

**OGUNQUIT PLANNING BOARD
PUBLIC HEARINGS and REGULAR BUSINESS MEETING
MAY 13, 2013**

REGULAR BUSINESS MEETING

A. ROLL CALL –

The Roll was called with the following results:

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

Members Excused: Don Simpson (Chair)

Also Present: Scott Heyland, Ogunquit Code Enforcement Officer
Lee Jay Feldman, Senior Planner SMRPC
Maryann Stacy, Recording Secretary

Mr. Yurko noted that Chairman Simpson had been called out of town on a family emergency and as such he (Mr. Yurko) would be chairing the meeting.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES –

1. April 22, 2013 Regular Business Meeting

Mr. Capone Moved to Approve the Minutes from the April 22, 2013 Meeting as Amended.

CAPONE/RENAUD 3:0 (Ms Bevins abstained as she was not in attendance at the April 22nd Meeting).

2. May 6, 2013 Builders of Ogunquit / John Mixon Site Visit

Mr. Capone Moved to Approve the Minutes from the May 6, 2013 Site Visit as Submitted.

CAPONE/BEVINS 4:0 UNANIMOUS

E. PUBLIC INPUT –

Mr. Yurko read a letter into the record which was received by the Board and sent by the Ogunquit Historic Preservation Commission:

“To the Ogunquit Planning Board,

We would like to recommend the Planning Board consider that when applications come in for outside patio dining, a simple floor plan indicating location of tables and chairs is insufficient.

When the existing ground level has to be altered in any manner: to be paved, or when fences, rigid planters, overhead cover, etc. are to be added, then front and side elevations should also be required. These elevations should show any variations of the property, removal of trees and shrubs, added hardscaping, retaining walls, posts, fences, arbors, canvas work, awnings, etc.

Provisions for drainage should be included if necessary, and samples of material to be used should be required and approved.

When the project involves a pre 1930 building , or is adjacent or near an historic structure; schematics, photos, tax maps, etc should be included as part of the application packet and should clearly indicate the relationship between the properties, in a visual manner.

THE ARCHITECTURAL INTEGRITY OF OUR SMALL DOWNTOWN AREA IS VERY FRAGILE AND WE ASK THAT EVERY EFFORT BE MADE BY THE PLANNING BOARD TO PROTECT THE CHARM AND QUALITY THAT ATTRACTS AND KEEPS US HERE IN OGUNQUIT.

Thank you.....

*Ogunquit Historic Preservation Commission
Helen Horn
David Barton
Newell Perkins”*

Mr. Yurko asked that the letter be included in the minutes.

F. UNFINISHED BUSINESS –

1. FINDINGS OF FACT FOR:

- 1. HARRY WINSTON REALTY / ANDREW MIGLIORINI – 237 Main Street – Map 7 Block 126. Application Approved on April 22, 2013.**

Mr. Capone Moved to Approve the Findings of Fact as Submitted.

CAPONE/RENAUD 3:0 (Ms. Bevins abstained due to her excused absence from the April 22, 2013 Meeting).

- 2. MIRANDA POLLARD / ~~FISH BOWL~~ MIRANDA’S (fka Gourmet Express) – 53 Shore Road – Map 7 Block 114. Application Denied on April 22, 2013**

Attorney Alan Shepard asked the Board, on behalf of the Applicants, to include in the Conclusions the specific section of the Ordinance which the Applicant had not met.

Mr. Yurko asked the Board members if there was a motion to proceed with the Findings of Fact as drafted.

Mr. Capone Moved to Accept the Findings of Fact as Submitted.

Mr. Yurko noted that this same applicant is before the Board again. He stated that he does not consider the Board's approval of the Findings of Fact from the last application to, in any way, prejudice her new application. By Accepting these Findings of Fact the Board is completing the procedure to finalize the decision from the previous application so that the Applicant can take whatever action she would like.

Mr. Capone Moved to Accept the Findings of Fact as Submitted.

CAPONE/RENAUD 3:0 (Ms. Bevins abstained due to her excused absence from the April 22, 2013 Meeting).

2. BUILDERS OF OGUNQUIT / JOHN MIXON – 5 Bourne Lane – Map 5 Block 35-A – Revised Subdivision Sketch Plan - Application to develop a seven (7) unit condominium/subdivision.

Mr. Yurko summarized that under the Zoning Ordinance and Subdivision Regulations the Board is to meet, post Site Visit, which was conducted on May 6, 2013, to discuss what the members saw, what their reactions were, and ask questions which they now have. This discussion should lead to a decision to accept or deny the Sketch Plan, or request the Applicant modify it.

Mr. Yurko cited a previous Subdivision Application where there had been some “give and take” in discussions and the Sketch Plan that was submitted.

Mr. Capone noted that a suggestion had been made that the applicant might revise the plans and locate the “loop road” on the outside of the property and move the houses to the inside of the circle. He asked if the Applicant has considered this.

Mr. Mixon responded that they did consider this. He displayed a drawing illustrating this concept. Mr. Mixon noted that with this new configuration the roadway runs around the outside perimeter of the property and is directly next to the abutting properties. He noted that the houses are now too close together and he suggested the original plan provides a more attractive and effective buffer between the proposed development and the existing properties.

Mr. Yurko noted for the record that the Applicant has displayed a drawing with the outer road ringing the development and with substantial buffering in places, and the houses within the ring. He asked if this new design meets requirements.

Mr. Mixon responded that it does not meet requirements because the houses are now only eighteen feet apart and the Ordinance calls for thirty feet.

Mr. Yurko asked if the houses could be separated further if Mr. Mixon reduced the number from seven to six.

Mr. Mixon responded that this is not something he wants to consider at this time.

Rich Licht, Licht Environmental Design, summarized that they were asked to consider the concept of an external ring road with cottages facing outward. He reminded everyone that this project is not just about numbers and density, it is about livability and design and he would not support the outer ring design. The outer ring design places the homes facing outward with the backs of the homes all facing each other. It also discourages the “pedestrian atmosphere” the Applicant is trying to create.

Mr. Licht also pointed out that the original plan includes more effective and attractive buffering. It also allows them to retain more of the existing trees and reduces the square footage of impervious surfacing. He noted that the loop road on the original plan is roughly 365 feet in length, an external ring road would be 890 feet long. He reiterated that the “ring road” design is not a viable design from an engineering, planning, or community development perspective.

Mr. Capone suggested the ring road design would also have trouble at the back of the property where the slope is.

Mr. Yurko stated that the Site Visit gave him a better sense of where everything is likely to be located. It is his impression that the proposed houses will be big. He noted that this is a very beautiful property with many mature plantings which concerns him. However he was aware that the Applicant intends to preserve many of these plantings.

Mr. Yurko expressed his belief that the access and egress from the right-of-way will be very difficult. This is a very tricky intersection directly opposite one of the branches of Shore Road. He noted that this intersection is already difficult even without the proposed development and he is very concerned. Mr. Yurko acknowledged Mr. Mixon’s statement that it would be beneficial to everyone if he, the Barn Gallery, and the Playhouse could get together and develop a new plan for accessing those properties, Mr. Yurko agreed and stated that it will not be safe unless this happens. He also noted that the Barn Gallery and the Playhouse have no requirement that they cooperate. Mr. Yurko stated that he would be very troubled approving a plan that does not have a much wider access. He pointed out that this past weekend the Barn Gallery had a function and it was very crowded and traffic was very snarled in the area.

Mr. Yurko noted that the Town’s Attorney has advised the Town that the Planning Board is prohibited from approving any project which adds traffic anywhere close to Route One. He reminded everyone that there will be a proposed amendment to the Traffic Impact Ordinance offered at the upcoming Town Meeting, which may lift this ban. He suggested that the Board may not be in a position to decide this application until that issue has been resolved.

Mr. Yurko went on to say that the parcel in question already has an existing buffer, however under Section 9.11.2 of the Subdivision Regulations, the Board has the authority to require a twenty foot green strip to avoid noise pollution. He suggested this is something the Board might consider. When Mr. Mixon was asked about this at the Site

Visit he responded that he is not required to include this, which is correct. However this is a discretionary item under the Subdivision Regulations and could be something the Board might require. Speaking for himself, Mr. Yurko would like to see the equivalent of a twenty foot green space included. Mr. Yurko was pleased with the number of trees the Applicant intends to retain and he hopes that there will be a landscape plan submitted which indicates that trees six inches in diameter, or larger, will be maintained.

Mr. Yurko expressed concern about the topography and the wet areas, particularly given that this area is historically very wet. He asked if the proposed houses will have basements.

Mr. Mixon responded that he has not decided on basements yet.

Mr. Yurko again noted that this will be a condominium development and he expressed concern regarding the building schedule

Mr. Mixon referred to his project on Glenn Avenue, which was similar to this one, where the houses were not built all at the same time. It is part of Condominium Law that buildings can be erected on pods at various times.

Mr. Mixon stated that the proposed houses will be approximately 40'x40' and approximately 1,800 square feet.

Regarding the traffic ordinance restrictions, Mr. Mixon believes Mr. Yurko is incorrect. That issue had to do with the Berwick Road and Route One intersection and had nothing to do with Shore Road, and he will deal with this issue when Attorney Bannon is present.

Mr. Mixon agreed that this is a nice property however he pointed out that it currently belongs to Mr. Russell and will soon belong to him (Mr. Mixon) and they have the right to cut down whatever trees they like. It is their intention to do a nice job and preserve as much buffering as possible. Regarding the access, he wants to work with the Barn Gallery and the Playhouse to improve the access to twenty-four feet wide, and this needs to happen whether he develops the property or not.

Mr. Mixon noted that emergency vehicles can not currently access these properties, and the Barn Gallery and the Playhouse have been told that they need to improve this intersection. He wants to do this with them. He pointed out that the Playhouse was offered this property and they didn't want to buy it, he also noted that, when it has events, the Barn Gallery parks cars all along the right-of-way which impedes emergency vehicle access, this is not his (Mr. Mixon's) fault. If the Barn Gallery doesn't have adequate parking, that's their problem. They were told by the Fire Chief to improve their parking area.

Mr. Mixon noted that he has a twenty foot easement which goes directly through the Barn Gallery parking lot which he has not intended to utilize. Were he to do so he wouldn't need any turn or radius, but he wants to be a good neighbor and have a minimal impact on the neighborhood so he hasn't taken advantage of this option.

Mr. Yurko responded that his reference to "safe egress" isn't only about emergency vehicles, he is also concerned about regular car and pedestrian traffic.

Mr. Mixon suggested that the problems already exist and the solution is for everyone to work together to resolve them. He wants to improve the situation, he wants to work with the Barn Gallery and the Playhouse. He suggested the potential buyers of the new homes will be primarily summer people who will make less vehicle trips per day than the Board is anticipating.

Mr. Mixon requested that any votes be taken by a full vote and he asked the Board to wait until the Chairman is back.

Mr. Mixon also took exception to Ms. Bevins' comments at the Site Walk where she called him "not a good neighbor". He suggested that her relationship with abutter Phil Cavaretta has created a bias on her part. He quoted from the Charter that "an appearance of conflict of interest exists when a reasonable person could conclude from the circumstances that participation could be perceived as inappropriate and all boards are encouraged to avoid even the appearance of conflict of interest". Mr. Mixon believes that Ms. Bevins has a bias in favor of Mr. Cavaretta and he asked Ms. Bevins to recuse herself or for the full Board to vote to recuse her. He asked for the process to be open and not decided by private conversations. He asked that everything be done and said in public. He asked for the project to be judged totally on the Zoning Ordinance and nothing else.

He asked to have the issue tabled and for the matters of completeness, and Ms. Bevins recusal, to be voted on when the full Board is present.

Mr. Yurko noted that at the Site Walk Mr. Mixon was asked if he had actually purchased the property and he (Mr. Mixon) had responded in the affirmative. Mr. Yurko asked if that answer was incorrect.

Mr. Mixon responded that this is irrelevant. He has proven that he has standing with the submittal of his purchase and sales agreement. He has not closed but he will close before the process starts up again.

Mr. Mixon again stated that he, and his attorney Mr. Bannon, do not feel Ms. Bevins should be sitting in judgment over this project and he asked the Board to consider the risk they put the Town at if they go forward under these conditions.

Mr. Yurko asked Ms. Bevins if she believes she has a conflict of interest.

Ms. Bevins responded – "No".

Mr. Yurko asked if any member of the Board believes Ms. Bevins has a conflict of interest.

Mr. Capone responded that he doesn't know of any.

Mr. Renaud responded that he doesn't know of any.

Mr. Yurko added that he is unaware of any conflict.

Ms. Bevins asked Mr. Mixon to resolve his issue with the Playhouse and the Barn Gallery.

Mr. Mixon responded that he has reached out to them and they don't want to work with him. They don't respond to his attempts to contact them. He stated that they can still acquire the property if they want. He again asked them to contact him so that they can all work together to resolve the existing and potential problems.

Mr. Yurko responded that he doesn't blame this project for the existing traffic problems however he suggested that Mr. Mixon is trying to develop a project in an area that has significant traffic problems already. He noted that the only thing in front of the Board is this project and the Board has to consider all of the things around it as part of the deliberative process.

Regarding Mr. Mixon's request that this matter be delayed until there is a full board - Mr. Yurko stated that he knows of no rule that requires the Board to wait until it has a full Board, however he agreed to put the matter to the Board.

Mr. Mixon reiterated his feelings that Ogunquit's issue isn't traffic it's tourists. And the town would be ill advised to pit developers against the tourists. He also stated that input should come to the Board through proper channels at public hearings and through correspondence to the Board and not through private conversations between members of the public and individual Board members.

**Mr. Capone Moved to Table this issue until a full Board is in attendance.
CAPONE/RENAUD 3:1 (Mr. Yurko Dissenting)**

Mr. Yurko noted that this matter is now tabled.

G. NEW BUSINESS –

1. JOSEPH LINDSEY – Sonoma Woods Lane – Map 21 Block 6 – Request for Amendment to Approved Subdivision. Original Final Approval Granted on May 29, 2012.

Ken Markley, Easterly Survey, addressed the Board as the Applicant's representative. He stated that they are requesting to add three inches of pavement on top of the existing gravel. Mr. Markley provided a brief overview of the project history: the Sonoma Woods Project was approved on May 29, 2012 and recorded on June 4, 2012. It was approved for eighteen foot (18') wide gravel roads with one foot (1') shoulders. They are now asking to put eighteen feet (18') of pavement - still with one foot (1') shoulders. The original intent for the waivers was to produce an environmentally friendly subdivision and reduce storm water runoff because this area is in the Ogunquit River Watershed and there have been problems with flooding in previous years. This subdivision was designed so that post construction runoff will be less than preconstruction runoff.

Mr. Markley referred to Alex Ross' April 18, 2013 letter to the Board. The original subdivision used the American Association of State Highways and Transportation Official Booklet for Geometric Design for Very Low Volume Local Roads which states

that anywhere from 15 to 40 eighteen foot total width is adequate for emergency vehicles and up to forty (40) houses.

The Applicant has taken the original plan and made two modifications: addition of a fifth reference plan, and changed “gravel” to “pavement” under the waivers.

It is the Applicant’s belief that paving the roadway will reduce the amount of erosion and maintenance. The materials will meet or exceed the Town’s requirements. He also noted that the Town’s Conservation Commission has endorsed this change.

Mr. Yurko reviewed Mr. Feldman’s Memo dated May 13, 2013.

Mr. Markley stated that they have used an 18 inch sub-base, and the entire road exceeds minimum sub-base.

He stated that the entire project will be paved, all the way from Captain Thomas Road throughout the subdivision up to the “Y”.

Mr. Markley noted that only one house has been built so far.

Mr. Markley stated that there is no anticipation for residents on the road to ask the Town to take over the road.

Mr. Yurko asked for a cost estimate for this change.

Mr. Lindsey responded that the estimated cost is \$39,458.

Mr. Yurko asked the Board members if they felt a Public Hearing is needed.

Ms. Bevins Moved to Schedule a Public Hearing for the next meeting which will be on May 28th at 6:00 p.m.

BEVINS/RENAUD 3:1 (Mr. Capone Dissenting)

Mr. Markley asked if there were any other comments he should consider.

Mr. Feldman noted that the submitted cross section indicates a fifteen inch minimum sub-base, the Town’s requirement is an eighteen inch minimum sub-base. He asked that a revised cross section be submitted which indicates eighteen minimum inches.

Mr. Feldman also pointed out that the Town still has \$10,586 of a bond or letter of credit in place. Whatever the cost of the paving, the Town is ok to make the difference.

Mr. Yurko stated that the paving cost is \$39,000 which means the Applicant has to come up with a bond for another \$30,000 which can be refined prior to the next meeting.

Mr. Markley responded that the original cross section was twelve inch sub base plus six inches which gives them eighteen inches. He agreed to speak with the engineer.

Mr. Yurko noted that this application would be heard at the next meeting.

2. MIRANDA POLLARD / MIRANDA'S – 53 Shore Road – Map 7 Block 114 – Site Plan Review for a pre 1930 structure. Application to expand outside seating, brick pave existing grass area at front of property, and expansion of rear existing patio of a Type 3 Restaurant.

Sue Pollard addressed the Board. She noted that they are submitting a more detailed application which shows everything they want to do, and they aren't going to change anything. She does not feel this is a historical district and she has an attorney who will address that issue.

Miranda Pollard reviewed the application submissions.

Mr. Yurko noted that the number of tables in front has dropped to three tables which seat eight people. He asked if they intend to have umbrellas.

Ms. Pollard responded "no".

Mr. Yurko thanked her for that and noted that he was concerned about the dramatic visual impact the umbrellas would have had. He also noted that the fence will not be extended all the way around the area, that they intend to use a "post and rope" at the rear of the property. He asked why the use of the post and rope.

Sue Pollard responded that they were told they had to have an enclosure because they will be serving alcohol.

Miranda Pollard added that the fence doesn't work in the back where plowing is needed in the winter. It's easier to take out the posts than to take out the entire fence when they are closed for the season.

Sue Pollard added that they won't take the posts out, the posts will stay in place.

Mr. Yurko asked if the rope and posts would be removed during the winter.

Sue Pollard responded that the posts and rope will stay up, they are not coming down. They don't have to have a "fence" they can have a rope or fence. She added that they will use a wood fence, not vinyl. She noted that the rope boundary allows people to see the water too.

Mr. Yurko asked how tall the fence will be, and how tall the post/rope will be.

Sue Pollard responded that the fence will be four foot and the posts are six foot and will be put into the ground so that they will be four foot. They will have a nautical look.

Ms. Bevins suggested that having the fence go all the way around the site would look nice.

Sue Pollard responded that they aren't changing their plans.

Mr. Yurko asked why they did not submit a Design Review.

Alan Shepard, Attorney for the Applicants, responded that he has reviewed the Ordinance and nothing is being done to any structure, driveway, or parking area. There will basically be tables in the front with a few seats and a fence. He read the ordinance as: “any material change in the appearance of existing buildings, driveways, or parking areas”. He doesn’t believe this application meets the standard.

Mr. Feldman noted that he had a telephone conversation with Mr. Shepard as part of this application’s process. Mr. Feldman referred the Board to Section 11.3.C under Design Certificate which states that *“any material change in the exterior appearance of existing buildings, driveways or parking areas within the District by additions, reconstruction or other alteration, only if it is visible from a public street or public right-of-way; and”*

Mr. Feldman went on to refer to the definition of “material change” which states that: *“Material Change” means a modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including:... other site features such as walks, driveways and parking areas.*

Mr. Feldman expressed his belief that the Applicant needs to submit Design Review because there will be changes to walkways and areas in front of the building. He also noted that the wording “such as” is open ended.

Mr. Shepard acknowledged that Mr. Feldman had shown him that language. Mr. Shepard stated that the language refers to material changes to the things that you need a Design Certificate for. It defines material changes to the buildings and driveways. There is nothing in the Design Certificate section that is the section that triggers whether you need a Design Certificate. He suggested that any attempt to broaden it based on the definition of Material Change doesn’t make sense. The triggering aspect of whether an applicant has to obtain a Design Certificate is whether there will be any alterations to the building, driveway, or parking area.

Mr. Yurko responded that this application is creating a new walkway which creates a new traffic pattern and he sees that this requires Design Review.

Mr. Shepard stated that it is a walkway and he asked if it is a driveway which is for cars.

Mr. Yurko asked if there were any other comments.

Mr. Shepard informed the Board that they have to abide by what is in their ordinance not what they think may need to be in the ordinance. If the Ordinance wanted to have walkways or things that are put on people’s property requiring a Design Certificate then the Ordinance would say that. That’s why there is an ordinance, and that’s why the people approve it, and that’s why people who come to a Board have an understanding of what they have to satisfy so they know ahead of time and not that it’s made up on the spot and not on the whim of certain individuals. He also noted that the Board might want it, but is it required?

Mr. Shepard also stated that the review will still take place under the Site Plan Standards. He noted that the Applicant only wants to put a walkway and a few tables and chairs in front of their property like everyone else has done in this town.

Sue Pollard asked what would be different in a Design Review, wouldn't they be the same?

Mr. Yurko stated that if both are reviewed the Applicant would get a Design Review and a Site Review. He also stated that if the Ordinance requires a Design Review, and you don't submit one there is a chance the application can't continue and there is a chance that the Site Plan will fail.

Mr. Yurko asked why the applicant doesn't ask for both.

Sue Pollard noted that it wasn't asked for last time.

Mr. Yurko responded that last time she was requesting a Site Plan Amendment. He also noted that if "appurtenant fixtures" includes a fence and this is deemed to be a material change, and she hasn't applied for Design Review then the Site Plan Review might be denied.

Mr. Feldman noted that he and Tim Nelson, the acting Code Enforcement Officer, had an hour long meeting with both Applicants to give them direction as to what they needed to do which included submittal of both applications. He is not sure what changed after that meeting however they did leave the meeting with the suggestion that they should also OK for Design Review.

Mr. Shepard informed the Board that Mr. Feldman and Mr. Nelson both "thought" intuitively that Design Review was needed. He asked the Board to show him where in the Ordinance it says that this application falls under Design Review.

Mr. Yurko asked if the Applicant will be submitting a Design Review Application for the May 28th meeting.

It was agreed that the deadline would be extended to May 15th at 5:00 p.m. to allow the Applicant time to submit her Design Review paperwork.

Mr. Yurko noted that after the May 28th meeting the Board does not meet again until June 24th.

Mr. Shepard indicated that the submissions deadline had already passed.

Mr. Yurko responded that the Board has the authority to extend the deadline for a day or two in order to assist the Applicants.

Mr. Shepard asked the Board for a vote as to whether the Ordinance says what it says, and whether the Board is inclined, as a board, to vote that the Applicant has to go through and get a Design Certificate, and if that is the vote he asked that the Applicant be given an extra couple of days.

Mr. Yurko responded that the only question the Board has in front of it today is whether the Site Application is complete and if so they schedule a Public Hearing. He noted that if the Board finds the application complete and goes to a hearing and it is determined at the

hearing that the application fails for want of a Design Review it will be a while before the applicant will be able to come back.

Mr. Yurko stated that the Board is not going to determine whether or not Design Review is required, that's not what they do at this time.

Mr. Shepard disagreed and asked if the other Board members can give an opinion.

Mr. Yurko asked the Board members if anyone wants to depart from the normal procedure and have a decision on anything other than whether this application is complete.

Ms. Bevins asked for confirmation that the Applicants can still open as they are.

Mr. Yurko confirmed this.

Mr. Capone Moved to Find the Application complete.

Mr. Renaud seconded

Mr. Yurko called for discussion on whether this application is complete.

Mr. Feldman stated that from a procedural standpoint: if the application has not been submitted for Design Review, and the Board feels this is required, then the application would not be complete. However the Board has indicated it would give her a day or two to submit the Design Review Application.

Mr. Feldman also suggested the Applicant submit waiver requests from the submission standards as indicated in his May 13, 2013 memo so the Board can consider those items as well. He noted that most of the information that is missing is probably information that would not be relevant to the application however there were no waiver requests submitted.

Mr. Yurko suggested that a vote to find the application complete would be tantamount to waiving the Design Review Requirement.

Mr. Capone responded that his interpretation of the Code is that Design Review is needed and he withdrew his motion to find the application complete.

Mr. Renaud agreed that Design Review is required and withdrew his second to Mr. Capone's motion.

**Mr. Capone Moved to Deem the Application Complete Provided that the applicant submits a Design Review Application within two days from this date, and requests a waiver from the items noted in Mr. Feldman's Memorandum.
CAPONE/RENAUD 4:0 UNANIMOUS**

Mr. Yurko informed the Applicant that if she submits her Design Review Application, and Waiver Requests within two days she can have a Public Hearing in two weeks and one day (May 28th).

H. CODE ENFORCEMENT OFFICER BUSINESS –

I. OTHER BUSINESS –

Mr. Feldman informed the Board that he will not be available for the May 28th Meeting.

J. ADJOURNMENT -

**Ms. Bevins Moved to Adjourn at 7:46 p.m.
BEVINS/CAPONE 4:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy
Town of Ogunquit
Recording Secretary

Approved on May 28, 2013