

**Town of North Yarmouth  
Planning Board- Minutes  
Tuesday, April 14, 2015  
7:00 PM @ Town Office Meeting Room**

Peter Lindsay (Chairman), Gary DiLisio, Katryn Gabrielson (Alternate), Steve Morrison, Ryan Keith (Code Enforcement Officer)

Absent: Ande Smith, Tom Hinman

Peter indicated that Katryn Gabrielson will be a voting member at this meeting.

**1. Approval Previous Minutes**

- January 13, 2015
- February 10, 2015
- March 10, 2015

Peter commented on the procedure regarding the past minutes as some members who were present were not at a particular meeting and there were approval procedural questions. He requested that Ryan Keith do some research and he indicated that any member can approve minutes regardless of whether or not they attended. For example, the February meeting had a preliminary application and there were no substantive items, nor any action taken. Peter reminded the public that only approved minutes are posted on the town's website.

Ryan reminded the Board regarding a site walk from the February preliminary application. The group should consider setting a date.

Steve Morrison moved to approve the January 13, 2015 minutes as presented. Katryn Gabrielson seconded the motion.

**Vote: 3-Yes 0-No 1-absention (Morrison)**

Steve Morrison moved to approve February 10, 2015 minutes as presented. Gary DiLisio seconded the motion.

**Vote: 4-Yes 0-No**

Gary DiLisio moved to approve the March 10, 2015 minutes as amended with the suggested change proposed by Katryn Gabrielson. Steve Morrison seconded the motion.

**Vote: 4-Yes 0-No**

Katryn asked about the by-laws reference. Peter stated that the Planning Board has by-laws which were referenced in the meeting discussion. She suggested changing the phrase to "perhaps legal counsel review" and strike the rest of the sentence.

## **2. Review Site Plan Application for “The Purple House a Wood Fired Bakery” proposal to re-occupy 378 Walnut Hill Road; previously occupied as Vacation Land Video.**

Steve Morrison indicated that he had listed the property for a year with the owner, but has not had any subsequent conversations once the arrangement ended. He doesn't believe that there is any conflict.

Krista Desjarlais would like to purchase the property and would like to purchase this property to create a wood fired bakery. She indicated that this property would be a perfect fit for her business and the community and different than other like businesses in the town. She outlined the proposal. They will be making some heating, plumbing, insulation and under floor upgrades and building a wood over on the exterior wall if doable. They would like to redo the parking area, clean the garden and have some outdoor seating for the warmer months. The sign would be a traditional wood carved, and a small wooden-styled.

The pre-application checklist was reviewed. Peter asked about the property's dimension. Krista stated that there would be no new buildings/additions. There would be some type of screening/covering for the portable toilet.

Peter asked about the septic. Krista indicated that there is a preliminary design for a new septic but that they are determining what the best type will be and determining who will be doing the excavation work. Ryan stated that a test pit is done in the winter and once Spring comes, then more final design work can be done. The septic must follow state guidelines.

Peter commented on the number of parking spaces. Krista stated that they would like 6 spaces at 9' x 20', but need to determine if this is possible. It will not be paved, but will be graveled and marked. Gary asked about employees. Krista stated that she will have 2 part-time employees.

Gary asked if there is a requirement to survey the septic field. Ryan stated that the test pit is the most important to determine if the soils can accommodate this. The permanent design requires CEO approval and should there be potential crowding on the footprint, it would require State approval. He doesn't believe that there will be any setback issues for the approval process. The final design will contain the dimension information.

Gary asked about lighting. Krista indicated that there will be a motion sensor light on the shed and building for security reasons given that they would not be open in the evening. There will not be any lighting on the sign. Should there be any changes, she would come back before the Board.

Katryn commented on the provision regarding the parking space dimensions and that the ordinance states 10' x 20'. Krista stated that this can still be doable on the property. Katryn asked about any potential parking expansion in the future. Krista stated that changes could be

made if needed. The fence will be moved to the proper property line to accommodate potential growth as well.

Peter stated there are a number of items that are unclear or missing and it is challenging to approve this until this information is provided. He outlined the process of receiving materials. He supports this use but would like more clarification. Krista stated that there is a pre-existing property and existing building, and that only interior changes and adjustments in parking, she approached the process from a budget perspective.

She reviewed the questions from the North Yarmouth Fire Department. Krista indicated that at the end of the day, all the coals would be removed from the oven (only wood will be used) and the residual heat will help with the next morning's baking preparation. She commented on a steam system over the induction stoves. There will be a Knox box as requested and the shrubs around the building removed.

Steve stated that while it is a changed use, it is allowable, but requires site plan review. Without the property dimensions and setbacks, it makes it challenging to consider parking and the like to grant an approval. Krista stated that she will do what is needed but that there isn't a lot of information on the town's records. Possibly, the State may have something given the road location.

Items needed for review:

1. Boundary lines- in particular with the abutter
2. Location of fence
3. Layout of the parking spaces.
4. Soils test for the septic. (This was submitted to the CEO)
5. Lighting details (shielded-type lighting).
6. Septic location
7. Portable bathroom location

Steve asked about the type of products. Krista indicated that it would be small and grassroots. There will not be any evening activities. Should any evening activities occur, this information would be included in the application.

Jennifer Noyes, family member of the current owner indicated that she supports this application and that Krista's proposal is what her aunt would like and it would be a tribute to her. She would like to see the property be sold quickly to her, otherwise, they family may lose it.

Charlie McCall, 392 Walnut Hill Rd supports the use of this space as it would be right for the community and the neighborhood.

Mark Verrill, 388 Walnut Hill Rd indicated that he believes that he may know where the lot line is. He supports this proposal but has a few concerns. The amount of parking may not support such a potential thriving business and there could be risks given the intersection to enter and

exit the property. He wants to see a successful business located there. He asked about the fencing on the Route 9 side of the property. MeDOT does not permit access on both sides and Krista indicated that access will only be on the Route 115 side. He believes that there hasn't been a lot of investment in this property for a long time. He suggested eliminating the shed and make that area all parking which would allow more ease to enter and exit. He would like to see this approved. He offered to allow the applicant's employees access his property to allow maximum customer parking.

Peter suggested including more potential parking on the plans if doable to plan for future growth and that the design plan is important. Krista wants to see a successful business, but wants to plan conservatively.

SteveMorrison moved to table this item to the May Planning Board meeting. Katryn Gabrielson seconded the motion.

**Vote: 4-Yes 0-No**

### **3. Review Site Plan Application**

- New single family dwelling within 500' of the Royal River
- Construction of small non-residential artist studio under 5000 sq. ft.

Harry Hepburn, representing the applicant gave an overview of the proposal. It is a 10 acre site off Sligo Rd, in part of the Royal River Overlay, and also a portion of the lot is in the Farm and Forest District. The plan is to construct a single family home, with garage and separate artist studio outside the Royal River overlay.

Ian Parlin indicated that the 10.4 acres has some wetlands (street frontage on Sligo Rd side). They attempted to see about gaining access on Henning Rd but were unsuccessful. 4300 sq ft of wetlands can be disturbed w/out state DEP permit. They plan on 4000 sq ft. It contains 3.6 acres for the net residential area. The studio space will be under 5000 sq ft and treated as a non-residential space. They may have some guest access to this space. The house will be 2200 sq ft with a garage and family room above. A survey of the entire property was conducted. Dick Sweet has conducted a wetlands delineation survey and will do septic design and the location of the house would be appropriate. He has previously conducted soils testing in the area and has documentation regarding this.

Peter asked-about studio parking. There will be a total of 6 spaces at the studio with a potential overflow at the home (2 additional spaces.) This is a home occupation with some potential classes/workshops in the studio with area educational facilities. There would be no signage as it would be private classes with relationships the owner.

Steve asked about the driveway surfaces. Pea stone will be used to delineate the studio area and reclaim for the driveway.

Steve Morrison moved to deem the application complete. Gary DiLisio seconded the motion.

**Vote: 4-Yes 0-No**

Steve asked about the wetlands by the studio. Harry stated that given that they are insignificant, the setback is 0. Katryn asked about the drop-off to the river. Harry stated it is fairly steep. There was a discussion on the flood plan levels in the area.

Ryan indicated that he has had discussions with the applicant regarding the potential for the property and whether or not it fits within this area and that the applicant has done extensive additional work to keep things with the area.

The Fire Department questions/recommendations were discussed. Ryan stated that the questions were addressed and responses provided.

Findings of Fact Drafted for review:

1. Application is deemed complete
2. Allowed use (residential and small non-residential facility under 5000 sq ft.)
3. The North Yarmouth Fire Department has reviewed the application and there were no concerns with this application and has been reviewed with the applicant
4. The Yarmouth Water District has reviewed the application and had no issues.
5. There will be no signage on the property.

Peter commented on fire apparatus turning. The design will meet the Fire Department's requirements. Katryn asked about the classes. Ryan stated that in the ordinance, 40 trips are the criteria for entrance/exit in this area. This is unlikely.

Gary DiLisio moved to approve the Kremer residence application dated March 10, 2015 as submitted and based on the Findings of Fact drafted at the April 14, 2014 meeting. Steve Morrison seconded the motion.

**Vote: 4-Yes 0-No**

**4. Preliminary application conference with Daryl Harvey for 2- Two unit townhouses totaling 4 residential units and triggering minor subdivision.**

Wayne Wood gave an overview of the proposal located on Oak Hill Rd & Memorial Highway. They propose taking the 2.39 acres with 2 townhouses totaling 4 units. There would be a single entrance in for the storage barn. The existing septic system would be converted for townhouse use and there are good soils on the site.

Peter commented proposed advanced septic system to increase the density which requires State approval and that the septic systems design should be layed-out at the time of application. The hydrogeologic system will need to be reviewed with the Yarmouth Water District. Wayne

asked if a nitrate study would be required. Ryan indicated that they would like to see more information on the proposed advanced wastewater system design with information on what goes into the leach field. This information will help the water district decide whether or not further study is needed. The group discussed the ordinance language.

There are no steep slopes, nor wetlands, but information on the advanced septic system will be needed for the net residential calculations. There was a discussion on the 15% net residential calculation and whether or not it applies to minor subdivisions. The group doesn't see an issue regarding this for this proposal.

Peter commented on the connectivity issue for future projects and an easement is generally needed. Given that there the abutter is the Town Farm Forest, and likely not for development, would an easement be necessary? Steve commented on the connectivity issue for the future (i.e. open spaces, possible travel paths.) Thought should be given to this and reviewed.

Ryan commented that the street frontage is less than the zone requires and that there is a provision to merge the entrance and a 10% curb cut is allowed for 1 entrance from a major road. He also indicated that sprinklers are not required as they will be individual units with a fire break in between each.

#### **5. Any other items as the chair may deem appropriate**

Site walk for a previous application: Ryan suggested that the Board email some dates and he will communicate with the applicant. He will send some dates for the group to decide.

Peter indicated that they will be looking for a new Planning Board member as Paul Turina has resigned.

#### **6. Adjournment**

Gary DiLisio moved to adjourn the meeting.

**Vote: 4-Yes 0-No.**

The meeting ended at 9:02 pm.

The Planning Board will not take up agenda items after 10:30 PM and will conclude the meeting by 11:00 PM