

March 11, 2014 Planning Board Minutes

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North Yarmouth Planning Board

Tuesday, March 11, 2014

Meeting Minutes

7:00 PM @ Upstairs Lobby, Municipal Building

Peter Lindsay (Chairman), Gary DiLisio, Paul Turina, Tom Hinman (Alternate, arrived at 7:19pm)

Barbara Skelton (Code Enforcement Officer)

Absent: John Carpenter, Steve Morrison, Ande Smith

1. Minutes of February 11, 2014

Peter asked a procedural question about noting the opening/closing of the public hearing as it is not clear in the minutes. Barbara stated that it would be better if it was noted. The clerk suggested that a formal announcement with the time be formally announced to help with accuracy.

Gary DiLisio moved and Peter Lindsay seconded to approve the minutes as amended. The vote was 3 Yes/1 Abstention (Turina).

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 stated that he was unaware that they were at risk of any town violations regarding serving suppers and this is the reason why they are here to formalize the process. He outlined what was done with the past owners and where they are now. They are looking to offer family-type suppers at their café on Friday-Saturday from approximately 5-8pm.

Peter indicated that the change of use plan is because their request is that the request is to be more regular. Peter asked about parking area lighting. Mark said that they don't own the building and would need to confer with the owner based on what the Board would like to see. He doesn't expect an extensive amount of people coming for dinner. The group had a discussion on potential lighting locations and consideration with abutters.

Mark stated that he was interested in hearing the Board's concerns to be prepared for the subsequent meeting.

Paul stated that his main concern is to be sure that there is balance of lighting to accommodate their needs but consider the abutters. He commented on the improved parking changes they have done. Peter asked about any changes and a parking plan. Mark stated that he'd like to measure the space to determine the parking spaces that is more organized. There was a discussion on the parking space requirements that would be tied in to a parking plan.

Barbara asked if the Board would like a site walk to help with this part of the conversation. She also reminded the group that since this building has been in existence prior to the ordinance changes, there are some items that could be waived, but the exercise regarding parking would be beneficial. Barbara stated that there are some issues from the Road Commissioner regarding no parking signs on the road and this could be considered for those who are doing street parking.

Gary asked when the formal approval for this building as a restaurant. Barbara stated that this was in existence prior to the town's ordinance implementation. There was a discussion on signage and open flags. This business has a non-conforming grandfathered open flag. They do have a sandwich board type sign. The applicant would like to see this sign approved as part of this application. Currently, it appears that it is under the allowed squared footage. Barbara also discussed the internal lit sign and believes that it may not be allowable. There was a discussion on the interpretation in the ordinance regarding lit signage and that the group will need to come to some agreement regarding this. Mark stated that they would like to make some signage changes outlined some suggestions.

Peter suggested that the applicant review the allowed signage total square footage and lighting to help them with their discussion. He cited pages 116-117 of the ordinance that list the guidelines. Regina asked what they can do regarding signage limitations as she believes it is very restrictive. Mark suggested working to change the signage ordinance.

Gary wanted to be sure that there is a safe and adequate entrance/exit lighted path from the front to the back during darkness. Regina stated that currently there is sensor light in the back. Paul suggested a couple of lights along to the building to help direct them and suggested some small LEDs as an option. Regina suggested that a tenant above was supportive of adding lights along their deck area. Barbara stated to include this as possibilities if they wish in their lighting plan.

Barbara read the email from Marnie Diffin, Road Commissioner outlining her concerns and

comments. Barbara commented on the septic information provided. She asked if the Planning Board is comfortable not getting the lease agreement or if a letter from the owner would be sufficient. The Board stated that a letter from the owner would be sufficient. Mark stated that he can provide a copy of the lease.

Peter asked if there was any public comment.

Robert Pennington, 428 Walnut Road, an abutter, stated that he had a few concerns. Lighting is a concern given that they are exposed to the parking lot. He also commented on the potential for serving alcohol, some noise and privacy fence. Noise and lighting is of most concern given their children and family deck area.

Peter stated that the balance of lighting for both the applicant and abutter is something that they are concerned with as well. The fence is something that needs to be addressed if it is not meeting the abutter shield.

Robert asked about their interest in serving beer and wine. Barbara stated that if the Planning Board approves this application, then they would need to apply for a liquor application with the Board of Selectmen with a Public Hearing and if there is support, then they can apply for State Liquor license. Regina and Mark are interested in applying for a beer and wine license. Currently a BYOB allowance is permitted by the liquor inspector. Regina stated that those who have been bringing their own for the suppers have been responsible and they and there are also monitoring this. It is intended to remain a family restaurant.

The Board did not believe that a site walk was necessary for this as in general, they are familiar with the property. Tom asked what types of comments the applicant has received from their customers. Mark stated that they haven't seen many comments regarding parking but there are of course peak hours when it's busy. Peter reminded the group that their charge is to adhere to the ordinance and the total number of allowable parking. Regina asked about no parking signs on the Smith property. Barbara stated that they would be placed in the public right of way and that those who don't adhere to the no parking would not necessarily be the applicant's responsibility.

3. Any other items as the Chair may deem appropriate

Peter commented that the Board approved their by-laws at their last meeting.

Paul stated that he cannot be at the next 3 meetings and if they want to make him an alternate, he would be fine with this.

Gary DiLisio moved and Peter Lindsay seconded to adjourn the meeting. The vote was 4 Yes.

The meeting ended at 8:39pm.

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