

Town of Lincolnville
Planning Board Meeting Minutes
January 12, 2022
7:00 pm

1. Call to order: The meeting of the Planning Board convened at 7:00 pm in the Selectmen's Room at the Town Office. These minutes are a summary of the Board's discussions. A video of the meeting is available at the Town Office as well as the option to view the meeting on Channel 22.

Members present: ◇ Elizabeth Eudy, Chair
 ◇ Dick Vermeulen
 ◇ Bill Norfleet, alternate
 ◇ Jay Foster, alternate

Others: CEO Frank Therio
Broo Temple
Briar Lyons & Aaron Boetsch
Mark Ingraham
Nancy Weser, Scribe

Absent: Janis Kay
 Scott Harrison
 Sandy Delano, Vice-Chair

Chair Eudy welcomed all who were present and those who tuned in on channel 22 to watch the proceedings. Chair Eudy asked the Board to approve the two alternates to vote during the meeting to complete a quorum, Board approved.

Agenda 1. Commercial: Minor

Review of a request for the Planning Board approval of an existing grandfathered commercial site plan. Proposed commercial site is approved an amendment to allow a change of use to another nonresidential use of the property.

Reference: Section 18 Section 2.1.1 Section 10, 11 & 12

Location: 2561 Atlantic Hwy (Map 16 - Lot 92)

Owner: Broo & Jennifer Temple, DBA Anchor & Thistle, LLC

Exhibits submitted:

- A. Check #2406 application fee (12-30-21) paid
- B. Commercial Site Plan Application/Abutters List on reverse side
- C. Site Plan Map
- D. Tax Map 16, showing lot 92
- E. Elevation Sketch, showing doors, lights and possible sign
- F. Responses to 10.2, 10.3, 10.4, 10.5 (Submission Requirements)
- G. Quitclaim deed, showing ownership with Schedule A listing property boundaries
- H. Certificate of Formation for LLC
- I. Easement deed between Temples and Lincolnville Sewer District
- J. Commercial Site Plan Review Application, pg. 3-4, blank for Planning Board &

CEO use.

K. Commercial Site Plan Review Application, pg. 5 signed by Temples

Chair Eudy reminded the Board, at the previous meeting the Board had reviewed the Submissions as an aid for the Applicants to return with the information that was lacking. CEO Therio assisted the applicants with information that would be required, in Subsection 2.1.1d. & e. Broo Temple presenting his request for an approved commercial site plan and an amendment for a change of use. The Board reviewed all the exhibits in the packet, and the submission requirements in Section 10, 10.1, 10.2.,10.3 & 10.4. for the Commercial Site Plan Application. J. Foster made a motion, if the Board finds the application for the Commercial Site Plan to be complete, than advance to the Amendment for Change of Use, Section 11 Standards & Criteria, motion passed by a vote of 4, opposed.

Section 11 Standards and Criteria/ Findings of Fact

- 11.1 Utilization of the Site: “a. The plan for the development must reflect the natural capabilities of the site to support development.
b. The development must include appropriate measures for protecting resources including but not limited to, modification of the proposed design of the site, timing of construction and limiting of the extent of excavation.”

The Board determined there was no construction or excavation to be proposed. This is an mature existing site, with buffers and existing drainage. # 11.1 meets the requirements of the Standard.

- 11.2 Traffic Access and Parking: “ a. Vehicular access to the site must be on roads, which have adequate capacity to accommodate the additional traffic.
b. Vehicular access to and from the development must be safe and convenient.
c. Accessway Location and Spacing
d. Internal Vehicular Circulation Frontage
e. Parking layout and Design
f. Pedestrian Access”

The Board determined from the testimony of applicant, that the existing parking and traffic flow into and out of site is an existed design and no proposed construction, no more parking places are required for the proposed change of use. #11.2 Meets the requirements of the Standard.

- 11.3 Storm water management: “ Adequate provisions must be made for the collection and disposal of all storm water that runs off proposed streets, parking areas, roofs and other surface through a storm water drainage system and maintenance plan.”

The Board determined that no construction was proposed within the site and the existing site had an adequate storm water management that has been effective for many years. #11.3 meets the requirements of the Standard.

- 11.4 Erosion Control: “All building, site and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible.

Natural vegetation must be preserved and protected wherever possible.”

The Board determined no proposed new construction planned to alter or enlarge existing site. Mature buffering exists. #11.4 meets the requirements of the Standard.

11.5 Water Supply Provisions: “The proposed development shall be served by an adequate supply of water for domestic and fire protection purposes.”

The Board determined less water would be used as Administration offices versus a dentist office. There are two fire extinguishers one on each level. # 11.5 meets the criteria the Standard.

11.6 Sewage/ Wastewater Disposal: “The development shall provide a method of disposing of sewage/wastewater that is in compliance with the State Plumbing Code.”

The Applicants submitted Exhibit # 9 Easement Deed, between the applicants and Lincolnville Sewer District on July 2, 2021. The Board determined the existing system meets the criteria of the #11.6 Standard.

11.7 Utilities: “The development shall be provided with electrical, telephone, telecommunication service adequate to meet the anticipated use of the project.”

The Board determined that there was no new proposed plans to add any construction for Utilities, the existing site meets the requirements of # 11.7 Standard.

11.8 Natural Features: “The landscape must be preserved in its natural state insofar as practical.”

The Board determined there was no proposed construction planned, #11.8 is consider non-applicable due to no design plans and no adding natural features for the site.

11.9 Groundwater Protection: “The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.”

The Board determined the groundwater protection meets the criteria of #11.9 Standard.

11.10 Hazardous, Special and Radioactive Materials: “The on-site transportation, handling, storage and use of materials regulated or identified as hazardous by OSHA, EPA, Maine DEP or Office of the State Fire Marshal shall be done in accordance with all rules and regulations of those agencies.”

The Board determined from the testimony of the Applicants that no radioactive and hazardous materials exist as the former dentist office and the no materials will exist as administration offices, # 11.10 criteria for the Standard has been met.

11.11 Shoreland Relationship: The application site isn't in a shoreland zone, #11.11 is non-applicable.

11.12 Solid Waste Management: "The proposed development must provide for adequate disposal of solid wastes."

The Board determined from the testimony of the Applicant that solid waste generated at the site will be removed and transferred to a transfer station. #11.12 meets the requirements of the Standard.

11.13 Historic and Archaeological Resources: "If any portion of the site is or has been identified as containing historic or archaeological resources."

The Board determined that the existing site has no historic or archaeological resources, #11.13 is non-applicable to the change of use.

11.14 Floodplain Management: "If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency."

The Board determined the site is not in a Floodplain, #11.14 is non-applicable to the change of use.

11.15 General Fire Protection Provisions: "Definitions for the fire code terms are on file with the Code Enforcement Officer."

The Board determined records exist in the office on this site (grandfathered site) for fire protection. The testimony of the Applicant having hard wired smoke detectors and carbon monoxide monitors installed in the two sites, #11.15 meets the requirements and criteria of the Standard.

J. Foster made a motion that the Board have reviewed Section 11, the evidence of the finding of facts met the criteria of the Standards, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

Section 12: Good neighbor Standards: In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all criteria have been met.

12.1 Exterior lighting: "Proposed development must have exterior lighting to provide safe entrance, lighting designed not to produce deleterious effects on abutting properties and impair vision of a vehicle operator, shielded and hooded lighting, exterior lighting must be turned off during the hours of 11 pm to 6 am and building entrances may be illuminated using recessed lighting in overhangs and soffits."

The Board determined that the existing site had the sufficient lighting around the building, entrances and doors. Testimony from the Applicant stated the hours of operation will be no later

than 11 pm, and that there is a light in the triangular peak of the building that comes on automatically at night. D. Vermeulen made a motion from the testimony of the applicant, exhibits submitted, 12.1 meets the requirements of the standard, seconded by J. Foster. Motion passed by a vote of 4, 0 opposed.

12.2 Buffering: “Shield neighboring properties from any adverse external effects of the development, Shield the development from negative impacts of adjacent uses. Buffering shall be designed and maintained to provide a year -round visual screen in order to minimize adverse impacts.”

The Board determined that the existing site meets the criteria of Standard from exhibit diagram Lincolnville Sewer District, submitted and the knowledge no new proposed changes in and around the site are going to be altered. J. Foster made a motion as an existing site # 12.2 meets the requirements from the evidence from submission requirements, testimony of the applicant and exhibits submitted, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

12.3 Noise: “The development must control noise levels such that it will not create a nuisance for neighboring properties.”

The Board determined the site will have less traffic as administration offices than a dentist office. Less people working at the site and hours of operation will be less to working weekdays and not week-ends. Noise is confined to inside. No construction planned. B. Norfleet made a motion #12.3 meets the criteria of the Standard, seconded by J. Foster. Motion passed by a vote of 4, 0 opposed.

12.4 Storage of materials: “Visual buffer sufficient to minimize their impact on abutting uses and users of Public Streets.”

The Board determined from the testimony of the applicant there is no storage of materials. D. Vermeulen made a motion #12.4 the application meets the criteria of the Standard, seconded by B. Norfleet. Motion passed by a vote of 4, 0 opposed.

13: Design Standards:

J. Foster made a motion that Standards under Section 13 are not applicable to the application. Motion passed by unanimous vote.

D. Vermeulen made a motion to approve this application as an amendment for a change of use, as Administration offices for RSU 69, leased by Broo & Jennifer Temple DBA Anchor & Thistle, LLC, seconded by B. Norfleet. Motion passed by a vote 4, 0 opposed.

Conclusion

On January 12, 2022 the Planning Board reviewed evidence to approve a Commercial Site Plan for Broo & Jennifer Temple. There was never a Commercial Site Plan on record at the Town Office. The Temples’ application for a Commercial Site Plan was addressed with the added intent to have an Amendment for Change of use. Planning Board approved the application for Commercial Site Plan. The site was a dentist office. Temples have rented the property to RSU 69

for administration offices. An amendment for change of use was applied along with the information requirements to meet the criteria of Standards 11, 12,& 13. The Board determined the evidence for change of use was met. The administration offices are located at 2561 Atlantic Hwy, Map 16 – Lot 92. Owners are Broo and Jennifer Temple DBA Anchor & Thistle, LLC.

Agenda II

2. Commercial

Review a request to serve alcohol at the counter of the first floor of The General Store and to add chairs and tables upstairs. Food and alcohol proposed to be served as well.

Reference: Section 18 Section 2.1.1 and Section 10, 11&12.

Location: 269 Main Street

Map 5 Lot 77

Owner: Briar Lyons

Exhibits submitted:

- A. Letter from B. Lyons- Intent to change the use of the space of the general store back counter and kitchen upstairs.
- B. Commercial Site Plan Review Application
- C. Continuation of the Abutters list 500 feet from the general store.
- D. Site Plan diagram 1st floor
- E. Site Plan diagram 2nd floor
- F. Submission Requirements, 2 pages, signed copy
- G. Answers to 4 pages of the Submission Requirements
- H. Three Diagrams of the parking areas, loading & lighting
- I. Interior first floor design depicting the placement of fire extinguishers
- J. Interior second floor design depicting the placement of the fire extinguisher
- K. Construction Permit
- L. Abstract of Divorce Decree
- M. Exhibit A Business and Trust Interests/ Pumpkin Patch, LLC
- N. Email to David Allen, DOT
- O. Commercial Site Plan Review Application/ Notice to Abutting Land Owners

B. Lyons presenting her request by submitting the information that was lacking in the pre-app meeting. The Board had reviewed the submissions in Section 10. B. Lyons submitted answers to all the submissions, adding the complete abutters list, proof of ownership of the Pumpkin Patch, LLC. Norton's Pond the closest water supply for fire emergency, and notice to the DOT for impact of the change of use. J. Foster made a motion to approve Section 10 submissions as complete from the exhibits and testimony from the B. Lyons, seconded by B. Norfleet. Motion passed by a vote of 4, 0 opposed.

Section 11 Standards & Criteria/ Finding of Facts

11.1 Utilization of the Site: "The plan for the development must reflect the natural capabilities of the site to support development."

Aaron Boetsch, contractor will be making the proposed changes in the design plan.

The Board determined no structural changes to be made.

11.2 Traffic Access and Parking: “a. Vehicular access to and from the development must be safe and convenient.
b. Parking layout and Design
c. Internal Vehicular Circulation Frontage”

The General Store has an approved Commercial Site Plan, with existing parking lot across from the Store. No parking in the front of the store. DOT was notified of the proposed change of use, and B. Lyons asked if the existing permit will accommodate the new proposed change of use. Submitted site map illustrates how the traffic flow. The Board determined the submitted site map had the information that meets the requirements of the Standard.

11.3 Storm Water Management: “Adequate provisions must be made for the collection and disposal of all storm water that run off surface proposed streets, parking areas, roofs and other surface through a storm water drainage system and maintenance plan.”

The Board determined there would be no new proposed development.

11.4 Erosion Control: “ natural vegetation must be preserved and protected wherever possible.

The Board determined no erosion would be impacted in this project.”

11.5 Water Supply Provisions: “The proposed development shall be served by an adequate supply of water for domestic and fire protection purposes.”

B. Lyons stated no new rest rooms will be added and no change in the water & sewer. The Board determined the system is four years old, installed for a general store.

11.6 Sewage/ Wastewater Disposal: “The development shall provide a method of disposing of Sewage/ wastewater that is in compliance with the State Plumbing Code.”

The Board determined there will be no new changes, existing system is working adequately.

11.7 Utilities: “The development shall be provided with electrical, telephone, telecommunications service adequate to meet the anticipated use of the project.”

The Board determined there will be no new utilities added to the change of use.

11.8 Natural Features: “The landscape must be preserved in its natural state insofar as practical.

The Board determined there was no new nature features.”

11.9 Groundwater Protection: Non-applicable

The Board determined this standard is non-applicable for this application.

11.10 Hazardous, Special and Radioactive Materials:

The Board determined there is no hazardous materials handled in the general store nor with the proposed change of use.

11.11 Shoreland Relationship:

The Board determined this application site is not in a shoreland zone.

11.12 Solid Waste Management:

Solid Waste is removed by a contracted firm, General store has a dumpster. The Board determined the requirements for this Standard has been met.

11.13 Historic and Archaeological Resources:

The Board determined there were no historic or Archaeological Resources.

11.14 Floodplain Management:

The Board determined the site was not in a floodplain.

11.15 General Fire Protection Provisions:

B. Lyons stated there is a permit from the Fire Marshall and fire extinguishers are on both floors. The Board determined there is fire provisions in place.

J. Foster made a motion the application for the amendment for change of use has met the criteria of Section 11, seconded by D. Vermeulen. Motion passed by a vote of 4.

12. Good Neighbor Standards: “ In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.”

12. 1 Exterior Lighting: “Proposed development must have exterior lighting to provide safe entrance, lighting designed not to produce deleterious effects on abutting properties and impair vision of a vehicle operator, shielded and hooded lighting, exterior lighting must be turned off during the hours of 11pm to 6pm and building entrances may be illuminated using recessed lighting in overhangs and soffits.”

The Board determined there would be no changes to the outside exterior lighting. Lincolnville General Store is an approved Commercial Site. The proposed change of use project will be in the interior the Store, in an upstairs approved residential kitchen.

12.2 Buffering: “Shield neighboring properties from any adverse external effects of the development. Shield the development from negative impacts of adjacent uses. Buffering shall be designed and

maintained to provide a year round visual screen in order to minimize adverse impacts.”

The Board determined the mature approved commercial site will have no new changes in buffering.

12.3 Noise: “The development must control noise levels such that it will not create a nuisance for neighboring properties.”

The Board determined the General Store serves the general population year round. Letters describing the intent of the proposed project was sent to all abutters within 500 ft. of the proposed site. Testimony from B. Lyons stated a limited about of tables are going to be installed and limit on drinks to be served.

12.4 Storage of Materials: “ Visual buffer sufficient to minimize their impact on abutting uses and users of public streets.”

The Board determined no changes in the approved commercial site.

J. Foster made a motion the criteria for Standards in #12 have been met and approved, seconded by D. Vermeulen. Motion passed by vote of 4, 0 opposed.

13. Design Standards:

The Board determined the criteria for #13 is not applicable to this application. J. Foster made a Motion, nothing in Design Standards #13 need to be addressed, requirements for that Standard have been met, seconded by B. Norfleet. Motion passed by vote of 4, 0 opposed.

D. Vermeulen made a motion the Planning Board accept the conversion of an existing building in whole in part, from a residential use to a nonresidential in the Lincolnville General Store, with Board approval of the Amendment Application for change of use, seconded by Chair Eudy. Motion passed by a vote of 4, 0 opposed.

Conclusion

On January 12, 2022, the Planning Board having reviewed the evidence approved the Amendment for change of use for the Lincolnville General Store to add on the first floor, a knee wall to serve alcohol and food, on the second floor a residential kitchen will be converted to a nonresidential area with tables & chairs where beer, wine and food will be served. The permit from the Fire Marshall has been issued. David Allen from the DOT has been contacted and the Owner was assured the change of use is allowed within the current permit issued from the DOT. The General Store is located at 269 Main Street, map 5 Lot 77, owner is Briar Lyons.

Agenda III

Shoreland: Review a request for to extend the existing non-conforming cabin
Located: 92 Norton Pond
Map 3 Lot 97
Owners: Nicole & Ramiro de Acevedo

Presenting: Mark Ingraham

Exhibits: 1. Land use Application

2. Diagrams: erik durbas Designs

Site Image Expansion Calculations (C-1)

Proposed first floor Plan (A1.1)

Exterior Elevations (A2.0)

3. Letter of Authority to speak on behalf of the Owners

4. Project Scope Notes

Reference: 12 C.1

The Board determined from the extensive information in the packet and the testimony of Mark Ingraham to approve the request to extend the cabin. Four trees will be removed, no blasting and the cabin will not be moved closer to the water. Measurements meet the requirements. J. Foster made a motion the addition meets the setbacks and square footage of 12.C.1, the application is approved, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

Review of Minutes: Meeting Minutes of 12-29-21

Chair Eudy made a motion the minutes of 12-29-21 be approved after the corrections, seconded by D. Vermeulen. Motion passed by a vote of 4, 0 opposed.

Adjournment: Motion to adjourn at 8:20 pm, so moved.

Respectfully submitted,

Nancy Weser, Scribe

Vice-Chair Delano made a motion to approve the minutes of January 12, 2022 as written, seconded by J. Foster. Motion passed by a vote of 4, 0 opposed at the January 26, 2022 PB meeting.