



Town of Ogunquit  
Planning Board  
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**OGUNQUIT PLANNING BOARD  
4<sup>th</sup> WORKSHOP  
MINUTES**

**VIA ZOOM  
JANUARY 11, 2021**

**ZONING ARTICLE 8.7 – LIGHTING.**

Members Present: Steve Wilkos (Chair)  
Mark MacLeod (Vice-Chair)  
Jackie Bevins  
Elaine Cooper  
Bob Whitelaw  
Steven Meller (1<sup>st</sup> Alternate)

Also Present: Scott Heyland, Director of Codes and Planning  
Beth Dufton, Chamber of Commerce Representative  
Scott Vogel, Chamber of Commerce Representative  
Alice Pierce, Chamber of Commerce President

Mr. Wilkos opened the Workshop at 4:00 p.m. He noted that this is the 4<sup>th</sup> Lighting Workshop the Board has held.

The Board reviewed proposed amendments (copies attached for the record): 8.7 Lighting, and the outline of items Site Plan Review Applicants will need to submit with their applications.

Mr. MacLeod summarized the background for these proposals:

During the period of COVID-19 State of Emergency restaurants were allowed to add outdoor seating and temporary lighting. When the State of Emergency is lifted these types of lighting will be illegal under current Zoning Laws. The Planning Board recognizes that many restaurants will want to continue the outdoor seating and these proposed changes will allow them to utilize the proposed types of lighting with certain restrictions.

Ms. Cooper asked if the restriction will be .5 foot candles at property lines, or if it will 0 foot candles.

Ms. Cooper asked if, regarding strings of lights, should the language be “dark sky friendly” or should it be “meets dark sky certification”.

Mr. Heyland responded that he is unsure that there is an agency, similar to UL Listing that can actually certify a fixture. When something says dark sky certification he wants to be sure there is an actual agency that can certify the fixture and give it a rating. The term dark sky is a somewhat general term.

Regarding the foot candles, he suggested that .5 foot candles is almost undetectable. It would be impossible to light a commercial parking lot and not have minor spillover of light at the property line.

The Board members unanimously agreed that they are happy with the proposed language.

The representatives from the Chamber of Commerce also agreed with the proposed language.

Ms. Dufton noted that she is the owner of a retail store and she wanted to know if these changes can be applied to all the businesses in Town, not only the restaurants.

It was agreed that the Board would schedule a 5<sup>th</sup> workshop to discuss lighting for retail commercial businesses.

Mr. Wilkos agreed and noted that these proposed changes would be implemented post State of Emergency.

Mr. Heyland agreed that these are ordinances he can enforce.

Ms. Bevins asked if there will be fines for violations.

Mr. Heyland responded that he doesn't have the authority to issue fines. Violations are addressed through the Select Board, the Town Attorney, and the Court System.

Mr. Wilkos asked if there was anyone from the public who wished to be heard. There was no one.

Regarding the proposed requirement for lighting plans as part of Site Plan Review.

Mr. Whitelaw asked if it will apply to residential applicants or if it will only apply to commercial applications.

Mr. MacLeod responded that it should be for all new Site Plan and Design Reviews. He noted that this will give the Board the opportunity to emphasize what the zoning restrictions are. He added that recent applicants have been able to provide detailed plans with little trouble.

Mr. Wilkos agreed that it should apply to both Site Plan and Design Reviews.

Mr. Heyland responded that Site Plan Review is typically for a commercial establishment that is expanding, changing use, change of parking layouts, etc. Article 6.6 lists the things that an applicant has to submit. This will be an additional submittal that requires the applicant to provide more in depth lighting information. For very minor projects this submittal can be waived. He agreed that it could be applied to Design Review.

The Board members agreed that it should be applied to both Design Review and Site Plan Review. However some Board members suggested it should not be applied to residential applications.

Mr. MacLeod argued that the lighting ordinance applies to all properties including residential. He noted that submissions can be as simple as cut sheets that the applicant gets from where they purchase the lights.

Mr. Heyland added that it would only apply to residential properties in “The District”. It wouldn’t reach out to outlying neighborhoods because they don’t fall under the requirement for Site Plan or Design Review.

It was agreed that, if it only applied to “The District”, it should apply to both commercial and residential Site Plan and Design Reviews.

Ms. Cooper asked if there was a requirement for mounting height for fixtures.

Mr. Heyland responded that there is not.

Mr. MacLeod added that the Dark Sky Association suggests that lights should not be mounted higher than is required for the necessary task. This gives the Board room to evaluate each application on a case by case basis.

It was agreed that the lighting fixture example sheet Ms. Cooper provided at an earlier meeting would not be included in the Zoning Ordinance. However Mr. Heyland agreed that it would be very helpful for him to use as part of the Land Use Office permit issuing process. He will use it as an educational tool for both commercial and residential applications.

The Workshop was Adjourned at 4:55 p.m.

Respectfully Submitted

*Maryann Stacy*

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Town of Ogunquit

Planning Board

Recording Secretary

*Accepted on January 25, 2021*

- *All Planning Board meetings/workshops are video archived, and may be viewed at any time, on the Town of Ogunquit’s website at [www.townofogunquit.org](http://www.townofogunquit.org).*
- *These minutes are not a transcript.*