

North Yarmouth Planning Board  
Tuesday, April 8, 2014

Meeting Minutes

7:00 PM @ Downstairs Meeting Room, Municipal Building

Peter Lindsay (Chair), Steve Morrison, Tom Hinman (Alternate), Ande Smith, Gary DiLisio (arrived at 7:04pm), Barbara Skelton (Code Enforcement Officer)

Peter indicated that Tom Hinman and Gary DiLisio would be a voting members at tonight's meeting.

1. Minutes of March 11, 2014

Ande Smith stated that he was not at the meeting but it was not noted on the minutes.

**Tom Hinman moved and Peter Lindsay seconded to approve the minutes as amended**

**The vote was 3 Yes /2 Abstentions (Smith/Morrison)**

2. Review – Mark Cenci & Regina Krause seeking site plan review for a change of use to serve suppers at Stones Café and Bakery at 424 Walnut Hill Road on Property Map 7 Lot 29 in the Village Center / Groundwater Protection Overlay Districts.

Mark Cenci commented on the 4 Planning Board concerns previously discussed.

- A. Parking: He has submitted a parking plan outlining the size of each space and the number of spaces per the amount of seating and the tenants above. The lot is large enough to accommodate the space. This lot info information is from the MaineDOT survey outlining the site lines and setbacks.

He indicated that they would need to place signage indicating parallel parking and 2 handicap spaces.

- B. Lighting. Mark stated that a shielded LED light would replace the spot light and would minimize the impact for the neighbor. He would like to better define the walkway rather than simply illuminate the side of the building.

- C. Signage: The plastic sign attached at the front will be removed with a number of smaller signs around the property to meet the 24 square foot allowance.

- D. Septic: Mark provided more specific data regarding the septic and he indicated that there is sufficient capacity based on their use.

The State Fire Marshal will be doing an inspection on the property to provide information on outstanding issues to be addressed by the owner.

Peter thanked Mark for providing all the documentation including their lease. He asked if the parking spaces will be outlined. Mark stated that as it is gravel this isn't possible but they would establish placement by theirs and their employees' vehicles to create the acceptable pattern and put parallel parking signs as well.

Barbara Skelton asked lighting mounted lower along the side of the building to help create a clear path to the restaurant. Mark stated that they are open to suggestions but thought that a better walkway would more efficient. Barbara suggested entrance arrows signs to help with this process.

Steve asked about a walkway and low lighting. Mark stated that he is considering flat pavers to help with this. There was a further discussion regarding lighting and whether or not side lighting is a requirement versus a consideration for safety.

Peter asked if there was any public comment. Robert Pennington, an abutter asked about the directions of the light and the time the lights would be on. He also asked about the dinner hours, privacy fence and the parking delineation (he suggested parking blocks), status of BYOB. He stated that he doesn't object to this but is directly affected.

Mark presented the suggested light design from Gilman Electric to be used and would be shielded and pointing downward. The proposed light would minimize Robert's impact on his property. It would be on during business hours. It is possible that it could be placed on a timer.

There was a discussion on dinner hours. Mark stated that it would likely be 5-9 pm with staff likely leaving at 10pm. Barbara stated that the liquor license process requires approval of their requested use by the Planning Board, then a request for a liquor license from the Board of Selectmen. BYOB (beer and wine) is controlled by the State.

The privacy fence is the property owner's responsibility but Peter stated that the Planning Board could require that it be addressed. Barbara stated that she will discuss this with the owner. There was also a discussion on parking blocks. Barbara stated that this tends to be used for a seasonal business and that the Planning Board can grant waivers if needed.

Peter stated that the Board needs a definitive plan for the operating hours, assurance that the fence will be dealt with and a more defined lighting related to the walkway. Mark stated that an expert can establish a lighting plan to determine what works and what doesn't. It can also be left at the discretion of the Code Enforcement Officer to determine if the lighting would be sufficient or additional lighting needed. Tom stated that while the discussion is related to lighting but it really is safety in conjunction with the lighting. There was a discussion on the signage. Ande stated the Planning Board should be more specific about what the applicant needs to provide, otherwise, the approval process will take longer. Steve stated that all the items should be on one plan rather than

individually. Mark stated that he would like to see a letter from the town to the building owner indicating that a fence is required. Barbara indicated that there will be another inspection regarding the fence and other outstanding code issues and then she would issue a letter to the property owner.

Robert Pennington stated that he agrees with Mark regarding the owner's responsibility to replace the fence. He commented on the operating hours and that 5-8 was originally proposed and would like these hours to be considered. He also commented that parking blocks along the perimeter would be helpful to define the property.

3. Kathleen Sweetser seeking site plan review for a single family dwelling at West Pownal Road on Property Map 13 Lot 64 in the Farm and Forest / Royal River Overlay Districts.

Kathleen indicated that she owns 30 acres at this site and would like to build a single family home. Chandler Brook goes through the property which is a part of the overlay district. She outlined where she would like the house to be located. Barbara asked if the proposed house could be moved further away from the 500 foot mark to avoid Planning Board approval. Kathleen outlined how the field is impacted by drainage, nature and the like and some of the issues just over the 500 foot line. Where she would like to locate the house would have the least impact with the property.

Peter suggested that Kathleen review the options to move the house. He also suggested that a more formal plan outlining the brook and its distance. It should show the complete lot in relation to all the elements. There was a discussion making certain that the setbacks, lot lines and the like are listed. Ande asked if an approval is required for the future barn if is beyond the 500 feet. The group said no, it was not necessary.

4. Mitchell Napolitano, representing John & Linda Napolitano, seeking site plan review for a private way to build a single family dwelling at 86 Walnut Hill Road on Property Map 1 Lot 61 in the Village Residential District.

Mitchell Napolitano stated that there is only 346.1 feet of frontage in total and the code requirement is 200 feet. This necessitates a private way under the definition of a backlot in order to divide this lot. Gary asked if an easement can be created for this which would not require Planning Board approval. Mitchell stated that he is concerned about diminishing the value of the current home and that an easement could pose problems for future owners and this process was recommended by Wayne Wood who surveyed the property. By putting in the private way, the 200 feet of frontage would be created.

Barbara suggested that the group table this if they wish until she discusses Wayne Wood's letter with him further. Mitchell did not object but that it is time sensitive and potential costs which would be frustrating to him. Mitchell asked if his proposal can be used as an easement and approved. The group indicated that it would be up to him to find out if there would be savings by having an additional conversation with the surveyor. An easement process would not require Planning Board approval. Steve asked, if in the

Draft to be reviewed at the May 13, 2014 Planning Board meeting

future, Mitchell would split this back lot given the acreage. There was a discussion on this. Ande asked if as proposed the required frontage would be along the road or as the driveway and what has the town precedence been. Barbara stated that the ordinance permits a private road to meet the frontage but it still needs to meet the road standards.

The group reviewed the Site Plan Review and Conditional Use Checklist. Barbara stated that there are some items that were checked off as waivers but probably should be listed as not applicable.

Gary asked if there are any permits required for the entrance. Barbara stated that there is one required by the MaineDOT and one by the town.

**Gary DiLisio moved and Steve Morrison seconded to consider the application complete with amendments to the site plan review checklist.**

**The vote was 5 Yes.**

**Steve Morrison moved and Gary DiLisio seconded to approve this application as presented (*to build a private way for a single family dwelling at 86 Walnut Hill Road on Property Map 1 Lot 61 in the Village Residential District.*) with the Standing Condition 1 (*permits shall expire from 1 year of issuance.*) and amendments to the site plan review checklist included in the Findings of Fact which will be circulated to the Planning Board and that the Planning Board will sign the design plan as presented.**

**The vote was 5 Yes.**

5. Any other items as the Chair may deem appropriate

Peter stated that John Carpenter has officially resigned from the committee and there will be a new Planning Board member. Gary DiLisio will be sworn in as a full Board member and the approval of the Katherine Gabrielson will be done by the Board of Selectmen. Clark Whittier stated that Paul Turina can be moved to an alternate if he chooses and Tom Hinman could be moved to a full member. Both would need to be submitted in writing.

Barbara reminded the group that the Town Meeting will be Saturday, April 12<sup>th</sup> at Memorial School at 9am.

**Peter Lindsay moved and Ande Smith seconded to adjourn the meeting.**

**The vote was 5 Yes.**

The meeting ended at 8:57pm.