



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
PUBLIC HEARING and REGULAR BUSINESS
MEETING MINUTES
JUNE 5, 2023**

A. ROLL CALL – 6:00 p.m.

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

Also Present: Tyler McOsker, Code Officer
Lee Jay Feldman, SMPDC Town Planner (via zoom)

B. PLEDGE OF ALLEGIANCE –

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

D. MINUTES – May 22, 2023 Site Visit and Regular Business Meeting.

**Mr. Hayes Moved to Accept the Minutes of the May 22 2023 Site Visit as Submitted.
HAYES/BEVINS 5:0 UNANIMOUS**

**Dr. Meller Moved to Accept the Minutes of the May 22, 2023 Regular Business Meeting as Submitted.
MELLER/HAYES 5:0 UNANIMOUS**

E. PUBLIC INPUT – Mr. Wilkos asked if there was anyone who wished to be heard on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS –

**1. PUBLIC HEARING FOR:
BRICKYARD BREWING CO. – 335 Main Street – GBD2 – Map 7 Block 28 – Site Plan and Design Review for Change of Use from Type 1 to Type 2 Restaurant with the addition of a patio garden/seating area, and fence on north side of the business.**

The Public Hearing was opened at 6:03 p.m.

There were no comments from the public and the Public Hearing was closed at 6:04 p.m.

1.A BRICKYARD BREWING CO. – 335 Main Street – GBD2 – Map 7 Block 28 – Site Plan and Design Review for Change of Use from Type 1 to Type 2 Restaurant with the addition of a patio garden/seating area, and fence on north side of the business.

Mr. Hayes noted that there are currently 25 seats in the inside room which the Applicant intends to move to the outside patio. He asked what the Applicant intends to do on rainy days.

Mr. Moll responded that, assuming the restaurant was full the patio customers would probably get up and leave if it was raining.

Regarding the small inside room to the left of the seating/check-in desk, it is the Applicant's intention to use stanchions with retractable bands to block off the entrance. He will also use signage indicating that "there is no seating in this area" and he has agreed to remove the tables and chairs from that unused room.

The patio will close on November 1st. The restaurant closes at 10:00 p.m. and he will cease service on the patio at 9:00 p.m. so that patrons have vacated the patio by 10:00 p.m.

Dr. Meller asked about the manhole covers over the decommissioned septic system. He asked if the voids would be filled in .

Mr. Moll agreed to "take care of that".

At this time the Board reviewed the Design Review Standards under Chapter 225-11.7.C of the Ogunquit Zoning Ordinance:

**Dr. Meller Moved to Approve the Design Review Application for BRICKYARD BREWING CO. – 335 Main Street – GBD2 – Map 7 Block 28 – Site Plan and Design Review for Change of Use from Type 1 to Type 2 Restaurant with the addition of a patio garden/seating area, and fence on north side of the business.
MELLER/OLEAR 5:0 UNANIMOUS**

At this time the Board reviewed the Site Plan Review Standards under Chapter 225-6.7 of the Ogunquit Zoning Ordinance.

Vice Chair Olear Moved to Approve the Site Plan Application for BRICKYARD BREWING CO. – 335 Main Street – GBD2 – Map 7 Block 28 – Site Plan and Design Review for Change of Use from Type 1 to Type 2 Restaurant with the addition of a patio garden/seating area, and fence on north side of the business with the following conditions of approval:

Interior tables and chairs from the left side dining area will be removed and there will be no service in that area from May 1st to November 1st each year while the patio is in operation. The area will be roped off and there will be signage indicating No Dining in that area. The unused septic tank will be filled in, the outdoor patio seating will be limited to twenty-five seats.

OLEAR/HAYES 5:0 UNANIMOUS

G. NEW BUSINESS –

- 1. CAROLYN SAYWARD – WINTER HILLS LANE – MAP 21 BLOCK 10 - FD. Request to Amend a previously approved Subdivision Plan “North Village Estates” (Original Subdivision Approval Granted on November 12, 2004 as indicated on Findings of Fact and Meeting Minutes). Current Proposal is a division of abutting lot (Map 21 Block 10) into two separate lots.**

Ken Wood, Attar Engineering and Attorney David Ballou, Ballou Law addressed the Board as the Applicant’s representatives.

Mr. Wood displayed the proposed revision plan for the public to see. He pointed out Ms. Sayward’s parcel, which he confirmed was not part of the 2004 subdivision. When Tracy Charpentier developed the North Village Estates Subdivision there was a condition of approval that a 75 foot vegetative buffer would be maintained on an adjacent parcel which the Charpentier’s happened to own at that time, even though it was not included as part of the subdivision.

Ms. Sayward is now proposing to divide that lot into two separate lots which normally would not require Planning Board approval. However Ms. Sayward is requesting a modification of the original subdivision approval because of the 75’ vegetative wetlands buffer which is now a part of her lot.

In order to minimize the disturbance to the vegetative buffer the Applicant is proposing one common driveway to serve the two newly created lots.

The Applicant is requesting the Board find the submitted material complete; and approve a modification of Note # 7 on the North Village Estate Conditions of Approval on the Final Subdivision Plan.

Mr. Wilkos asked the Applicant to provide the Board Members with full size copies of the original final subdivision plan (filed at the York County Registry of Deeds Book 309 Page 30).

Lee Jay Feldman confirmed that this proposal would not need to come before the Planning Board but for the original condition of approval on the original Subdivision Plan.

Mr. Feldman shared his Memo to the Planning Board dated May 30, 2023 (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wood responded by reviewing his comments in an e-mail dated May 31, 2023 at 10:54 (*a copy of which will be maintained in the Applicant's Planning Board File*).

Vice Chair Olear noted that while the subject lot isn't part of the subdivision the Applicant and her then husband agreed, when developing the subdivision, to burden this lot with this vegetative buffer. She asked to see the minutes of the original meeting and the Findings of Fact which should clarify the reason for the burdening of this extra lot.

Mr. Feldman added that after a review of his predecessor, Jonathan Lockman's, files he discovered that Mr. Lockman was not overly involved in this aspect of the original subdivision approval and there was not much information in his files for the original project.

Mr. Wilkos reviewed an opinion from Town Attorney Mary Costigan dated June 5, 2023:

"I have reviewed the request to amend the North Villages Estates subdivision plan. Although not a "lot" within the subdivision, Map 21, Lot 10 is shown on the plan and has restrictions that are related to the subdivision that were presumably necessary for subdivision approval. My understanding is that the individual who owned Map 21, Lot 10 at the time of the subdivision approval was also the person behind the corporation that owned the neighboring property proposed for subdivision, That individual, Tracy Charpentier, had the authority to and did agree to a condition placed on Lot 10 to maintain a 75' wooded buffer. That buffer clearly served a purpose for the subdivision. If the current owner of Lot 10 wants to amend the buffer restriction on Lot 10, they will have to demonstrate how they can meet the purpose and function of that buffer by alternative means. I am not sure if that is possible."

Dr Meller suggested that even if the Board is unable to determine what the original thinking was behind the requirement for the creation of this buffer, common sense indicates that it was created to serve a specific function and that function is still required.

Mr. Wilkos summarized that the Board wants

Full size Final Plans of the original subdivision (York County Registry of Deeds Book 309 Page 30);

Minutes and Findings of Fact from the original Subdivision Approval;

Revised proposed plan to show the Stream Protection as indicated on the Town Maps;

Revised proposed plans to include Mr. Feldman's recommendations in his May 30, 2023 Memo.

The Board determined that the Application was incomplete. The Board also agreed to postpone scheduling a Site Visit until the requested additional material is submitted.

Vice Chair Olear Moved to Table the Application for CAROLYN SAYWARD – WINTER HILLS LANE – MAP 21 BLOCK 10 - FD. Request to Amend a previously approved Subdivision Plan "North Village Estates" (Original Subdivision Approval Granted on November 12, 2004 as indicated on Findings of Fact and Meeting Minutes). Current Proposal is a division of abutting lot (Map 21 Block 10) into two separate lots; pending

submittal of:

1. **Full size Final Plans of the original subdivision);**
2. **Minutes from the original Subdivision Approval;**
3. **Findings of Fact from the original subdivision Approval;**
4. **Revised proposed plan to show the Stream Protection as indicated on the Town Maps;**
5. **Revised proposed plans to include Mr. Feldman’s recommendations in his May 30, 2023 Memo.**

OLEAR/BEVINS 5:0 UNANIMOUS

Mr. Wilkos informed the Applicant’s representatives as well as the general public that due to the Town Meeting on June 13th the next Planning Board Meeting which should have taken place on June 12th will be pushed out to June 26th. The next Planning Board Meeting will be on June 26th. All material to be submitted to the Board must be in the Land Use Office no later than 4:00 p.m. on Friday June 16th.

Mr. Wilkos went on to say that during Covid the Board was very flexible regarding accepting material past the submittal deadline date. This has created confusion for the Board in that they often receive material via e-mail after their packets have gone out to them. As of now the Board will be going back to the submittal deadline as it was pre-covid. All applicants must have any material in before 4:00 p.m. Friday one week prior to the meeting date.

Any material which comes in after the deadline will be held by the Land Use Office. Material which is less than one page in length will be left on the table for the Board members on meeting night. Anything longer than one page or technical in nature will be accepted at the discretion of the Board members after a vote.

The only exceptions will be memos from Town Staff and the Applicant’s response to those memos.

2. **SHEPARD LANE LLC / ZACH CROSBY – 44 SHORE ROAD – MAP 6 BLOCK 37 – GBD1. Site Plan Review for a pre-1930 structure. Application for expansion of use of existing front patio area to allow for the addition of four tables with four seats per table.**

Due to miscommunication the Applicant was not present at this meeting and the Application was postponed to June 26, 2023 at 6:00 p.m.

Mr. Hayes Moved to Table SHEPARD LANE LLC / ZACH CROSBY – 44 SHORE ROAD – MAP 6 BLOCK 37 – GBD1. Site Plan Review for a pre-1930 structure. Application for expansion of use of existing front patio area to allow for the addition of four tables with four seats per table.

HAYES/MELLER 5:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS – None

J. ADJOURNMENT –

**Dr. Meller Moved to Adjourn at 6:57 p.m.
MELLER/HAYES 5:0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Accepted on June 26, 2023

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.*