OGUNQUIT
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OGUNQUIT PLANNING BOARD MINUTES
MONDAY AUGUST 22, 2016

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Don Simpson (Vice Chair)
Muriel Freedman
Jackie Bevins
Rusty Hayes

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, SMPDC
Maryann Stacy, Recording Secretary

Mr. Wilkos confirmed that all cell phones were off the table.

B. PLEDGE OF ALLEGIANCE -

C. MISSION STATEMENT – The Mission Statement was read by Mr. Simpson.

D. MINUTES - August 8, 2016 Public Hearing, and Regular Business Meeting.

Mr. Hayes Moved to Accept the Minutes of the August 8, 2016 Hearing and Meeting as Amended.
HAYES/BEVINS 5:0 UNANIMOUS

E. PUBLIC INPUT – For any matter NOT already on this Agenda.

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. FINDINGS OF FACT FOR
TOWN OF OGUNQUIT – 149 Ocean Street – Map 10 Block 52-A – RP. Site Plan and Design Review Application for the replacement and minor expansion of the existing Town

owned footbridge; crossing the Ogunquit River connecting the Ocean Street Footbridge Beach Parking Lot with the Footbridge Beach.

Mr. Hayes Moved to Accept the Findings of Fact for TOWN OF OGUNQUIT – 149 Ocean Street – Map 10 Block 52-A – RP as Amended.
HAYES/BEVINS 5:0 UNANIMOUS

2. GRAHANELI, LLC / MOLLY TROLLEY DEPOT — 724 MAIN STREET — Map 11 Block 6 — GBD2/SLC/SLR/R/RP Zones — Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

1. **Private pay parking lot with private shuttle for patrons;**
2. **Office for private charter service and parking lot;**
3. **Retail and Restaurant space.**

Michael Sudak from ATTAR Engineering addressed the Board as the Applicant's Representative. He stated that he was attending on behalf of Jim Wright and Lou Chamberlin who addressed the Board at the previous meeting.

Mr. Feldman reviewed his memo to the Board dated August 29, 2016 (sic) (actually submitted on August 15, 2016):

> ***"Introduction***
> *The applicant Grahaneli, LLC is seeking to improve the current property at 724 Main Street and use it as a private parking area and trolley service facility to the Footbridge Beach and North Beach locations. The project will also house a 1593 square foot retail shop and café. The project is proposed to have 78 parking space on the site with adequate circulation for vehicles.*
>
> ***Waivers***
> *The planning board previously acted on the waivers.*
>
> ***Traffic Circulation***
> *The applicant has addressed all of the circulation issues per the comments of Tom Errico of TyLin Consulting. The one area that staff still has some concern with is the cuing angle at the exit. It seems to be scued to the south rather than at a 90 degree angle. I would suggest that the Planning Board consider requiring a stripe to separate the north and south bound turning lanes in order to allow for additional cars to be cued in the appropriate lane when exiting the site. The site has enough width to allow for two lanes at the opening in order to accommodate this alteration.*
>
> ***Landscaping***
> *At this point the only outstanding matter with landscaping was the need to discuss what was proposed for screening around the Dumpster location. Note 7 of the site plan indicates the use of Stockade fencing which is acceptable under the ordinance criteria.*
>
> *The applicant has also added sidewalk connections to the Route 1 sidewalk from the site.*

Drainage & Stormwater
The applicant has provided a stormwater plan that shows a 3' deep swale and stone bermed level spreader in order to disperse water slowly and filtered prior to its reaching the wetland area. This is an appropriate resolution to addressing the issues that I had from the prior plan.

Recommendation
I believe the applicant has provided and satisfied all of the information requested. I would recommend approval of the application."

Mr. Feldman also suggested the Applicant stripe the parking lot exit location to delineate left and right turns out of the site.

Mr. Wilkos asked Mr. Feldman to review his suggested condition of approval.

Mr. Feldman responded:

1. The Applicant stripe the exit location to delineate left and right turns out of the site.

Mr. Hayes noted that Mr. Feldman had not addressed the question of paid parking or the applicant's intent to have trolleys on display for sale.

Mr. Feldman responded that he was unaware that the applicant proposed doing that, he added that he is aware of the two trolleys they will keep on site and that there is adequate parking for those two trolleys to circulate people. He added that there is sufficient parking for the trolley shuttle service, the retail use, and café.

Mr. Hayes stated that he recalled Mr. Bradish stating, at the first meeting, that he wanted to have a place where he could display the trolleys.

Mr. Sudak responded that it is his understanding that this was not intended to be a part of the design process, just the bay on the east side of the property to be used for the trolleys when not in service.

Ms. Bevins asked if there will be a sales office on site.

Mr. Sudak responded that, to his knowledge, there will not.

Mr. Hayes asked about the paid parking which is not in the introduction.

Mr. Feldman responded that between the proposed shuttle service for the two trolleys, the café, and the retail space the applicant does not have enough parking for a "paid parking lot".

Mr. Wilkos asked if the applicant is no longer asking for a paid parking lot.

Mr. Sudak responded that he has never heard any mention of a paid parking lot use. To his knowledge there is no "mechanism in place for that use in this application".

Mr. Heyland added that note 4 on the plan identifies all the uses for the parking spaces on site. It does not indicate any spaces for paid parking. It was his understanding that there would be paid parking for patrons who could either utilize the trolley shuttle service or leave the site on foot.

Mr. Wilkos asked if the applicant filed an amended application.

Mr. Feldman responded that the "paid parking" is attributed to the two trolleys that will be used to shuttle patrons to the two beaches.

Mr. Wilkos asked again if the applicant proposes "paid parking".

Mr. Hayes read from the application which stated "private paid parking lot with private shuttle for patrons".

Greg Orso addressed the Board. Attorney Orso is an attorney for Molly Corp. He referred to minutes from a previous meeting where Mr. Bradish stated that they will have "paid parking with free transportation to the north and Footbridge Beaches, coffee shop and gift shop, which is consistent with what Mr. Feldman stated.

Mr. Wilkos asked if the Applicant is asking for a paid parking lot.

Attorney Orso responded that the paid parking is related to the trolley service which was discussed four or five meetings ago.

Ms. Bevins stated that if patrons are riding the trolley they will have to pay for the parking.

Mr. Wilkos asked if patrons can pay to park on the lot even if they are not riding the trolley.

Mr. Orso responded that he did not think that was the intent. The intent is to tie the parking to the trolley.

Mr. Wilkos responded that the Board needs to know exactly what the applicant intends to do.

Mr. Heyland asked if someone could use the trolley service if they were not parking in the lot. He suggested that the proposal is for patrons to pay for the parking and get a free trolley ride as opposed to paying for the ride and getting free parking.

Mr. Orso responded "yes".

Board members expressed that they were still unclear as to exactly what the applicant intends to do.

Attorney Orso responded that nothing has changed on the plan and he is confused as to what distinction the Board is looking for. The applicant is looking for paid parking related to the trolley.

Ms. Freedman asked how many of the parking spaces would be dedicated to this activity.

Mr. Heyland responded that the plan indicates 27 spaces per trolley plus a driver.

Mr. Feldman added that one 26 seat trolley and one driver for on-site service equals 27 parking spaces, the applicant is intending to have two trolleys which will require a total of 54 parking spaces. That, combined with the parking spaces required for the café and the retail use will require 78 parking spaces.

Mr. Sudak responded that he is not very familiar with the application, and if this is what was originally proposed he is not recommending any change.

Mr. Wilkos asked for someone to clarify for the Board, exactly what the Applicant is asking for. Is this a paid parking lot?

Attorney Orso responded "yes, related to the trolley service".

Mr. Wilkos asked for confirmation that the parking lot was "only related to the trolley service".

Attorney Orso responded that "yes, that is the intent".

Mr. Wilkos asked if patrons could still pay to park there if there was no trolley service.

Attorney Orso responded that he "did not think that was what those parking spaces were intended to be for". He asked what the problem would be if people parked there, if for some reason the trolley service were to stop?

Mr. Wilkos asked Mr. Feldman to summarize the conclusions in the traffic study peer review.

Mr. Feldman responded that Tom Errico was satisfied with the information that was provided relevant to the application. Mr. Errico originally had some concerns regarding the traffic circulation through the site. The circulation was redesigned and Mr. Errico is now satisfied and has no more concerns.

Mr. Simpson referred to the Board's minutes from January 11, 2016 which stated that:

"Jamie Bradish (Applicant) responded that he will have three uses at the property. The primary use will be livery trolley charter service. They will have three accessory uses: paid parking with free transportation to the North and Footbridge Beaches, coffee shop, and gift shop.

He added that he will have to pay for a permit to transport patrons to the beaches. He intends to use this facility as a type of advertising sales tool for his trolley construction/business. He stated

that he does not want to be involved with the Town trolley route. This is one of the reasons he isn't offering shuttle service to the Main Beach."

Mr. Heyland stated that if the trolley is sitting on site taking on, or discharging passengers; and at the same time it is being viewed by someone considering purchasing a trolley, he doesn't see that as being a very separate use.

Mr. Wilkos asked, if the trolley shuttle service is being used as a sales tool, isn't that outside sales?

Mr. Heyland responded that it probably is.

Mr. Hayes asked if the property will have a sales office. He wants to be very clear on what he will be asked to vote for.

The Board members agreed that until the applicant's proposal is more clearly defined they would not be comfortable voting on this application.

Attorney Orso asked the Board to be clear on what they are asking from the Applicant. Attorney Orso stated that he has attended the last four meetings on this application and during the last three this issue was never addressed.

Mr. Hayes responded that he brought up the question because Mr. Feldman's memo did not address the use of the property as a sales, or demonstration, area for the sale of trolleys.

Mr. Feldman referred to Note 1 on the plan which states that:

"The plan was prepared and accompanying an application to the Town of Ogunquit Planning Board for the following uses:

a. For pay private parking with a private shuttle available to patrons to Footbridge Beach and North Beach.

b. Office space and ticket counter associated with the management of the parking lot and private livery charter service.

c. Retail space and small food service restaurant"

Mr. Feldman stated that the parking plan associated with the trolley service has always been a part of the plan.

Mr. Heyland added that according to the plan there is no intention for any type of display or trolley sales office.

Mr. Simpson asked for specific clarification as to what type of food will be prepared / sold at the "food service restaurant".

Attorney Orso responded that there won't be a lot of cooking involved; they will sell prepared foods that patrons can grab and go.

Mr. Simpson asked if there will be any cooking on the premises.

Attorney Orso responded that there may be a microwave.

Ms. Freedman asked about foods like hamburgers.

Attorney Orso responded that ultimately it is not the intent for that to be the primary function of this. The intent is essentially to have patrons grab something as they go by. He could not recall if the plan called for any type of heating surface that could be used to prepare food. He agreed to get the answer to that question.

Mr. Feldman suggested the Board might include a condition of approval which states that there be no cooking on the premises which requires commercial cooking facilities or outdoor ventilation.

Mr. Wilkos noted that the plan says "food service restaurant coffee shop".

Ms. Freedman pointed out Mr. Errico's suggestion that the circulatory lane nearest Route One be converted to a two-way flow to allow internal circulation without impacting Route One. This will likely impact the number of parking spaces on the site. Ms. Freedman agreed with this suggestion.

Mr. Feldman responded that Ms. Freedman is reading from Mr. Errico's July 25, 2016 Memo, Mr. Errico subsequently submitted a memo dated August 19, 2016 wherein he says that the plan has been revised and finds it to be acceptable. Mr. Errico also stated in his August 19th memo that he did not receive any response from the applicant.

Mr. Hayes stated that the Board members only received Mr. Errico's memo at this meeting.

Mr. Heyland asked Mr. Sudak to address Mr. Errico's comments that he had a conversation with the applicant and never received a response.

Mr. Sudak responded that the only outstanding item he knows about is the consideration of sidewalks opposite the property which is not something he has responded too or addressed.

Mr. Heyland stated that Mr. Errico's comments refer to the north entrance to the property which the Board has agreed may be problematic. He noted that for a northward bound vehicle the right turn into the north entrance of the property may be difficult, particularly for a long wheeled based vehicle such as a trolley. Mr. Heyland suggested this is the comment Mr. Errico wanted a response too.

Mr. Sudak responded that turning radii has been addressed. It has not been changed since the original site plan. When originally designed it was confirmed that a trolley and even the Town's standard fire truck could fit and be able to circulate through. Since the original application this design has not been changed, he only confirmed that it would work.

Mr. Hayes asked if Mr. Errico shouldn't be satisfied with this statement.

Mr. Heyland responded that Mr. Errico's August 19th memo seems to be looking for a response to his comment about this.

Mr. Feldman stated that the question of a sidewalk opposite the site is a DOT question and outside the scope of the Applicant's control. Regarding the turning radii for the north entrance, the Applicant should send Mr. Errico the AutoCad Turning Radii template so that he (Mr. Errico) can inform the Board that he is satisfied.

Mr. Wilkos asked the Board members if the applicant should submit the information to Mr. Errico and receive confirmation that he agrees with their calculations.

All Board members agreed that they would like this information before voting.

Mr. Wilkos informed Mr. Sudak that the Board wants a response to Mr. Errico's last paragraph in his August 19th memo to the Board, which states that "it was during a telephone conversation with ATTAR Engineering that the right turn radius entering the site be reviewed to ensure vehicles can adequately access the site given driveway realignment conditions. No response has been provided regarding this comment."

Mr. Sudak responded that he would respond to Mr. Errico's comments.

Attorney Orso agreed that he would get a specific description of the types of food to be sold in the "food service restaurant".

Mr. Wilkos also asked for clarification to the paid parking lot plans. Will the parking lot be open to the public or will it just be for people who will be riding the trolley?

Mr. Hayes asked for confirmation from the Applicant as to whether or not sales of trolleys will take place on site.

Mr. Heyland responded that it isn't allowed because the Zoning Ordinance prohibits outside sales and services.

Ms. Freedman asked if the Board was satisfied that the travel lane in front of the building remain one way traffic flow and not be made a two-way.

Mr. Heyland responded that he believes the one way traffic flow is easier to understand. He suggested signage indicating additional handicapped parking may be found on the other side of the site.

Attorney Orso summarized the list of things the Board is looking for from the Applicant at the next meeting:

1. Peer review response to Mr. Errico's August 19th memo question about the north entrance turning radii;
2. Description of the type of commercial food to be sold;

3. Whether or not there will be a paid parking lot open to the public;
4. Confirmation that trolleys will not be sold on site;
5. Revised plans indicating additional signage regarding location of handicapped parking spaces;
6. Revised plans indicating the parking lot stripping as suggested by Mr. Feldman.

Mr. Wilkos agreed.

Mr. Simpson Moved to Table the Application for GRAHANELI, LLC / MOLLY TROLLEY DEPOT — 724 MAIN STREET — Map 11 Block 6 — GBD2/SLC/SLR/R/RP Zones — Revised Site Plan Review for a post 1931 structure/property. Application for change of use for:

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SIMPSON/HAYES 5:0 UNANIMOUS

Mr. Wilkos informed Attorney Orso that the next Planning Board meeting would take place on September 12th and that all information needs to be submitted to the Land Use Office by Friday September 2nd.

3. JAMES HARTWELL/THOMPSON GREEN – 309 Shore Road – Map 3 Block 17 – LBD. Site Plan Application for a post 1931 structure. Application for a change of use from business use to boarding house.

Mr. Hartwell addressed the Board. He stated that he had a walk through with the fire chief and the Code Enforcement Officer. There were issues which have all been corrected with the exception of a door which required reversing. He is in the process of getting quotes from the carpenter and locksmith and should have them within a few days.

Mr. Hartwell referred to Mr. Hayes question regarding the width of the handicapped parking spot. The drawing Mr. Hartwell obtained from the Code Enforcement Office was a 1999 plan and he (Mr. Hartwell) believes it represents current parking conditions. He went on to say that in 2000 the Town required all dumpsters be enclosed, which he did. He created a cement pad for a storage space and the dumpster enclosure and was informed by then Code Enforcement Officer Paul Lempicki that he should move the parking spaces to the right to accommodate that work. Mr. Hartwell added that in 25 years no tractor trailers have entered the parking lot, all delivery trucks are smaller.

Mr. Hartwell summarized that he has confirmed the width of the handicapped parking spaces and that the parking spaces were moved to the right at Mr. Lempicki's request. The number of parking spaces has not changed.

The Board rescheduled the site visit for 4:00 p.m. on September 12, 2016.

Mr. Hartwell asked for the reason for the site visit.

Mr. Wilkos responded that the Board wants to look at the parking and visit the upstairs space proposed to be used as a boarding house.

G. NEW BUSINESS – None

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded everyone that there will be a public hearing regarding proposed ordinance amendments. This Hearing will take place on September 12, 2016 at 6:00 p.m.

I. OTHER BUSINESS –

Mr. Wilkos asked Marsha Northrop if she wanted to schedule a follow-up workshop for the Ogunquit Residents Alliance.

Ms. Northrop responded that she will check with her other members and get back to the Board.

J. ADJOURNMENT –

Mr. Hayes Moved to Adjourn at 7:00 p.m.
HAYES/BEVINS 5:0 UNANIMOUS

Respectfully Submitted
Maryann L Stacy
Maryann Stacy
Planning Board Recording Secretary

Approved on September 12, 2016