



Town of Ogunquit  
Planning Board  
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**OGUNQUIT PLANNING BOARD  
REGULAR BUSINESS MEETING  
MINUTES  
FEBRUARY 14, 2022**

**A. ROLL CALL – 6:00 p.m.**

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

Members Excused: Jackie Bevins

**Mr. MacLeod Moved to Excuse Ms. Bevins.  
MACLEOD/COOPER 4:0 UNANIMOUS**

Mr. Wilkos noted that, due to Ms. Bevins' 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 Mr. MacLeod.

**D. MINUTES –** Previous Meeting's Minutes were unavailable.

**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.

Barbara Ferraro stated that the 43 page packet re the PANGAL Application was not submitted by one person but was submitted on behalf of the entire Historic Committee; and it was handed in that morning and not at the last minute; and she asked why the packet couldn't have been delivered to the Board members before the meeting? She asked why the process wasn't stopped so that the Board could review the OHPC packet?

Ms. Ferraro expressed dismay at Chairman Wilkos' negative vote on the question of Ms. Cooper's ability to unbiasedly participate in the PANGAL Application review when another Board member was allowed to participate when she has a conflict of interest. She asked if there was a bias at work.

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

**F. UNFINISHED 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.**

Gregory Braun an attorney from Durward Parkinson addressed the Board as the Applicant's representative. Attorney Braun gave a summary of the application's status to date outlining the material submitted and the results of the previous meetings.

Mr. Wilkos asked who requested the memo from the OHPC. He noted that the Town Attorney advised the Planning Board that the OHPC memo submitted to the Planning Board was not the result of a valid meeting. The OHPC is a five person commission which requires three members to achieve a quorum. The submitted memo was produced by only two members. The Town Attorney further noted that the OHPC acts in an advisory capacity to the Planning Board and if the OHPC was unable to produce a quorum the Planning Board may move forward with application review without OHPC input.

Mr. DeHart responded that he requested the review. He stated that when he requested the document he was directed to one of the Planning Board members to have the document completed. Instead he went to the OHPC. Town members directed him to Elaine Cooper however he went to the OHPC instead. He asked the Town because this document had not been presented by any of the people on the OHPC. He asked the Town Secretary in the CEO's Office who he should contact and they said to contact Elaine. Mr. DeHart offered to "pull up the e-mail". He noted that he did not contact Ms. Cooper.

Ms. Cooper confirmed that no one talked with her.

The Board reviewed the Site Plan Review Submission Checklist:

**Mr. MacLeod Moved to Grant a Waiver for Submission Item 6.6.C.3.H – Existing and Proposed Two-Foot Contours.**

**MACLEOD/ MELLER 5:0 UNANIMOUS**

It was noted that the remainder of the original Waiver Requests were resolved by the newly submitted material.

Diane Morabito from James W. Sewall Co addressed the Board. Ms. Morabito prepared the Trip Generation Analysis.

It was determined that this project only has nine parking spaces thus Site Plan Review Submission Item 6.6.C.3.U does not apply.

Mr. Wilkos asked Ms. Morabito how she determined that this restaurant would not generate more than 50 trips per day.

Ms. Morabito responded that using the Institute of Transportation Engineers (ITE) “Trip Generation” 11<sup>th</sup> Edition Manual she looked at the estimated trips for the former bank using the square footage of the building. She then looked at the estimated trips per day for a “Fast Casual Restaurant” with this building’s square footage, and determined that the proposed restaurant will generate 18 fewer trips per day than the bank. *(a copy of Ms. Morabito’s Trip Generation Analysis will be maintained in the Applicant’s Planning Board File at the Ogunquit Land Use Office.)*

Mr. Wilkos asked if, at any time, the restaurant will generate 50 plus trips per day.

Mr. Morabito responded that it will not generate 50 more trips than the previous use.

Dr. Meller expressed concern that the pattern of traffic generated by a restaurant will be different than that generated by a bank. He suggested that the Ordinance does not ask for trips over the previous use, it asks for an absolute number of trips per day for the proposed use.

Ms. Morabito responded that she projects 120 one-way trips per day, 60 round trips, for the restaurant per day. The number of trips at peak summer hours is not high enough to have any significant impact off site.

Ms. Morabito added that there has not been any high crash data for that intersection.

Mr. Dufton added that the objective is to determine whether or not the new use will have a more adverse impact than the previous use. It appears from the ITE numbers that this will not be the case.

Mr. Wilkos suggested that the Ordinance states that 50 or more trips per day requires a Traffic Impact Analysis. He noted that past applicants have been able to produce such a report in the off season.

Attorney Braun added that Ms. Morabito produced her calculations based on 40 seats in the restaurant. The Fire Chief has indicated that the seats should be capped at 30; and all of the numbers she presented will go down by  $\frac{1}{4}$ .

Ms. Morabito responded that her estimates were based upon the square footage of the restaurant and not the seating count, so the numbers will not go down.

Mr. Wilkos noted that the Berwick Road intersection was determined to be a failed intersection in 2006 and he doesn’t believe the traffic is any lower now.

Ms. Morabito responded that when an intersection is truly failing it will be a high crash location. The Berwick Road accident data for this intersection shows an accident rate of 0.82, it has had 4 crashes over a three year period. She would see a higher crash rate for a failed intersection.

Mr. MacLeod noted that this property is in the DBD and as such doesn't require parking, however this property does have nine parking spaces which complicates things. If the Applicant didn't have the parking spaces the traffic impact study wouldn't even be a question.

Mr. MacLeod referenced Zoning Ordinance Chapter 225-6.6.C.3.A.21 regarding the requirement for a Traffic Impact Analysis.

Mr. MacLeod noted that the report seems to indicate a decrease in traffic generated by the new business.

It was noted that the Planning Board has the ability to waive this submission.

Ms. Cooper noted that a trip generation includes entering and exiting the property. She pointed out that this property has two vehicle access points, an entrance off of Route one and an exit onto Berwick Road. She asked if this means that there is a lower trip generation on each street.

Ms. Morabito confirmed this to be true.

Mr. Feldman pointed out that this business will be in the downtown and pedestrian trips need to be factored into the equation.

Mr. MacLeod suggested that the trip generation results are based on the assumption that patrons will drive to the site, sit down for a meal, and drive away. Given the downtown location of this restaurant it is more likely most patrons will be walking and not driving to this destination.

**Mr. MacLeod Moved to Grant a Waiver for Site Plan Review Submission Standard 6.6.C.3.U – Traffic Analysis.**

**MACLEOD/COOPER 4:1 (Mr. Wilkos Dissenting)**

**Mr. MacLeod Moved to Find the Application complete 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.**

**MACLEOD/COOPER 5:0 UNANIMOUS**

Ms. Cooper asked if the bank drive up window would be removed, she also asked about trash removal.

Mr. DeHart responded that the drive-up window will be permanently closed and will not be used. He added that trash will be recycled and removed daily; there will be no dumpster on site.

Ms. Cooper asked if there will be any food cooked on site; and if there will be no need for a ventilation or hood system.

Mr. DeHart responded that this would be up to the Code Officer however they do not intend to do that.

Ms. Cooper noted that if there will be no dinner service there shouldn't be any need for exterior lighting changes.

Mr. DeHart responded that the Applicant has not confirmed that they will never have dinner, however they are aware of the Dark Sky regulations and will abide by them.

Ms. Cooper asked if the Applicants would be willing to plant some plants out front.

Mr. DeHart agreed.

Mr. Dufton asked if the Applicant would consider improving the pedestrian walkway from Main Street to the building entrance. Currently the primary entrance walkway is off Berwick Road. He agreed that it may seem like a subtle distinction however the difference may be seen when patrons are queuing up to wait for seating or service. He noted the existing fire lane which runs along the north side of the parking area.

Mr. DeHart agreed to look into it.

It was agreed that no Site Visit was necessary. A Public Hearing was scheduled to take place on February 28, 2022.

**Mr. MacLeod Moved to postpone 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.  
MACLEOD/MELLER 5:0 UNANIMOUS**

**G. NEW BUSINESS –**

**1. ROBERT & EILEEN MACKIN REVOCABLE TRUST – 171 Berwick Road - Map 16 Block 116 – RD/RRD1 – Application to Amend Town of Ogunquit Zoning Ordinance and Official Town of Ogunquit Zoning Map. Request for relocation of existing Zoning Boundary Line.**

Bob and Eileen Mackin addressed the Board. Mr. Mackin explained that the purpose of the application is to have their entire property in the Residential District. Their house is an older house and they want to construct a 2<sup>nd</sup> house on the property where they can reside during the cold winter months and where their children and grandchildren can stay during the summer when they come to visit. Currently a portion of the property is in the RRD1 Zone which would not allow them to construct this 2<sup>nd</sup> single family dwelling.

Mr. Wilkos summarized that if the Planning Board holds a Public Hearing and it determines it should move the application forward, the application will be sent to the Select Board. The Select Board may hold a 2<sup>nd</sup> Public Hearing and the Select Board will determine whether or not to forward the proposed amendment to the Voters.

Mr. Feldman reviewed his January 21, 2022 Memo to the Board (*a copy of this memo will be maintained in the Applicant's Planning Board file*).

Dr. Meller asked about the small unbuildable lot abutting their property. He asked if they had considered purchasing it.

Mr. Mackin responded that it belongs to their neighbor who uses it for her parking.

Dr. Meller asked if the Mackins intend to divide the property into two legal lots.

Mr. Mackin responded that they haven't thought that far ahead.

Mr. Dufton asked if one of the property owners who will also be affected by this zoning change was present to speak to the Board. None were. He asked if the Mackins had spoken to their neighbors.

Mrs. Mackin responded that she sent letters to the neighbors and spoke with a few of them. They were all very supportive.

Mr. Dufton expressed concern that other property owners are not negatively impacted by the proposed changes.

Ms. Cooper stated that there may be a change in the tax assessing formulas between R and RR1 zones. This may affect the property taxes.

The Board scheduled a Public Hearing for February 28, 2022 (*this Public Hearing date was later rescheduled to March 14, 2022 in order to comply with public notification deadlines*).

**2. PETER MACDOUGALL / TREEHOUSE TAQUERIA – 237 Main Street – Map 7 Block 126 – DBD – Design Review for a pre-1930 structure. Application to replace existing canvas roof awning with post and beam supported metal roof over existing open air deck.**

Andrew Migliorini, the property owner, addressed the Board. The proposal is to replace the existing old awning and replacing it with a more stable hard roof.

It was noted that the OHPC was not able to produce a quorum in time to review this application and that review was waived per the Town Attorney's recommendation.

Ms. Cooper asked if the height of the roof would be changed.

Mr. Migliorini responded that they are not.

The Board reviewed the Design Review Submission Checklist and found all requirements submitted.

**Mr. MacLeod Moved to find the Application Complete for PETER MACDOUGALL / TREEHOUSE TAQUERIA – 237 Main Street – Map 7 Block 126 – DBD – Design Review for a pre-1930 structure. Application to replace existing canvas roof awning with post and beam supported metal roof over existing open air deck. MACLEOD / MELLER 5:0 UNANIMOUS**

The Board reviewed the Design Review Certification checklist as noted in Chapter 225-11.7.C of the Ogunquit Zoning Ordinance and found all standards to have been meet.

**Mr. MacLeod Moved to Approve the Application for PETER MACDOUGALL / TREEHOUSE TAQUERIA – 237 Main Street – Map 7 Block 126 – DBD – Design Review for a pre-1930 structure. Application to replace existing canvas roof awning with post and beam supported metal roof over existing open air deck.  
MACLEOD/MELLER 5:0 UNANIMOUS**

**3. RANEY & MELANIE TROMBLEE / OGT BEANERY – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

Mr. Dufton informed the Board that he was part of a group which were also intending to purchase this property. As part of the discussion he consulted with Mr. Feldman about the property. He stated that he is totally capable of discussing and voting on this application in a fair and impartial manner and he no longer has any financial interest in this property.

The Board members unanimously agreed that Mr. Dufton should proceed to discuss and deliberate on this application.

Raney and Melanie Tromblee addressed the Board. They summarized that they intend to open a takeout coffee shop on the right side of the first floor. The inside of the building will be upgraded to meet all local and state codes, there will be no changes to the outside of the building.

Mr. McOsker reviewed his February 7, 2022 Memo to the Board (*a copy of the memo will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed the Town Staff/Department Heads Memos to the Planning Board.

Mr. Tromblee agreed to all of the requests in the Fire Department Memo.

Mr. MacLeod reference Ogunquit Zoning Ordinance Chapter 225-8.10.A and noted that even though this property is located in the GBD1 a Parking Waiver was required.

Mrs. Tromblee wrote out a Request for a Parking Wavier which the Board accepted via e-mail.

**Mr. MacLeod Moved to Grant a Parking Waiver for RANEY & MELANIE TROMBLEE / OGT BEANERY – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant as outlined in Chapter 225-8.10.B because it is located within 500 feet of a public parking lot.  
MACLEOD/COOPER 5:0 UNANIMOUS**

It was noted that there is currently one parking space behind the building.

Mr. Tromblee responded that he doesn't intend to use it as a parking space, he intends to leave it as open space for patrons to walk.

**Mr. MacLeod Moved to find the application complete for RANEY & MELANIE TROMBLEE / OGT BEANERY – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site**

**Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

**MACLEOD/MELLER 5:0 UNANIMOUS**

Mr. Tromblee stated that trash will be recycled and removed from site every day. Shipyard Waste has cans behind a fence which they can also use.

Regarding lighting they will only have sign lighting and safety lighting. They intend to keep the property low key and old fashioned looking. They will abide by the Dark Sky Lighting Ordinance.

**Mr. MacLeod Moved to table the application for RANEY & MELANIE TROMBLEE / OGT BEANERY – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant. MACLEOD/MELLER 5:0 UNANIMOUS**

The Board agreed that no Site Visit was necessary; and scheduled a Public Hearing for February 28, 2022 at 6:00 p.m.

**4. RANEY & MELANIE TROMBLEE / BIG DADDY’S ICE CREAM – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

Mr. Tromblee summarized that this ice cream shop will be located on the left side of the first floor. Patrons will enter, pick up their ice cream and exit through a rear exit door. Everything else will be the same as the OGT Beanery Application.

Mrs. Tromblee prepared a Parking Waiver Request which the Board agreed to accept via e-mail.

Mr. Tromblee stated that they anticipate the Coffee Shop being a morning business opening around 6:30 or 7:00 a.m. and the ice cream shop won’t open until about noon. Both businesses will use the same front door entrance however only the ice cream shop will also have a rear exit door.

Mr. Tromblee stated that they will place public trash cans on the property which they will empty and dispose of daily. He noted that there is a 17 foot wide brick patio between the sidewalk and the front of the building. They intend to use that space for patrons to wait to enter the restaurants. They will also put benches out front.

Mr. McOsker reviewed his February 7, 2022 Memo to the Board (*a copy of the memo will be maintained in the Applicant’s Planning Board File*).

Mr. Wilkos reviewed the Town Staff/Department Heads Memos to the Planning Board.

**Mr. MacLeod Moved to Grant a Parking Waiver for RANEY & MELANIE TROMBLEE / BIG DADDY’S ICE CREAM – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

**MACLEOD/COOPER 5:0 UNANIMOUS**



**Mr. MacLeod Moved to find the Application for RANEY & MELANIE TROMBLEE / BIG DADDY’S ICE CREAM – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

**MACLEOD/MELLER 5:0 UNANIMOUS**

The Board agreed that no Site Visit was necessary; and scheduled a Public Hearing for February 28, 2022 at 6:00 p.m.

**Mr. MacLeod Moved to table the Application for RANEY & MELANIE TROMBLEE / BIG DADDY’S ICE CREAM – 47 Shore Road Unit 1 – Map 7 Block 113-1 – GBD1. Site Plan Review for a pre-1930 structure. Application for Change of Use from retail to Type 3 Restaurant.**

**MACLEOD/MELLER 5:0 UNANIMOUS**

**H. CODE ENFORCEMENT OFFICER BUSINESS – None**

**I. OTHER BUSINESS –**

**1. Discussion regarding Outdoor Sales Workshop.**

The Board agreed that, based on the input from the Chamber of Commerce, business owners, and residents, it appears that there may not be a great deal of public support for outdoor sales.

Mr. McOsker stated that allowing outdoor sales would be very difficult to enforce. The ordinance language would need to be carefully crafted.

Mr. Dufton suggested outdoor sales would need to be severely restricted in scope for regulation and enforcement.

Ms. Cooper noted that there were only about 15 businesses which requested outdoor sales permits during the Covid Emergency, and there are over 200 business in town. She suggested any ordinance change will be a lot of changes to satisfy the few.

Mr. McOsker suggested going through a summer where things are closer to normal, given the lifting of Covid Restrictions and people being more comfortable being out in public.

Mr. McOsker informed the Board that as of now the Town is not allowing outdoor sales. The Covid Emergency measures are done and the “no outdoor sales” ordinance is in effect. Even the outdoor dining allowed during the emergency has been discontinued.

Dr. Meller pointed out that patrons can still wear masks to shop indoor.

Mr. Wilkos noted that the Planning Board did not receive any correspondence from the Select Board other than a verbal request to look into Outdoor Sales.

It was agreed that before scheduling a 2<sup>nd</sup> workshop, the Planning Board would ask the Select Board for more specific input as to what the Select Board is looking for from the Planning Board.

**2. Discussion regarding 2<sup>nd</sup> Tiny Homes Workshop.**

Mr. Wilkos noted that the Board asked Mr. Feldman to draft proposed Ordinance language which he agreed to do.

**J. ADJOURNMENT –**

**Mr. MacLeod Moved to Adjourn at 8:45 p.m.  
MACLEOD/MELLER 5:0 UNANIMOUS**

*Maryann Stacy*

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

*Accepted February 28, 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](http://www.townofogunquit.org).*