



Town of Ogunquit
Planning Board
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**OGUNQUIT PLANNING BOARD
REGULAR BUSINESS MEETING
MINUTES
SEPTEMBER 28, 2020
ONLINE VIA ZOOM**

REGULAR BUSINESS MEETING

A. ROLL CALL –

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

Members Excused: Jackie Bevins

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.

**Mr. MacLeod Moved to Excuse Ms. Bevins.
MACLEOD/WHITELOW 3:0 UNANIMOUS**

Mr. Wilkos noted that Ms. Cooper would be moved to full voting status for the duration of this meeting.

B. PLEDGE OF ALLEGIANCE –

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

D. MINUTES – September 14, 2020 Meeting and September 15, 2020 Site Visit.

**Ms. Cooper Moved to Accept the Minutes of the September 14, 2020 Meeting as amended.
COOPER/WHITELOW 4:0 UNANIMOUS**

**Ms. Cooper Moved to Accept the Minutes of the September 15, 2020 Site Visit as Amended.
COOPER/MACLEOD 4:0 UNANIMOUS**

E. PUBLIC INPUT –

Mr. Wilkos asked if there was anyone who wished to speak on any matter not on this meeting's agenda. There was no one.

F. UNFINISHED BUSINESS – None

G. NEW BUSINESS –

1. ABOVE TIDE INN / BLAIR HODGE – 64 Beach Street – Map 7 Block 90-A – RP – Site Plan Review for a post 1930 structure. Application to remove existing single family dwelling, add one foot to existing foundation, and construct a new single family dwelling on existing footprint.

Blair Hodge informed the Board that he had with him: his surveyor Nate Amsden and his design architect Braydon Tuscher.

Mr. Hodge summarized the proposed project to remove the existing frame construction of the current house; add approximately 12 inches to the existing concrete foundation; and construct a new frame structure which will meet current FEMA Regulations.

Code Enforcement Officer Scott Heyland reviewed his September 18, 2020 Application Review Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed the Ogunquit Police Chief's September 17, 2020 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed the Ogunquit Fire Chief's September 17, 2020 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos reviewed the Ogunquit Public Works Director's Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

Mr. Wilkos noted that the Applicant submitted a Permit by Rule Notification Form which Mr. Hodge filed with the DEP for his Permit.

Mr. Wilkos noted an e-mail from the Maine Department of Inland Fisheries and Wildlife which states they anticipate minimum impacts to essential habitats resulting from this project. They also do not anticipate impacts to the Piping Plovers as a result of this project.

Mr. Wilkos reviewed a letter from the Ogunquit Sewer District which recommended the sewer lines be video inspected.

The Kennebunk, Kennebunkport, and Wells Water District suggested a field test of the water lines for fire suppression needs.

The Maine Historic Preservation Commission expressed no concerns with the proposed project as there are no archaeological or architectural resources in the project area.

Patience Prescott-Sundaresan, Chair of the Ogunquit Conservation Commission read the Commission's September 27, 2020 Memo to the Board (*a copy of which will be maintained in the Applicant's Planning Board File*).

All of the above-noted documents will be maintained in the Applicant's Planning Board File for review.

Mr. Hodge responded that he only received the Conservation Commission's memo this afternoon. He has not had sufficient time to review it and prepare his responses.

Mr. Hodge went on to say that the Town's tax records (VISION) say that this building was reconstructed in 1980; and he doubts that any asbestos was used as it was illegal by that time.

Regarding the soils, Mr. Hodge stated that he will have to do soil analysis when he applies for a building permit, to ensure that the current foundation is adequate. He has no problem with that however he believes that anything that was there prior to 1980 was carried out in the storm and anything that is there now was built in 1980.

Mr. Hodge wanted time to look into the Conservation Commission's comments so that he can respond responsibly.

At this time the Board reviewed the standards in the Site Plan Submission Checklist. Mr. Wilkos noted that they would begin with those items the Code Enforcement Officer has deemed not applicable:

Item 6.6.C.3.J – High Intensity soil survey ...

Mr. Heyland stated that he deemed this item to be not applicable because this property is serviced by public water and sewer. High intensity soil survey would be for septic systems and wells.

6.6.C.3.M – A copy of any proposed deed restriction intended to cover all or part of the subject property.

Mr. Heyland stated that he deemed this item to be not applicable because he is unaware of any proposed deed restrictions.

6.6.C.3.N.ii – Outside Sewer Service Area – Septic System Design by LSE or PE.

Mr. Heyland stated that he deemed this item to be not applicable because this property will be served by public sewer.

6.6.C.3.O.i – Water Service Area...

Mr. Heyland stated that he deemed this item to be not applicable because this project will be serviced by the Kennebunk, Kennebunkport, and Wells Water District; and they have stated that there is sufficient water flow for this project.

6.6.C.3.O.iii – Outside Water Service Area...

Mr. Heyland stated that he deemed this item to be not applicable because this project will be serviced by the Kennebunk, Kennebunkport, and Wells Water District; and they have stated that there is sufficient water flow for this project.

6.6.C.3.P – Location, names, and present widths of existing streets, highways, easements, building lines, parks, and other open spaces on or adjacent.

Mr. Heyland stated that he deemed this item to be not applicable because there are no proposed open spaces; and all the activity will be restricted to the site.

6.6.C.3.Q – Width and location of any streets, public improvements, or open space shown upon the official map and in the Comprehensive Plan, if any, within the site

Mr. Heyland stated that he deemed this item to be not applicable because activity will be restricted to the existing building footprint location.

6.6.C.3.R – Location of any open space to be preserved and description of proposed ownership, improvement and management.

Mr. Heyland stated that he deemed this item to be not applicable because there are no open spaces proposed.

6.6.C.3.S – Hydrogeologic assessment....

Mr. Heyland stated that he deemed this item to be not applicable because this project will be serviced by public sewer and water.

6.6.C.3.T – Estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.

Mr. Heyland stated that he deemed this item to be not applicable because the existing use of a single family dwelling is being recreated.

6.6.C.3.U Traffic impact analysis.....

Mr. Heyland stated that he deemed this item to be not applicable because this project will not require ten or more parking spaces and will not project 50+ trips per day.

6.6.C.3.Y – Storm Water Management Plan

Mr. Heyland stated that he deemed this item to be not applicable because it is his understanding that there will be very little ground disturbance here. The removal of the existing structure and the construction of the new structure will be done with minimal ground disturbance. There is no additional roof area and there is no regrading planned.

Mr. Hodge confirmed that there is no plan for the use of any heavy earth moving equipment.

The existing poured concrete slab patio area will be removed and replaced with gravel and grass and some decking. This will be outside the building footprint.

Ms. Cooper expressed concern about storm water management after the building is constructed. She noted a zero elevation on one corner of the lot where the water will run directly into the river. She would like to see where the storm water will travel.

Mr. MacLeod agreed that he would like to see an alternative plan so that water goes into the ground rather than running directly into the river.

Mr. Wilkos asked Mr. Hodge if he understood what the Board is looking for.

Mr. Hodge responded that he did; and he suggested that the removal of the existing concrete slab will improve the amount of impervious surfacing. He also suggested that they may redirect roof water runoff from flowing directly into the river by putting in drywells. This would allow rainwater to absorb more slowing into the soils around the house. He agreed that under existing conditions rainwater flows off the house roof and across the property directly into the river; and this situation could be improved upon.

Mr. Wilkos noted that the Board is unable to find the application complete at this time because the Board has determined that Item 6.6.C.3.Y will not be waived and they have requested the Applicant provide a Storm Water Management Plan.

6.6.C.3.AA – Location of streets, public improvements or open space show in the comprehensive plan or capital improvement plan, within the site.

Mr. Heyland stated that there are none in the site.

6.6.C.3.BB – Parcels of land proposed to be dedicated to public use and the conditions of such dedication.

Mr. Heyland stated that there are none proposed.

6.6.C.3.CC – Location / Method of land clearing and construction debris disposal.

Mr. Heyland stated that he understood construction debris removal would involve a large dumpster which would be used to remove the demolished structure from the property. This will fall under the Building Permit Application process.

Mr. MacLeod pointed out that the plan indicates standard storm fencing around the area. However, with this project the south east corner of the existing structure seems to extend right up to the sea wall; and there may not be sufficient room to place the fencing. Also, a four foot high fence will not be effective in that location. He suggested that something more should be used in that corner of the property.

Mr. Hodges agreed to look at this. He added that the proposed roof design will direct rainwater runoff in a better manner than what currently exists. He agreed that the Board will see this during a site walk.

6.6.C.3.DD – Cost Estimates for setting performance guarantees pursuant to sec. 4.8.

Mr. Heyland stated that this is a private project on private property connecting to existing public sewer and water.

6.6.C.3.EE – was not checked off on the submission checklist form.

Mr. Heyland stated that the Board received a copy of the Application Form for a Permit by Rule which the Applicant submitted to the DEP. The DEP has not yet responded.

Mr. Heyland asked the Applicant where this application stands and if he will be required to have a full permit vs a Permit by Rule? He noted that there will be activity below 25 feet which he understands will require a full permit.

Mr. Hodge responded that he has not heard from the DEP.

Mr. Wilkos asked if the Board needs the Permit by Rule in order to find the application complete.

Mr. Heyland responded that since the Board has already determined that the application can not be found complete for other reasons, they might bundle this item in with the other requested material.

Mr. MacLeod noted that he does not remember the Board ever waiving this item.

Mr. MacLeod noted that the Ogunquit Zoning Ordinance (OZO) has some special requirements for projects which are less than 25 feet from the Highest Annual Tide (HAT) and the drawing the Board received does not show that mark. He would like to see the 25 foot setback added to the site plan drawing.

Mr. Hodge agreed to add this setback to the Site Plan.

Mr. Whitelaw referred to the elevation drawing and the project narrative which both state that the height of the new structure will not exceed the height of the existing structure. Mr. Whitelaw noted the peak elevation of the current structure is indicated at 31.84 feet; and the peak elevation of the proposed structure is indicated to be 33.94 feet. He asked for an explanation of the difference.

Mr. Hodges responded that there was an error on the site plan. This will be corrected. He referred to the architect's plan A3 which indicates 22.0 feet on both the existing and proposed structures.

Mr. Whitelaw noted that the Town Tax Map, Block, Lot references are different on the application form and the site plan. They are also different on the Permit By Rule Notification Form.

Mr. Hodge agreed to correct this as well.

Ms. Cooper asked if the required Flood Hazard Development Permit would be given to the Planning Board or if that is given to the Code Office when the Applicant applies for the Building Permit.

Mr. Heyland responded that the Planning Board is only tasked with looking at the building footprint of the structure. The Flood Hazard Permitting will be handled by his office as part of the Building Permit application process.

Ms. Cooper asked if the Applicant's material from the OHPC and Zoning Board of Appeals review should be part of the Planning Board submittals.

Mr. Heyland responded that they would not be part of this review because the Applicant has changed the plans to accommodate the ZBA's denial.

Ms. Cooper noted that the elevation data is under the VE Zone which will be effective when the new flood maps come into existence. She noted that the current map is set at 11 feet and the

proposed new map is set at 14.5 feet. She asked if the application is reviewed under the old flood maps or the new flood maps.

Mr. Heyland responded that by law the Town can only enforce the map which is adopted today, and the Board can't reach out to preliminary maps which have not yet been adopted. He does try to guide people to elevate structures sufficiently and warn them that the maps will change.

Ms. Cooper warned this applicant that if the new maps are passed he will be 3.5 feet below the flood level.

Ms. Cooper asked to have the contour lines drawn on the site plan.

Mr. Hodge responded that he considered drawing 2 foot contours however this parcel is flat and there are no contours.

Mr. Heyland agreed that there is about a 1 foot elevation change across the lot.

Ms. Cooper noted that across the street the elevation is 14 feet and at the southeast corner of the applicant's lot the elevation is zero.

Mr. Heyland responded that he does not see a 14 foot elevation change across this lot.

Mr. Amsden agreed that there isn't any elevation change in the location of the building and the elevation change at the drop at the seawall and at the property across the street are outside the scope of what the Board is looking at. He noted the included spot elevations on the site plan where construction will take place.

Ms. Cooper asked if the Applicant will have to come back before the Board if it is later determined that the retaining wall needs to be replaced.

Mr. Heyland responded that he would not. The applicant would have to get a permit from the State to replace the retaining wall.

Ms. Cooper asked about the foundation.

Mr. Heyland responded that this plan assumes that the foundation is adequate. If it is later determined that the foundation has to be replaced the applicant will need to start over; because this application is based upon the understanding that the existing foundation is adequate, and as such the structure location can be preserved.

Ms. Cooper asked if the Board has to deal with Article 3.3.E and the change in the height of the building.

Mr. Heyland responded that it does not. The Board is looking at the greatest possible extent for structure relocation, not the height. He added that there will be no expansion in height. The Applicant is cutting one foot off the top of the building in order to elevate the bottom of the building by one foot. The bottom of the building will be elevated by one foot but the top of the building will stay where it is today.

Mr. Wilkos noted that the next Planning Board meeting will take place on Tuesday October 13th and the following meeting will be on Monday October 26th.

The Board asked for additional information from the Applicant:

- *Add 25' HAT setback to the Site Plan;*
- *Correct the mistake regarding building height on the elevation drawing/narrative/site plan;*
- *Correct the Map Block Lot on the Application Form, Permit by Rule Notification Form, and Site Plan;*
- *Stormwater management plan: Water flow and drywells;*
- *Improved stormwater fencing along South East corner;*
- *DEP permit or Permit By Rule;*
- *Confirmation that the existing foundation is adequate for the proposed new structure.*

Mr. MacLeod Moved to Postpone the Application for ABOVE TIDE INN / BLAIR HODGE – 64 Beach Street – Map 7 Block 90-A – RP – Site Plan Review for a post 1930 structure.

MACLEOD/COOPER 4:0 UNANIMOUS

H. CODE ENFORCEMENT OFFICER BUSINESS –

Mr. Heyland reminded everyone that there will be a lighting workshop on October 26th at 4:00.

I. OTHER BUSINESS –

Mr. Wilkos noted that there will be joint workshop for the Select Board and Planning Board on October 27, 2020. The goal of the workshop is to have an open discussion about Planning Board work, priorities, and goals, as well as how communication can be improved. There will also be discussion about the Comprehensive Plan process.

It was agreed that, at the next meeting, the Board would discuss topics for discussion with the Select Board.

J. ADJOURNMENT –

Mr. MacLeod Moved to Adjourn at 7:15 p.m.

MACLEOD COOPER 4:0 UNANIMOUS

Respectfully Submitted

Maryann Stacy

Maryann Stacy

Town of Ogunquit

Planning Board Recording Secretary

Approved on October 13, 2020.

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.*