



Zoning Board of Appeals  
Post Office Box 875  
Ogunquit, Maine 03907-0875

**OGUNQUIT ZONING BOARD OF APPEALS  
REGULAR BUSINESS MEETING  
SEPTEMBER 8, 2022  
DUNAWAY CENTER MAIN AUDITORIUM  
and via ZOOM  
1:00 P.M.**

**1. ROLL CALL and CALL TO ORDER - 1:00 p.m.**

Mr. Griswold called the roll:

Members Present: Jay Smith, Chair (via ZOOM)  
Peter Griswold, Vice Chair  
Jerry DeHart  
Mike Horn (excused at 1:30 p.m.)  
Glenn Deletetsky  
Doug Mayer (1<sup>st</sup> Alternate)

Also Present: Tyler McOsker, Code Enforcement Officer

Mr. Smith confirmed that a quorum was present.

**ELECTION OF SECRETARY**

Mr. DeHart nominated Mr. Deletetsky as Secretary. The Board unanimously approved the nomination and Mr. Deletetsky accepted.

**2. ACCEPTANCE OF MINUTES – August 11, 2022.**

**Mr. Deletetsky Moved to Accept the Minutes of the August 11, 2022 Meeting as Amended.  
DELETETSKY/GRISWOLD 5:0 UNANIMOUS**

**3. UNFINISHED BUSINESS – None**

**4. NEW BUSINESS –**

- 1. BEACHMERE FAMILY LIMITED PARTNERSHIP / LOUESA GILLESPIE –  
7 Ontio Way – Map 4 Block 20 - LBD. Administrative Appeal of the Code  
Enforcement Officer’s August 17, 2022 Determination that the public way may not  
be utilized as a private driveway.**

Mr. Smith confirmed with the Board that no one had any conflict sufficient to disqualify him from hearing and impartially deciding this case.

The Board unanimously agreed that it had standing to hear and decide this case.

**Mr. DeHart Moved to find that the Board had standing and that it should hear this case.  
DEHART/GRISWOLD 5:0 UNANIMOUS**

Sarah Diment addressed the Board as the Applicant's representative (daughter). She asked the Board to accept new submissions. Mr. Smith informed her that the Board could not accept submissions at meeting because those individuals participating via ZOOM would not have access to the material.

Ms. Diment stated that it is not the Applicant's intention to adversely possess, or in any manner "take" the subject acreage. The Applicant only wants to improve the existing paper-street, not claim ownership of it.

Code Enforcement Officer, Tyler McOsker summarized that the subject acreage is a "paper-street" adopted and affirmed by the Select Board as belonging to the Town of Ogunquit. The Applicant has no rights to improve or possess the entire street. He acknowledged that the Applicant did have the right to utilize the paper-street to access her property however she may not improve the access way any more than is necessary for such access.

Attorney Peter Clifford, representing the Horizons Condominium Association reviewed his correspondence to the Board and gave a verbal presentation of his argument to uphold the Code Officer's Decision.

At 2:19 p.m. Chairman Smith closed the Public Portion of the Hearing and the Board began deliberations.

The Board determined that the following Sections of Chapter 225 Ogunquit Zoning Ordinance applied:

Chapter 225-5.1- Appeals;

Chapter 225-5.2.A - Administrative Appeals;

Chapter 225-5.3 – Appeals Procedure;

Chapter 225-11.2 – Public Street or Public Right-of Way Definition:

A street or way for the passage of vehicles and/or pedestrians, either accepted by the municipal legislative body and owned by the Town of Ogunquit or owned by the state or federal government. The term as used in this article shall not include public beaches, public parks or any other types of public properties or facilities.

The Board also determined that any decision they made would be restricted to the Decision of the Code Enforcement Officer and would in no way grant, or not grant, the subject acreage to the Applicant. The Board will rule to: uphold, overturn, or modify the code Enforcement Officer's August 17, 2022 Decision.

**Mr. DeHart Moved to uphold the Code Enforcement Officer's August 17, 2022 Decision (see Tyler McOsker E-Mail to Steve Thompson et al dated August 17, 2022).  
DEHART/GRISWOLD 5:0 UNANIMOUS**

5. **CODE ENFORCEMENT OFFICER BUSINESS** – None
6. **OTHER BUSINESS** – None
7. **ADJOURNMENT** –

**Mr. Griswold Moved to Adjourn at 2:40 p.m.**  
**GRISWOLD/MAYER 5:0 UNANIMOUS**

Respectfully Submitted

*Maryann Stacy*

Maryann Stacy  
Recording Secretary

*Approved on December 8, 2022*

*Notes:*

- *These minutes are a summary of what was discussed and are not a transcript.*
- *Copies of referenced documents will be maintained in the Application packet on file with the Land Use Office.*
- *All 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).*