

North Yarmouth Planning Board
Tuesday, May 13 2014
Meeting Agenda and Notice
7:00 PM @ Downstairs Meeting Room, Municipal Building

Tom Hinman, Steve Morrison, Peter Lindsay (Chair), Gary DiLisio (arrived at 7:04pm.)

Absent: Barbara Skelton, Ande Smith

1. Minutes of April 8, 2014

**Steve Morrison moved and Gary DiLisio seconded to accept minutes as presented.
The vote was 4 Yes.**

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 updated the group on some of the items previously discussed. He discussed the lighting plan further based on consultation with a lighting expert. He provided a diagram that shows the light values from the light outward. The candle power where the 2 lights meet in the parking lot is .2. The light would not go to the property line of the abutter. There would not be any visible light as it would point downward.

He also commented on signage and stated that they would take down the existing sign and replace it with a simple sign approximately 18" x 5' and would be on either end of the buildings and there would be an open sign in the window and a sandwich board out front, which, combined meets the 24' maximum allowance. They would not be lit.

There was a discussion the parking adjustments, particular parallel parking. Peter asked about parking curbs. Mark stated that there are a variety of options but they couldn't be permanent given the gravel lot. There are a sufficient amount of spaces. Signage will be place to indicate parallel and handicap parking.

There was a discussion on the existing fence and Mark stated that the Code Enforcement Officer spoke to the previous owner and that they placed it as a screen. Hours of operation were also discussed.

Conditions of Approval.

1. **Standing Condition #1 (permit shall expire 1 year from date of issuance.)**
2. **Signage must be in compliance on or by May 31, 2014.**

Mark stated that signage can be fast tracked but doesn't know when he can schedule an electrician. Work on the building is being done by the owner and the schedule is out of his control. Mark stated that signage can be done by 5/31.

3. Lighting must be installed and operational as proposed on or by June 15, 2014.

Lighting out back currently exists so replacing the fixture for this one can be done. But the front ones would need wiring that should be done at the same time the owner will be having electrical work done. The State Fire Marshall is requiring the owner to make electrical improvements. The requirements of the report has not changed since 2011. Mark stated that he believes the owner has submitted a remediation plan to the Fire Marshall. Steve asked if they can continue to operate. Mark stated that he was told that they can continue to operate at this time.

Fire Chief Plummer stated that the 2011 compliance plan was rejected by the State Fire Marshall's office. There hasn't been good follow-up. The town conducted an inspection and no changes have been done since 2011. The Fire Marshall's office will likely send a letter to the owner giving him 30 days to submit a plan. The Electrical Inspector has conducted a separate inspection and there are substantial issues that the owner needs to address. The town is working with the Fire Marshall's office to resolve this. The owner is challenging to work with. He stated that the restaurant has been told to continue and they are working to address the issues. The Fire Department does not have an issue with this application request as this has been an ongoing issue with the building owner.

Peter stated that the Planning Board should continue to address this application to offer dinners as proposed based on the ordinance criteria. Mark stated that if lighting is important, then it can be done.

4. The existing Fencing shall be repaired by May 31st.

Mark indicated that he will replace the first and last sections that are collapsed to make it a usable.

5. Hours of Operation shall be Friday-Saturday, 5pm -9pm from Memorial Day to Labor Day. The rest of the year, Friday-Saturday, 5pm-8pm.

6. The parking lot is currently a gravel lot, and will remain as such, and signage for parallel and 2 handicap parking spaces will be installed and based on the submitted parking plan.

Tom asked if 28 spaces are necessary given the changing seasons and conditions. Mark stated that he believes that this is a realistic parking plan.

Robert Pennington asked if the restaurant and Planning Board would consider 5-8pm all the time.

Mark stated that this restaurant is in the commercial center and that a restaurant further down the road is open until 9:30pm and this is a difficult business. The restaurant is a subdued business.

Waivers: Steve Morrison commented on the fire protection system waiver. Peter stated that there is a hydrant there. Fire Chief Plummer stated that they do not have any issues with the fire protection (water supply) in that location.

Peter Lindsay moved and Gary DiLisio seconded to deem the application complete.
The vote was 4 Yes.

Peter Lindsay moved and Gary DiLisio seconded to grant the waivers as requested.
The vote was 4 Yes.

Peter Lindsay moved and Steve Morrison seconded to accept application and project description and findings of fact as amended at the Planning Board meeting of May 13, 2014.
The vote was 4 Yes.

3. Review - 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 Sweetser updated the Board on the proposed plan and abutter notification. The new plan shows the 500 foot setback. Gary DiLisio reminded the applicant that impervious surfaces (decks, patios and the like) out back should be included at the time for approval for ease. Gary asked about the impervious surface process. Steve suggested to include as a condition of approval: house location and size be in compliance with the submitted plan.

Gary DiLisio moved and Steve Morrison seconded to deem the application as complete.
The vote was 4 Yes.

Project Description and Findings of Fact:

1. Standing Condition #1 (permit shall expire 1 year from date of issuance.)
2. The house location and size is built as proposed on the site plan dated April, 2014.

Gary DiLisio moved and Tom Hinman seconded to approve this application, project description and Findings of Fact as amended at the May 13, 2014 Planning Board meeting and that the notes on the site plan dated April 2014 will be adhered to.
The vote was 4 Yes.

4. Review - contract zoning ordinance request from the Board of Selectmen

Peter gave a brief overview of the contract zoning ordinance that is being considered. Currently, the town does not have such an ordinance. The Board of Selectmen is looking for a draft by July

31, 2014 which he believes might be challenging. The Planning Board doesn't meet in August in the event they cannot meet the July 31st deadline.

There was a discussion on contract versus conditional zoning. Mark Girard stated that this is one and the same. Peter stated that the Code Enforcement Officer has presented and proposed some items for the Planning Board to help craft. He would like to see that the Selectmen seek legal review of the proposal once drafted.

Mark stated that contract zoning process is flexible but requires a lot of involvement. The proposed ordinance is a process for the Planning Board to take. The Selectmen would like to see this ordinance be similar to area communities to help with continuity. The surrounding communities' language could be of help to the Planning Board in their work to craft the one for the town.

Peter reminded the group that a draft ordinance requires a public hearing by the Planning Board, then, recommended to the Selectmen for consideration and approval at a Town Meeting.

Peter asked the group if they would like to review the options for additional discussion at another meeting, or possibly conduct a workshop with the Board of Selectmen, or contract with someone in conjunction with the Interim Town Manager to help craft language. Mark Girard stated that workshops are a good vehicle for the Selectmen and can include others who can help with the discussion. The group agreed with a workshop and suggested some work be done in advance with a draft crafted that can be used for the discussion. Peter suggested someone who is already familiar with the town's ordinance. Gary suggested that someone's help can help craft a draft that is a good fit for this town.

Peter stated that he will speak with the Interim Town Manager regarding this. Mark stated that contract zoning can be a creative option for economic development. Peter stated that this option has been in discussion given the community's discussions in the past couple of years.

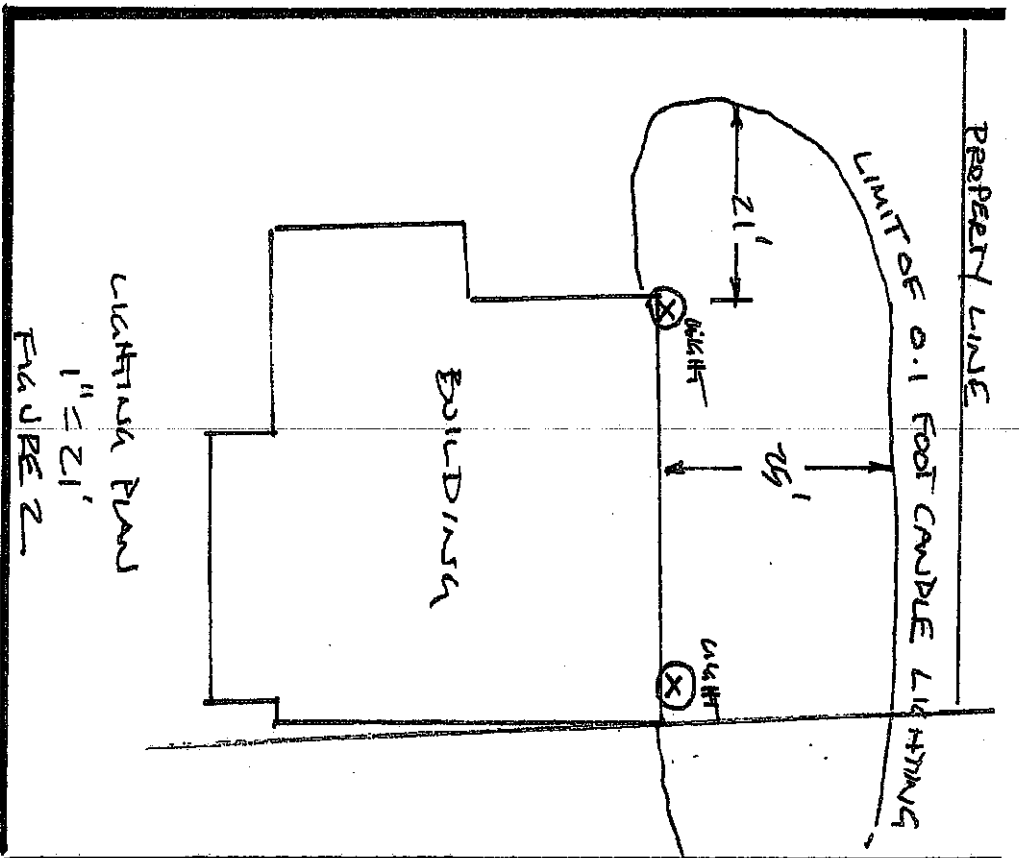
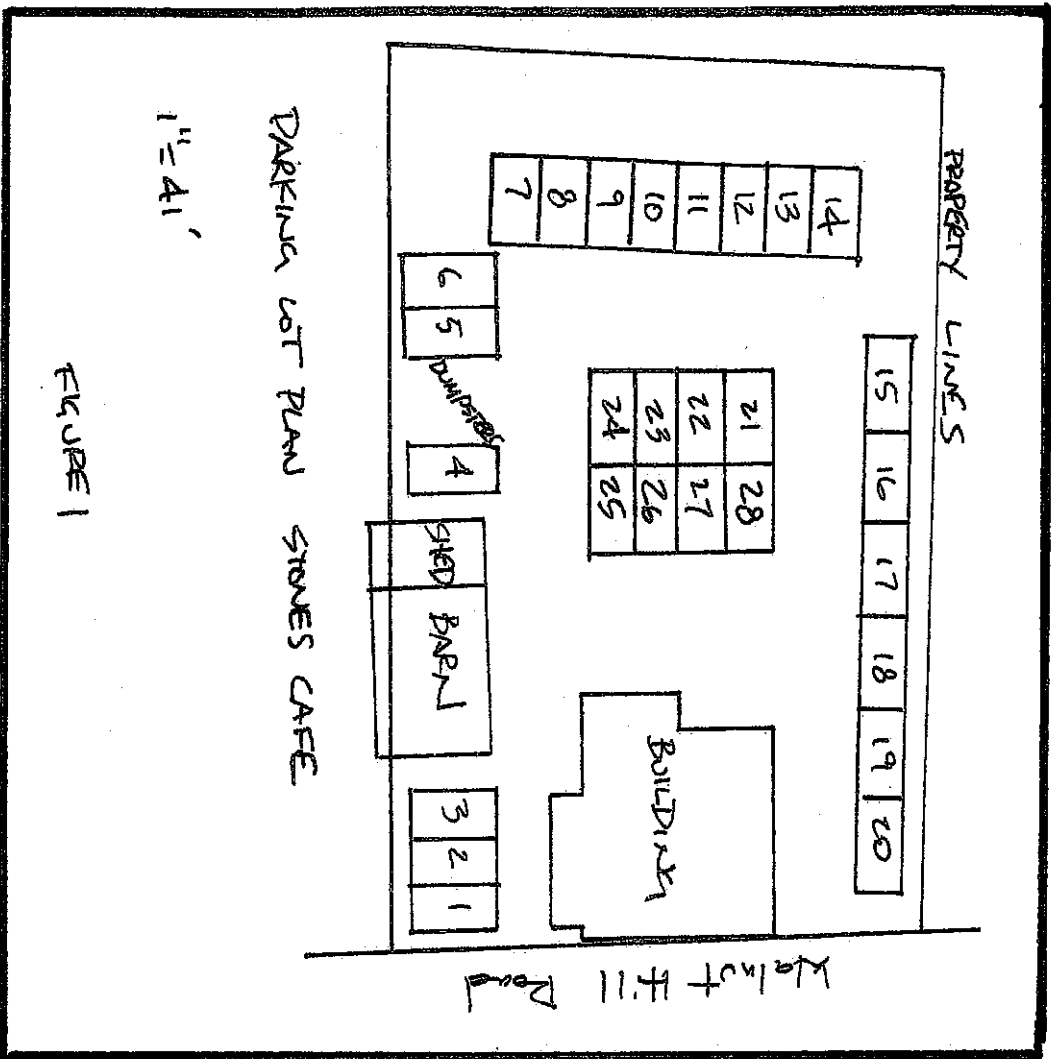
Peter proposed a workshop on June 5th at 7pm. The group agreed.

5. Any other items as the Chair may deem appropriate

Katherine Gabrielson will be a new Planning Board member. Barbara Skelton has taken another position. Bruce Smith has been hired 2 days a week to help with Code Enforcement. It is unclear about staff support for the Planning Board at this time. Mark stated that the Selectmen is assessing other skills that may be needed in this position. Peter stated that he believes it is important to have Code Enforcement support for the Board and for the applicants prior to and after the approvals.

Peter stated that Barbara Skelton prepared the Napolitano approval from last month and the Project Description and Findings of Facts to have on file.

Peter Lindsay moved and Gary DiLisio seconded to adjourn the meeting.



APPROVED: TOWN OF NORTH YARMOUTH,
NORTH YARMOUTH PLANNING BOARD

Stones Café and Bakery, North Yarmouth Planning Board Submittal

April 22, 2014

Lighting:

Two shielded LED exterior lights will be mounted on the northerly side of the building. The attached cut sheet depicts the extent of light onto the parking lot. The standard for commercial parking lots is 0.1 foot candle. This amount of light will extend from the building approximately 25 feet toward the northerly property line. This is depicted in Figure 2, attached. The property line is approximately 33 feet from the building. Therefore the light will not leave the Stones property, and as it is a shielded light, there will not be visible glare from the bulb.

Two lights at either end of the 45 foot long building will provide light along the length of the building suitable for foot traffic. In the middle of the building, the light will be at 0.2 foot candle, which is twice the minimum standard for parking lots.

Signage:

The total square footage of signage will not exceed 24 square feet. The sandwich board sign is 2' x 3' on each of two sides, with a total sign size of 12 square feet. Two exterior signs will be affixed to the southerly and northerly sides of the building, facing traffic. Each sign will be 1' x 5' in size, with a total of 10 square feet for both. The interior "open" sign will bring the total to 24 square feet.

Parking:

The parking plan is attached as Figure 1. "Parallel Parking Only" signs will be placed along the northerly property line. Employee vehicles will be used to establish the parking grid for customers to follow.

Privacy Fence:

The stockade fence is not on the Stones property.



Date : 18 Apr 2014

Title : Enter the title here...

Desc : Enter the description here...

Luminaire

IES Filename : lti73996.ies

Description : SLIM18

CAST METAL HOUSING, 1 CIRCUIT BOARD WITH 1
LED, MOLDED

ONE WHITE MULTI-CHIP LIGHT EMITTING DIODE

For : Client's name or company...

By : Your name or company...

Light Loss Factor : 1.00

Number of Lamps : 1

Lamp Lumens : -1 lms

Luminaire Watts : 18 W

