

MEMORANDUM

TO: North Yarmouth Planning Board  
Through Tracey Cox Executive Assistant to Code Enforcement

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 December 13, 2022

Date: December 5, 2022

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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 log cabin home will be renovated for a tasting room with a maximum capacity of 40 patrons. The attached garage will be renovated for use as brewing space. The exterior of the building will remain mostly the same, with some alterations for ADA access improvements. Site improvements will include widening the existing driveway, expanding parking, and adding a pedestrian walkway from Cumberland Road (Route 9). The applicant plans to have the tasting room open to the public on Wednesday-Sunday from 12 PM to 8 PM.

The project will be discussed as a pre-application for the meeting on December 13. This is a chance for the applicant to present the project and for the Board to ask any clarifying questions or request additional information. The most relevant standards to the project are noted below.

**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 should decide if a site walk for this project is necessary.

**Public Hearing:** A public hearing for this project has not been scheduled.

**Preapplication Completeness Review:** NSP reviewed the project for completeness and the project meets the preapplication submission requirements.

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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 system.

- 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.

### 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 should describe any new exterior lighting to the building, parking lot, and/or outdoor seating area in the next submission.

### 7. Financial and Technical Capacity

- The applicant has provided their commercial lease agreement for the property.
- The applicant should provide a business registration form and evidence that associated application fees were paid with the next submission.
- The applicant should confirm no infrastructure changes are proposed to the site in their next submission.

### 8. Landscaping, Buffers and Screening

- The applicant should confirm if any landscaping, buffers, and screening are proposed for the project in the next submission.

9. Noise

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

10. Signs

- The applicant should provide sign design details and dimensions for the next submission.

11. Storage of Materials

- The applicant should confirm if there will be any exposed storage areas or dumpsters on the property in the next submission.

12. Stormwater Control

- The applicant should provide stormwater runoff analysis, and note if existing drainage flow direction will change, with the next submission.

13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat is located within the project area.

14. Access Management and Vehicular Circulation

- Vehicular access to the site will come from the existing driveway entrance off Cumberland Road.
- The applicant will file a Driveway/Entrance Permit from the Maine Department of Transportation.
- The applicant should provide estimated traffic counts with the next submission.

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.
- The applicant should indicate in the next submission if a bicycle rack will be installed.

#### 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/will not** 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.
3. The proposed development **will/will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will/will not** contribute emission of dust, ash, smoke or other particular matter.
5. The proposed development **will/will not** have adequate exterior lighting to provide for its safe use during nighttime hours.
6. The landscape **will/will not** 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/will not** control noise levels such that it **will/will not** create a nuisance for neighboring properties.
8. The size, location, design, color, texture, lighting and materials of all exterior signs **will/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.
10. Adequate provisions **will/will not** 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/will not** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
12. The layout of the site **will/will not** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
13. The site plan **will/will not** provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
14. Parking areas **will/will not** 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.