



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES
AUGUST 24, 2020
ONLINE VIA ZOOM**

PUBLIC HEARING

1. Flood Plain Management Ordinance Amendments.

Mr. Heyland reviewed the purpose and substance of the proposed amendments.

Mr. Wilkos asked if there was anyone who wished to be heard. There was no one; and the Public Hearing was closed at 6:04 p.m.

REGULAR BUSINESS MEETING

A. ROLL CALL –

Members Present: Steve Wilkos (Chair)
Mark MacLeod (Vice-Chair)
Bob Whitelaw
Jackie Bevins
Elaine Cooper (1st Alternate)

Also Present: Scott Heyland, Code Enforcement Officer
Lee Jay Feldman, SMPDC Town Planner

Mr. Wilkos noted that for each motion voted on during this meeting Board Members would vote yea or nea verbally.

B. PLEDGE OF ALLEGIANCE –

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

D. MINUTES – August 10, 2020

**Mr. Whitelaw Moved to Accept the Minutes of the August 10, 2020 Meeting as Amended.
WHITELAW/MACLEOD 5:0 UNANIMOUS**

E. **PUBLIC INPUT** – For any matter not 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. **Flood Plain Management Ordinance Amendments.**

Mr. Wilkos asked if there were any further comments or questions regarding the proposed amendments. There were none.

Mr. MacLeod Moved to Accept the proposed amendments to the Flood Plain Management Ordinance; and to send it to the Select Board with the recommendation that it be placed on the November 2020 Town Meeting Warrant.

MACLEOD/BEVINS 5:0 UNANIMOUS

G. **NEW BUSINESS** –

1. **JON MOODY/PINE HILL ROAD NORTH SUBDIVISION - Pine Hill Road North – Map 5 Block 20 – R/SLR – Subdivision Sketch Plan Application for a ten unit residential development.**

Mr. Wilkos noted that the Planning Board action item for this application is to set a date for the Site Visit.

Mr. Feldman summarized that a Sketch Plan is not an application, it is a submittal for the Board to consider so that it may make recommendations to the Applicant as to what he will need to provide in order to file an application.

Tonight, under Article 5.2 of the Subdivision Regulations, the applicant will present the Sketch Plan and make a verbal presentation regarding the proposed subdivision. Following the presentation, the Board may ask questions and make comments and suggestions for the submission of the subsequent application. The Board will also schedule an on-site inspection.

After the Site Visit the Applicant will come back before the Board at their next meeting. At that meeting the Board will provide addition guidance and recommendations for application submittal.

Mr. Feldman noted that one of the abutter submissions the Board received was a letter from Attorney Sally Daggett from Jenson, Baird, Gardner, Henry. Mr. Feldman disclosed that Jenson, Baird, Gardner, Henry is SMPDC's legal firm. He believes he can give unbiased and adequate recommendations to the Board. He does not usually have direct communications with Attorney Daggett.

Mr. Wilkos referred to Subdivision Regulations Ordinance Article 5.6 - Rights not Vested.

“The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.”

The interpretation is that there will be no abutter or public input during the Sketch Plan Stage because this is not an official application at this time. Mr. Wilkos confirmed that communications from abutters and other members of the public were received in the Land Use Office and those communications were forwarded to the Planning Board members. If anyone in the public wishes to submit e-mails to the Board, they may do so through the Land Use Office.

Mr. Feldman reviewed a copy of his August 10, 2020 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed a Memo to the Planning Board from the Ogunquit Conservation Commission, received on August 21, 2020 (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Whitelaw referred to the July 27, 2020 memo submitted by Atlantic Resource Consultants. He asked if this memo represents the “written project narrative” required under Article 5.3 of the Subdivision Regulations.

Mr. Feldman responded that the Board should consider what the applicant submitted; and if the Board is not satisfied with it the Board may require additional information.

Mr. Whitelaw asked if Town Department Heads would be reviewing and submitting comments to the Board at the Preliminary and Final Stages of the subdivision project review.

Mr. Feldman confirmed that the Town Department Heads will review the project under Preliminary Plan stage.

Jason Vafiades from Atlantic Resource Consultants addressed the Board as the Applicant's representative. Mr. Vafiades summarized the proposed project and noted that this submittal before the Board tonight is a Sketch Plan. He expressed the applicant's commitment to environmental issues.

Regarding concerns about the driveway entrance he noted that the other areas of the site, which may be more suitable for a driveway entrance from a traffic standpoint, contain wetlands which the Applicant is reluctant to develop. He asked for guidance from the Board. If the primary concern is traffic safety the driveway entrance may be moved further away from Treetop Lane however this will require the filling in of approximately 10,000 sf of wetlands. He agreed that this will need to be a point of discussion as the plan is reviewed.

Mr. Vafiades confirmed that a MDEP representative visited the site and looked at wetlands and streams. He confirmed that the top portion of the property is a runoff, not a stream. In the full Preliminary Plan packet the Board will receive a full wetlands and stream report.

Mr. Wilkos noted that the Board received a memo from Jonathan Moody authorizing Mr. Vafiades to act as his representative.

Ms. Cooper noted that the application form lists Anne Collier as the property owner.

Mr. Feldman responded that the important consideration is not ownership but rather right, title, and interest. The Board will need to see an executed option from the property owner (Ms. Collier) to the applicant (Mr. Moody).

Mr. MacLeod referred to the north west corner of the property, which is indicated on the site plan as being in the GBD2 District. He asked if that designation was used for calculating the total number of units.

Mr. Vafiades responded that there were two people in his office who worked on the unit count calculations. At the preliminary plan review stage he will submit a color net residential density plan so the Board can more clearly see which areas apply.

Mr. MacLeod asked if the new roadway would be a street or a driveway. He referred to the “dead end street” requirements in the ordinance and noted that it will require a cul-de-sac not a hammerhead turn around.

Mr. Vafiades responded that he has already looked at this and he has redone the layout removing the hammerhead and replacing it with a cul-de-sac which works better.

Mr. MacLeod asked if the applicant is aware that developments of ten or more units require 10%, or one unit in this case, to be affordable housing.

Mr. Vafiades responded that he is aware; and the unit count is still being discussed.

Mr. MacLeod asked if the street will be a private local residential street. He noted that the ordinance requires a 50 foot right of way that is not included in the setbacks.

Mr. Vafiades responded that this is not a “standard subdivision development”. In this case there will be no creation of separate lots, this will be a condominium style development. He confirmed that there will be a condominium association with common areas, limited use areas; and common elements.

Mr. MacLeod asked about the required two parking spaces per unit.

Mr. Vafiades responded that each unit will have a garage and a parking area behind it; and will meet the two parking spaces per unit requirement.

Ms. Cooper pointed out that the Applicant has six different residential districts noted on the Sketch Plan. She asked about the Stream Protection District. She suggested there is no stream running through the property; and that it may just be runoff areas.

Mr. Vafiades stated that there is a stream at the back of the property, not near the development areas. He agreed that this will be more clearly noted on the Preliminary Plan. He added that Area E on the plan is just a space holder and will be more clearly developed at the Preliminary Plan stage.

Ms. Cooper added that at Preliminary Plan she will want to see notes, legend, wildlife habitat, soil pit tests, setbacks, wetlands, erosion, and sedimentation plans...

Mr. Vafiades confirmed that all those things are part of Preliminary Plan review and will be provided at that time.

Ms. Cooper also asked to have Flood Plain Area A-5 clearly defined.

Mr. Vafiades agreed to provide it Preliminary Plan.

Mr. Whitelaw asked if there would be sidewalks.

Mr. Vafiades confirmed that there will be a sidewalk.

Mr. Whitelaw asked if all the house designs will be the same or will there be design input from potential owners.

Mr. Vafiades responded that it will not be a cookie cutter development. Buyers will have design input; however, at this early stage the number of the units and architectural designs are still fluid.

Mr. Whitelaw asked how many feet there are between the center line of Treetop Lane and the proposed new street.

Mr. Vafiades responded that it is about 45 feet.

Mr. Whitelaw expressed concern about the closeness of the two street entrances about safety.

Mr. Vafiades agreed and added that as the plan develops there will have to be discussion about finding a balance between road/traffic safety and environmental concerns.

Mr. Wilkos asked if Design Review will be required.

Mr. Heyland responded that it is not required in this district.

Mr. Wilkos referred to Subdivision Regulations Section 5.4 - On-Site Inspection

Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets or drives, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." ..."

The Board and the Applicant's representative agreed to schedule the On-Site Inspection for Tuesday September 15, 2020 at 4:00 p.m.

Mr. Heyland reviewed the requirements in Section 5.4 of the Subdivision Regulations and asked Mr. Vafiades to call if he had any questions.

Mr. Wilkos asked if the Applicant could provide drone video of the site.

Mr. Vafiades responded that he is licensed to fly drones and usually provides drone footage as part of application packets. He will submit footage for the Board.

H. CODE ENFORCEMENT OFFICER BUSINESS – None

I. OTHER BUSINESS – None

J. ADJOURNMENT –

Mr. Whitelaw Moved to Adjourn at 7:05.

WHITELAW/MACLEOD

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Notes:

- *These minutes are not a transcript.*
- *Copies of all referenced documents will be maintained in the Application packet 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 at www.townofogunquit.org.*

Approved on September 14, 2020