



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARING and REGULAR BUSINESS MEETING
MINUTES
APRIL 11, 2022**

A. ROLL CALL – 6:00 p.m.

Members Present: Steve Wilkos, Chair
Mark MacLeod, Vice-Chair
Elaine Cooper
Steven Meller
Jackie Bevins

Also Present: Tyler McOsker, Code Enforcement Officer
Lee Jay Feldman, SMPDC Town Planner

B. PLEDGE OF ALLEGIANCE –

C. MISSION STATEMENT – The Mission Statement was read by Dr. Meller.

D. MINUTES – March 28, 2022 Site Visit, Public Hearings/Regular Business Meeting.

Mr. MacLeod Moved to accept the Minutes of the March 28, 2022 Site Visit as Submitted. MACLEOD/COOPER 3:0 UNANIMOUS (Mr. Wilkos and Ms. Bevins were absent from the March 28, 2022 Site Visit).

Mr. MacLeod Moved to Accept the Minutes of the March 28, 2022 Public Hearings and Regular Business Meeting as Amended. MACLEOD/COOPER 3:0 UNANIMOUS (Mr. Wilkos and Ms. Bevins were absent from the March 28, 2022 Site Visit).

E. PUBLIC INPUT –

Attorney Greg Braun from Bergen and Parkinson, LLC expressed concern about Mr. Wilkos and Ms. Bevins' legal authority to sit on, and preside over, this meeting given that they both submitted letters of resignation from the Planning Board. He noted that Mr. MacLeod announced these resignations at the March 28th Meeting and it was stated at that time that a full Board was seated for that meeting. Attorney Braun suggested that Mr. Wilkos and Ms. Bevins participation at this meeting may be unauthorized. He asked that they both recuse themselves pending a formal public explanation of their reinstatement and presence at this meeting.

Mr. Wilkos explained that the Town Manager spoke with the Town Attorney who confirmed that the resignations were not accepted by the Select Board and therefore they are not in effect.

Mr. Wilkos and Ms. Bevins both confirmed that they reviewed the previous meeting and are capable of participating in tonight's Hearings.

Patricia Hussey (Ocean Heights Lane) commented on the Board's inconsistency in following the Town Attorney's advice and the disfunction of Town Government.

Rusty Hayes (Tall Pines Road) expressed his approval of Mr. Wilkos and Ms. Bevins continued membership on the Planning Board.

James Hartwell (Berwick Road) questioned the relationship between the Town Manger and the Select Board and the timeframe between the submittal of the letters of resignation, notification to the Select Board, and this meeting.

Ms. Cooper expressed her belief that the process calls for a legal foundation and the Board should have been provided something in writing from the Town Attorney, the Town Manager, or the Select Board. She questioned whether or not due process is being following without the Town Attorney's legal statement and she suggested Mr. Wilkos and Ms. Bevins should recuse themselves.

Mr. MacLeod noted that he made the March 28, 2022 statement he did because he had received information that Mr. Wilkos and Ms. Bevins had resigned three hours before that meeting. He was later informed that they had both rescinded their resignations before the resignations were submitted to the Select Board. The Town Manger spoke with the Town Attorney who confirmed that without the Select Board taking action on the resignations the resignations were not official and both parties should be allowed to participate in this meeting.

F. UNFINISHED BUSINESS –

1. PUBLIC HEARING FOR: DUNELAWN CONDO ASSOCIATION – River Road/Main Street/Hoyts Lane -Map 7 Block 79 – SLR/R/GB.

The Public Hearing was opened at 6:21 p.m.

Jack McTigue and Tom Wellman introduced themselves as the Applicant's representatives.

On behalf of an abutter Jerry DeHart expressed agreement with the proposal.

The Public Hearing was closed at 6:28 p.m.

1.A DUNELAWN CONDO ASSOCIATION – River Road/Main Street/Hoyts Lane - Map 7 Block 79 – SLR/R/GB1. Design Review and Site Plan Review for replacement of retaining wall and fence, parking lot resurfacing, constructing a new catch basin, and upgrading existing drainage.

The Board reviewed the Design Review Standards Checklist as outlined in in Chapter 225-Article 11.3 and found all standards to either have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Design Review Application for DUNELAWN CONDO ASSOCIATION – River Road/Main Street/Hoyts Lane -Map 7 Block 79 – SLR/R/GB1. Design Review and Site Plan Review for replacement of retaining wall and fence, parking lot resurfacing, constructing a new catch basin, and upgrading existing drainage.

MACLEOD/BEVINS 5:0 UNANIMOUS

The Board reviewed the Site Plan Review Standards as outlined in Chapter 225-6.7 Ogunquit Zoning Ordinance – Standards Applicable to Site Plan Review and found all standards to have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Site Plan Review Application for DUNELAWN CONDO ASSOCIATION – River Road/Main Street/Hoyts Lane -Map 7 Block 79 – SLR/R/GB1. Design Review and Site Plan Review for replacement of retaining wall and fence, parking lot resurfacing, constructing a new catch basin, and upgrading existing drainage.

MACLEOD/BEVINS 5:0 UNANIMOUS

2. PUBLIC HEARING FOR: 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7 Block 127 – DBD.

The Public Hearing was opened at 6:49 p.m.

Luke Sevigney provided a brief overview of the proposed deck expansion.

Jerry DeHart noted that the deck expansion will be totally on the Applicant’s property.

The Public Hearing was closed at 6:52 p.m.

2.A 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7 Block 127 – DBD. Site Plan and Design Review to expand existing deck on a pre 1931 structure.

The Board reviewed the Design Review Standards Checklist as outlined in in Chapter 225-Article 11.3 and found all standards to either have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Design Review Application for 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7 Block 127 – DBD. Site Plan and Design Review to expand existing deck on a pre 1931 structure.

MACLEOD/MELLER 5:0 UNANIMOUS

The Board reviewed the Site Plan Review Standards as outlined in Chapter 225-6.7 Ogunquit Zoning Ordinance – Standards Applicable to Site Plan Review and found all standards to have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Site Plan Review Application for 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7 Block 127 – DBD. Site Plan and Design

**Review to expand existing deck on a pre 1931 structure.
MACLEOD/MELLER 5:0 UNANIMOUS**

**3. PUBLIC HEARING FOR: GREENERY HOLDINGS LLC – 369 Main Street –
Map 14 Block 13 – GBD2.**

The Public Hearing was opened at 7:10 p.m.

Attorney Braun again stated for the record that he objects to Mr. Wilkos and Ms. Bevins hearing this application. He asked Mr. Wilkos and Ms. Bevins to recuse themselves.

Mr. Wilkos and Ms. Bevins refused to recuse themselves and the Board agreed that they could participate in a fair and impartial manner and should remain.

Attorney Braun again noted that Ms. Bevins is an owner of a unit on the subject property and there is, if not an actual, a perceived conflict; and he again asked her to recuse herself.

Ms. Bevins refused to recuse herself and the Board agreed that she could make an appropriate decision.

Attorney Braun gave a brief overview of the proposed project and asked for an approval of the application.

Barbara Ferraro (Ocean Heights) expressed her belief that there is “selective enforcement” in Town.

Patrick Alair (Glen Ave) spoke in support of the Greenery Application noting that they are very good neighbors. He also noted that he sent an e-mail to the Board with his supportive comments.

James Hartwell (Berwick Road) stated that Mr. MacLeod needs to clarify his statements and position regarding Mr. Wilkos and Ms. Bevins’ resignations.

John Ebb (Glen Ave) expressed his support of the application and the Greenery owners. He asked for additional vegetative buffering.

Mr. DeHart agreed to add the vegetative buffering notation to the Site Plan. He also noted that the old gas station signage and pillars will be removed.

Mr. MacLeod reviewed an e-mail to the Board from Richard Penfold.

The Public Hearing was closed at 7:32 p.m.

**3.A GREENERY HOLDINGS LLC – 369 Main Street – Map 14 Block 13 – GBD2 – Site
Plan Review for Change of Use from business office to parking lot.**

Mr. McOsker review his April 4, 2022 application review memo to the Board.

Mr. Wilkos noted that this applicant has been in violation of the Ogunquit Zoning Ordinance for over a year. However it isn't the Planning Board's function to be punitive and he recommended the Application move forward. The Board members unanimously agreed.

Mr. Feldman noted that the comments in his March 17, 2022 memo to the Board have been addressed by the Applicant's representatives.

It was agreed that the parking lot would be graded, and signage and a channelized island would be installed, and that the parking lot would be paved and striped within seven months. It was also agreed that during that seven month interim the parking lot would be roped or divided to create a space which will limit the number of space to nineteen vehicles.

The Board and the Applicant's representative agreed that the application meets all the standards of Chapter 225-8.10.D.4 of the Ogunquit Zoning Ordinance.

The Board reviewed the Site Plan Review Standards as outlined in Chapter 225-6.7 Ogunquit Zoning Ordinance – Standards Applicable to Site Plan Review and found all standards to have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Site Plan Application for GREENERY HOLDINGS LLC – 369 Main Street – Map 14 Block 13 – GBD2 – Site Plan Review for Change of Use from business office to parking lot, with the following conditions:

- **Installation of a channelized island directing traffic to turn right when exiting the parking lot onto Glen Avenue;**
- **Addition of vegetative buffering on the west side of the property;**
- **Parking lot surface will be paved and striped within seven months of the date of approval;**
- **Parking will be limited to nineteen (19) vehicles; and during the seven month interim the Applicant will construct a barrier which will limit the available parking area to 19 vehicles;**
- **Gas station sign and pylon will be removed.**

MACLEOD/BEVINS 5:0 UNANIMOUS

4. PUBLIC HEARING FOR: NOVEMBER CHARLIE'S / JANA MEDINA – 20 Shore Road Unit 1R – Map 7 Block 118-8 – DBD.

The Public Hearing was opened at 8:04 p.m.

Attorney Greg Braun from Bergen and Parkinson, LLC informed the Board that he would be representing the Applicants, Jana Medina and Christian Millian.

Ms. Medina and Mr. Millian gave a brief summary of the proposed project.

Marsha Millian, Mr. Millian's mother introduced the Applicants to the Board.

Ogunquit Fire Chief Russell Osgood reviewed his comments in his March 22, 2022 Memo to the Board. He agreed that as long as the applicants follow all of the recommendations from the Fire

Chief, the Fire Marshall and the Nortech Engineer's they should meet the code for a change of use to a Mercantile.

Ms. Medina distributed full sized plans and a report from the Nortech Systems Fire Protection Engineer dated April 5, 2022.

Brian Lewer (Perkins Cove Road) asked for information about the engineer's reports.

The Public Hearing was closed at 8:14 p.m.

4.A NOVEMBER CHARLIE'S / JANA MEDINA – 20 Shore Road Unit 1R – Map 7 Block 118-8 – DBD. Site Plan Review for a post 1930 structure. Change of Use from spa to Type 1 Restaurant.

It was confirmed by Mr. Millian that there will be two egresses: the entrance / exit doorway and a break-out, egress sized, fully functional window which both meet all the NFPA requirements. He also confirmed that the inside area around the egress window will be kept fully clear and accessible.

Conditions of approval:

Stairway railing will be altered to be a fully graspable railing to be approved by the Code Enforcement Officer during the Building Permitting process;

Per the Nortech System Engineer's recommendation the floor-ceiling assembly will be upgraded to have a 2-hour fire resistance rating; and the underside of the floor-ceiling assembly will be protected by intumescent paint. To be inspected and approved by the Fire Chief and Code Enforcement Officer after installation.

The Board reviewed the Site Plan Review Standards as outlined in Chapter 225-6.7 Ogunquit Zoning Ordinance – Standards Applicable to Site Plan Review and found all standards to have been met or deemed to be not applicable.

Mr. MacLeod Moved to Approve the Application for NOVEMBER CHARLIE'S / JANA MEDINA – 20 Shore Road Unit 1R – Map 7 Block 118-8 – DBD. Site Plan Review for a post 1930 structure. Change of Use from spa to Type 1 Restaurant with the following conditions:

A letter confirming the UL Rating of the wall coverings to be submitted to the Land Use Office prior to the issuance of any permit;

Stairway railing will be altered to be a fully graspable railing and will be approved by the Code Enforcement Officer during the Building Permitting process;

Per the Nortech System Engineer's recommendation the floor-ceiling assembly will be upgraded to have a 2-hour fire resistance rating; and the underside of the floor-ceiling assembly will be protected by intumescent paint. To be inspected and approved by the Fire Chief and Code Enforcement Officer after installation.

MACLEOD/MELLER 5:0 UNANIMOUS

G. NEW BUSINESS –

- 1. 20 SHORE ROAD LLC / JOSHUA GAUNYA – 20 Shore Road – Map 7 Block 118-4,5,6, and 7 – DBD. Design Review for a post 1930 structure. Application to replace gable roof with shed style roof over residential units on 2nd floor.**

It was noted that there was no one in attendance to present this application to the Board.

Mr. MacLeod Moved to Table the Application for 20 SHORE ROAD LLC / JOSHUA GAUNYA – 20 Shore Road – Map 7 Block 118-4,5,6, and 7 – DBD. Design Review for a post 1930 structure. Application to replace gable roof with shed style roof over residential units on 2nd floor.

MACLEOD/BEVINS 5:0 UNANIMOUS

- 2. 9 SHORE ROAD LLC / SCOTT VOGEL – 9 Shore Road – Map 7 Block 100 – DBD. Site Plan Review for Change of Use from Type 1 to Type 2 Restaurant.**

Scott Vogel gave a brief summary of the proposed change of use. He confirmed that the proposal included a tent over an outside seating area.

Mr. Vogel confirmed that there will be no increase in the existing seating count which is currently 250. Indoor seating will be reduced and replaced with the outdoor seating. There will be no change in the overall number of 250 seats.

Mr. Vogel agreed to provide a deed prior to the next meeting.

Mr. McOsker reviewed his March 21, 2022 Memo to the Board.

Ms. Cooper reviewed Town Staff memos to the Board: Ogunquit Fire and Police Chief's and Conservation Commission.

It was noted that the Right-Of-Way Relocation Plan prepared by Stonewall Surveying submitted by the Applicant is dated 2018, and the Board asked if the Applicant could provide a current Survey.

The Board requested the Applicant submit an updated Site Plan which includes the proposed outdoor seating layout.

Mr. MacLeod Moved to Find the Application Complete for 9 SHORE ROAD LLC / SCOTT VOGEL – 9 Shore Road – Map 7 Block 100 – DBD. Site Plan Review for Change of Use from Type 1 to Type 2 Restaurant.

MACLEOD/COOPER 5:0 UNANIMOUS

The Board scheduled a Site Visit to take place on April 25, 2022 at 5:00 p.m.

The Board scheduled a Public Hearing to take place on April 25, 2022 at 6:00 p.m.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. McOsker reminded the public and businesses that there is an ordinance prohibiting outdoor sales and services which is back in effect. Outdoor display of goods, along with outdoor sales and services is prohibited.

I. OTHER BUSINESS – None

J. ADJOURNMENT –

**Mr. MacLeod Moved to Adjourn at 9:15 p.m.
MACLEOD/BEVINS 5:0 UNANIMOUS**

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Accepted on April 25, 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 packets 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.*