OGUNQUIT
Beautiful Place by the Sea

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OGUNQUIT PLANNING BOARD
WORKSHOP
DUNAWAY CENTER MAIN AUDITORIUM
MONDAY NOVEMBER 14, 2016

DISCUSSIONS WITH THE OGUNQUIT RESIDENTS ALLIANCE (ORA).

Planning Board Members present were: Steve Wilkos
Muriel Freedman
Rusty Hayes
Jackie Bevins
Mark MacLeod

Planning Board Members Excused: Don Simpson

ORA Members present: Madeline Mooney Brown
Marsha Northrop, Team Captain, Town Character & Quality of Life
Jackie Connerty, Co-Captain, Rentals
Wendy Levine
James Hartwell
Marjory Katz

Also present: Scott Heyland, Ogunquit Code Enforcement Officer
Maryann Stacy, Recording Secretary

THE FOLLOWING RECOMMENDATIONS (IN BOLD) WERE SUBMITTED TO THE PLANNING BOARD BY THE OGUNQUIT RESIDENTS ALLIANCE (ORA)

1) **The Planning Board should schedule Public Hearings for all Design Review applications that are located in the districts listed in 11.2 District of Article 11 Design Review:**
   1. **Downtown Business District;**
   2. **General Business Districts I and II;**
   3. **Limited Business District;**
   4. **Perkins Cove Limited Business District;**
   5. **Ogunquit Beach Business District.**

Marsha Northrop asked the Board members for their input.

Mr. Wilkos noted that the ORA's proposed language says that the Board "should". It does not say "shall". He asked if that is equivalent to the Board "may" schedule Public Hearings.

Ms. Northrop suggested they use the word "shall".

Ms. Freedman noted that using the word "shall" is equivalent to "must". She and Mr. Wilkos disagreed with the ORA's proposal that the Board must/shall hold Public Hearings for all Design Review applications as noted above.

Mr. Wilkos stated that there are some Design Review applications which are so minor that they do not require Public Hearings.

Ms. Northrop suggested they go back to using "may".

Mr. Hayes noted that this is what the Ordinance says now.

Ms. Northrop agreed.

Mr. Wilkos asked if there were any members of the public who wished to be heard on this item. There was no one.

Mr. Heyland asked; why make a change to the existing language if the objective is to leave it as it is? He asked if everyone was in agreement that holding Public Hearings for Design Review Applications should be left up to the discretion of the Board on a case by case basis. He noted that this is what the current Ordinance already says. He reminded everyone that changing the verbiage of the Ordinance requires approval by the voters.

Ms. Northrop agreed that the Ordinance should be left as it currently is.

Wendy Levine stated that it is the ORA's recommendation that the Board does schedule Public Hearings for applications in the above noted areas, and that the holding of Public Hearings for Design Review be left to the Board's discretion. Ms. Levine stated that in general the ORA would like to see Public Hearings for larger Design Review projects.

Mr. Heyland again asked if the ORA is suggesting a change to the current ordinance, which states that the Board "may" hold a Public Hearing on a Design Review Application.

The Planning Board members and the ORA representatives agreed that no change is needed to the current Ordinance language regarding the holding of Public Hearings for Design Review Applications.

2) In order to convey clear information and promote transparency, all CAD designs and/or drawings submitted for Design Review purposes must be of comparable professional quality and must clearly show what the proposed building or addition will look like at all angles. Pictures must be included to indicate the scale of the new build in relation to surrounding buildings. Superimposing these pictures into the existing neighborhood will be very helpful as long as the scale shown of the new build is accurate. Replacing a 28 foot high building with a 35 foot high building doesn't make sense in an area of 28 foot tall buildings:

* **New builds MUST blend in with the existing buildings not dwarf them;**

* **Applicant should be required to submit these plans to the Planning Board in a high resolution PDF digital format to be posted online within 5 days of its submission.**

Technical difficulties obscured a few moments of the meeting.

Ms. Northrop stated that the ORA feels that PDF submissions are more common now and having the information available online would help everyone to better understand what is being proposed. She also stated that the ORA feels that new construction needs to be proportional to the buildings and neighborhood around it. She noted that the existing ordinances are great; and if builders and designers who come before the Board know that the Board is going to expect certain things as part of the plans the Board will have more information to help them understand what is proposed. She suggested the Town send builders the ordinance before they submit their plans. This would make what is expected very clear.

Mr. Heyland stated that the current Ordinance language, as stated in Article 11.6.2 for a Design Certificate, states that the applicant is required to provide: "Elevations of each side of the proposed building to be constructed or altered, at a scale of at least ¼" = 1 foot, and in the case of alterations, showing conditions before and after the proposed alteration;" Mr. Heyland stated that if the Board wants to add more submittals to the application requirements it will need to draft specific language identifying exactly what applicants will be required to submit. He noted that submittal requirements can't be vague; they need to be clearly stated.

Mr. MacLeod agreed it would be great for the Town to have digital PDFs of the application information for record keeping. He stated that having spent a long time in construction he knows that in order to see any detail you have to zoom in so close that you lose the context of detail in the overall drawing.

Ms. Northrop responded that the ORA is suggesting that the digital drawings be submitted in addition to the large paper drawings. She noted the Abalonia's recent meeting with the OHPC. That applicant supplied large drawings and pictures. Having the information online allows the public to keep informed, particularly those people who may not be in town.

Mr. Heyland stated that there seemed to be two discussions going on.

1. What will the Board require from an applicant?
2. Whether or not the applications are put online.

Mr. Heyland asked what the ORA is looking for with regard to submittals.

Ms. Levine asked if the Abalonia paperwork showed the building in relation to the buildings surrounding it.

Ms. Freedman responded that it did not. It only showed the subject building.

Mr. Northrop stated that she thinks that an application involving a "large building in the middle of a historic district" should be required to submit illustrations which show how the new construction will impact the other buildings around it; particularly if the new building is much bigger or taller.

Ms. Freedman pointed out that the Town has a height restriction.

Mr. Heyland stated that the height restriction is 35 feet. He suggested the ORA wants to be able to look at a rendering showing what the property will look like after the project is done. He noted the new Norseman building application included overlay photo-imagery which imported the proposed new building into a photograph of the surrounding buildings.

Ms. Northrop responded that she saw that image and doesn't think it accurately represents what the new building looks like. She stated again that the more information the Board has the better it will be for them to make a decision.

Mr. Hayes responded that the Board had all that information with the Norseman project. He added that Save Ogunquit Beach even put that rendering, showing all three surrounding buildings, on its Facebook Page.

Mr. Hayes stated that at the last workshop Ms. Bevins reminded everyone that all applications are available for review at the Land Use Office and Ms. Northrop responded that neither she nor the others were aware of that.

James Hartwell responded that the ORA is asking: what information can be made readily available to the general public, for those people who are here year round and those who are not here year round? He asked Mr. Heyland if he was able to find out whether or not Ogunquit could put the applications on the Town's website. The other ORA members agreed.

Mr. Heyland responded that at the present time the Town doesn't have the capability to post all this information online. He suggested that he could create a proposal for the Budget Review Committee and the voters to vote on; and if they want to contract with an outside service to oversee the posting, then it could be done. He again stated it would have to go to the voters. He noted that applications usually have oversized plans which his office cannot scan, the website is also maintained by a part time employee and the Land Use Office staff is down to two people. Mr. Heyland also noted that there is a danger of key information not making it online which poses legal questions. He informed the ORA members that it currently takes a great deal of effort to put together complete application packets which are often amended as the process moves along.

Mr. Hartwell agreed that they could look at putting something together and letting the voters decide. He added that the Board and Code Enforcement Office will get more input from residents if the applications were available to view online.

Mr. Hayes responded that the meetings are televised and streamed live online; they are also archived online for people to watch anytime.

Mr. Hayes suggested the ORA was originally organized because some people felt they were paying too much in taxes, he asked if they had bylaws.

Ms. Northrop, Ms. Levine, Ms. Katz, and Ms. Brown all responded that this is untrue; that the ORA has bylaws. (*at the January 9, 2017 Meeting Mr. Hayes requested Exhibit A be attached to these minutes and made a permanent part of the record. With unanimous Board approval Exhibit A is attached)*

Ms. Levine stated that the ORA By-Laws are on their website.

Ms. Northrop also noted that there are some builders who submit application drawings in PDF form.

Mr. Heyland responded that the application packets are very large; he agreed that occasionally he gets drawings and other information in PDF format. He agreed that he could put portions of an application online, but the legal problem is that it wouldn't be a complete application packet; and the Town could be accused of withholding information. He agreed it can be done but it will be expensive.

The ORA members reiterated that they want to see renderings of what the proposed project will look like in relation to its neighbors and neighborhood.

Mr. Heyland reiterated that currently applicants are required to submit ¼" = 1 foot elevation drawings of all four sides of any proposed new building or alteration of an existing building. He suggested that the Board might want to also require color renderings. He agreed that more information is always better but there will be a hardship upon applicants. He asked the Board to consider what level of detail they want and need. He reminded everyone that the extra renderings and information the Norseman Applicant submitted was not required, they didn't have to provide it but they were willing to do so.

Ms. Levine responded that residents don't need to see renderings of the project all the way through the application process; however at the end of the process, before it's approved, she would like to see a rendering of what the project will look like when completed. She suggested this wouldn't be difficult to put online.

Mr. Wilkos noted that the Board had this for the Norseman project. He asked what more the ORA is looking for.

Ms. Levine responded that she never saw a rendering of the Norseman that looks like the finished structure. She doesn't think the new building looks anything like the application drawings.

Ms. Freedman disagreed. She added that any online renderings posted at the end of the Design Review process would be after the public hearing and there wouldn't be time for public input.

Ms. Levine responded that the drawings could be posted before the final meeting.

Ms. Bevins suggested that members from the ORA should consider a seat on the Planning Board.

Mr. Wilkos agreed.

Mr. Hartwell summarized that the ORA wants information up online. He noted that he lives in New York and he can go online there and see application information. He stated that a lot of New Hampshire towns are doing it; so are Wells and York.

Mr. Hayes responded that Ogunquit is a small town with limited resources.

Mr. MacLeod summarized that the ORA would like to see a list of coming projects online. He noted the Building Permit list which is on the cork board in Town Hall and the Post Office.

Mr. Heyland responded that the Planning Board agendas are posted online so is the monthly building permit list.

Mr. MacLeod asked how out of town people can see what projects are coming. He suggested posting the first page of the submittal and drawings.

Mr. Heyland responded that they need to put the entire application online or none of it. He likened it to someone coming into the Land Use Office to see a file and only being shown a portion of it. It opens the Town up to legal problems.

Mr. MacLeod agreed that a simplified version of the applications posted online, with a disclosure that it is not a complete application, could be done. He noted that it would need to be done in a timely manner

Mr. Heyland responded that as changes occur to the proposed project, the amended plans would need to be re-posted. He again reminded everyone that the Land Use Office and the Town's website controller have very limited staff.

Mr. MacLeod agreed that they would have to look at staff workload. He noted that Wells and York have much larger staffs.

Ms. Levine noted that the Ordinance already allows for the Board to require additional information from an applicant and that the cost is paid for by that applicant.

Mr. Wilkos asked if there were any members of the public who wished to be heard.

Madeline Brown asked the Code Enforcement Officer if the ordinance includes an ability to look at the proposed project from all angles.

Mr. Heyland responded that it is not currently included in the ordinance.

Ms. Brown asked if the ordinance requires a rendering of the scale of the new building in relation to surrounding buildings.

Mr. Heyland responded that it does not. He referred to Article 11 in the Ordinance which requires the Board to consider these questions for Design Review; it does not require the applicant to submit renderings showing them.

Ms. Brown stated that the ORA seems to be asking for two things 1) what the proposed building will look like from all angles and 2) pictures that include the scale of the building in relation to surrounding buildings. She asked if these submission requirements are already in the ordinance; and was told by Mr. Heyland that they are.

Ms. Brown suggested the ORA needs to tell the Board exactly what they want the ordinance to say. They need to provide verbiage.

Mr. Hayes agreed, that the ORA is asking for things that the Board already has.

Ms. Northrop reiterated that builders coming before the Board need to show that the scale of the building is in keeping with the surrounding buildings. She stated that just because a building can be 35 feet tall doesn't mean that it should be, and the Board has the ability to deny an application that is not in scale with its neighborhood.

Mr. Hayes responded that the Board has done that. He noted the Norseman building which was reduced in height as the Design Review process moved along. He agreed that some things are subjective. He has seen some things built in town that he didn't particularly like however, design is subjective.

Jerry Dehart stated that it would be better to not use the term "builders". Builders aren't telling the Board anything, it's the taxpayers and applicants who bring projects forward. Builders only represent them. Telling "the builders" isn't what's needed, it's the taxpayers who need to be told.

Marjorie Katz stated that there are DEP regulations which are very firm regarding building within 75 feet of the shoreline. The Board also needs to consider the surroundings, and 35 feet high buildings may not be appropriate even though they are allowed.

Mr. Hayes responded that with the Norseman project the Board followed the DEP regulations.

Ms. Freedman asked what the ORA is looking for when they say "Applicant should be required to submit these plans to the Planning Board in a high resolution PDF digital format to be posted online within 5 days of its submission".

Ms. Northrop suggested the language be changed to "timely manner".

Mr. MacLeod suggested "prior to the Public Hearing".

Ms. Northrop agreed.

Ms. Freedman stated that this might be after the application is found complete.

Mr. Heyland responded that a complete application is due in the Land Use Office two weeks prior to the Planning Board meeting. He suggested that the problem with all these loose ends is that late submittals and changes can cause confusion. He noted a recent incident where someone was going around town with an outdated inaccurate plan. He recommended that if the Board wants to require more information it should be submitted two weeks before the meeting to find the application complete.

Ms. Northrop asked the Board if they have ever received plans they felt were insufficient.

Mr. Wilkos responded that applications are reviewed by the Code Enforcement Officer before they ever make it to the Planning Board. He stated that if the Board isn't satisfied with any part of an application they can, and have, sent the applicant away to come back with improved information.

Mr. Hayes reminded everyone that the Board has tabled several applications due to a lack of acceptable information.

Ms. Levine suggested new buildings should be shown in a rendering which illustrates how they will look in relation to surrounding buildings.

Mr. Wilkos asked if the ORA wants to apply these increases in information to new buildings only.

Ms. Levine responded that they would also apply them to changes to existing buildings rooflines or outlines.

Mr. Hayes stated that this may be a large expense for some small jobs.

Ms. Levine expressed her concern about "changes in the Town's landscape".

ORA members suggested that increased submission requirements should apply to all pre 1930 structures, new buildings, and anything in the center of town, Beach Street, and Shore Road, and Perkins Cove. *This portion of the workshop was not recorded. ORA members did not use the microphone.*

Mr. Hayes responded that it is his opinion that this is excessive.

Mr. Wilkos asked, specifically, which Planning Board approved buildings the ORA doesn't like.

Ms. Levine responded that Abacus is too big. The Town doesn't look like it did ten to fifteen years ago. She went on to say that the Board should consider rooftop decks, "look at the nightmare of Mainstreet".

Jerry DeHart (Coastal General Construction) responded that if an applicant wanted to add a $10,000 dormer to a house, and that applicant was required to submit drawings of the house with surrounding houses it would more than double the cost of the construction.

Mr. DeHart added that any discussion regarding rooftop decks needs to include the issue of "seeing the people as well as the building". He asked "when driving down the road where do you draw the line that says 'I don't mind seeing the people over here, but I don't want to see the people over there'.

Ms. Levine responded "don't even go there". *(@58:17 mins into the Workshop)*

He stated that he is "going to go there"! He noted that Mainstreet keeps coming up: Mainstreet lights, Mainstreet etc. He asked "is it the people or the building that is the problem?" He noted past discussions about people with shirts off, and garment issues. He reiterated that it's a very fine point and he resented being told "don't".

Ms. Northrop responded "that is so out of place".

Members of the ORA responded that this isn't part of the discussion.

Mr. Wilkos asked Mr. DeHart how he feels about new construction only being required to show the relationship between the buildings.

Mr. DeHart responded that work on historic buildings is more relevant to what is being discussed. He stated that the goal should be to keep historic buildings like Abalonia and the Scotch Hill Inn, and that

run of buildings the same. Regarding new buildings, it depends on what is being torn down. It comes back to the Planning Board to consider the height. He noted that almost always he can talk his clients into a lower building height when it's appropriate. He noted that Mainstreet is much lower than thirty-five feet in height. He agreed that historic buildings are different than new construction.

Ms. Northrop suggested that a new building constructed among historic structures should be compatible with its historic neighbors.

Mr. DeHart responded that when he walks through town he sees that people have done better with their properties. Unlandscaped yards, falling down stone walls, junk cars in driveways etc have been cleaned up. He thinks Ogunquit is a more beautiful place than it was in the 1970s because people have kept up their properties. Mr. DeHart noted that there has been a change in cost and the dynamics of people who have moved here who have invested a great deal of money in their buildings. He agreed that there may be some things he might have not have wanted to build however it is the taxpaying property owners who choose what they want to build.

3) The Planning Board is encouraged to obtain the services of an outside professional to assist with Design Review applications if more clarification is necessary for them to properly understand a project. This option is explained in 11.5 B of Article 11 of Design Review.

Ms. Levine stated that if item 2 is done properly then item 3 will fall into place. She reiterated that Article 11.5.B does say that the cost is absorbed by the applicant.

4) The Planning Board should require that all applicants provide an updated property survey that reflects all current information at the time of filing, e.g. building locations, driveways, right-of-ways, and easements, zoning districts, etc. If so, the requirement for boundary surveys that have minimum detail can be eliminated.

Mr. Wilkos asked Mr. Heyland if a survey is required for Site Plan Review.

Mr. Heyland responded that a site plan showing the subject property is required. However a site plan is not necessarily a boundary survey. He noted that site plans generally include structures, driveways, parking etc.

Mr. Hartwell added that the ORA is talking about surveys that do not include all information. He would like to see surveys that show all the information and surveys should be updated for all new applications.

Mr. Wilkos asked if the ORA is saying the Board should require a boundary survey if someone wants to change a window in their house.

Mr. Hartwell responded "yes".

Mr. Heyland stated that the Board requires engineer prepared surveys for Site Plan Review. He suggested that if the Board wants to change the requirement for Site Plan and Design Review it could be done by adding "prepared by a licensed engineer or surveyor" to the requirement for a site plan. He cautioned that this will require that applicant wanting to change a window to provide an updated survey. He suggested this requirement might be broken down into different levels of projects.

Mr. Hayes reminded everyone that a surveyor will not draw up a site plan, and put his stamp on it, unless he does all the fieldwork, which is expensive.

Mr. Wilkos asked if they are talking about Site Plan and/or Design Review.

Mr. Hartwell responded "both". He stated that he has spoken to surveyors and engineers who agree that surveys should be required for Design Review.

Mr. Heyland responded that this requirement would provide a great deal of more work for them.

Mr. Wilkos stated that he feels there should be two requirements, one for Site Plan and one for Design Review.

Ms. Freedman noted that Perkins Cove and Ogunquit Beach Limited Districts aren't noted in the Ordinance.

Mr. Heyland responded that the correct designations are Shoreland General Development 1(Main Beach) and 2 (Perkins Cove).

Mr. Wilkos summarized that the Board appreciates the ORA's input and that the Board will take all their recommendations under consideration at this time.

Mr. Wilkos adjourned the workshop at 5:30 p.m.

Respectfully Submitted
Maryann Stacy
Maryann Stacy
Recording Secretary

Approve on January 9, 2017

Planning Board
(Exhibit A)

A TAXES / valuation 31

3 points =
2 points =
1 point =

B Safety 5

C Traffic / Parking 27

D Senior Services 4

E Affordable Housing 31

F Quality of Life / neighborhood rentals 26

G Politics / Communication / town business 29

H Historical Preservation 9

~~I Old School House~~

I Town Housekeeping Beach/Lots/Plowing 9

J Town Growth / keep upscale 31