

MEMORANDUM

TO: North Yarmouth Planning Board  
Through Ben Scipione, Code Enforcement Officer

CC: Steven J. Blake PE, BH2M  
Byron Kern, Well & Good Brewing

From: Kate Burch, Planner, North Star Planning

RE: Well & Good Brewing – Planning Board meeting March 14, 2023

Date: March 2, 2023

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**Overview**

The applicant proposes to convert the existing single-family structure at 173 Cumberland Road into a brewery and tasting room. The existing building footprint will not change. The exterior of the building will remain mostly the same, with some alterations for ADA access improvements. A schematic floor plan is provided with the application.

The interior of the log cabin home will be renovated for the tasting room with a maximum capacity of 40 patrons, with two bathrooms and a dishwasher for glassware. The tasting room will be open to the public on Wednesday-Saturday from 12pm to 8pm. The applicant plans to have portable picnic tables for outdoor seating behind the building.

The applicant will use the property's existing electrical service, natural gas, and subsurface wastewater disposal system (for the bathrooms and the dishwasher.) The applicant does not plan to have a dumpster as they will generate only a small amount of solid waste, which will be disposed of using Town curbside trash and recycling collection.

The attached garage will be used as the brewing space. Brewing will occur on Monday and Tuesday when the tasting room is closed. The applicant plans to brew 155 gallons of product per week. Brewing operations effluent will not be directed to the subsurface wastewater disposal system. The applicant will install a 2,000 gallon underground concrete holding tank to handle brewing effluent. The tank will be pumped out routinely and taken offsite for disposal.

Site improvements will widen the existing driveway, expanding parking to include 14 spaces with one ADA space, provide access for deliveries to the brewing operations area, and add a pedestrian walkway from Cumberland Road (Route 9). The applicant has received a Driveway/Entrance permit with Maine DOT.

A staff review meeting was held on February 6 with the Code Enforcement Officer, Fire Chief, and Public Works Director.

The project was discussed as a pre-application at the Planning Board meeting on December 13, and a site plan review occurred at the February 14 meeting. At this meeting, the Board discussed the applicant's proposed screening in response to a letter from an abutter. The applicant also explained that they are replacing the existing septic tank with a new one of equal capacity.

Because the project is in the Groundwater Protection Overlay District, the Board suggested a condition of approval to require the development to use environmentally friendly deicing products on their driveway and parking areas.

The Board voted the application complete and agreed to hold a public hearing at the March 14 meeting.

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**Applicant:** Byron Kern

**Owner:** same as the applicant

**Location:** 173 Cumberland Road

**Zoning:** Village Center, Groundwater Protection Overlay

**Tax Map Number:** Map 4 Lot 25

**Existing Land Use:** single-family detached dwelling

**Proposed Land Use:** restaurant under 2,000 SF

**Acreage:** 1.5 acres

**Waivers:** The applicant has not requested any waivers.

**Site Walk:** The Board declined to hold a site walk.

**Public Hearing:** A public hearing for this project is scheduled for March 14, 2023.

**Completeness Review:** The Board voted the application complete at the February 14, 2023 meeting.

**Suggested Motion:** To approve the Well and Good Brewing final site plan as submitted pursuant to the Findings of Fact in the memo dated March 1, 2023, with the following condition of approval:

1. Well and Good Brewing must use environmentally-friendly winter maintenance practices on the driveway and parking area.

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### **Site Plan Review - Findings of Fact:**

1. Utilization of the Site
  - The applicant plans to utilize the existing building located at 173 Cumberland Road for a brewery and tasting room.
  - The project is located in the Village Center zone and is abutted by single-family residential properties.
  - The gross square footage of the restaurant is 1,600 SF.
2. Utilities
  - The applicant will use existing water service, electricity, natural gas, and subsurface wastewater disposal systems.

- The applicant will replace the existing septic tank.
- The applicant will install an underground 2,000-gallon reinforced concrete holding tank for brewing operations effluent, which will be pumped out routinely and taken off-site.
- The applicant has been corresponding with the Yarmouth Water District and is awaiting an ability to serve letter.

### 3. Building Standards

- The project will utilize the existing building for their business.
- No new structures or building are proposed.
- Only minor changes for ADA improvements are proposed for the exterior of the existing building.

### 4. Impact on Community Facilities

- No negative impact on community facilities will result from this project.

### 5. Hazardous Materials and Emissions

- All hazardous materials will be disposed of in accordance with state and federal laws.

### 6. Exterior Lighting

- The applicant provided a photometric plan showing additional light fixtures, with product information for each fixture.
- The photometric plan demonstrates footcandles will not exceed 0.5 at the lot line or upon abutting residential properties.

### 7. Financial and Technical Capacity

- The applicant has provided a deed and commercial lease agreement for the property.
- The applicant provided evidence of Maine business registration.
- The applicant provided a letter demonstrating secured financing for the establishment of the brewery, along with a detailed site construction cost worksheet.

#### 8. Landscaping, Buffers and Screening

- The applicant provided a landscape plan showing a row of evergreens in a mulched planting bed between the parking area and the abutting residential property.
- The applicant proposes to keep existing trees and lawn on the property.
- The parking lot will be surrounded by lawn.

#### 9. Noise

- No noise levels in excess of the town standards will result from the project.

#### 10. Signs

- The applicant provided a design for a freestanding roadside sign with their application.
- The sign does not exceed the maximum allowed sign area.

#### 11. Storage of Materials

- There will not be any exposed storage areas or dumpsters.

#### 12. Stormwater Control

- The applicant provided a stormwater management report. The proposed site improvements will result in approximately 5,176 SF of additional impervious surface.
- A stormwater management plan has been prepared to satisfy the requirements of Maine DEP and the North Yarmouth Land Use Ordinance.
- The project proposes to use a level spreader to control erosive flows created by drainage from the paved parking area, before it enters the abutting wooded property.
- The predicted increase in rate of runoff from additional impervious surface will not create adverse impacts to downstream conditions.

#### 13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat is located within the project area.
- The applicant provided a natural resource survey dated September 12, 2022 that affirms no wetlands, watercourses, or vernal pools are on the property.

#### 14. Access Management and Vehicular Circulation

- Vehicular access to the site will come from the existing driveway entrance off Cumberland Road.
- The applicant has received a Driveway/Entrance Permit from the Maine Department of Transportation.
- The applicant provided estimated traffic counts of 18 trips during the peak PM hour between 4-6 PM, with 12 trips entering the site and 6 trips leaving.

#### 15. Pedestrian Ways and Bicycle Access

- No changes to sidewalks or other surrounding pedestrian areas are proposed.
- The applicant proposes to build a pedestrian walkway from the sidewalk on Cumberland Road.
- A bike rack will be installed next to the pedestrian walkway.

#### 16. Off-Street Parking and Loading

- The proposed use requires 12 off-street parking spaces (1 space per 4 patrons, plus one space per employee.)
- The applicant proposes to construct 14 parking spaces, including a van-accessible ADA parking space.

## Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
- ~~2. Utilities serving developments in the Village Center District and Village Residential District **will/will not** be installed underground. (N/A)~~
3. The proposed development **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will not** contribute emission of dust, ash, smoke or other particular matter.
5. The proposed development **will** have adequate exterior lighting to provide for its safe use during nighttime hours.
6. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
7. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
8. The size, location, design, color, texture, lighting and materials of all exterior signs **will not** detract from the design of proposed buildings and structures.
- ~~9. Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening. (N/A)~~
10. Adequate provisions **will** be made for the collection and disposal of all storm water that runs off proposed roads, parking areas, roofs and other surfaces.
11. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
12. The layout of the site **will** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
13. The site plan **will** provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
14. Parking areas **will** be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas.