

AGENDA

1. Can to Order
2. Ron Can

John Daniels Marc Curtis George Hanson

Gail Hallowell Rosemary Bamford Edward Belcher

David Grant

1. Review and Acceptance of Minutas: Minutes from the April 6, 2010, meeting.
2. Chainnan's Report
- S. Code Enforcement Officer's Report
6. Unfinished Business
7. New Business:
 - A. Application for approval of a change of use of an existing building at 27 Main Street to establish an assembly land use. The applicant proposes to occupy the first floor of the building with a restaurant and bar. Applicant: Jay Feldman
8. Other Business:
 - A. Continued review of the proposed Rules of Procedure.
 - B. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will change a mandatory public hearing for planning board application reviews to a public comment period.
 - C. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will allow parking lots for public boat launching facilities to be located less than 50 feet from a shoreline, subject to certain conditions, and allow the parking lots to be located within a public right of way. The amendment will also change a portion of the Resource Protection Overlay District adjacent to Silver Lake to the Limited Residential Overlay District.
9. Discussion
10. Adjournment

**Bucksport Planning Board
6:30 P.M., Tuesday, May 4, 2010
Bucksport Town Office
50 Main Street**

MINUTES

1. **Call to Order:** 6:30 P.M. by Chairman George Hanson

2. **Roll Call**

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> John Daniels | <input checked="" type="checkbox"/> Marc Curtis | <input checked="" type="checkbox"/> George Hanson |
| <input checked="" type="checkbox"/> Gail Hollowell | <input type="checkbox"/> Rosemary Bamford | <input checked="" type="checkbox"/> Edward Belcher |
| <input checked="" type="checkbox"/> David Grant | | |

Staff present : Jeffrey Hammond, CEO

3. **Review and Acceptance of Minutes:** Minutes from the April 6, 2010 special meeting were reviewed.

MOTION(Curtis): To approve the April 6, 2010 Minutes, as submitted.

SECOND(Grant)

DISCUSSION: None

VOTE: 5-0 motion adopted (Member Hollowell arrived at 6:45, and was not present for this vote.)

4. **Chairman’s Report:** No report.

5. **Code Enforcement Officer’s Report:**

1. The board was provided copies of the brief prepared by Thibodeau for their 80b complaint in Superior Court. The town’s brief has not yet been completed.
2. A report on the progress of the Leadbetter restaurant on Main Street was provided. Photos were shown of the foundation work.
3. A report on the progress of the Carrier restaurant on Route 46 was provided. Photos were shown of the improvements being made to the property.
4. The CEO advised the board that the gunsmith shop project they approved requires a change to the parking that they must review. The chair decided to take up the matter under other business.

6. **Unfinished Business:** None.

7. **New Business:**

**A. Application for approval of a change of use of an existing building at 27 Main Street to establish an assembly land use. The applicant proposes to occupy the first floor of the building with a restaurant and bar.
Applicant: Jay Feldman**

Mr. Feldman was present.

The CEO conducted an introductory presentation. The board was shown photos of the project site and zoning district identification. The CEO noted that restaurants are permitted in the DT District.

The Applicant did not conduct an introductory presentation.

The Board asked several questions about parking arrangements.
The Board conducted a public hearing from 6:53 PM to 7:04 PM.

Bob Hoffmann expressed concern that parking in the immediate area is limited, and will be adversely affected by an increased demand from restaurant customers.

The board conducted an application review. At the commencement of the review, the board discussed whether every standard should be considered applicable as a general rule. At the conclusion of the discussion, the board agreed to continue with the current practice of determining applicability for each standard, and revisit the issue at a later date.

ENVIRONMENT STANDARDS

Environment Standards objectives that were reviewed:

The ambient air environment is adequately protected from the detrimental effects of any air pollutant from the land use.

DOCUMENTATION: The board reviewed the installation of an exhaust vent for the kitchen.

The board did not require a site visit.
The board did not require any conditions to ensure compliance with this standard

SPECIAL AREAS STANDARDS

The board did not find any objectives of the Special Areas Standards to be applicable.

LOCAL AREAS STANDARDS

Local Areas Standards objectives that were reviewed:

The land use is appropriately separated and shielded from abutting land uses and public or private ways to adequately mitigate any relevant detrimental effect.

DOCUMENTATION: The board identified existing vegetation as providing sufficient screening. The entry to the restaurant faces property owned by the applicant.

Any relevant detrimental effects of artificial lighting from the land use are adequately mitigated.

DOCUMENTATION: Low-voltage lighting will be installed along the driveway. A yard light at the rear of the driveway will provide lighting.

Any relevant detrimental effects of noise from the land use are adequately mitigated.

DOCUMENTATION: Noise data for the exhaust fan was not provided. (See special condition below.) Live music was not proposed. A special amusement permit review process by the town council will be required if live entertainment is proposed in the future.

Any relevant detrimental effects of nuisance odors from the land use are adequately mitigated.

DOCUMENTATION: The board discussed if the smell of cooked food could be considered a nuisance odor. The applicant was asked to take steps to ensure exhaust from the kitchen was vented away from neighboring buildings.

The board did not require a site visit.
The board required the following condition to ensure compliance with this standard:

If noise complaints are filed with the police department, the applicant must return to the board to discuss the options for mitigation.

PUBLIC SAFETY STANDARDS

Public Safety Standards objectives that were reviewed:

Public safety services are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The board discussed the police chief's letter in which he expressed concern about the number of incidents that have occurred at the applicant's property next door. It was noted that the licensing process required by the town council will provide an opportunity to consider public safety concerns.

Public wastewater facilities are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The board was advised by the CEO that a grease trap will be required to prevent grease-laden wastewater from entering the public sewer.

The proper management of solid wastes is adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The board discussed dumpster requirements. The applicant stated that an existing dumpster next door will be used. The board stated that it will be necessary to empty the dumpster frequently to ensure odors will not occur. A dumpster located at the head of the driveway may also be installed, if additional storage becomes necessary.

The safety and sufficiency of streets and sidewalks are adequately protected from any relevant detrimental effects of the land use.

DOCUMENTATION: The applicant suggested that a wood ramp may be installed next to the driveway so that customers will not have to walk up the driveway.

The board did not require a site visit.

The board required the following conditions to ensure compliance with this standard: A grease trap is required. Adequate waste storage is required. Emptying of dumpster must be conducted frequently enough to ensure odors will not occur from waste storage.

SPECIFIC USES STANDARDS

Specific Uses Standards objectives that were reviewed:

Section 13.15.8 Parking Lots.

DOCUMENTATION: The applicant proposes to provide 3 off-street parking spaces for employees on the property. Employees will move their vehicles when deliveries are made at the side door.

The restaurant will require 12 parking spaces for customers. On-street public parking in the vicinity provides 15 parking spaces. The ordinance states that on-street public parking will meet the parking requirements for the restaurant, which will be located in an existing building. The board discussed the parking requirements with Mr. Hoffmann. Mr. Hoffmann stated that the restaurant will add to the burden of limited parking that currently exists on that section of Main Street. The board must ensure that any project they approve protects abutting properties from unreasonable impacts.

The board expressed concern about the effectiveness of the parking provision in the ordinance that assumes sufficient parking for any use is provided with public parking on

Main Street. They also noted that it was their job to apply that standard during the review of the restaurant.

The board did not require a site visit.

The board required the following conditions to ensure compliance with this standard: Parking on the property is limited to vehicles that are owned or under direct control of the applicant.

DIMENSIONS STANDARDS

The board did not find any objectives of the Dimensional Standards to be applicable. No new construction was proposed by the applicant.

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable environment objectives have been met? ----- VOTE: 6 YES 0 NO

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable special areas objectives have been met? -----VOTE: Not required.

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable local areas objectives have been met? ----- VOTE: 6 YES 0 NO

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable public safety objectives have been met? ----- VOTE: 5YES 0 NO

The board accepted additional comments from Mr. Hoffmann concerning the number of incident reports on file with the police department that involved the applicant's multi-family property.

Member Grant abstained from voting, stating he was concerned about how successfully the restaurant will be operated based on the issues discussed, but did not want to take a formal position.

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable specific uses objectives have been met? ----- VOTE: 6 YES 0 NO

FINDING

Is there clear and convincing evidence in the record to support the conclusion that the above applicable dimensions objectives have been met? -----VOTE: Not required.

DECISION

BASED ON THE CONCLUSIONS OF THE PLANNING BOARD AS DOCUMENTED ABOVE, THE PROPOSED LAND USE WILL NOT HAVE ANY IMPACT THAT IS CONTRARY TO THE PURPOSES OF APPENDIX K LAND USE AND, THEREFORE, THE APPLICATION WAS DEEMED APPROVED.

8. Other Business:

Everett Pierce

Prior to taking up the other business items posted on the agenda, the chairman decided to take up the matter pertaining to the gunsmith shop approval. Member

Grant was recused from the board due to a conflict or bias. He is married to the property owner.

The CEO noted that Mr. Pierce was required by MDOT to relocate his parking to the opposite side of the garage from where the board required parking to be located. MDOT also required customers to exit from the property to the rear and enter Route 46 via Grant Lane. The changes were required to address traffic safety concerns if vehicles back out onto the road. The board was provided with a revised site plan prepared by Mr. Pierce. After discussing the purpose for the changes required by MDOT, a motion was submitted:

MOTION(Curtis): To approve the revised site plan showing the change in parking.

SECOND(Daniels)

DISCUSSION: None

VOTE: 5-0 motion adopted.

A. Continued review of the proposed Rules of Procedure.

This item was tabled.

B. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will change a mandatory public hearing for planning board application reviews to a public comment period.

The chairman opened the public hearing. There were no comments from the public or the board, and the chairman closed the public hearing. No further action was required by the board. The town council will be conducting a public hearing on the proposed amendment on May 13th.

C. Public hearing for a proposed amendment to Appendix K Land Use Ordinance. The amendment will allow parking lots for public boat launching facilities to be located less than 50 feet from a shoreline, subject to certain conditions, and allow the parking lots to be located within a public right of way. The amendment will also change a portion of the Resource Protection Overlay District adjacent to Silver Lake to the Limited Residential Overlay District.

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9. Discussion:

The secretary noted that he will provide a financial report for the board at the next meeting.

The board discussed changing the meeting time back to 7:00 PM at the request of Member Curtis. No decision was made. A cut-off time was also discussed.

Member Daniels asked that time be made at the next meeting to discuss if any changes are needed to the Main Street parking provision that exempts

off-street parking for uses in existing buildings. Is this provision supported by the town's comprehensive plan? The board agreed to discuss this in detail at the next meeting.

The CEO advised the board that the ordinance committee will be responding to a complaint about the new setback requirement in the rural districts. The 100 foot setback has caused a problem for some property owners to make changes to their properties.

The board reviewed and approved the written findings for the Carrier restaurant application.

10. **Adjournment:** 10:30 PM

Minutes prepared by
Jeffrey Hammond
Recording Secretary