



MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-9326 Land Use
(207) 646-9546 Town Clerk
E-mail: townofogt@maine.rr.com

OGUNQUIT PLANNING BOARD MINUTES MONDAY NOVEMBER 23, 2015

PUBLIC HEARING

**LAFAYETTE OGUNQUIT LLC/NORSEMAN HOTEL – 115 Beach Street – Map 7B
Block 86 Shoreland General Development 1 (SG1). Site Plan and Design Review for a post
1931 structure. Application to reconstruct building destroyed by fire.**

Geoff Aleva addressed the Board as the Applicant's representative. Mr. Aleva summarized that this project involves the reconstruction of a building destroyed by fire. The new building will be a raised structure with one handicapped parking space underneath. It will contain eight total hotel units (four units on each floor). There will be a rooftop deck accessible via stairs and an elevator which runs from the ground level to the roof deck.

There will be handicapped guest rooms which will meet ADA Requirements.

Mr. Aleva noted that the plans have been amended regarding the parking under the structure. The original plans called for more parking spaces under the building, however after meeting with the Code Enforcement Officer and reviewing the requirement of the fifty foot buffer from the highest annual tide line, they have reduced the number of parking to one handicapped space for mobility impaired access to the building/elevator.

He also reexamined the 30% maximum volume and floor area expansion limits. Calculations for pre and post floor areas, building volumes, and building footprint dimensions all meet the 30% maximum expansion.

Regarding the Design Review, Mr. Aleva noted that he had submitted elevations for all four sides of the proposed structure. He noted that the molding details have been adjusted to soften the appearance; and the window grills and shapes of the false dormer windows have been designed to be appropriate for the structure and the neighborhood.

Mr. Wilkos asked if there was anyone who wished to speak for, or against, this application.

David Barton addressed the Board.

Mr. Wilkos asked if Mr. Barton was speaking as a resident or as a member of the Select Board.

Mr. Barton responded that he is speaking on his own as a resident. Mr. Barton expressed concern that the mansard roof architectural style is not followed in the rest of the structure. He stated that the decks and privacy panels are inappropriate. He also expressed displeasure with vinyl panels.

Mr. Barton noted that the Sanborn Fire Map for 1927 indicated a one story structure on this site. He asked if the 30% expansion is calculated from the one story structure of 1930's or from the structure as it existed when it recently burned. He also expressed confusion regarding the under building space not being considered a "floor". He was also confused about the use of a "driveway" and the under-area being called a "basement".

Mr. Barton stated that if the space under the building is used for storage it becomes a commercial use and thus a "floor".

Mr. Barton stated that ADA approved guest rooms will have decks, and he doesn't see the need to get the handicapped person up to another deck. He also asked what will "go on" up on the roof deck? He asked if there will be a bar, or events held there, will there be umbrellas, or music?

Mr. Barton asked for changes to the building that would better reflect the character of the beach. He does not believe this includes a mansard roof, or a roof deck. He also does not like the vinyl balusters on the room decks.

Kirsten Ross addressed the Board. Ms. Ross expressed concern regarding the use of a hydraulic elevator in the Shoreland Zone. She asked if the applicants would consider a traction elevator instead. She asked what part of the plan changes if the DEP requires the structure remain 35' or lower and not extend beyond the 35' limit required by the Coastal Sand Dunes.

Mr. Wilkos asked if there was anyone else who wished to be heard. There was no one and the Public Hearing was closed at 6:21 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Muriel Freedman (Vice Chair)
Jackie Bevins
Rusty Hayes
Rick Dolliver (1st Alternate)
Brian Aromando (2nd Alternate)

Members Excused: Don Simpson

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, Town Planner

Mr. Wilkos noted that in Mr. Simpson's absence Mr. Dolliver would be a full voting member for the duration of this meeting.

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT – The Mission Statement was read by Ms. Freedman.

D. MINUTES - November 9, 2015.

Mr. Hayes Moved to Accept the Minutes of the November 9, 2015 meeting as Amended. HAYES/BEVINS 5:0 (Mr. Aromando voted in place of Mr. Dolliver who was not in attendance at the November 9, 2015 meeting).

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. FINDINGS OF FACT FOR:

- a) **DAVID GIARUSSO – 661 Main Street (Map 13 Block 50) General Business District 2 (GBD2). Site Plan Review Application for accessory parking for abutting restaurant (Angelina's).**

Mr. Wilkos noted that the Board approved the accessory parking for Angelina's Restaurant however the Applicant withdrew his request for change of use from commercial retail to paid parking lot.

Mr. Dolliver Moved to Accept the Findings of Fact for DAVID GIARUSSO – 661 Main Street (Map 13 Block 50) General Business District 2 (GBD2). Site Plan Review Application for accessory parking for restaurant (Angelina's), as Amended from originally submitted application.

DOLLIVER/BEVINS 5:0 UNANIMOUS

- b) **BLUE WATER INN / LEONA M. LAPIERRE – 111 Beach Street – Map 7 Block 85 –Shoreland General 1 (SG1). Site Plan and Design Review Application to replace a pre-1931 inn/restaurant structure destroyed by fire on April 28, 2015. Replacement will consist of a restaurant, with no rental units or living space.**

Ms. Freedman Moved to Accept the Findings of Fact for BLUE WATER INN / LEONA M. LAPIERRE – 111 Beach Street – Map 7 Block 85 –Shoreland General 1 (SG1). Site Plan and Design Review Application to replace a pre-1931 inn/restaurant structure destroyed by fire on April 28, 2015. Replacement will consist of a restaurant, with no rental units or living space, as Submitted.

FREEDMAN/BEVINS 5:0 UNANIMOUS

1. LAFAYETTE OGUNQUIT LLC/NORSEMAN HOTEL – 115 Beach Street – Map 7B Block 86 Shoreland General Development 1 (SG1). Site Plan and Design Review for a post 1931 structure. Application to reconstruct building destroyed by fire.

Mr. Aleva responded to comments made during the Public Hearing. He noted that the allowable 30% expansion rule approved by the State, is determined from the time the building was purchased in 1989. In 1989 the structure was the same as what it was pre fire. He stated that the proposed plan is within the guidelines as set by the State and the Town of Ogunquit.

Regarding the roof deck. Mr. Aleva stated that the deck is for the use of the guests of that building. There will be key cards to gain access to the deck area. This will prevent non guests from gaining access to the deck. The deck is recessed into the roof system for two reasons: privacy and safety for the people on the deck. There will be no umbrellas or shading of any type. He stressed that the deck is for the use of the eight units in that building only.

Mr. Aleva pointed out that the buildings of the Neptune and the Norseman are very different. They have different rooflines. The only consistent thing between those two buildings is the open decks, similar to that proposed for the new building.

Mr. Aleva reminded the Board that the Code Enforcement Officer has confirmed that the space under the raised building is not considered to be a “floor”. This will be a raised two story building.

Regarding the comments made about the elevator. Mr. Aleva stated that the applicants are very serious about the protection of the environment. He stated that the hydraulic oil is stored in its own steel case which is encased in its own building with redundant protection. He noted that the structure would be waterproofed to prevent water from getting into the system and from oil getting out into the environment. They will use industry standard for the hydraulic elevator, however he will explore the notion of the traction elevator.

Mr. Aleva informed the Board that he is in discussion with the DEP regarding the height of the elevator shaft, and whether or not it will be treated according to the Town’s regulations which do not consider it to be a habitable space. Town regulations treat elevator shafts similar to chimneys which can extend beyond the building height. He noted that they do still need to get the Sand Dune Permit and the Fire Marshal Permit.

Mr. Aromando pointed out that the Maine DEP is the controlling entity regarding the 35’ height limit; and he asked if the applicant is considering requesting waivers.

Mr. Aleva responded that they might request a waiver through the Sand Dune Process.

Mr. Aromando noted that part of the DEP considerations is whether or not the height effects direct sunlight for nature or recreation. He asked if DEP will make those determinations prior to issuing the permit.

Mr. Aleva confirmed this to be the case.

Mr. Wilkos asked how high the elevator shaft will be.

Mr. Aleva responded; from ground level to the top of the shaft is about 44', and from the underside of the flat roof to the ground is 34'5". The elevator extends 9'4" above that.

Mr. Wilkos asked how tall the new Blue Water Inn structure will be.

Mr. Heyland responded that it will be about 28' or 29'.

Mr. Wilkos asked for the height of the Neptune.

Mr. Aleva responded that it is about 30', and the Norseman has a roof to ground height of about 34'. He believes the proposed new building is in keeping with the height and scale of the existing structures.

Ms. Bevins asked if there is a window on the elevator shaft.

Mr. Aleva responded that it is a false window. It is purely decorative.

Ms. Bevins noted that someone suggested a clock instead of the false window.

Ms. Freedman asked about the elevator door opening and closing on the roof deck. She would be less concerned if it opened from the back.

Mr. Aleva responded that the doors will be painted to match the building so they will blend in. He also stated that the elevator doors may not be visible from the ground.

Mr. Freedman asked about the use of the roof deck.

Mr. Aleva responded that it will be for the use of the guests staying in that building only. There will be deck chairs and a hot tub but there will not be a bar. He confirmed that guests will have a key card to access the deck.

Ms. Freedman asked about the Ogunquit Historic Preservation Commission's (OHPC) input. She also noted that there will be almost 20' difference between the new Blue Water Inn and the new Norseman.

Mr. Wilkos suggested the Board be given elevation sketches comparing the scale of the Norseman, the new Blue Water Inn, and the Neptune.

Mr. Aromando asked if a bar for the hotel's patrons could be put on the deck.

Mr. Heyland responded that it could, however the applicant would need to come back before the Board. He also noted that the Board could regulate this, and things like umbrellas, in the conditions of approval.

Mr. Aromando asked for views of the elevator from places like the Dunelawn, the top of Beach Street, and the Main Beach Parking Lot.

Mr. Aromando asked Mr. Aleva to go over the elevator safety precautions again.

Mr. Aleva stated that the elevator hydraulics are housed in a stainless steel box which is tested and pressure rated. The elevator will be serviced frequently to check for safety. The hydraulic steel box will be housed in its own building with a concrete foundation with water sealant. This will prevent water from getting in or any leaks from getting out.

Ms. Bevins agreed that the roof deck and elevator will make things easier and nicer for someone in a wheelchair. She has no objection to either.

Mr. Wilkos asked Mr. Feldman if the Board should consider the memo from the Historic Preservation Commission. He noted that this is not a pre 1931 structure.

Mr. Feldman responded that the OHPC can provide comments to the Board on any project. The Board has the jurisdiction to review projects in the District that are post 1930 without OHPC input. Section 11.7.c of the Zoning Ordinance outlines what the Board needs to consider regarding Design Review, some of which are roof shapes, and architectural, historic, or neighborhood significance.

Mr. Wilkos read a memo to the Board from the OHPC dated October 30, 2015 (*a copy of which will be maintained in the Applicant's file*).

Mr. Wilkos expressed his opinion that the Board should require the applicant to meet with the OHPC, he asked the other Board members for their opinions.

Ms. Freedman agreed with Mr. Wilkos.

Mr. Aromando stated that he would be pleased if the applicant chose to meet with the OHPC however he is uncomfortable about forcing them too.

Mr. Hayes agreed with Mr. Aromando, he would not want to mandate the meeting.

Ms. Bevins also agreed with Mr. Aromando and Mr. Hayes.

Mr. Dolliver agreed with Mr. Aromando that it would be nice if the applicant volunteered to meet with the OHPC however this is not a pre 1931 structure and he would not want to require such a meeting.

Mr. Wilkos stated that the Board does not seem to want to require the applicant meet with the OHPC. He called for a motion. There was no motion.

Mr. Wilkos asked about the neighborhood significance. He noted that there will be a significant difference in the height between the Norseman and the Blue Water buildings.

Mr. Aleva stressed that the new building meets the height requirements, and, per the Zoning Ordinance, the elevator shaft is not included in that height. He also noted that the building which burned was on Town property, the new building will be moved back onto the Applicant's property.

Mr. Aromando responded that the Board is considering the height of the building and the elevator shaft as part of the Design Review.

Mr. Aleva agreed to submit an elevation perspective between the Norseman and the Blue Water Inn and the Neptune.

Mr. Wilkos agreed and informed the Applicant that the Board would wait for that and would not determine the Design Review at this meeting.

Mr. Aleva asked if the Board had any comments regarding his November 16, 2015 submissions.

Mr. Wilkos confirmed that the Board had received it.

Mr. Aromando asked if Mr. Aleva could prepare a plan illustrating the view of the elevator shaft from locations further out than the bathhouse.

Mr. Hayes asked for a 3 dimensional illustration of where the elevator shaft sits in the building. He noted that the houses on the other side of the river are mostly on a higher elevation and may be looking down onto the deck. He noted that his suggestion regarding the clock was to make the shaft look like it belonged to the building.

Mr. Feldman made reference to Article 9.15,f.1 and g.1 and he pointed out that the Board needs to make a finding about the setback locations for the driveway and parking areas in relation to Shoreland Standards. This is part of the Site Plan Review.

Mr. Wilkos asked Mr. Aleva to return, for further Design Review discussion, with:

3D rendering of the elevator shaft's location on the building;

Sight line elevations for the elevator shaft;

Scale elevations of the Norseman in relation to the Blue Water Inn and the Neptune.

Mr. Wilkos noted that the Board would move on to Site Plan Review, and he asked Mr. Feldman to review the Shoreland Standards.

Mr. Feldman referred the Board to Shoreland Zoning Section 9.15 letters f and g which deal with setback requirements. He stated that the current parking plan, with the single handicap parking

space under the building meets the 50' setback requirement. However the entrance way that provides access to the under building space is within the 75 foot setback. The Board will need to discuss whether or not there are any other reasonable alternatives to that location. It is not a waiver, it is a finding that the Board would need to make as part of the approval. It would reduce the setback to 50' which is what the applicant has designed.

Mr. Aleva stated that unless the Board grants otherwise, the plan has to meet certain setbacks for parking and driveway access. The Ordinance requires a 50' distance from the highest annual tide to the first parking space, which they meet. The other requirement is the driveway to that parking space must be 75' from the highest annual tide. They placed the entrance off of Ocean Blvd because it is easier for traffic to get in and out there then from an access that enters off of Beach Street and cuts across the sidewalk.

They want, and are required, to have the handicapped parking space as close to the building as possible, and they want the access to that handicapped parking space to be entered from a less congested safer location. They do not see any reasonable alternative then Ocean Blvd.

They are presenting the plan to the Board with a 50' setback from the highest annual tide.

Mr. Wilkos asked Mr. Feldman if there is any negative impact to this plan.

Mr. Feldman responded that he doesn't see anywhere else on the property with a more appropriate entrance for the handicapped parking space. He recommended the Board discuss it and make it a part of the Finding of Fact for approval.

Mr. Wilkos reviewed Section 9.15.G.1 of the Zoning Ordinance which states that:

Roads and driveways shall be set back 75 feet, horizontal distance, from the normal high water line of rivers, streams, water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road or driveway setback requirements to no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and the effective use of additional ditch relief culverts and turnouts placed so as avoid sedimentation of the water body, tributary stream, or wetland.

Mr. Wilkos asked Mr. Heyland if he sees any other reasonable alternative.

Mr. Heyland responded that he does not.

Mr. Aromando asked Mr. Feldman why the setback is set at 75'.

Mr. Feldman responded that this is a DEP requirement and he has no idea why they set it at 75'.

Mr. Heyland added that the consideration isn't the Flood Zone as much as it is the Shoreland and to protect the Shoreland area from oil and gasoline leaks from automobiles.

Mr. Wilkos stated that the Board may reduce the setback for the driveway from 75' to 50' if they do not see any other reasonable alternative. He asked how the Board members feel about that .

Ms. Freedman agreed to reduce it to 50'.

Mr. Hayes agreed.

Ms. Bevins agreed.

Mr. Wilkos Moved that Under Section 9.15.G.1 of the Zoning Ordinance, that the road and driveway setback for this project shall be no less than fifty feet (50').

WILKOS/BEVINS 5:0 UNANIMOUS

At this time the Board reviewed the Site Plan Application as outlined in Section 6.7 of the Ogunquit Zoning Ordinance:

Does this application involve a pre-1931 structure?

No

Has the application been reviewed by the OHPC?

No

Has the Application been submitted for review by all Applicable Town Department Heads?

Yes

The Planning Board shall review the specifics of the proposed application for compliance with Article 6.5 of the Ogunquit Zoning Ordinance as follows: The Board shall approve the above noted application if the Applicant can prove that the proposed use or structure:

1. Will allow the orderly and reasonable use of adjacent properties.

The Board agreed that it will.

2. Will not adversely effect the safety, the health, and the welfare of the Town.

The Board agreed that it will not.

3. Will not create an undue increase of vehicular traffic congestion on public streets or highways.

The Board agreed that it will not.

4. Includes adequate and proper public or private facilities for the storage, treatment, handling, use of, removal, or discharge of sewage, refuse, hazardous material or other

effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

The Board agreed that it does.

5. Materials incidental thereto or produced thereby will not give off noxious gases, odors, smoke or soot.

The Board agreed that they will not.

6. Will not cause disturbing emission of electrical discharges, dust, light, vibration, or noise.

The Board agreed that it will not.

7. The operations in pursuance of the use will not cause undue interference with the orderly enjoyment by the public of parking or recreation facilities, existing, or proposed by the Town or by other competent governmental agencies.

The Board agreed that it will not.

8. Contains adequate, off-street parking in compliance with this Ordinance.

The Board agreed that it does.

9. Does not create a hazard to life, limb or property because of fire, flood, erosion created by reason of use, or by the structures to be used therefore, or by the inaccessibility of the property or structures thereon for convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

Mr. Wilkos asked Mr. Heyland if there were any restrictions by the Fire Chief.

Mr. Heyland responded that there were not.

The Board agreed that it does not.

10. Will be sensitive to adjacent historic properties in compliance with Article 11.

Mr. Wilkos noted that the Board was polled and it was determined that there was no historical significance.

The Board agreed that it will.

11. Has a plot area which is sufficient, appropriate, and adequate for the proposed use and the reasonably anticipated operation thereof.

The Board agreed that it has.

12. Will be adequately screened and buffered from contiguous properties.

The Board agreed that it will.

13. Will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations.

The Board agreed that it will.

14. Will provide for adequate pedestrian circulation.

The Board agreed that it will.

15. Anticipates and mitigates potential nuisance created by its location;

The Board agreed that it will.

16. Complies in a satisfactory manner with all applicable performance standards criteria contained in this Ordinance.

The Board agreed that it does.

Mr. Wilkos noted that the Board has reviewed the Approval Checklist. He asked Mr. Feldman what the next step in the process should be.

Mr. Feldman responded that the Board might approve the Site Plan aspect of the application, or it may table the Site Plan approval until it has completed the Design Review and approve both at the same time.

The Board members agreed to table the Site Plan Review until the next meeting.

**Mr. Wilkos Moved to Table LAFAYETTE OGUNQUIT LLC/NORSEMAN HOTEL – 115 Beach Street – Map 7B Block 86 Shoreland General Development 1 (SG1). Site Plan and Design Review for a post 1931 structure. Application to reconstruct building destroyed by fire to the December 14, 2015 Meeting.
WILKOS/FREEDMAN 5:0 UNANIMOUS**

2. **CHERRY LANE PROPERTIES, LLC – 67 Cherry Lane – Map 4 Block 84 – One Family Residential District (OFR). Subdivision Preliminary Application for three lot subdivision including an existing pre 1931 structure.**

Mr. Wilkos noted that the action at this meeting is to determine application completeness and if so to schedule a Public Hearing.

Attorney Durward Parkinson addressed the Board as the Applicants' representative. He noted that they are asking the Board to: 1) find the Preliminary Plan Application complete, 2) act on the requested waivers, and 3) schedule a Public Hearing for December 14, 2015.

Mr. Wilkos noted that the Board received 69 letters from the public opposing the application.

Ms. Freedman noted that the Applicants have requested the Preliminary Plan and Final Plan Applications be combined.

Mr. Wilkos responded that, at the last meeting, the Board decided against combining the two. The Board will only be reviewing the Preliminary Plan at this meeting.

At this time the Board reviewed and acted upon the Preliminary Plan Submission Waiver Requests.

Waiver Request for item 6.6.3.R - Location of any open space to be preserved and description of proposed ownership, improvements, and management.

This waiver was granted at the October 13th Planning Board Meeting.

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

Ms. Freedman noted that this waiver request was already granted, thus it does not require any additional action by the Board.

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.9.2 - Test pit analysis prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits.

Reason: The subdivision will be connected to the public sewer system.

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

Mr. Wilkos asked if there was any discussion. There was none.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.11.3 - A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey regardless of size.

Reason: There are no wetlands on site and the subdivision will be connected to the public sewer system.

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

Mr. Wilkos asked if there was any discussion. There was none.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.11.13 - Parcels of land proposed to be dedicated to public use and the conditions of such dedication.

Reason: No land will be dedicated to public use.

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

Mr. Wilkos asked if there was any discussion. There was none.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.11.14 - Location of any open space to be preserved and a description of proposed ownership, improvements and management.

Reason: No open space is proposed.

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

Mr. Wilkos asked if there was any discussion. There was none.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.12 - Hydrogeologic assessment prepared by a Certified Geologist or Registered Profession Engineer.

Reason: The subdivision will be connected to the public water system.

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

Mr. Wilkos asked if there was any discussion. There was none.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Ms. Freedman Moved that Per Section 6.6.C.4 of the Ogunquit Zoning Ordinance the Board Grant a Waiver Request for Item 6.2.14 - A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering.

Reason: The subdivision only generates an additional 20 trips per day which in our opinion is not significant enough to warrant a traffic study.

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

Mr. Wilkos asked Mr. Heyland if he agreed that this project does not meet the requirements for a traffic study.

Mr. Heyland agreed.

FREEDMAN/BEVINS 5:0 UNANIMOUS

Mr. Hayes Moved to find the Preliminary Plan Application Complete for CHERRY LANE PROPERTIES, LLC – 67 Cherry Lane – Map 4 Block 84 – One Family Residential District (OFR). Subdivision Preliminary Application for three lot subdivision including an existing pre 1931 structure, and to schedule a Public Hearing to take place on December 14, 2015. HAYES/BEVINS 5:0 UNANIMOUS

Mr. Feldman noted that it is not a requirement of the submissions, however he suggested it may be important for the applicant to do a closer code compliance analysis relative to net residential density of the lots to ensure they meet minimum lot size requirements. He stated that there is a sewer easement and driveways which need to be deducted.

Mr. Wilkos asked if the applicant understands the request.

Isaiah Plant responded that the Zoning Ordinance refers to rights-of-way but does not refer to easements.

Mr. Feldman reiterated that it is not a requirement under submissions, however he recommends the applicant do the exercise to show that the numbers work. He is not saying there is a problem he is only asking for confirmation.

Mr. Heyland referred to the Zoning Ordinance definition of Lot Area:

Lot Area (for a lot or lots where a subdivision is created, as defined by this Ordinance)The area of land enclosed within the boundary lines of a lot, minus land not suitable for development, pursuant to the definition of “net residential area” in Article 2 of this Ordinance, and to section 9.8 of the Ogunquit Subdivision Regulations.

He then referred to the definition of Net Residential Area which contains a list of 8 land areas that are deducted from the total lot area within the boundary lines of a parcel:

As of the April 2, 2005 effective date of this provision, the net residential area of a lot or lots subject to subdivision review shall be calculated by taking the total area of the lot and subtracting, in order, the following areas not suitable for development:

- 1. Land within street rights-of-way, or below low, medium or high volume driveways.*
- 2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot.*
- 3. Portions of the lot shown to be in a 100-year floodplain as defined by the most recent Federal Emergency Management Agency Flood Insurance Rate Maps.*
- 4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:*
 - a. slopes greater than 33%.*
 - b. organic soils.*
 - c. wetland soils.*
 - d. coastal sand dunes.*

5. *Portions of the lot subject to any other rights of way, if the use of the land for development is restricted.*
6. *Portions of the lot located in the resource protection zone.*
7. *Portions of the lot covered by surface waters, or vernal pools.*
8. *Portions of the lot utilized for storm water management facilities.*

Mr. Heyland suggested the Board may need to see if any of these deductions are applicable; and if they need to be indicated on the plan.

Attorney Parkinson responded that this issue will be addressed at the Final Plan Application. He noted for the record that they do not agree, and that there are discussions which need to be had. Attorney Parkinson confirmed the date and time of the Public Hearing of December 14, 2015 at 6:00 p.m.

G. NEW BUSINESS –

1. **JENNIFER & JAMES LEWER – 13 Perkins Cove Road – Map 3 Block 56 Lot 3 – Shoreland Limited Residential (SLR). Design Review for a pre-1931 structure. Application to remodel existing house.**

Mr. Wilkos noted that the Board's action tonight is to review the application, determine completeness and approve, deny, or table.

Tom Bouchard addressed the Board as the Applicant's representative. Mr. Bouchard summarized that the applicants are seeking to add windows. There will be no expansion of the structure.

Mr. Wilkos asked Mr. Heyland if he had any comments.

Mr. Heyland responded that he has been out to the site and he has no concerns or questions.

At this time the Board reviewed the Design Review Submissions Checklist.

Mr. Wilkos asked for samples.

Mr. Bouchard produced a sample of the white, wood textured, vinyl clapboard which will match what is already on the building.

Mr. Wilkos reviewed the memo from the Ogunquit Historic Preservation Commission which found the proposal satisfactory.

Mr. Wilkos reviewed a memo from the Ogunquit Fire Chief who met with the applicants and now finds the application acceptable with the inclusion of a 2 hour separation wall between the commercial and residential spaces, as well as combination smoke and carbon monoxide detectors installed in each bedroom and interconnected per code, and another detector in the store.

Mr. Bouchard stated that the Applicants agree to the Fire Chief's requirements.

At this time the Board reviewed the Design Review Checklist.

Does this review involve a structure built prior to December 31, 1930?

The Board determined that it does not.

The Board reviewed the specifics of the proposed application for compliance with Article 11.7.C of the Ogunquit Zoning Ordinance as follows:

Scale of Building – Is the scale of the building visually compatible with the site and neighborhood as to the relationship of the open spaces around it and the size of doors/windows/porches/balconies?

The Board Determined that it is.

Height – Is the height of the building visually compatible with the heights of the buildings in the neighborhood?

The Board Determined this issue is not applicable.

Proportion of Front Façade – Is the relationship of the width to the height of the front façade visually compatible with that of its neighbors?

The Board Determined that it is.

Relationship of Solids to Voids in Front Façade – Is the pattern of solids and voids in the front façade visually compatible with that of its neighbors?

The Board Determined that it is.

Proportions of Openings Within the Facility – Is the relationship of the height of windows and doors to their width visually compatible with the architectural style of the building and with that of its neighbors?

The Board Determined that it is.

Roof Shapes – Is the shape and proportion of the roof visually compatible with the architectural style of the building and with those of neighboring buildings?

The Board Determined that this is not applicable.

Relationship of Façade Materials – Are the facades of a building, particularly the front façade, visually compatible with those of other buildings around it?

The Board Determined that they are.

Relationship of Spaces to Buildings on the Street – Has the rhythm of spaces to buildings been considered when determining visual compatibility, whether it is between buildings or between a building and the street?

The Board Determined that this does not apply.

Site Features – Is the size, placement, and materials of walls, fences, signs, driveways, and parking areas visually compatible with the building and neighboring buildings?

The Board Determined that this is not applicable.

Architectural, Historical or Neighborhood Significance – Have the construction, reconstruction, maintenance, or moving of pre-1931 buildings been done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing in 1930.

The Board Determined that it is.

Mr. Dolliver Moved to Approve the Design Review Application for JENNIFER & JAMES LEWER – 13 Perkins Cove Road – Map 3 Block 56 Lot 3 – Shoreland Limited Residential (SLR). Design Review for a pre-1931 structure. Application to remodel existing house. DOLLIVER/BEVINS 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS – None

J. ADJOURNMENT -

**Mr. Dolliver Moved to Adjourn at 8:00 p.m.
DOLLIVER/BEVINS 5:0 UNANIMOUS**

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy
Town of Ogunquit
Planning Board Recording Secretary

Approved on December 14, 2015