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OGUNQUIT PLANNING BOARD MINUTES MONDAY SEPTEMBER 28, 2015

PUBLIC HEARING

- 1. DAVID GIARUSSO – 661 Main Street (Map 13 Block 50) General Business District 2 (GBD2). Site Plan Review Application for Change of Use from commercial retail to paid parking lot and accessory parking for abutting restaurant (Angelina’s).**

Geoff Aleva from Civil Consultants addressed the Board as Mr. Giarusso’s representative. Mr. Aleva began by asking the Board to consider the voting status of the Board members. He informed the Chair that the Applicant would like one of the Board members to recuse himself due to a conflict.

Mr. Wilkos responded that the Board would not do this.

Mr. Aleva summarized that the proposed project involves the conversion of a building site into a parking area. The nighttime use will continue as parking for Mr. Giarusso’s restaurant (Angelina’s) and the daytime use will be paid parking for beachgoers.

Mr. Aleva informed the Board that the plans have been adjusted to include the hours of operation which will require daytime patrons have their vehicles out of the parking lot by 4:30 p.m. or risk being towed.

In addition the Board asked for a traffic impact analysis for the paid parking, which the Applicant has provided. The analysis compares the proposed paid parking to the preexisting use of: two residential apartments, a commercial retail store, and a hair salon. The result will be a minor change in traffic between what was there and what is proposed.

Mr. Aleva informed the Board that the proposed plan includes 29 parking spaces which will meet code requirements for access and traffic isle width and parking stall configurations. At the rear of the parking lot they will construct retaining walls and add more vegetation. There will also be a fence line to provide screening for the residential abutter.

Mr. Wilkos asked if there was anyone in the audience who wished to speak for or against the application.

Steven Calabro (669 Main Street – Map 12 Block 19 Lot 2) addressed the Board. Mr. Calabro informed the Board that he and his wife, Sheila, own Unit 2 and Mr. Giarusso owns Unit 1 of

Kettle Knoll Condominium Association. Mr. Calabro and his wife are two of the three directors of the condominium association and they are against the entire project.

Mr. Calabro's family has owned the property since 2004 and they have been at odds with Mr. Giarusso since then. Mr. Calabro informed the Board that in June of 2015 Mr. Giarusso had a permit to demolish "the house" and backfill. However, Mr. Giarusso went beyond what the permit allowed when he "ripped out" 50 truckloads of fill and removed buffering trees between the two properties. Mr. Calabro submitted a series of photographs illustrating pre and post work conditions on the property.

Mr. Calabro stated that there is now a 16 foot drop from the edge of his property, the contractor also cut into the embankment 6 feet into Mr. Calabro's property. Mr. Calabro expressed his exasperation that the proposed retaining walls and fencing are seriously insufficient.

Mr. Calabro is also against the use of the parking area as a daytime paid parking lot. He stated that someone is hit by a car every 103 minutes in Maine. He noted that Route 1 at that location is a three lane road. Pedestrians parking at the Applicant's lot and going to the beach will have to cross three lanes of traffic. People will be filling up that parking lot in the morning when traffic is high and will be trying to leave the parking lot at 4:00 p.m. when people are checking into hotel rooms.

Mr. Calabro complained about the location of the proposed propane tank as well as the installation and height of the proposed lighting. He also noted that there is no proposed handicapped parking indicated on the plan.

Mrs. Calabro informed the Board that for six days the contractor chipped away the ledge which compromised the integrity of their driveway and created a dangerous drop along the perimeter of their property/driveway. This required the Calabros to install a chain link fence and orange cones. She asked how the removed bedrock/ledge can be replaced. What can be done to return her property to what it was before the embankment was removed. She also expressed fear of erosion and what that will do to what remains of their property.

Mr. and Mrs. Calabro asked the Board to deny the application and require the applicant to rectify the damage to their property. They also asked for a more detailed traffic analysis to prove that the traffic increase will be minimal with the proposed daytime paid parking lot.

Mr. Calabro asked for the proposed retaining wall to be heightened and to extend for a 15 foot buffer zone, and to have the shrubs replaced. He noted that the purpose of the fence is only to prevent someone from falling over the embankment.

Mr. Wilkos asked if there was anyone else who wished to be heard. There being no one the Public Hearing was closed at 6:18 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Mr. Wilkos called the roll with the following results:

Members Present: Steve Wilkos (Chair)
Muriel Freedman (Vice Chair)
Jackie Bevins
Don Simpson
Rusty Hayes
Rick Dolliver (1st Alternate)

Members Excused: Brian Aromando (2nd Alternate)

Also present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, SMPDC

B. PLEDGE OF ALLEGIANCE –

C. MISSION STATEMENT –

D. MINUTES – September 14, 2015 Workshop

Ms. Freedman Moved to Approve the Minutes for the September 14 2015 Workshop as Submitted.

FREEDMAN/HAYES 3:0 (Voting members: Mr. Wilkos, Ms. Freedman, Mr. Hayes, and Mr. Dolliver. Members excused from the September 14, 2015 Workshop: Mr. Simpson, Ms. Bevins, and Mr. Aromando)

September 14, 2015 Regular Business Meeting.

Ms. Bevins Moved to Approve the Minutes for the September 14, 2015 Meeting as Amended.

BEVINS/HAYES 5:0 UNANIMOUS (Voting members: Mr. Wilkos, Ms. Freedman, Ms. Bevins, Mr. Hayes, and Mr. Dolliver. Members excused from the September 14, 2015 Meeting were: Mr. Simpson)

E. PUBLIC INPUT – For any matter NOT already on this Agenda.

Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

- 1. DAVID GIARUSSO – 661 Main Street (Map 13 Block 50) General Business District 2 (GBD2). Site Plan Review Application for Change of Use from commercial retail to paid parking lot and accessory parking for abutting restaurant (Angelina's).**

Mr. Wilkos reminded everyone that a Public Hearing had been held earlier and there were some concerns expressed by abutters.

Geoff Aleva responded to the abutters' statements. He noted that Mr. Giarusso purchased the property in July of this year and the first thing he did was to remove the existing structure on the parcel. Mr. Aleva confirmed that the parcel to the north is a condominium form of ownership, owned by Mr. and Mrs. Calabro and Mr. Giarusso. The driveway extending from Route 1 up the property line is part of a 30 foot wide common area shared by both uses. The property is not single owner designated. It is not owned by one individual or the other, it is a common area that has certain rights for both properties.

Mr. Aleva confirmed that there will be no connecting use between Pizza Napoli and Angelina's after 4:30 p.m. He confirmed that Mr. Giarusso went through the proper permitting process to demolish the building and stabilize the site. He also noted that the proposed fencing is for a 6 foot tall solid fence along the edge to provide screening and a safety barrier, and it will be located on the common area adjacent to the proposed parking area.

Mr. Wilkos reviewed the Code Enforcement Officer's Memo to the Board dated September 18, 2015 (*a copy of which will be maintained in the Applicant's Planning Board file*).

Mr. Wilkos referred to the Applicant's site plan, he noted that the memo asked the applicant to number the parking spaces which was not done. The CEO's Memo also asked the applicant to indicate a handicapped parking space. This was also not done. Mr. Wilkos expressed his concern that the application hearing cannot proceed without these two requested items.

The Board unanimously agreed that the application hearing should not continue without the parking plan being amended to include: 1) individually numbered parking spaces and 2) clearly indicated handicapped parking spaces.

Mr. Simpson Moved to table the application pending submission of a revised parking plan which is to include 1) individually numbered parking spaces and 2) clearly indicated handicapped parking spaces.

SIMPSON /

Mr. Wilkos called for a second to the motion. There was none and the motion failed for lack of a second.

Ms. Freedman asked for confirmation that there will be a parking attendant directing parking during the day and informing patrons that they must remove their vehicle by 4:00 p.m. She asked what will happen to ensure that this occurs.

Mr. Aleva responded that daytime parking patrons will be given a parking ticket and informed that they must remove their vehicle by 4:00 p.m. or they will be towed at their own expense. He added that there is a 30 minute buffer. Patrons will be told to be out by 4:00 p.m. however the

restaurant doesn't open until 4:30. If any cars require towing, staff will contact a towing company to take care of things.

Mr. Aleva informed the Board that he only just received the Code Enforcement Officer's memo.

Mr. Bevins expressed her belief that a traffic study is required.

Mr. Aleva responded that there is a traffic memo in the Board members' packets. This memo indicates a reduction in traffic during peak traffic hours and that there will only be a slight increase based upon the number of parking spaces and how many of them will be full.

Mr. Wilkos asked Ms. Bevins if she is asking for a traffic study which goes beyond what the applicant has already submitted.

Ms. Bevins responded that she is.

Mr. Wilkos asked what that traffic study would entail.

Mr. Feldman responded that turning movement departing the parking lot will be important, which way are vehicles turning when they leave the parking lot? Left or right onto Route 1? He noted that left turns into the parking lot are the predominant turns because they turn into oncoming traffic.

Mr. Feldman also informed the Board that a full traffic analysis would include intersection analysis which doesn't really apply in this case. He again stressed that a left hand turning movement analysis is vital to determine the impact on Route 1 which will result from vehicles turning into, and out of, the parking lot at peak hours. He suggested the Board might request an analysis which theorizes that that parking lot will be full during the morning and evening peak hours and determine how many of those trips will be making left hand turns when entering and leaving the parking lot. This is something a traffic engineer can determine from established formulas.

Ms. Bevins reminded the Board that if the applicant had two more parking spaces he would have to provide the traffic analysis anyway. More than 30 parking spaces and the traffic analysis may not be waived.

Mr. Hayes agreed with Ms. Bevins.

Ms. Freedman and Mr. Simpson also agreed that a traffic study is needed.

Mr. Wilkos asked Mr. Heyland about the abutter's concern regarding the grading.

Mr. Heyland responded that there is a requirement that after a 25% grade slope an engineering plan be implemented to confirm the stability of the upland. He asked Mr. Aleva what the grade slope is for this project.

The Board agreed that Mr. Aleva needs to provide an analysis of the retaining wall by a professional engineer.

Mr. Wilkos asked about the abutter's concern that the Applicant did not have a permit to do some of the work.

Mr. Heyland responded that there was a valid permit to demolish the building and grade the site. The contractor may have exceeded the permitted amount of removal however they stopped when he (Mr. Heyland) told them to.

Mr. Wilkos asked if there were any other concerns.

Mr. Heyland confirmed that there were no violation orders issued to the Applicant.

Mr. Hayes asked about the buffering between the residential and commercial property uses.

Mr. Aleva responded that they are proposing a solid panel fence which would provide a visual barrier for the abutters on the top of the hill. He also confirmed that no excavation has occurred off the Applicant's property, and the proposed parking spaces along the north section of the property abut the commercial portion of Kettle Knoll Condominium property.

Mr. Wilkos asked if Mr. Aleva would reach out to the abutter to discuss what type of buffering he would like to see.

Mr. Aleva agreed to do so, and reminded the Board that Mr. Giarusso is also a condominium unit owner at Kettle Knoll.

Mr. Wilkos asked for the specifications of the lighting.

Mr. Aleva agreed to provide that information.

Mr. Wilkos pointed out that the notation on the plans indicates hours of operation for the paid parking as 10:00 a.m. to 2:00 p.m.

Mr. Aleva agreed to amend this notation to confirm that the hours of operation for the paid parking lot will be 9:00 a.m. to 4:00 p.m. He will also indicate when an attendant will be on site.

Mr. Aleva agreed to amend the site plan to include individually numbered parking spaces as well as handicapped parking spaces. He will also provide an existing conditions plan indicating the number and location of parking spaces.

Mr. Heyland reminded the Board that the subject parking lot currently supplies additional parking for Angelina's Restaurant. If ownership of the restaurant should change there could be a situation where Angelina's may be left with insufficient parking. He (Mr. Heyland) would like to see a documented plan for long term lease of the required parking spaces.

Mr. Aleva responded that he believes that there is already a deed restriction in place, however he will confirm this. The alternative would be a notation on the final plan.

Mr. Simpson Moved to Table the Application pending submittal of: detailed parking information as requested in the Code Enforcement Officer's September 18, 2015 memo to the Board, a more detailed traffic study, analysis of the retaining wall by a professional engineer, clarification on proposed lighting, clarification on buffering between subject parking lot and abutting residential property, breakdown of the total number of parking spaces existing and proposed, and confirmation that the deed will provide for sufficient parking for Angelina's Restaurant should ownership change hands or alternatively a notation added to the final plan.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Wilkos informed the Applicant that the next Planning Board meeting will take place on Tuesday October 13, 2015 at 6:00 p.m. The day after Columbus Day.

G. NEW BUSINESS –

- 1. SHORE ROAD COMMONS – PHASE II / JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A –Residential District (RD). Subdivision Final Plan Application for Phase II (Units 5-7) of a seven unit condominium subdivision.**
Sketch Plan Accepted: March 9, 2015
Public Hearing: August 24, 2015
Site Visit: August 24, 2015
Preliminary Plan Approval Granted: August 28, 2015

Mr. Simpson informed the Board that he would recuse himself as he has done for the entirety of this application. Mr. Simpson vacated the auditorium.

Mr. Wilkos informed Mr. Dolliver that due to Mr. Simpson's recusal he (Mr. Dolliver) would be a voting member for the remainder of this application.

Rick Licht addressed the Board as the Applicant's representative. Mr. Licht noted the presence of the Applicant John Mixon, Attorney John Bannon, and Bill Bray.

Mr. Licht provided a brief overview of the Final Plan. He noted that some changes have been made as a result of input from Town Staff and Mr. Feldman. He also confirmed that all conditions imposed as part of the approval of the Preliminary Plan have been incorporated into the Final Plan.

Mr. Licht indicated that the drainage easement which follows the rear of the property encompasses sewer, water and drainage. He reminded the Board that they had required a 30 foot drainage, however at one section the Applicant will be requesting a waiver down to 20 feet due to the location of a structure.

Mr. Mixon informed the Board that he approached the Barn Gallery regarding the installation of a sidewalk from the entrance to the Barn Gallery parking area/Hartwig Lane to Shore Road. The

Barn Gallery was reluctant to lose the flower and granite statue garden. They would need to present the sidewalk idea to their board in October however the gallery representative expressed her opinion that they would leave things as they are and not install the sidewalk.

Mr. Licht reminded the Board that abutters to Units 5 and 6 requested additional buffering. The Applicant has agreed to add 8 arborvitaes and a stone wall to reduce the grading. He also offered to accept a condition of approval that additional vegetative buffering, or whatever type the Board would like, will be added to buffer behind Unit 6.

Mr. Licht informed the Board that the OHPC has signed off on the project with a notation requesting the Applicant leave as many trees as possible, which the applicant intends to do.

Regarding the stormwater management report, the plans indicate the three rain-gardens with under-drains and roof-drip line filters on each structure.

Mr. Licht confirmed that there have been no changes to the condominium documents and that a letter of credit has been submitted to the town. All land clearing and construction waste will be taken to appropriate disposal sites.

Mr. Licht requested traffic engineer Bill Bray be permitted to provided an overview of the partial traffic impact assessment and have his comments be on the record and taken into consideration during the Board's discussions for approval. He offered to hand out copies of the study.

Mr. Wilkos responded that the Board would not accept the traffic study during the meeting. The the Board needs time to review the traffic study which was only submitted earlier this day.

Mr. Wilkos expressed his concern that the applicant is asking to submit a substantial report without allowing the Board members adequate time to review it.

The Board members agreed that the traffic study should be submitted for review by the Board at the next Board meeting on October 13th.

Mr. Aleva asked if the Board would like to hear from Mr. Bray.

Mr. Wilkos asked the Board members if they would like to hear from Mr. Bray.

The Board agreed that it would like to hear from Mr. Bray at this meeting and again on October 13th.

Mr. Wilkos asked when the traffic study was done.

Mr. Bray from Traffic Solutions, responded that it was done for a weekday and a Saturday condition from 11:00 a.m. to 3:00 p.m. He went on to say that he conducted a full traffic impact study. It is 32 pages long including attachments and should cover all the concerns the Board may have.

Traffic counts were conducted at 3 intersections (Bourne Lane / Shore Road, Bourne Lane / Hartwig Lane, and the connector intersection) on Tuesday September 1st between 4:00 and 7:00 p.m. and again on Saturday September 12th between 11:00 and 3:00 p.m. He also counted each of the major driveways off of Hartwig Lane (Art Studio driveway, Shore Road Commons driveways, and the Playhouse Annex driveway).

From all of the above data he created a peak hour conditions for each day. He took that information and increased it by a factor of 1.18 which allowed him to convert an early September traffic count to a 30th highest hour which occurs in late July and early August. This count was increase by 2% to account for conditions in 2016 when the project is estimated to be complete. They also adjusted the final count to account for any additional projects which the Planning Board may not have yet approved or may not have been fully occupied or completed. In the end, the original counts were adjusted by a total of 24% to approximate a peak hour condition for the year 2016.

Separately he calculated a trip generation count for the three single family building lots using the 8th edition of the Institute of Transportation Engineers Trip Generation Manuel. Results indicate that for a weekday peak hour evening the three lots will generate three trips, two trips entering the site and one trip leaving, the same things happens on a Saturday, two trips entering and one trip leaving the site.

He then took the those trips for both peak hour conditions and assigned them back through the Bourne Lane/Shore Road and Bourne Lane/Hartwig Lane intersections and conducted capacity analysis for both intersections. The results for both cases the pre-development and post-development conditions will operate at the highest, very best, level of service which is Service A.

In addition he contacted the Maine DOT and obtained their most recent three year (2012 – 2014) traffic crash report information for the full length of Bourne Lane. There have been a total of 3 crashes on Bourne Lane during that three year timeframe. Maine DOT considers any intersection or road section a high crash location if it meets both of the following conditions:

1. Minimum of 8 crashes in 3 years;
and
2. The critical rate factor exceeds 1.0. In this case the Critical Rate Factor was 0.93.

Mr. Bray also measured vehicle sight distance for the two driveways off of Hartwig Lane. Surmising a speed limit of 25 mph. DOT standards require a minimum of 200 feet of sight distance in either direction. Current conditions meet this standard however Mr. Bray recommended someone revisit the site mid construction and confirm that trees have been removed or limbed to maintain this 200 foot line of sight for both driveways.

Lastly, Mr. Bray recommended that a stop sign and a 12 inch stop-bar be painted on the Hartwig Lane approach at Bourne Lane to help with traffic control for that approach.

Mr. Wilkos reviewed Mr. Feldman's Memo to the Board dated September 16, 2015 (*a copy of which will be maintained in the Applicant's Planning Board file*).

Mr. Wilkos asked Mr. Licht if the plan has changed since the first Public Hearing.

Mr. Licht agreed that some details have been added or altered however the overall concept has not changed. The only new information will come from the traffic study packet.

Mr. Wilkos polled the Board members asking if they felt another public hearing would be beneficial. Mr. Wilkos expressed his opinion that it would.

Ms. Bevins agreed with Mr. Wilkos that the Board should hold a 2nd Public Hearing.

Mr. Dolliver expressed his belief that a 2nd public hearing would serve no purpose. He noted that the list of requirements Mr. Feldman outlined in his memo have all been met by the Applicant with the exception of the traffic study which the Board just received.

Ms. Freedman agreed with Mr. Dolliver that a 2nd public hearing is not necessary. It is her belief that the traffic study will be review by the Board members and another public hearing will not help.

Mr. Wilkos summarized that the Board agreed three (Mr. Wilkos, Mr. Hayes, and Ms. Bevins) to two (Ms. Freedman and Mr. Dolliver) to hold a 2nd public hearing.

**Mr. Hayes Moved to hold a Public Hearing for this Application.
HAYES/BEVINS 3:2 (Ms. Freedman and Mr. Dolliver Dissenting)**

**Mr. Hayes Moved to Table the Application for SHORE ROAD COMMONS – PHASE II / JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A –Residential District (RD).
Subdivision Final Plan Application for Phase II (Units 5-7) of a seven unit condominium subdivision.
HAYES/BEVINS 5:0 UNANIMOUS**

Mr. Wilkos noted that the 2nd Public Hearing for this application would take place on Tuesday October 13, 2015 at 6:00 p.m.

At this time Mr. Simpson rejoined the Board and Mr. Dolliver resumed 1st Alternate status.

- 2. AMI-O, LLC / ANCHORAGE BY THE SEA – 134 Shore Road, Building #2 – Map 6 Block 125-A – Limited Business District (LBD). Site Plan Review Application for a post December 31, 1930 structure. Application to demolish a four unit hotel building and replace it with a new swimming pool, gazebo pavilion, and ADA Compliant restroom.**

Michael Ramsey addressed the Board. Mr. Ramsey summarized the proposed project of demolishing the existing four unit motel building and the construction of a new swimming pool, ADA restroom and pool gazebo pavilion. The objective is to lessen the congestion at the swimming pool area on the ocean side of Shore Road by providing a separate pool for guests staying in the Towers on the west of Shore Road.

Mr. Wilkos reviewed Code Enforcement Officer Scott Heyland's Memo to the Board dated September 21, 2015 (*a copy of which will be maintained in the Applicant's Planning Board file*).

Mr. Wilkos reviewed the Chief of Police's Memo to the Board (*a copy of which will be maintained in the Applicant's file*).

Mr. Wilkos reviewed the Fire Chief's Memo to the Board (*a copy of which will be maintained in the Applicant's file*). It was noted that all of the Fire Chief's initial concerns have been resolved to his satisfaction.

Mr. Wilkos reviewed the Public Works Supervisor's memo to the Board (*a copy of which will be maintained in the Applicant's file*). Mr. Shepard had no comments or concerns.

At this time the Board reviewed the Applicant's request for Site Plan Submission Waiver requests with the following results:

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.G - Existing & proposed: utilities, sewers, water mains, culverts, and stormwater Management on-site or adjacent.

Reason: the site is Already connected to utilities & sewer.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.H - Existing & proposed: Two-foot Contours.

Reason: No change in elevations.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3. I. - Location of all wetlands, rivers, streams, brooks and other water bodies, natural features, on-site or adjacent.

Reason: No rivers, wetlands or streams on already developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.J. - High intensity soil survey.

Reason: Developed site with water & sewer.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.M. - A copy of any proposed deed restrictions intended to cover all or part of subject property.

Reason: No proposed deed restrictions required.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.N.i - Sewer Service Area-A letter from the sewer district stating the district has the capacity to collect and treat the waste water, review and approval of sewerage system design.

Reason: Public sewer already on developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was no one.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.N.ii - Outside sewer Service Area-Septic System Design by LSE or PE.

Reason: Public sewer already on site. No design required.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board, there was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6 3.O.i - Water Service Area-A written statement from the servicing water district indication review and approval of water system design.

Reason: Private & public water source available on developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.O.iii - Outside Water Service Area-Evidence of adequate supply from well driller or hydro geologist.

Reason: Public water already on site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/BEVINS 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.P - Location, names and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent.

Reason: Already developed site with no easements.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.Q - Width and location of any streets, public improvements or open space shown upon the official map and in the comprehensive plan, if any, within the site.

Reason: Already developed site with no public streets within the developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.R - Location of any open space to be preserved and a description of proposed ownership, improvement and management.

Reason: Already developed site with no required open space.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.S - Hydrogeological assessment prepared by a Certified Geologist or Registered Professional Engineer-outside of public water & sewer areas.

Reason: No assessment required. Already developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.T - An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

Reason: Reduction of rooms will lessen vehicular traffic on developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.O - A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering (for projects requiring 10 or more parking spaces, or projected 50+ trips per day).

Reason: Reduction in parking requirements will lessen traffic impact.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.V - Areas within or adjacent to the proposed site which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan.

Reason: No areas defined with high or moderate value wildlife on already developed or adjacent site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.W - Historic Areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places, Ogunquit Historic Register, or have been identified in the comprehensive plan.

**Reason: No historic areas identified on already developed or adjacent site.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.**

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5/0 UNANIMOUS

**Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.Y
- Stormwater Management Plan.**

**Reason: No impact change on already developed site.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.**

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

**Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.C.3.Z
- Erosion & Sedimentation Control Plan.**

**Reason: Already developed site with no change in contours or elevations.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.**

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

**Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article
6.6.C.3.AA - Location of any streets, public improvements or open space shown in
the comprehensive plan or capital improvements plan, within the site.**

**Reason: No streets or public improvements on already developed site.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.**

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

**Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article
6.6.C.3.BB - Parcels of land proposed to be dedicated to public use and the
conditions of such dedication.**

**Reason: No parcels of land proposed or required to already developed site.
Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.**

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6C.3.CC - Location/Method of Land Clearing & Construction Debris disposal.

Reason: Construction to be disposed by commercial contractor.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Simpson Moved to Grant a Waiver Request under Section 6.6.4 for Article 6.6.3.DD - Cost Estimates for Setting Performance Guarantees, pursuant to Sec. 4.8

Reason: No cost estimates required for private, developed site.

Thus strict compliance with the required application submission would be excessive in light of the nature of the proposed structure or activity, provided that such a waiver will not effect or nullify the intent and purpose of the Zoning Ordinance.

Mr. Wilkos called for discussion from the Board. There was none.

SIMPSON/HAYES 5:0 UNANIMOUS

Ms. Bevins Moved to find the Application for AMI-O, LLC / ANCHORAGE BY THE SEA – 134 Shore Road, Building #2– Map 6 Block 125-A – Limited Business District (LBD).

Complete and to schedule a Public Hearing for Tuesday October 13, 2015 at 6:00 p.m.

BEVINS/SIMPSON 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

I. OTHER BUSINESS –

J. ADJOURNMENT -

Respectfully Submitted

Maryann Stacy
Recording Secretary

Approved on October 13, 2015