



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES
JANUARY 10, 2022**

A. ROLL CALL – 6:00 p.m.

Members Present: Steve Wilkos (Chair)
Elaine Cooper
Steven Meller
Jackie Bevins
Mark Dufton (1st Alternate)

Members Excused: Mark MacLeod (Vice Chair)

**Ms. Cooper Moved to Excuse Mr. MacLeod.
COOPER/BEVINS 4:0 UNANIMOUS**

Mr. Wilkos noted that, due to Mr. MacLeod's excused absence, Mr. Dufton 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 Dr. Meller.

D. MINUTES – December 27, 2021

**Ms. Cooper Moved to Accept the Minutes of the December 27, 2021 Meeting as Submitted.
COOPER/MELLER 5:0 UNANIMOUS**

E. PUBLIC INPUT –

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

Mr. Wilkos noted that the representative for GUS251, LLC has asked if the Board and the PANGAL Applicant would agree to allow GUS251, LLC to be heard first. Both the PANGAL Applicant and the Board agreed and the order of Hearings was switched and the GUS251, LLC Application was heard first.

G. NEW BUSINESS –

1. GUS251, LLC - 251 Main Street – Map 7 Block 8 – DBD. Site Plan Review for Change of Use from Bank to Type 3 Restaurant in a post 1930 structure.

Mr. Dufton stated that he currently has a working relationship with Coastal General Construction which represents GUS251, LLC. He stated that he believes this will not effect his ability to impartially review and decide the application.

Mr. Wilkos asked the Board members if they felt Mr. Dufton should be recused. The Board unanimously agreed that he should not.

Mr. Wilkos read an e-mail the Board received from Jerry DeHart who represents the Applicant GUS251, LLC. Mr. DeHart's e-mail which was sent to the Ogunquit Land Use Office on January 10, 2022 stated that:

“I am writing on behalf of our clients and future tenants of 251 Main Street. My clients believe that the code of ethics would be violated by allowing Jacqueline Bevins to hear the case. Jackie currently is a disgruntled direct neighbor with our clients and have had many altercations as such. Jacqueline Bevins also owns a competitive breakfast business .

The Code of Ethics article 8 requires disclosure from members and that remaining members act on “actual or perceived conflict-of-interest”.

We hope that Jacqueline Bevins understands the seriousness of these points and removes herself from discussions and voting on this application.”

Ms. Bevins responded that she has never officially complained about, or had any “altercations” with, the Applicants. She does own a condominium unit on the same property as the Applicant's restaurant and at times she has allowed the Applicants to use her parking space there. She agreed that she owns a restaurant in Ogunquit however she did not agree that this poses a conflict of interest.

Mr. Wilkos polled the Board members who unanimously agreed that if Ms. Bevins feels she can impartially hear and decide this application she should be allowed to do so.

Mr. DeHart from Coastal General addressed the Board as the Applicants' representative. He summarized that this is an application for a change of use from a Bank to a Type 3 Restaurant. He defined Type 3 Restaurant as:

An establishment where food and/or beverages are prepared and served to the public, which meets all of the following characteristics:

- (1) where food and/or beverages are served for consumption on or for takeout off premises;
- (2) where food and beverages are not served to pedestrians through an exterior window or takeout counter nor to occupants in motor vehicles;
- (3) where exterior loudspeakers are not used;
- (4) where alcoholic beverages may be served only within an enclosed area for on-premise consumption.

Mr. DeHart confirmed that there is no plan for any exterior work.

Mr. Feldman reviewed his January 3, 2022 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File in the Ogunquit Land Use Office*).

It was noted that several items on the Site Plan Review Submission Checklist were not checked off:

Item 6.6.C.3.F, Item 6.6.C.3.K, Item 6.6.C.3.M, Item 6.6.C.3.P, Item 6.6.C.3.Q, and Item 6.6.C.3.X were all deemed to have been submitted by the Applicant.

The Applicants submitted a Waiver Request for Item 6.6.C.3.N.ii.

It was noted that not having a Code Enforcement Officer to review the application packet Mr. Feldman, as the Town Planner, reviewed the application for completeness.

Dr. Meller noted that the intersection of Berwick Road and Route One is a troublesome intersection and he suggested a traffic study would be helpful.

The Board agreed with the Town Planner's recommendation that the items checked off in Column 3 of the Submission Checklist were not applicable to this application.

The Board began the review of the submitted Waiver Requests.

Waiver Request for 6.6.C.3.H – Existing and proposed Two-Foot Contours.

Mr. DeHart stated that this item is only applicable for new construction. In this case the contours are existing.

Ms. Cooper noted the adjacent stream and asked the Applicants to consider storm water runoff mitigation.

Mr. Dufton Moved to Grant the Waiver Request for Submission Item 6.6.C.3.H – Existing and proposed Two-Foot Contours.

DUFTON/MELLER 5:0 UNANIMOUS

Waiver Request for 6.6.C.3.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.

Mr. DeHart explained that this is an existing restroom/bathroom.

Ms. Cooper responded that it doesn't take much to get the letter from the Sewer District. This application is for a change of use to a restaurant which may change the sewage use, and the Board usually gets this letter on every application.

Mr. Wilkos agreed and noted that the Board recently held up another applicant because they did not have the letter.

Mr. Wilkos asked Mr. Feldman why he felt this item might be waived.

Mr. Feldman responded that this involves an existing structure which was already tied into the sewer system and he assumed the capacity was already there. He noted that if the applicant was building a new building and added additional seats it would warrant a letter from the Sewer District but this is an existing structure.

Mr. Wilkos asked if there would be additional seats added for the restaurant.

Mr. DeHart responded that the plan speaks for itself. If the Sewer Department isn't going to allow new restaurants, or any seats, they would have posted notice. He pointed out that the Board puts it on the application that applicants man ask for the waiver. If the Board has seen it on all the other applications perhaps it should be put on the application that he couldn't ask for this waiver.

Dr. Meller suggested that the change of use to a restaurant changes the utilization of the facilities, and it would be easy to get the letter from the Sewer District.

Mr. DeHart asked how the Board can determine an increase in traffic.

The Board agreed that it wanted a letter from the Sewer District per Submission Item 6.6.C.3.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.

Dr. Meller Moved to Deny the request for a waiver for Site Plan Review Submission Item 6.6.C.3.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, based on the change of use.

MELLER / COOPER 3:2 (Dr. Meller, Ms. Cooper, and Mr. Wilkos Affirmative) (Ms. Bevins and Mr. Dufton Dissenting)

Mr. DeHart asked for confirmation that this means the application can not be found complete.

Mr. Wilkos confirmed this.

Mr. DeHart thanked the Board and prepared to leave.

Mr. Wilkos asked if he wanted to continue with a review of the rest of the waiver requests.

Mr. DeHart responded that he did not and he left the auditorium.

Mr. Feldman reminded the Board that they could not continue to discuss the application without the Applicants or their representative present.

Ms. Bevins Moved to Table the Application for GUS251, LLC - 251 Main Street – Map 7 Block 8 – DBD. Site Plan Review for Change of Use from Bank to Type 3 Restaurant in a post 1930 structure.

BEVINS/COOPER 5:0 UNANIMOUS

F. UNFINISHED BUSINESS –

1. PANGAL, LLC / RHONDA DESISTO – 307 Main Street – Map 7 Block 19 – GBD1. Site Plan and Design Review for two pre 1930 structures. Application to remove existing house and barn and construct two new structures.

Mr. Wilkos noted that a Site Visit had been held earlier in the day. Mr. Wilkos, Ms. Cooper, and Dr. Meller were in attendance as was the Applicant and her representative from Civil Consultants, an abutter and several other members of the public.

Mr. Wilkos reminded everyone that tonight's discussion is limited to the Site Visit.

Neil Rapoza from Civil Consultants addressed the Board as the Applicant's representative.

Ms. Cooper noted that there was concern about the use of the berm at the rear of the property. She asked for a much more detailed explanation as to how that will be handled, the movement of soil, and the restructuring of the berm for storm water use and erosion control. She asked that this more detailed explanation be submitted for the next meeting.

Mr. Rapoza responded that they will ensure that there will be the required buffers to the stream and that they maintain erosion control during construction. He added that the new Code Enforcement Officer will work with them during the permitting stage of the project to ensure they meet all requirements.

Mr. Rapoza indicated on the Site Plan where the swale will be located to protect the abutters from runoff.

Ms. Cooper Moved to Postpone the Application for PANGAL, LLC / RHONDA DESISTO – 307 Main Street – Map 7 Block 19 – GBD1. Site Plan and Design Review for two pre 1930 structures. Application to remove existing house and barn and construct two new structures.

COOPER/BEVINS 5:0 UNANIMOUS

Mr. Wilkos reminded everyone that the Public Hearing for this application will take place on January 24, 2022 at 6:00 p.m.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Wilkos noted that the new Director of Code Enforcement, Tyler McOsker would be starting on January 18th

I. OTHER BUSINESS – Discussion following Tiny Homes Workshop.

Mr. Wilkos summarized that the Board held a workshop earlier this evening and he suggested the Board schedule a 2nd workshop. The Board scheduled the next workshop on Tiny Homes for February 14, 2022 at 5:00 p.m.

Mr. Wilkos reminded everyone that the Board will hold a workshop on January 24th at 5:00 p.m. regarding Stormwater Management and Erosion Control.

J. ADJOURNMENT –

**Ms. Cooper Moved to Adjourn at 6:55 p.m.
COOPER / MELLER 5:0 UNANIMOUS**

Maryann Stacy

Maryann Stacy
Town of Ogunquit
Planning Board Recording Secretary

Minutes Accepted on January 24, 2022

Notes:

- *These minutes are a summary of what was discussed and are not a transcript.*
- *Copies of all referenced documents will be maintained in the Application packet on file with the Land Use Office.*
- *All Planning Board meetings are video archived, and may be viewed for one year after the meeting date, on the Town of Ogunquit's website at www.townofogunquit.org.*