which is not to say that there can't be another public hearing scheduled if the Board determines that this would be helpful. He noted that the Site Visit is not a public hearing, and while the public is welcome to attend and observe, generally comments and questions are reserved for Board Members only. Again he noted that this may be somewhat flexible and it is the prerogative of the Chair as to whether or not the public will be heard.

Mr. Simpson noted that the Select Board has reviewed the Planning Board's proposed changes to Section 8.13 of the Zoning Ordinance and that there will be a Public Hearing on this matter at the next Select Board meeting.

Mr. Simpson noted that the application for 433 Main Street is still being revised and the Board is waiting for additional submittals from the Applicant.

Mr. Simpson also noted that the American Pride Subdivision site visit had been tabled at the request of the Applicant and the Board is waiting for him to request rescheduling.

J. ADJOURNMENT -
Mr. Yurko Moved to Adjourn at 6:49 p.m.
YURKO/BEVINS 5/0 UNANIMOUS

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved April 8, 2013