



Town of Ogunquit  
Planning Board  
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**OGUNQUIT PLANNING BOARD  
PUBLIC HEARING and REGULAR BUSINESS MEETING  
MINUTES  
APRIL 25, 2022**

**A. ROLL CALL – 6:00 p.m.**

Members Present: Steve Wilkos, Chair  
Elaine Cooper  
Steven Meller  
Jackie Bevins  
Leslie Olear (1<sup>st</sup> Alternate)

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

Mr. Wilkos noted the resignation of Mr. MacLeod. He thanked Mr. MacLeod for his long, dedicated, and valuable service to the Board and the Town of Ogunquit. Mr. Wilkos expressed his hope that when circumstances change Mr. MacLeod will consider coming back to serve on the Planning Board again.

Mr. Wilkos welcomed new Planning Board Member Leslie Olear.

Mr. Wilkos noted that with Mr. MacLeod's resignation Ms. Olear would be moved to 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 – April 11, 2022 Site Visits and Regular Business Meetings.**

**Ms. Cooper Moved to Accept the Site Visit Minutes for November Charlies as Amended.  
COOPER/MELLER 4:0 (Ms. Bevins was excused from this Site Visit).**

**Ms. Cooper Moved to Accept the Site Visit Minutes for Dunelawn Condominium  
Association as Submitted.  
COOPER/MELLER 4:0 (Ms. Bevins was excused from this Site Visit)**

**Ms. Cooper Moved to Accept the Minutes from the April 11, 2022 Regular Business Meeting.**

**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.

**F. UNFINISHED BUSINESS –**

Mr. Wilkos noted that Applicant Scott Vogel requested his application be moved to later in the meeting.

**Ms. Cooper made a Motion to Move the Public Hearing and Application review for 9 SHORE ROAD LLC / SCOTT VOGEL – 9 Shore Road – Map 7 Block 100 – DBD to last on the agenda.**

**COOPER/BEVINS 5:0 UNANIMOUS**

**G. NEW BUSINESS –**

**1. BONISSONI BRAZILIAN STEAKHOUSE / CHRISTIAN BONISSONI – 82 Shore Road -Map 6 Block 67-1 – LBD. Site Plan Review for expansion of existing Type 2 Restaurant.**

Christian Bonissoni gave a brief overview of the proposed project to add outside seating to his restaurant.

Mr. McOsker reviewed his April 19, 2022 Memo to the Board.

Mr. Wilkos reviewed the following Town Staff Memos to the Board:

- Ogunquit Police Chief April 6, 2022 Memo;
- Ogunquit Fire Department April 19, 2022 Memo;
- Ogunquit Conservation Commission April 20, 2022 Memo;
- Kennebunk, Kennebunkport, and Wells Water District March 28, 2022 Letter;
- Ogunquit Sewer District April 24, 2022 Letter.

It was noted that the Ogunquit Sewer District letter approved sixteen (16) outdoor seats and the Applicant is proposing thirty-two (32)

Mr. Bonissoni confirmed that he is asking for thirty-two (32) seats and that he would provide an updated letter from the Ogunquit Sewer District approving the thirty-two (32) seats.

The Applicant confirmed that there will be no reduction in the current number of seats. He is requesting thirty-two (32) additional seats.

The Board reviewed the Design Review Submission Checklist and found all items to have been Submitted by the Applicant or deemed to be not applicable.

The Board requested an updated Site Plan which replaces “Wild Blueberry” with “Bonissoni Brazilian Steakhouse”.

Mr. McOsker agreed to look into the use of the easement which runs along the proposed seating area/driveway.

**Ms. Olear Moved to Find the Application Complete for BONISSONI BRAZILIAN STEAKHOUSE / CHRISTIAN BONISSONI – 82 Shore Road - Map 6 Block 67-1 – LBD. Site Plan Review for expansion of existing Type 2 Restaurant. OLEAR/BEVINS 5:0 UNANIMOUS**

The Board scheduled a Public Hearing to take place on May 9, 2022 at 6:00.

The Board scheduled a Site Visit to take place on May 9, 2022 at 5:30 p.m.

**2. GRAZE AND VINE / OWEN WOLFERTZ – 509 Main Street - Map 8 Block 5 – GBD2 – Site Plan Review for Change of Use from Retail to Type 3 Restaurant.**

Ms. Bevins recused herself from hearing this Application. She is the owner of the subject property and as the Applicant’s landlord she felt she should recuse herself. The Board agreed to accept her recusal.

Mr. Wolfertz gave a brief overview of the proposed business which will include twenty (20) outdoor seats and ten (10) indoor seats.

Mr. Feldman reviewed his April 12, 2022 memo to the Board.

Mr. Wilkos reviewed the following Town Staff Memos to the Board:

- Ogunquit Police Department April 22, 2022 Memo;
- Ogunquit Fire Department April 19, 2022 Memo;
- Ogunquit Conservation Commission April 20, 2022 Memo;
- Ogunquit Sewer District March 10, 2022 Letter;
- Kennebunk, Kennebunkport, Wells Water District March 29, 2022 Letter.

The Board asked for an updated Site Plan which includes the Applicant’s name, business name, Tax Map and Block designation, and date. The Site Plan should include the square footage of the indoor and outdoor seating spaces, as well as the square footage of the retail area.

The Applicant agreed to amend the Site Plan to include the above information as well as the correct number of proposed seats by removing one seat (probably from the indoor counter area).

The Applicant stated that trash would be stored behind the building. He also agreed that all outside lighting would be Dark Sky compliant.

The Board asked to have the required parking spaces laid out on the plan and to have any parking agreement with the ‘Egg and I Restaurant’/Jackie Bevins in writing. The Applicant agreed to both.

The Applicant confirmed that there would be no cooking on site.

It was noted that the survey was 22 years old.

**Ms. Olear Moved to Grant a Waiver for Site Plan Submission Item 6.6.C.3.T An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. There will be three parking spaces and the primary patronage will be for take away. The Applicant also has an agreement with the Egg and I to utilize their parking lot after the Egg and I closes in the afternoon.**

**OLEAR/MELLER 3:1 (Ms. Cooper Dissenting and Ms. Bevins Recused)**

**Ms. Olear Moved to Grant a Waiver for Site Plan Submission Item 6.6.C.3.U A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering (for projects requiring 10 or more parking spaces, or projected 50+ trips per day). The proposed use will only have three parking spaces and will not generate more than 50 vehicle trips per day.**

**OLEAR/COOPER 4:0 (Ms. Bevins Recused)**

The Board reviewed the Site Plan Review Submission Checklist and found all items to have been submitted by the Applicant or deemed to be not applicable.

**Dr. Meller Moved to Find the Application complete for GRAZE AND VINE / OWEN WOLFERTZ – 509 Main Street - Map 8 Block 5 – GBD2 – Site Plan Review for Change of Use from Retail to Type 3 Restaurant.**

**MELLER/OLEAR 4:0 (Ms. Bevins Recused)**

The Board scheduled a Public Hearing to take place on May 9, 2022 at 6:00 p.m.

The Board scheduled a Site Visit to take place on May 9, 2022 at 5:00 p.m.

- 3. 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 2<sup>nd</sup> floor.**

David Lavalley gave a brief overview of the proposed project.

The Board reviewed the Design Review Submission Checklist and found all items to have been submitted by the Applicant or deemed to be not applicable.

**Dr. Meller Moved to Find the Application Complete 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 2<sup>nd</sup> floor.**

**MELLER/OLEAR 5:0 UNANIMOUS**

The Board agreed that no Public Hearing or Site Visit was needed.

**Dr. Meller Moved to Approve 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 2<sup>nd</sup> floor.**

**MELLER/COOPER 5:0 UNANIMOUS**

(The following application was Moved from the beginning of the Meeting)

**1. PUBLIC HEARING:**

**9 SHORE ROAD LLC / SCOTT VOGEL – 9 Shore Road – Map 7 Block 100 – DBD.**

Ms. Olear noted that she was not on the Board for the first meetings regarding this application and she did not receive a full application packet so she would recuse herself from hearing this application.

Mr. Wilkos opened the Public Hearing at 6:59 p.m.

Mr. Wilkos asked if there was anyone who wished to be heard regarding this application.

James Hartwell (Berwick Road) and June Saraceno (Shore Road) both stated that they were watching on ZOOM and could not hear what people at the podium were saying.

There was no one else who wished to be heard and the Public Hearing was closed at 7:03 p.m.

**1.A 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.**

Mr. Wilkos confirmed that the Applicant provided a copy of the deed and the updated Site Plan which includes the outdoor seating / tent area.

It was agreed that the Applicant will have a surveyor come out and mark the points of the property boundary line. The Code Enforcement Officer will confirm the location of the boundary points and that the proposed outdoor seating and tent will be entirely on the Applicant's property.

The Applicant agreed:

To permanently close off the Shore Road entrance to the right-of-way;

That outdoor service will cease at 9:00 p.m. and the area will be empty by 10:00 p.m.;

To abide by the Town Noise Ordinance and not have amplified music;

That the total occupancy capacity will be 250;

There will be no parking at the entrance to the old right-of-way;

The Edison Lights and Christmas Lights would be removed.

The tent will be taken down by the end of October.

The Board and the Code Enforcement Officer both confirmed that the outdoor seats may remain year round. The tent is temporary and the outdoor seats will be permanent.

The Board reviewed Site Plan Review Standards as outlined in Chapter 225-6.7 and found all standards to have been met.

**Ms. Cooper Moved to Approve the Application 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 with the following conditions of approval:**

- Applicant to provide a written summary of the proposed project;
- There will be no parking at the entrance to the old right-of-way;
- Outdoor service will cease at 9:00 p.m. and the outdoor seating area will be vacated by 10:00 p.m.
- There will be no amplified music;
- Maximum seating capacity for the outdoor area will be 35;
- Tent will be removed by the end of October (outdoor seating may continue after that date);
- A safety barrier will be installed behind the tent to prevent vehicles from driving into the tent.

**COOPER/BEVINS 4:0 UNANIMOUS**

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

**I. OTHER BUSINESS –**

1. Discussion of removal of Roberts Rule of Order from the Planning Board By-Laws and addition of reconsideration of votes to Planning Board By-Laws.

Mr. Wilkos stated that this item would be postponed to a future meeting pending input from the Town Attorney.

**J. ADJOURNMENT –**

**Ms. Bevins Moved to Adjourn at 7:45 p.m.  
BEVINS/MELLER 5:0 UNANIMOUS**

*Maryann Stacy*

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

*Accepted on May 9, 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](http://www.townofogunquit.org).*