

OGUNQUIT PLANNING BOARD MINUTES NOVEMBER 10, 2014

PUBLIC HEARINGS – 6:00 PM

1. WISTERIA HOUSE LLC – 136 Pine Hill Road North – Map 2 Block 24.

Mr. Simpson asked if there was anyone who wished to be heard regarding this application.

Barry Keene, 126 Pine Hill Road North asked if the roofline on the barn would be in line with the existing cape, or higher?

Gary Woods responded that the barn roofline should be nearly in line, however it may be a couple of feet higher. The Applicant's goal is to maintain the current look of the property.

2. 213 MAIN STREET, LLC/ABACUS – 213 Main Street – Map 7 Block 123.

Mr. Simpson asked if there was anyone who wished to be heard regarding this application. There being no one the Public Hearings were closed at 6:05 p.m.

REGULAR BUSINESS MEETING – 6:05 PM

A. ROLL CALL –

The Roll was called with the following results:

Members Present: Don Simpson, Chair
Rich Yurko, Vice Chair
Jackie Bevins
Muriel Freedman

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

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – October 27, 2014

Ms. Freedman Moved to Approve the Minutes of the October 27, 2014 Meeting as Amended.

FREEDMAN/BEVINS 3:0 (Mr. Yurko abstained from voting as he had been excused from the October 27, 2014 meeting)

E. PUBLIC INPUT –

Mr. Simpson 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. WISTERIA HOUSE LLC – 136 Pine Hill Road North – Map 2 Block 24 - Residential District. Design Review for a pre 1930 structure. Application to replace doors and windows of original structure, demolish and replace existing barn, and construct a new garage.

Gary Woods addressed the Board as the Applicant's representative. Mr. Woods summarized that the barn/garage will have three bays with barn style doors. Similar windows will be used in the house to maintain a matching appearance. Siding will be standard cedar clapboard to match the original house, and the roof will be asphalt shingle to also match the house.

Mr. Yurko asked if Wisteria House will be a B&B.

Mr. Woods responded that it will be a single family house. The Applicant proposes a single unit in the existing house. In the barn there will be two dwelling units: a ground floor unit and a second floor unit. There will also be a garage on the Shore Road side of the property which will be shifted back to make it conforming to setbacks (which it currently is not). He noted that the proposed plan will make the property conforming on front and back which it currently is not.

Mr. Yurko asked about the entrances for the two barn units.

Mr. Woods responded that the first floor unit will be accessed from the front of the building and the second floor unit will be accessed from the rear.

At this point the Board reviewed the Design Review Checklist and found each requirement satisfied.

The Board congratulated the Applicant on a proposal that everyone agreed is in good taste and will be an improvement to the property.

**Ms. Bevins Moved to Approve the Design Review Application for WISTERIA HOUSE LLC – 136 Pine Hill Road North – Map 2 Block 24 - Residential District. Design Review for a pre 1930 structure. Application to replace doors and windows of original structure, demolish and replace existing barn, and construct a new garage.
BEVINS/FREEDMAN 4:0 UNANIMOUS APPROVAL**

2. 213 MAIN STREET, LLC/ABACUS – 213 Main Street – Map 7 Block 123 – Downtown Business District. Design Review and Site Plan Review for a pre 1930 structure. Application for an addition containing retail floor space, upper level mezzanine gallery, additional storage/stockroom, and second floor accessory space.

Caleb Johnson addressed the Board as the Applicant's representative.

Mr. Simpson reviewed the Ogunquit Historic Preservation Commission's memo to the Board (*a copy of which will be archived in the Applicant's file*).

Mr. Simpson asked the Code Enforcement Officer if the height of the new building is within the limits of the building regulations.

Mr. Heyland responded that it is.

Mr. Simpson noted that at the last meeting there was some discussion about the incompatibility of the new building, particularly the use of the metal roof and the size of the windows.

Mr. Johnson responded that there have been changes to the scale of the windows. They have reduced the size of the second floor window and the lower store front window panes have been broken up. However a review of the existing store front windows along Main Street confirmed that the proposed windows are in keeping with other storefronts.

Mr. Simpson asked if the doorway is recessed or flush.

Mr. Johnson responded that it is recessed about four feet. It will also have a recessed transom about the front door.

Mr. Yurko asked about the primary changes to the window.

Mr. Johnson responded that the primary change to the window is to the pattern and the square inches of glass, this results in a reduction in the size of the panes of glass.

Mr. Yurko asked about the choice of colors.

Mr. Johnson responded that all three sides of the building, and the lower store front, will be white, and the upper gable, for contrast, will have natural white cedar shingles. They also proposed black trim for the windows to simplify the appearance.

Mr. Simpson congratulated the applicants on the modifications. He asked about the metal roof and noted the OHPC's concern.

Mr. Johnson responded that the roof is not the typical metal roof seen on farmhouses. He informed the Board that asphalt is the cheapest roofing product and that traditional shingles were cedar. The next best quality material would be metal, then slate, and if there was no money in the budget he would use asphalt which was only developed in the 1950's.

At this point the Board reviewed the Design Review Plan Checklist and found all standards satisfied.

Mr. Yurko still expressed concerns about the large size of the second floor window which was reduced in size by only a few inches. He disagreed with the rest of the Board that the façade is compatible with the surrounding buildings.

Ms. Bevins Moved to Approve the Design Review.
BEVINS/FREEDMAN

Mr. Simpson called for further discussion.

Mr. Yurko noted that he abstained from voting on Standards: 11.7.C.4, 5, and 7.

Ms. Bevins noted that she is glad the shop is in town, she thinks the Applicant will do a good job and she is fully supportive.

**Ms. Bevins Moved to Approve the Design Review for 213 MAIN STREET, LLC/ABACUS – 213 Main Street – Map 7 Block 123.
BEVINS/FREEDMAN 3:1 (Mr. Yurko Dissenting)**

Ms. Freedman asked about the coordination with the DOT during the Route One projects.

Mr. Johnson responded that they will coordinate the curb cut into the driveway. They will also place a “Do Not Enter” sign on the north driveway. They will coordinate with the DOT so that the two projects do not conflict.

The Board reviewed the Site Plan Review Checklist and found all requirements to be satisfied.

Mr. Heyland asked if the Fire Chief had submitted a memo to the Board. He wanted confirmation that the radius around the building would be adequate for emergency equipment.

Mr. Johnson noted that he had a verbal confirmation from the Fire Chief that there was sufficient space for emergency vehicles to navigate around the building.

**Ms. Freedman Moved to approve the Site Plan , conditioned on the Board receiving confirmation from the Fire Department.
FREEDMAN/BEVINS 4:0 UNANIMOUS**

3. ~~Stiekamayka Group, LLC / Steven R. Dunlevy – 7 Oarweed Lane (Building #2) – Map 3 Block 91 – Shoreland and Perkins Cove Residential District (PCR). Site Plan and Design Review for a pre 1930 structure. Application to demolish existing dwelling and construct a new building.~~
Application tabled at the request of the Applicant.

G. NEW BUSINESS –

1. **WAYNE PERKINS – 324 Shore Road – Map 3 Block 4-5 – Limited Business District (LBD). Site Plan Review for Change of Use from Retail to Type 1 Restaurant. Post 1930 structure.**

Mr. Simpson noted that the Board’s action tonight is to determine application completeness.

Mr. Simpson then went on to review the definition of a Type 1 Restaurant:

“Restaurant, Type 1

An establishment where meals are prepared and served to the public for consumption, which meets all of the following characteristics:

- (1) food or beverages (either alcoholic or nonalcoholic) are served to persons seated only at indoor seating on the premises;
- (2) where food or beverages are not served to pedestrians from an exterior opening or counter, and

where the design of the facilities, advertising, signage or packaging procedures does not promote the consumption of food or beverages outside the enclosed building.”

Mr. Simpson asked the Applicant what the purpose is for the change from what they currently have to a Type 1 restaurant.

Wayne Perkins responded that the purpose is to “generate lunch business”.

Mr. Simpson asked for confirmation that the Applicant proposes two tables inside the facility with a total of eight chairs, and that there will be no changes to the outside of the building.

Mr. Perkins confirmed.

Mr. Simpson asked if the Fire Chief’s recommendations will be followed.

Mr. Heyland responded that he has discussed it with the applicants. The Fire Chief stated that the entrance must be via the main entrance and patrons may not travel through high hazard areas such as a kitchen.

Mr. Perkins agreed, and again confirmed that they are seeking two interior tables and no changes to the exterior of the building.

Mr. Simpson noted that the applicant has requested several waivers.

Attorney John Shumadine asked to address the Board.

Mr. Yurko Moved to hear from Attorney Shumadine who asks to argue that the application is incomplete.

YURKO/BEVINS 4:0 UNANIMOUS

Attorney Shumadine stated that he represents abutter Jim Hartwell. He argued that there were several errors on the application:

The application states that the property is not within 250 feet of the High Water Mark. Mr. Shumadine asserted that this property abuts the Josias River and therefore it is within the 250 feet.

The application states that the property is not within a flood plain, Mr. Shumadine asserted that it is.

The Application states that there are no wetlands on the property. There has never been a professional determination to support this, and given that the property abuts a river it is difficult to believe that there are no wetlands.

Mr. Shumadine noted Section 8.3 of the Zoning Ordinance, which states that a commercial property abutting a property which is currently, or possibly residential, requires a buffer. Hartwell House was originally a single family house and it could be returned to this use. This requires a buffer which is not shown on the plan.

He also noted that the plan is not to scale, it shows a number of parking spaces but does not indicate the dimensions of the parking spaces or the isle between. There is no indication of a handicapped space, which is required. In addition two of the parking spaces are directly along the front lot line which is prohibited.

Mr. Shumadine pointed out that the application fails to identify how the property is being used at the current time. He noted the large parking lot on the property and he suggested that with the addition of four parking spaces for the proposed restaurant this brings the increased parking spaces to over six. Under the Ordinance an increase of six parking spaces requires grading and other things.

Mr. Heyland responded that the existing parking lot is a separate activity which is unrelated to the new proposed use. Although it shares the same lot the Ordinance differentiates between the two.

Mr. Shumadine went on to state that the application has very little information about the interior of the property and there is little information as to how it will comply with the Americans with Disabilities Act.

He also expressed confusion as to exactly what is proposed under the plan. He suggested that it appears to be a substantial scaling back of the existing operation, which he contends is a “restaurant”. The existing operation is substantially take-out and delivery neither of which is allowed under a Type 1 Restaurant. He asked if given the existing use which is primarily take-out and delivery, if the application is approved for a Type 1 Restaurant will those activities continue? Will the operation be scaled back to only allow service at the two interior tables/eight chairs. He asked that this question be clarified at the very least before the application is found to be complete.

Mr. Feldman suggested tabling the application until the applicant can consider and prepare a response.

Mr. Yurko responded that the points which concern him the most, regarding completeness, are the floodplain and wetlands along the Josias River. Most of Mr. Shumadine’s comments are more pertinent to whether or not the application should be granted. However Mr. Yurko would like the question of “what is the use contemplated for the site?” clarified. Is the restaurant in place of, or in addition to, the existing operation?

Mr. Heyland noted that the project was initially looked at with regard to the building and the parking in front. He noted that the structure is some distance from the river.

Mr. Yurko responded that if the restaurant building is more than 250 feet from the river then he has no problem with it, however this needs to be confirmed.

**Mr. Yurko Moved to Table this application to the next meeting (November 24, 2014).
YURKO/FREEDMAN 4:0 UNANIMOUS.**

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

1. Proposed Boarding House Regulations.

Mr. Simpson noted that the Board has a definition before it:

Boarding House, Lodging, Accommodations in a home or other building where a person or company acts as a proprietor or owner, the number of guest accommodations will be limited by the Towns adopted national Fire Protection 101 Life Safety Code Standards. Meals may be offered to overnight boarders in a common area with either partial or full cooking facilities. The minimum stay shall be one week with no maximum stay required. This definition shall include housing for seasonal workers. Offsite/employer housing for four or more individuals shall be deemed a boarding house.

Mr. Simpson noted that this language will give the Code Enforcement Officer the ability to enforce illegal boarding houses in residential neighborhoods.

Mr. Yurko suggested tabling this issue to the next meeting for further debate.

**Mr. Yurko Moved to table this issue to the November 24, 2014 meeting.
YURKO/FREEDMAN 4:0 UNANIMOUS**

2. Confirm single December Meeting Date: December 15th.

**Mr. Yurko Moved to hold a single meeting in December, to be held on December 15, 2014.
YURKO/FREEDMAN 4:0 UNANIMOUS**

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 7:18 p.m.
YURKO/FREEDMAN 4:0 UNANIMOUS**

Respectfully Submitted

Maryann L. Stacy

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Planning Board Recording Secretary

Accepted on December 15, 2014

