



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES
APRIL 12, 2021
MEETING HELD ONLINE VIA ZOOM**

A. ROLL CALL –

Members Present: Mark MacLeod (Vice Chair)
Jackie Bevins
Elaine Cooper
Steven Meller (1st Alternate)

Excused: Steve Wilkos (Chair)

Also Present: Scott Heyland, Code Enforcement Officer

**Ms. Cooper Moved to excuse Mr. Wilkos.
COOPER/BEVINS 3:0 UNANIMOUS**

Mr. MacLeod noted that, due to Mr. Wilkos' absence, Dr. Meller 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 Ms. Cooper.

D. MINUTES – March 22, 2021 Regular Business Meeting.

**Dr. Meller Moved to Accept the Minutes of the March 22, 2021 Meeting as Amended.
MELLER/COOPER 4:0**

E. PUBLIC INPUT –

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

F. UNFINISHED BUSINESS –

- 1. EB REALTY TRUST / THE PRESERVE AT ROBY'S POND– Roby's Pond Road – Map 13 Blocks 7 and 7-1 RR1/GBD2. Subdivision Sketch Plan Application for a five lot cluster subdivision.**

Ryan McCarthy from Tidewater Engineering and Surveying, Inc addressed the Board as the Applicants' representative. He noted that he met with the Conservation Commission and believes it was a very productive meeting.

In response to one of the Conservation Commission's comments Mr. McCarthy noted that there are no wetlands on Lot 5. There is a 75' buffer from the vernal pool which does extend onto Lot 5.

Also, during the Preliminary Plan review he will provide the vernal pool study, which has been done to meet the IF&W requirements, and has been submitted and approved by them.

Mr. MacLeod reviewed the Conservation Commission's Memo to the Board (*undated but received at the Land Use Office, and stamped RECEIVED on April 12, 2021*) (*a copy of which will be archived in the Applicants' Planning Board File*).

It was stressed that the primary concerns of the Conservation Commission involved, but were not limited to: the connection to public sewer infrastructure, submittal of a detailed stormwater management plan, initial and continued testing of the water in Roby's Pond both pre and post development, protection of the wetland particularly on Lot 5, limiting of tree removal, and revegetation / landscaping with native plant species.

Ms. Cooper noted several things she would like to see included in the Preliminary Plan submission.

Clarification of the area in the Critical Terrestrial Habitat (CTH) which appears to have more than 25% of the area already cut.

Spotted Salamanders and Wood Frogs, which are in that area, require a lot of tree covering and leaf litter or they will not survive when they come out of the vernal pool. Her concern is that they will have sufficient area surrounding the vernal pool.

Confirmation that no more than 50% of each lot will be cut or built upon. She noted that, while it is difficult to tell now, it appears as if more than that may have already been cleared. She asked if the Applicant could provide a Google Earth photograph which might be compared to the proposed plan so the Board can see what actually has already been cut.

Mr. McCarthy responded that the proposed 50% is for a 50% lot coverage requirement which is de-vegetated surfaces. This doesn't mean that 50% of the lot will be fully wooded; it means that 50% of the lot will have vegetation on it: trees, lawns, fields...not restricted to undeveloped woods.

Ms. Cooper asked about the protocol for the Homeowners' Association; and how strict they will be regulating and managing the protected areas.

She also asked if the "designated trails" will be part of the conservation land.

Mr. McCarthy responded that the proposed trails would be for passive recreational use; and he does not believe the IF&W/DEP Regulations would allow for people to walk in the protected vernal pool areas.

Ms. Cooper also asked about revegetation of Lot 5; and she asked for the location of the proposed ridge and how much will be in the No Cut Zone.

Dr. Meller added that his primary concern is the question of septic vs sewer.

Mr. MacLeod asked that Deed Restrictions, and other restrictions noted on the Final Plan, be covered in the Preliminary Plan Review.

Ms. Bevins Moved to Accept the Sketch Plan for EB REALTY TRUST / THE PRESERVE AT ROBY'S POND– Roby's Pond Road – Map 13 Blocks 7 and 7-1 RR1/GBD2. Subdivision Sketch Plan Application for a five lot cluster subdivision. BEVINS/MELLER 4:0 UNANIMOUS

Mr. MacLeod informed the Applicants that they had six months to submit a Preliminary Plan Application.

2. DAVE SAWANT / OGUNQUIT TIDES RESORT– 548 Main Street – Map 9 Block 85-86 GBD2. Site Plan and Design Review Application for change of use from residential / hotel use to a new Type 2 Restaurant; and from swimming pool house to restrooms.

Michal Kaleta addressed the Board as the Applicant's representative. Mr. Kaleta reviewed the amendments to the original application. The intention of the changes is to decrease the amount of required parking, and trips generated so they will not have to submit a traffic impact analysis.

The new plan involves 9 required parking spaces and less than 50 trips per day generated. They will come back later, with a new application, to complete the originally proposed project which will include the patio for outside dining.

The existing dumpster will not be utilized for this project. A new "recycling room" will be added to the basement of Building 2 for trash.

The proposed patio has been removed from the plan. The interior dining area remains the same at 897 square feet, which requires 9 parking spaces as indicated on the newly submitted plan. The parking area is already paved and will be restriped.

There are no changes to the proposed ADA Bathroom or the Design Review changes to Building 1.

The only changes to the original plan are the square footage of the overall dining area and the required parking spaces count.

Mr. MacLeod reviewed the Conservation Commission's Memo (*undated but received by the Land Use Office on March 26, 2021. A copy of which will be archived in the Applicant's Planning Board File*).

It was noted that Building 2 is primarily guest rooms; and Mr. Kaleta indicated the location of the parking spaces reserved for these guests.

Ms. Cooper asked to have the length dimension of the Deliveries and Servicing Parking area indicated on the Final Plan.

Ms. Cooper reminded Mr. Kaleta that he agreed to provide photographs of the front of Building 1. He agreed to have them for the next meeting.

Mr. Kaleta noted that the project, with the new amendments, will be reviewed by the State Fire Marshal; and he (Mr. Kaleta) agreed to submit the updated plans to the Ogunquit Fire Department for their review.

Ms. Cooper pointed out that parking spaces 4 through 9 are partially located in the Stream Protection Zone and she asked for broader information regarding the catch basins and their condition, and whether or not another catch basin is needed. She also asked the Applicant to consider a vegetated swale. She expressed concern that trash and/or petrochemicals will run off the paved parking area into the stream.

Mr. Kaleta responded that he agrees to the use of a vegetative swale however that is better reviewed during the landscaping plans which will be done at the Phase 2 portion of the project.

Ms. Cooper agreed that the paved parking already exists, however with the change of use more vehicles may be utilizing this area where they currently do not. The area is already impaired; and the Board and Town need to do everything they can to protect the natural resources.

Dr. Meller agreed with Ms. Cooper that this parking area may become heavily utilized and it is reasonable for the Board to look at drainage patterns and require additional vegetative buffering.

Ms. Bevins indicated that in the past there was a restaurant on this property.

Mr. MacLeod noted that, at the last meeting, the Board Accepted the Design Review Submission Checklist and he asked if the Board wanted to confirm that decision. The Board agreed to confirm the Design Review Submission Checklist as Complete.

It was noted that, at the March 22, 2021 meeting, the Board Denied the Site Plan Submission Waiver Requests for Items 6.6.C.3.T and U; and given the changes to the proposed project these items would no longer be required to find the application complete.

Mr. MacLeod noted that the Applicant has submitted an estimate of traffic generated as a result of the amended plans.

Mr. MacLeod noted that with the removal of the outside dining area the Type of proposed restaurant will now be a Type 1 Restaurant, not a Type 2. He asked if the restaurant's patrons would be restricted to guests of the hotel or if the restaurant would be open to the public.

Mr. Kaleta responded that it will not be open to the public; it will be restricted to guests of the hotel. The hours of operation have not been established yet. The Applicant has not decided

whether he will serve breakfast or lunch, but it will not be both, however the restaurant will only be open for 3 hours per day either way.

Mr. Heyland confirmed that as long as the restaurant is not open to the public it does not require a traffic study.

Mr. Kaleta confirmed that not having to provide a traffic study is the Applicant's goal at this point.

Ms. Bevins Moved to revoke the Board's March 22, 2021 denial of Site Plan Submission Item 6.6.C.3.T.

BEVINS/COOPER 4:0 UNANIMOUS

Ms. Bevins Moved to revoke the Board's March 22, 2021 denial of Site Plan Submission Item 6.6.C.3.U.

BEVINS/MELLER 4:0 UNANIMOUS

Ms. Bevins Moved to find the Site Plan Submissions Complete for DAVE SAWANT / OGUNQUIT TIDES RESORT– 548 Main Street – Map 9 Block 85-86 GBD2. Site Plan Application for change of use from residential / hotel use to a new Type 1 Restaurant, not open for service to the public, only as an accessory use to the existing hotel; and a change from a swimming pool house to restrooms.

BEVINS/COOPER 4:0 UNANIMOUS

The Board agreed that a Site Visit would be helpful and it was scheduled to take place on April 26, 2021 at 4:00 p.m.

The Board scheduled a Public Hearing to take place on April 26, 2021 at 6:00 p.m.

G. NEW BUSINESS –

- 1. RICHARD GOLDSTEIN – 64 River Road – Map 7 Block 83 – RP/SLR. Site Plan Application for Demolition of a post 1930 single family dwelling; and construction of a new single family dwelling within the footprint of the existing structure; based on the standards in OZO Article 4.5.E - Additional Criteria for Construction or Activities in Any Shoreland Zone.**

Geoff Aleva from Civil Consultants addressed the Board as the Applicant's representative.

Mr. Heyland summarized the proposed project and reviewed his March 29, 2021 Memo (*a copy of which will be maintained in the Applicants Planning Board File*).

Mr. Aleva summarized that the proposed plan includes relandscaping the site to match the abutting property which is owned by the same family. He also reviewed the stormwater plan included in the application packet.

Mr. MacLeod reviewed:

- Permit by Rule;

- IF&W Letter;
- KK&W Water District Letter;
- Ogunquit Sewer Department Letter;
- Town Department Heads' Letters;
- Ogunquit Conservation Commission Letter.

(Copies of which will be maintained in the Applicant's Planning Board File for this project).

Mr. Aleva provided a brief explanation of the roofline drip edge and water flow from there into the ground.

Dr. Meller asked about the public right-of-way; and if the parking area for this property encroaches onto the public right-of-way.

Mr. Aleva indicated that the parking for this property has historically overlapped into the public roadway, with this project it will no longer intrude into the right-of-way. There will be no expansion of the parking area.

Dr. Meller asked how demolition will be done.

Mr. Aleva responded that some equipment will be needed however they will use a mulch berm, hay bales, and silt fencing to prevent any material from getting into the Ogunquit River. He added that both condominium units on this property are owned by the same family, as is the unit to the south.

**Ms. Bevins Moved to Grant the Waiver Request for Site Plan Submission Item 6.6.C.3.Y a Storm Water Management Plan.
BEVINS/MELLER 4:0 UNANIMOUS**

The Board reviewed the Site Plan Submission checklist and found all required material either submitted or not applicable.

**Ms. Bevins Moved to Find the Application Complete for RICHARD GOLDSTEIN – 64 River Road – Map 7 Block 83 – RP/SLR. Site Plan Application for Demolition of a post 1930 single family dwelling; and construction of a new single family dwelling within the footprint of the existing structure; based on the standards in OZO Article 4.5.E - Additional Criteria for Construction or Activities in Any Shoreland Zone.
BEVINS/MELLER 4:0 UNANIMOUS**

The Board determined a Site Visit would be helpful and scheduled it to take place on April 26, 2021 at 4:30 p.m.

The Board scheduled a Public Hearing to take place on April 26, 2021 at 6:00 p.m.

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland suggested the Board may want to consider future workshops regarding impervious areas outside of the Shoreland Zone.

Ms. Cooper also suggested workshops on protection of the watershed and affordable housing.

I. OTHER BUSINESS –

J. ADJOURNMENT –

Ms. Bevins Moved to Adjourn at 7:55 p.m.

BEVINS/COOPER 4:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Accepted: April 26, 2021

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.*