

**OGUNQUIT PLANNING BOARD  
PUBLIC HEARINGS and REGULAR BUSINESS MEETING  
JUNE 24, 2013**

**REGULAR BUSINESS MEETING**

**A. ROLL CALL –**

The Roll was called with the following results:

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

Members Excused: Rich Yurko (Vice Chair)

Also Present: Scott Heyland, Ogunquit Code Enforcement Officer

Mr. Simpson noted that this was Board Member Capone's last night serving on the Board. He thanked Mr. Capone for his outstanding service to the Town and spoke for everyone when he noted how much Mr. Capone will be missed.

**B. PLEDGE OF ALLEGIANCE -**

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

**D. MINUTES –** May 28, 2013

**Mr. Capone Moved to Accept the Minutes of the May 28, 2013 Meeting as Amended.  
CAPONE/BEVINS 4:0 UNANIMOUS**

**E. PUBLIC INPUT –** None

**F. UNFINISHED BUSINESS –**

**1. Findings of Fact for: MIRANDA POLLARD / MIRANDA'S – 53 Shore Road – Map 7 Block 114.**

**Mr. Capone Moved to Accept the Findings of Fact for MIRANDA POLLARD / MIRANDA'S – 53 Shore Road – Map 7 Block 114.  
CAPONE/BEVINS 4:0 UNANIMOUS**

**G. NEW BUSINESS –**

1. **Anthony & Lindee Payeur / A&L Flavors, Inc. – 731 Main Street – Map 12 Block 10-A – Site Plan Review for Change of Use from retail space to ice cream shop (Restaurant Type 3).**

Mr. Simpson noted that the Applicant was not in attendance and as a result the Board is unable to address questions to him/her. He suggested that, given the simple nature of this application, the Board might move ahead, regardless of the Applicant's absence, and determine completeness.

**Mr. Capone Moved to find the Application Complete and to schedule a Public Hearing for July 8, 2013.**

**CAPONE/BEVINS 4:0 UNANIMOUS**

2. **Tommy Ta / Frozo Cup – 20 Shore Road Unit 1A – Site Plan Review for Change of Use for a pre 1930 structure, from retail space to frozen yogurt shop (Restaurant Type 3).**

Mr. Simpson asked if any Board member had any questions for the Applicant.

Ms. Bevins stated that she knows that the proposed use is allowed in the Applicant's building and that it is not allowed in the other buildings.

**Mr. Renaud Moved to find the Application Complete and to schedule a Public Hearing for July 8, 2013.**

**RENAUD/CAPONE 4:0 UNANIMOUS**

**H. CODE ENFORCEMENT OFFICER BUSINESS – None**

**I. OTHER BUSINESS –**

1. **Correspondence from Attorney Keith Patterson requesting Board reconsideration of the May 28, 2013 Site Plan and Design Review Approval for Miranda's - 53 Shore Road (Map 7 Block 114).**

Mr. Simpson noted that any motion which is made and approved may be reconsidered by the Board. This is done when someone feels that something was done incorrectly and allows the Board the opportunity to revisit the issue. Attorney Patterson, who represented the owner of Frill's, an abutter to Miranda's, has asked the Board to reconsider the approval it granted to Miranda Pollard on May 28, 2013.

Mr. Simpson read from the Minutes of the May 28, 2013 Meeting wherein Town Attorney Natalie Burns stated that "this application is not subject to Historic Preservation review because it does not involve construction of a building or placement of a structure. It may have implications under Site Plan Review but it does not make it subject to review by Historic Preservation."

Mr. Simpson stated that, based upon Attorney Burns' comments, he would deny Attorney Patterson's request for consideration, and he asked for the Board's input.

**Ms. Bevins Moved to uphold the Board's Decision of May 28, 2013 and to not reconsider.**

**BEVINS/RENAUD 4:0 UNANIMOUS**

**2. Set Planning Board meeting calendar for the remainder of 2013.**

The Board set the meeting schedule for the remainder of 2013:

July - 8 and 22

August - 12 and 26

September - 9 and 23

October - it was determined that due to a conflict with the Select Board's schedule the Planning Board would only schedule a single meeting in October. This meeting would take place on October 28<sup>th</sup> unless it is determined at the time that an additional meeting is absolutely required.

November – it was noted that due to Veteran's Day holiday falling on a meeting night the Board would again only hold a single meeting in November unless it is determined at the time that a second meeting is absolutely necessary. The November meeting will take place on November 25<sup>th</sup>.

December – historically due to the holiday season, the Board only holds one meeting in December. This meeting will take place on December 9<sup>th</sup>

Mr. Simpson noted that the submissions checklists for Site Plan and Design Review are inconsistent in the response designations and he asked the Recording Secretary to look into it.

**J. ADJOURNMENT -**

**Mr. Capone Moved to Adjourn at 6:15 p.m.**

**CAPONE/RENAUD 4:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy  
Town of Ogunquit  
Recording Secretary

*Approved on July 8, 2013*