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Thomas A. Fortier
Town Manager

OGUNQUIT PLANNING BOARD MINUTES DECEMBER 15, 2014

REGULAR BUSINESS MEETING – 6:00 PM

A. ROLL CALL –

The Roll was called with the following results:

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

Members Excused: Jackie Bevins

Also Present: Scott Heyland, Ogunquit Code Enforcement Officer
 Maryann Stacy, Recording Secretary

Mr. Simpson noted that there were only three sitting Board members in attendance. Any motion will require an affirmative vote from all three members in order for it to pass. He suggested that any applicant who wanted to table his/her application until a full Board was present could do so without prejudice.

B. PLEDGE OF ALLEGIANCE -

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

D. MINUTES – November 10 and November 24, 2014

**Mr. Yurko Moved to Accept the Minutes of the November 10, 2014 meeting as Amended.
YURKO/FREEDMAN 3:0 UNANIMOUS**

**Mr. Yurko Moved to Accept the Minutes of the November 24, 2014 Meeting as Amended.
YURKO/FREEDMAN 3:0 UNANIMOUS**

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. FINDINGS OF FACT FOR 213 MAIN STREET, LLC/ABACUS – 213 Main Street – Map 7 Block 123.

Mr. Yurko Moved to Approve the Findings of Fact for 213 Main Street LLC with Amendments. YURKO/FREEDMAN 3:0 UNANIMOUS

~~**2. 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 informed the public that this application had been tabled at the request of the Applicant. He apologized for the late notice of cancellation of the Public Hearing and he asked if there was anyone in the audience who was there for the Public Hearing. There was no one.

3. JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A – Residential and Limited Business District. Subdivision Sketch Plan for Phase II (Units 5-7) of a seven unit condominium subdivision.

Mr. Yurko Moved to Amend his Motion from November 24th, to table the Sketch Plan to the next Planning Board Meeting. YURKO/FREEDMAN 3:0 UNANIMOUS

Mr. Simpson noted that the previous Motion's language was to table the application, pending resolution of the traffic analysis and driveway issues. This would have prevented the Board from hearing the Application at this meeting. The amended language will allow the Sketch Plan Application process to move forward tonight.

Rick Licht addressed the Board as the Applicant's representative. He noted that the attorneys are working on questions of Ordinance interpretation which the Applicant and the Board are in disagreement on. He suggested that the Application completeness is satisfied and the Board should be ready to schedule the Site Visit and find the Application Complete.

Mr. Yurko summarized that the Applicant has submitted his Sketch Plan which is only required to be a very generalized plan. The purpose of the Sketch Plan is to put a basic overall concept before the Board and the Public for discussion.

Mr. Simpson noted that Site Visits are for Board and other Town Department Heads. While Site Visits are open to the Public and people may attend and listen, questions from the public will not be allowed. He noted that procedures will be the same as the last site visit to this project. He asked that roadways and proposed structures be flagged so that the Board can visualize the subdivision's layout.

A Site Visit was scheduled to take place at 8:30 a.m. on Friday December 19, 2014.

Mr. Simpson noted that the Board should be able to review the Site Visit and vote regarding Approval/Denial of the Sketch Plan at the next regular business meeting. He asked if the Board and the Applicant would like to schedule a Public Hearing.

Mr. Licht agreed to a Public Hearing. He noted that Article 5.3 of the Subdivision Ordinance states that the Board will schedule the Site Visit and vote regarding Acceptance/Denial within 30 days.

Mr. Simpson confirmed that at the first meeting after the Site Visit the Board would hold discussion and vote for Completeness and Acceptance and possibly schedule a Public Hearing.

Mr. Yurko noted that the Ordinance does not require a Public Hearing during the Sketch Plan stage of the application process. He confirmed that the Site Visit will take place on December 19th, and at the January 12th Hearing the Board will discuss the Site Visit and vote for Acceptance or Denial of the Sketch Plan.

Mr. Simpson suggested the Board tentatively schedule the Public Hearing for January 26, 2015.

Mr. Licht suggested that the Board could make a determination of completeness immediately and schedule the Site Visit for December 19, 2014 and the Public Hearing for January 12, 2015.

Mr. Simpson pointed out that there are a few outstanding substantive issues, particularly the questions regarding traffic analysis and roadway access. He noted that he hopes for input from legal counsel prior to the January 12, 2015 Meeting.

Mr. Licht agreed and suggested that if those issues are still outstanding at the January 12th meeting the Board might leave the Applicant with suggestions and comments which he may take into the Preliminary Plan Stage of the Application Process, with the understanding that these issues must be resolved before the Application proceeds into the Preliminary Plan.

Mr. Yurko Moved to find the Sketch Plan Application Complete for JOHN MIXON – 5 Bourne Lane – Map 5 Block 35A.

YURKO/FREEDMAN 3:0 UNANIMOUS

Mr. Yurko Moved to Schedule a Site Visit to take place on December 19, 2014 at 8:30 a.m.

YURKO/FREEDMAN 3:0 UNANIMOUS

Mr. Yurko Moved to Schedule a Public Hearing to take place on January 12, 2015.

YURKO/FREEDMAN 3:0 UNANIMOUS.

Mr. Mixon informed the Board that under Article 5 there is no language regarding a Public Hearing during the Sketch Plan stage. He noted that he has no problem with a Public Hearing however there is nothing in the Ordinance which requires, or even allows, for a Public Hearing during the Sketch Plan stage. He asked to have his application treated the same as every previous Subdivision Application.

It was noted by the Board that past Subdivision reviews generally did not have a Public Hearing until the Preliminary Plan Stage of the Subdivision review.

Mr. Yurko reminded everyone that the Board just held a discussion with the Applicant's representative that included the scheduling of a Public Hearing. Mr. Licht agreed to the Public Hearing and Mr. Mixon sat there and said nothing.

Mr. Mixon responded that he never agreed to schedule a Public Hearing at this stage of the Application process. He referred to Section 4.3 of the Ordinance which states that the Board will process each applicant in a similar and equitable manner. He noted that there is nothing in Section 5 which says anything about a Public Hearing.

Mr. Simpson responded that the Board has the authority to schedule a Public Hearing at its discretion even if it isn't required.

Mr. Yurko noted that the Board is trying to balance the interests of the Applicant and the Public. The Applicant's representative asked for X, Y, and Z and the Board agreed; then the Applicant says he doesn't want Z. Mr. Yurko expressed his frustration with this approach however he agreed to go along with his fellow Board members.

Ms. Freedman noted that Public Hearings are generally held during the Preliminary Plan Stage and she would like to see the Board follow the same procedure in this case.

Mr. Simpson agreed.

**Ms. Freedman Moved to Amend Mr. Yurko's Motion for a Public Hearing and limit the Hearing on January 12, 2015 to Board discussion.
FREEDMAN/YURKO 3:0 UNANIMOUS**

Mr. Simpson confirmed the Site Visit which will take place on December 19, 2014 at 8:30 a.m. and that this application would come back before the Board on January 12, 2015 for discussion and Sketch Plan Acceptance/Denial.

G. NEW BUSINESS –

1. 82 SHORE ROAD LLC / MARIA GRASSO – Map 6 Block 67-1 – Limited Business District. Design Review for a pre 1930 structure. Application to construct a 7'6"x5'8" roof over existing deck.

Mr. Simpson noted that the structure in question is a pre 1930 structure. The Planning Board has received correspondence from the Historic Preservation Commission which has no concerns about this application.

Jason Moody (Moody and Sons Construction) addressed the Board as the Applicant's representative. Mr. Moody summarized that the Applicant wants to put a small roof over a service entrance to Wild Blueberry Café.

Mr. Yurko asked if the roof would be over the side entrance that the employees use, or over the public entrance.

Mr. Moody confirmed that it would be over the employee's service entrance.

The Board reviewed the Design Review Checklist and found all standards satisfied.

**Mr. Yurko Moved to find the Application Complete.
YURKO/FREEDMAN 3:0 UNANIMOUS**

**Mr. Yurko Moved to Approve the Application for 82 SHORE ROAD LLC / MARIA GRASSO –
Map 6 Block 67-1 as submitted.
YURKO/FREEDMAN 3:0 UNANIMOUS**

H. CODE ENFORCEMENT OFFICER BUSINESS – None

1. OTHER BUSINESS –

1. Proposed Boarding House Definition.

”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 Association 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 (1) week with no maximum stay required. This definition shall include housing for Seasonal Workers. Offsite/employer housing for 4 or more Individuals shall be deemed a boarding house.”

Mr. Simpson noted that this issue deserves the consideration of the full Board. Given that Ms. Bevins is absent he suggested tabling this topic until the full Board is in attendance.

The Board agreed, and tabled this item to the January 12, 2015 Meeting.

Mr. Yurko noted that the Board received a packet from Terrace by the Sea which will be reviewed at the January 12th meeting.

2. Set meeting schedule for January through June 2015.

The board set the following meeting schedule for the first six months of 2015:

January 12
January 26

February 9 (with 5:00 p.m. workshop –topic to be determined)
February 23

March 9

March 23

April 13

April 27

May 11

May 25 – Memorial Day - Town Offices Closed – NO MEETING

June 1

~~June 8~~ - Town Meeting on June 9 – NO MEETING

June 22

J. ADJOURNMENT -

**Mr. Yurko Moved to Adjourn at 6:46 p.m.
YURKO/FREEDMAN 3:0 UNANIMOUS**

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy
Town of Ogunquit
Recording Secretary

Approved as Submitted January 12, 2015