



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARINGS and REGULAR BUSINESS MEETING
MINUTES
TUESDAY OCTOBER 11, 2022**

A. ROLL CALL – 6:00 p.m.

Members Present: Steve Wilkos, Chair
Leslie Olear, Vice Chair
Steven Meller
Jackie Bevins

Members Excused: Rusty Hayes

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

**Ms. Olear Moved to Excuse Mr. Hayes
OLEAR/BEVINS 4:0 UNANIMOUS**

B. PLEDGE OF ALLEGIANCE –

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

D. MINUTES – September 26, 2022: Two Site Visits, Workshop, Regular Business Meeting.

Dr. Meller Moved to Accept the Minutes of the September 26, 2022 NL Holdings, LLC Site Visit as Submitted.

MELLER/OLEAR 3:0 UNANIMOUS (Ms. Bevins was not in attendance at this Site Visit)

Dr. Meller Moved to Accept the Minutes of the September 26, 2022 Kelly & Kristy Bower Site Visit as Submitted.

MELLER/OLEAR 4:0 UNANIMOUS

Dr Meller Moved to Accept the Minutes of the September 26, 2022 Workshop as Submitted.

MELLER/OLEAR 4:0 UNANIMOUS

Dr. Meller Moved to Accept the Minutes of the September 26, 2022 Regular Business Meeting as Submitted.

MELLER/OLEAR 4:0 UNANIMOUS

- E. **PUBLIC INPUT** – None
- F. **UNFINISHED BUSINESS** –
- 1. **PUBLIC HEARING: 298 SHORE ROAD LLC / ROBERT DIVAIO – 298 Shore Road – Map 3 Block 8 – LBD.**

The Public Hearing was opened at 6:04 p.m. with a brief overview of the proposal by Mr. Divaio.

There were no comments from the public and the Public Hearing was closed at 6:07 p.m.

- 1.A **298 SHORE ROAD LLC / ROBERT DIVAIO – 298 Shore Road – Map 3 Block 8 – LBD. After the Fact Site Plan Review for a Change of Use from Single Family Residence to Type 2 Transient Accommodation (B&B) with four guest rooms and one on-site manager’s apartment.**

Mr. Wilkos referenced Chapter 225-9.4 which states:

- A. *The application for approval shall include a scale drawing of the lot, showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.*

The Board agreed that the submittals were drawn to scale and the dimensions of the parking may be calculated from the plan.

- B. *There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.*

The Board agreed that there is sufficient parking.

- C. *There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.*

It was agreed that there are sufficient bathrooms .

- D. *Each rental room shall have not less than 10 feet by 12 feet horizontal dimensions.*

The Applicant confirmed that the guest bedrooms are not all 10’x12’.

The Board asked if the language of the ordinance has to be interpreted “literally” or could the Board accept guest rooms which are 120 sf even if their dimensions differ from 10’x12’.

It was agreed that other B&Bs may not be able to meet the current Ordinance language, however this language was adopted by the Town on April 7, 2007 and B&Bs in existence on that date would be exempt. This application involves a new application.

Mr. McOsker agreed to ask the Town Attorney if the Board may interpret the language as 120 sf or if the Ordinance language must be interpreted literally and guest rooms must be exactly 10'x12'.

**Dr. Meller Moved to Table the Application for 298 SHORE ROAD LLC / ROBERT DIVAIO – 298 Shore Road – Map 3 Block 8 – LBD, to the October 24, 2022 Planning Board Meeting pending input from the Town Attorney regarding the interpretation of Chapter 225 Section 9.4.D
MELLER/OLEAR 5:0 UNANIMOUS**

2. PUBLIC HEARING FOR: NL HOLDINGS LLC / HARTWELL HOUSE – 312 SHORE ROAD – MAP 3 BLOCK 6 – LB/R/SLR/RP.

The Public Hearing was opened at 6:20 p.m.

Applicant Seth Driggin provided an overview of the proposed project as supported by the material included in the Application Packet. He noted that the plan was modified as a result of comments from the public at the September 26, 2022 Site Visit and from the Traffic Study Peer Review prepared by Tom Errico at TyLin.

Ashley Dragoon was with her parents Ellie and Ken Arra who own the property at 304 Shore Road and are direct abutters to the subject property. Their concern is with the new vehicle entrance and exits onto Shore Road. They are also concerned with traffic from the new restaurant and asked if the Applicant intends to use valet parking.

Mr. Driggin responded that given the size of the new restaurant and the number of parking spaces, the plan is not to have valet parking. Regarding the right-of-way, the one way signs were added as a result of Mr. Errico's comments. The Applicant is happy to remove the signs and have the right-of-way remain a two-way roadway.

Mr. Wilkos reviewed public correspondence from Kirsten Ross received via e-mail on October 11, 2022 (*copies of all public correspondence will be retained in the Applicant's Planning Board File*).

Mr. McOsker agreed to reach out to the Director of Public Works and request he submit a review memo to the Board.

The Public Hearing was closed at 6:34 p.m.

2.A NL HOLDINGS LLC / HARTWELL HOUSE – 312 SHORE ROAD – MAP 3 BLOCK 6 – LB/R/SLR/RP. Site Plan and Design Review for a post 1930 structure. Application to convert existing paved area for outside dining, create new parking areas for twenty-two parking spaces.

Mr. Wilkos reviewed correspondence from Traffic Peer Reviewer Tom Errico dated October 11, 2022 (*A copy will be retained in the Applicant's Planning Board File*).

It was agreed that the applicant will be required to make the Shore Road crosswalk ADA compliant as permitted by the DOT. No permits will be issued by Town Staff (Ogunquit Code Enforcement Office) until the DOT issues its permit.

The Abutters reviewed the changes to the plans regarding the right-of-way and one way signage, which will be removed and relocated, and they agreed that the proposed changes are acceptable.

Mr. McOsker reviewed the correspondence from the Maine DOT dated October 11, 2022. The Applicant will need to apply for a Maine DOT Driveway Permit. The Code Officer will not issue any Town Permits until he receives this approved permit from the DOT.

At this time the Board review the Design Review Standards as outlined in Ogunquit Zoning Ordinance Chapter 225-11.7.C and found each standard acceptable or not applicable.

Ms. Olear Moved to Approve the Design Review Application for NL HOLDINGS LLC / HARTWELL HOUSE – 312 SHORE ROAD – MAP 3 BLOCK 6 – LB/R/SLR/RP. Site Plan and Design Review for a post 1930 structure. Application to convert existing paved area for outside dining, create new parking areas for twenty-two parking spaces. OLEAR/ MELLER 5:0 UNANIMOUS

At this time the board reviewed the Site Plan Review Standards as outlined in Ogunquit Zoning Ordinance Chapter 225-6.7 and found each standard acceptable or not acceptable.

Ms. Olear Moved to Approve the Site Plan Application for NL HOLDINGS LLC / HARTWELL HOUSE – 312 SHORE ROAD – MAP 3 BLOCK 6 – LB/R/SLR/RP. Site Plan and Design Review for a post 1930 structure. Application to convert existing paved area for outside dining, create new parking areas for twenty-two parking spaces with the following conditions of approval:

No permits shall be issued by the Town until the Maine Dept of Transportation (MDOT) signs off on the Driveway/Entrance Application and issues the required permits or approvals.

A painted Stop Bar at the exit location (exit only location) east of the site will be added to the Final Plan.

Placement of a bike rack placed in front of the first 45 degree parking space at the rear of the building.

One Way circulation signages/arrows begin at the relocated dumpster location at the rear of the site.

Site distance for vehicles exiting the property will be verified by Town Staff.

OLEAR / BEVINS 4:0 UNANIMOUS

Mr. Wilkos confirmed that both the Applicant and the Abutter were satisfied.

G. NEW BUSINESS – None

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

I. **OTHER BUSINESS** – None

Mr. Wilkos noted that the Board would be holding a 4th Workshop regarding LD 2003 at 5:00 p.m. on October 24, 2022.

J. **ADJOURNMENT** –

Ms. Olear Moved to Adjourn at 7:15 p.m.
OLEAR/BEVINS 4:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

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Town of Ogunquit

Planning Board Recording Secretary

Accepted on October 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 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.*