



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES
JULY 24, 2023**

A. ROLL CALL – 6:00 p.m.

Members Present: Steve Wilkos, Chair
Leslie Olear, Vice Chair
Jackie Bevins
Steve Meller
Rusty Hayes (via ZOOM)

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

B. PLEDGE OF ALLEGIANCE –

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

D. MINUTES – July 10, 2023

**Mr. Hayes Moved to Accept the Minutes of the July 10, 2023 Meeting as Submitted.
HAYES/BEVINS 5:0 UNANIMOUS**

E. PUBLIC INPUT – The Planning Board welcomes input for any matter not on this agenda.

No one from the public asked to be heard.

F. UNFINISHED BUSINESS –

- 1. 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7, Block 127 – DBD. Design Review for pre-1930 structure. Application to install retaining wall along the Berwick Road side of the building.**

Mr. McOsker pointed out that the Application also includes a change from the previously approved wooden planters, the Applicant now wants to incorporate the planters into the proposed retaining wall structure.

Lucas Sevigny confirmed that a change from the previously approved free standing wooden planters to an incorporated part of the proposed stone retaining wall will look better and keep the area clearer and safer for pedestrians.

Mr. Sevigny gave a summary of the newly submitted material and the overall proposal.

Vice Chair Olear Moved to find the Application complete for 243 MAIN STREET OGUNQUIT LLC – 243 Main Street – Map 7, Block 127 – DBD. OLEAR/HAYES 5:0 UNANIMOUS

The Board determined that no Public Hearing would be required.

The Board scheduled a Site Visit to take place on August 14, 2023 at 4:30 p.m.

It was agreed that the Applicant will install a “No Parking” sign on the Berwick Road side of the building and that the Code Officer will ask the Town to look into installation of sidewalk curbing in that area as well.

Mr. Hayes Moved to Table the Application. HAYES/MELLER 5:0 UNANIMOUS

2. 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 from Attar Engineering and Attorney David Ballou addressed the Board as the Applicant’s representatives.

Mr. Wood gave an overview of the newly submitted material and the changes which were made in response to Mr. Lockman’s comments to the Board.

Mr. Lockman agreed that the submitted plans were revised and the Stream Protection area was more correctly indicated, however that Stream Protection Area may be impacted by a proposed driveway. There may also be wetland mitigation considerations which need to be addressed.

Mr. McOsker added that in the Stream Protection Zone any excavation of soil over a certain amount will require Site Plan Review.

Mr. Wood challenged the accuracy of the Town Map which indicates that this area is part of the Stream Protection Zone primarily because it is not an outlet from a wetland. He asked, “if the area doesn’t meet the definition of stream protection is it still a zone”?

Mr. McOsker responded that it is; furthermore Town regulations and definitions may be more stringent than the State's.

Mr. Feldman suggested that for any Site Visit, the Applicant flag the area of the site that is in the Stream Protection Zone, as well as the proposed driveway location. He also suggested that the driveway location be clearly delineated, and any future property owner be held to that location.

Mr. Wood responded that the driveway location has already been staked and flagged and he will add flagging for the 75 foot protection zone prior to the Site Visit.

Mr. Hayes suggested that the Application packet may not be complete. The minutes from previous planning Board meetings, which were submitted by the Applicant are incomplete. They only include those portions of the minutes which specifically reference this application. Mr. Hayes would like the complete minutes for each meeting.

The question was raised as to whether or not the Board should require a Peer Review by a Soil Scientist to assess the topography and the quality of the terrain, and addressing the question of the Stream Protection Zone location.

Mr. Feldman added that the Peer Review may also need to have a surveyor on site to determine "where the zone is actually located on the face of the earth". The location is based on the Town's Zoning Map. The Zoning Map is the official document which the Town of Ogunquit uses for zoning purposes. The zone should be located on the face of the earth based upon the location indicated on the Town Map. He informed that Board that it is common for Soil Scientists and Surveyors to work together for this type of review.

The Board agreed that a peer review would be needed.

The Board agreed that the Applicant should submit the entire meeting minutes for all four meetings regarding Ogunquit Village Estates.

It was discussed that the Town Map indicates the area is in Stream Protection; and regardless of what a soil scientist or surveyor comes up with, that will not change.

The Board subsequently agreed that no soil report would be needed. The Board asked to have the area surveyed by an independent surveyor who will locate, and flag, the Town's Stream Protection Zone on the surface of the earth.

The Board determined that it would not find the application complete without the submission of the complete set of meeting minutes and the survey, and no Public Hearing will be scheduled until the application is found to be complete

It was also agreed that the Applicant will submit a Site Plan Review Application which is required due to the removal of more than ten yards of soil in the Stream Protection Zone.

Vice Chair Olear Moved to Continue the Application pending the Applicant's submission of:

- **3rd Party survey of the Stream Protection area of the site with the Stream Protection Zone indicated on the survey and flagged on site; The applicant also will flag the “buffer” on site.**
- ***Complete set of the four North Village Estates Planning Board Meeting Minutes;**
- ***Site Plan Application for the removal of soil in the Stream Protection Zone.**

OLEAR/BEVINS 5:0 UNANIMOUS

Due to the potential impact to the Stream Protection Zone on this parcel the Board asked for a memo from the Ogunquit Conservation Commission regarding this project.

G. NEW BUSINESS – None

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS –

The Board scheduled a Public Hearing, to take place on August 14, 2023 at 5:00 p.m. regarding the TA1 Ordinance Amendments.

J. ADJOURNMENT –

Mr. Hayes Moved to Adjourn at 7:00 p.m.

HAYES/MELLER 5:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Accepted on August 14, 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.*