

LINCOLNVILLE PLANNING BOARD
MINUTES OF MEETING
January 13, 2016

PRESENT: Chair Ron Moran; Members Dorothy Havey and John Ianelli; Alternate Members Jay Foster and Mark Thurlow; and CEO Frank Therio

ABSENT: Members Robert Bickford and Scott Harrison

The meeting of the Planning Board convened at 7:00 pm. These minutes are a summary of the Board's discussions. A video recording of this meeting is available at the Town Office.

DECLARATION of CONFLICT of INTEREST:

The Chair asked if there were any Members declaring a conflict of interest - there were none.

The Chair appointed Mr. Foster to serve as a full member for the evening's business. Mr. Thurlow passed on serving as a voting member. Mr. Moran also asked Mr. Foster if he would serve as Facilitator for the review because he, nor any of the other members of the Board, had been through a Commercial Site Plan Review since being appointed. Mr. Foster agreed to do so.

**1. COMMERCIAL SITE PLAN REVIEW: Amendment to an Approved Plan
Pumpkin Patch, LLC: Map 5 Lot 77: 269 Main Street (Center General Store)**

Eric Durbas of Phi Home Designs was present to represent the owners, Johnathan Fishman and Briar Lyons, in their request to amend the Site Plan approved on June 13, 2012, for a mixed use (mercantile/residential/office). The owners want to amend the approval as follows:

- Reduce the numbers of uses to one - Mercantile
- Add ADA access ramps and entrances
- Remove existing septic field and install new system
- Install exterior HVAC units and kitchen ventilation system
- Add landscaping, buffering and fencing
- Clarify location of well for use as a public water supply
- Remove the fire suppression (sprinkler system) from the Plan – no longer required by the Fire Marshall's Office because of the changes in use

The Applicants have addressed the Ordinance submission requirements at Article 18 Section 10 in the written narrative provided as part of the Application packet. The Plans submitted for review are Plan CO Existing Conditions and Demolition Plan, and Plan C1 Site Plan. Both were prepared by Gartley and Dorsky Engineering and Surveying and dated December 30, 2015. In addition, the Applicants have supplied the interior floor plans (OSFM 1 - 4) required by the Office of the State Fire Marshall. The Fire Marshall's Office approved the Plans and issued permit # 23372 (copy provided).

The CEO gave a brief history of the original review and noted how this amendment changes the approved Plan:

- With regard to changes to the site and the amount of impervious surface: Two existing sheds will be removed - the old kitchen has already been removed; two ADA ramps and entrance decks will be added to the footprint as will as a bump-out for a wood-fired oven; and the site of one of the old sheds will be converted back to lawn. These additions

are an even trade for the square footage that will be demolished and removed -- there is no increase in impervious surface from the approved plan.

- The gas tanks have been removed - the old kitchen had to be removed to facilitate removal. Mr. Therio added that wells in the vicinity have been monitored for gasoline contamination but none has been found.
- The CEO identified other new additions to the Plan that will require review by the Board

Mr. Foster asked that the submission packet submitted by PHI Home Design and dated December 30, 2016, be entered into the official record for use, by reference, during review. There were no objections.

Mr. Durbas added the following information:

- There will be an addition to the footprint at the rear of the building to house a wood-fired brick oven and foundation. The ventilation unit is proposed for the roof above the oven.
See Plan C-1
- The lots across the Street (Map 5 Lots 39 and 41) also belong to the LLC and will be involved in the project for water supply and employee parking (perhaps). There will be six parking spaces as well as a handicapped parking space near the store.
See Plan C-1
- The well across the Street remains the source of the public water supply for the Store. Moody Brook will serve for fire suppression.
See Packet 10.3 j. Location of water for fire protection; and 11.5 Water Supply Provisions
- There will be changes to the exterior lighting: The Plans show fixtures along the ceilings of the exterior covered decks (porches) on the stream side and the front of the building as well as at all entrances. The owners also want to add lighting to the rear of the building for staff closing the store at night - those fixtures are not shown on the Plan.
See Packet addressing Section 12.1 Exterior Lighting
- There will be two HVAC units at the back exterior of the building to provide heating and cooling with heat pumps.
See Packet addressing Section 12.3 Noise
- Mr. Durbas noted he had neglected to address the Generator shown on the Plan, and does not have the specification regarding dBA levels with him.
- The entire first floor and basement will be dedicated to the Mercantile business; the second floor will be used for office and meeting space; and there will be a two-floor Owner's Suite (2nd and 3rd floors) for family use only. Mr. Foster confirmed that the Applicants realized that by dedicating the Owner's Suite to family use only on the Site Plan, the apartment cannot be used by anyone outside the family -- such as a store manager.
See Plans OSFM 1-4

- Landscaping approved on the original Site Plan will be retained, and the owners have added additional landscaping to the Plan; fencing to screen the dumpster area is also shown on the Plan.

See Plan C-1

Article 18 SITE PLAN REVIEW

Section 14 Post-Approval Activities

14.1 Limitations of Approval: Substantial construction of the improvements covered by any site plan approval must be commenced within twelve months of the date of approval:

The CEO has determined the Building Permit issued for the Site Plan is still a valid permit: the interim property owner, Jeremy Howard, who took over from Pumpkin Patch, LLC, made a substantial start to the project. A substantial start is generally considered as having 30% of the project complete; Mr. Howard met this threshold and the permit never lapsed. Upon the request of the Applicants, the CEO transferred the Building Permit back to the Applicant's name when they took back ownership of the property on September 18, 2014. At their request, he has now transferred the permit to PHI to complete the work.

← The Applicants need to submit a copy of the deed transferring the property back to them from Mr. Howard

MOTION by Mr. Foster seconded by Ms. Havey to concur as a Board that the Application complies with Section 14.1 of Article 18.

VOTE: 4-0-0

Section 18: Amendments to Approved Plans and Change of Use

Mr. Foster confirmed with the CEO that this is *not* a Change of Use: The previous use was as Mercantile (General Store and Café); the previous Site Plan approval was for three uses including Mercantile; and the current Application is for Mercantile.

The newly adopted review procedure allows the Board to review only those Approval Criteria that they determine would be affected by the proposal. In addition, per 18.1.3, the scope of review is limited to the portions of the Plan that will be changed. As directed by the Ordinance, Mr. Foster had reviewed the Application and submissions and believes that the following changes could affect specific Approval Criteria. He listed the items he thought needed review; other members of the Board agreed with his selection and had no additions to the list:

- Minor change to the building footprint: Section 13.4 Site Considerations

MOTION by Mr. Foster seconded by Ms. Havey that under Section 13.4 the Board finds there is no appreciable change from the original Plan.

VOTE: 4-0-0

- New septic: 11.6 Sewage/Wastewater Disposal

The CEO informed the Board that the Applicants have the right to record an approved design for use if the current system fails. They have chosen instead to remove the old and replace with cement chambers so they can drive over the system. In addition, the new system will be totally outside of the 75' stream setback.

MOTION by Mr. Foster seconded by Ms. Havey to find that the Amendment is in compliance with the criteria outlined at Section 11.6.

VOTE: 4-0-0

- **Additional exterior lighting: 12.1 Exterior Lighting**
The Applicants have provided cut sheets that show that all the proposed fixtures are down-shining and the locations of the lamps are shown on the Plan.

MOTION by Mr. Foster seconded by Mr. Moran that the Applicants' request for exterior lighting meets the standards of Section 12.1 (a) - (d).

VOTE: 4-0-0

- **HVAC and a Generator: 12.3 Noise**
The information supplied – and general knowledge of Board members - shows that the HVAC units can meet the dBA standards at the property line. There is no information on the Generator: The CEO informed Mr. Durbas that the generator must be able to stay under 45dBA at the property line. It may be that if the specifications show a higher dBA rating the manufacturer permits containing the unit to muffle the noise. If the dBA is too high and the unit *cannot* be contained, the Applicants will not be able to have a generator.

MOTION by Mr. Foster seconded by Mr. Ianelli that the request for new exterior HVAC units and a commercial range hood have been reviewed and found to be compliant with Section 12.3. Approval of the 20,000KW generator is contingent upon the receipt of information from the manufacturer of the generator showing that the decibel requirements can be satisfied.

VOTE: 4-0-0

- **Additional landscaping and buffering: 13.1 Landscaping**
The Applicants are proposing additional landscaping including fruit trees as well as plantings within the stream setback to protect the stream during and after construction.

MOTION by Mr. Foster seconded by Mr. Moran to find the Application complies with Section 13.1 because it retains the originally reviewed and approved Landscape Plan as well as providing for additional landscaping.

VOTE: 4-0-0

- **Public water supply: 11.5 Water supply**
There are no changes from the originally approved plan.

- **Fire suppression changes: 11.15 General Fire Protection**

MOTION by Mr. Foster seconded by Mr. Ianelli that with the receipt of the Fire Marshall's permit dated January 11, 2016, the Application is in compliance with Section 11.15.

MOTION by Mr. Foster seconded by Mr. Ianelli that the request by the Applicant outlining the changes proposed to the Site Plan has been reviewed and the criteria have been met with the Condition that the generator must be approved; the Board finds that all relevant Site Plan Approval Criteria are met and the Application should be approved.

VOTE: 4-0-0

2. OTHER: Mr. Foster asked that the Board review the By-laws at the next meeting as they concern attendance at meetings. Mr. Bickford has not attended a meeting since his appointment to the Board and Board should discuss the situation. He noted that all pre-review meetings - Site Walks and Public Information Meetings - are part of the review of an Application and count as meetings missed.

There being no further business before the Board they adjourned at 9:15pm

Respectfully submitted,

Jeanne Hollingsworth, Recording Secretary