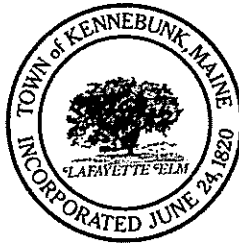


Town of Kennebunk, Maine



Staff Review Committee

MEETING MINUTES

June 30, 2022

Kennebunk Town Hall – Room 306

Voting staff in attendance: Brian Paul (Codes Office), Christopher Russell (Police Department), Justin Cooper (Fire Department), Bryan Laverriere (Public Services) and Brittany Howard (Town Planner)

Also in attendance: Chris Osterrieder (Town Engineer), Rick Taranto (Friday Morning LLC- Old Vines)

1. **Call to Order:** B. Howard called the meeting to order at 10:00 a.m. on June 30, 2022.

2. Agenda Items

Old Vines – 171 & 173 Port Road – Map 89 Lots 85 & 92 – temporary membrane structure, three (3) mobile vending units (food trucks), and bar container.

B. Howard gave a brief description of the project. The site has Site Plan Review Board approval to construct a new building on site. During the height of Covid, the Community Development Department allowed temporary membrane structures (TMS) or tents to comply with the state guidelines for spacing. Old Vines operated a TMS in 2021 under these provisions. They are requesting to use the TMS this season as well as operate three (3) Mobile Vending Units (MVU) onsite. The applicant has stated they plan to construct the approved building beginning in 2023. The MVUs ordering windows will be opened toward the TMS. The customer corral area will be between the TMS and MVU area, not out into the parking lot. The applicant is proposing a bar trailer that will be operated by Old Vines. There are no proposed changes to parking or signage. The Old Vines building will be supplying power to the MVUs, eliminating the need for generators.

B. Howard introduced the applicant Rick Taranto, representing Friday Morning LLC. R. Taranto stated since industry wide there are staffing issues, the use of MVUs would allow them to still

operate and hold events. Old Vines will be providing the bar service. Old Vines will be open 4pm to close - Monday through Saturday. The TMS will be used Thursday through Sunday. There will be live music and no dance floor. There will be no welcome tent onsite like there was last year. There are 3 exits from the TMS.

C. Osterrieder asked about the size of the TMS and means of egress with concerns about the bar container location. R. Taranto explained the narrowest section of the walkway area is 65 inches. There was a discussion about access to the fire connection for water service. That area is free from obstructions such as furniture. As for egress, an additional exit was added to the TMS this year for a total of three (3) exits. R. Taranto then showed the exits on the plan and explained how the bar container opens. The access way to the Fire Department water connection does not have street parking in front, it is the driveway between the Old Vines building and the TMS.

R. Taranto then explained the parking. Currently the parking lot is crushed stone. The parking lines are stripped with spray paint. The rock locations do not affect the parking spaces or travel aisle. The dumpster has not been moved as shown on the site plan, it is in its existing location. The dumpster is picked up during off hours.

The plan on the site is to typically have two (2) MVU's but for larger events to have the ability to have up the three trucks. There was a smaller plan submitted that shows possible locations for porta-toilets when the TMS is operating if Old Vines is closed.

C. Osterreider asked about the spacing of the MVU's. R. Taranto stated the trucks are 10 feet from the TMS and building. There was a lengthy discussion about spacing requirements between MVU's. It was determined that all MVU's shall be 10 feet from the TMS, building, and other MVU's. R. Taranto agreed to update the plan ensuring they are all 10 feet apart.

There was then a discussion about the TMS size. The size of the TMS is 40 feet x 70 feet, the same size as the approved glass portion of the building. There was some concerns about the TMS being smaller than the approved total building footprint. There is the possibility for expansion which R. Taranto agreed to add to the plan. B. Howard then explained the process for asking for an extension of an approval which may be required for the original site plan if construction on the site does not commence this fall. R. Taranto is aware of the process.

B. Paul brought up the narrow spacing between the bar container and the building and if the J. Cooper or C. Russell had any concerns about ability to respond to any incidents onsite. There was a discussion about how the bar container would operate and if it could be located at the front of the TMS. J. Cooper stated it is a non-moveable structure and would affect how they would respond. Something similar to a bar cart would be movable. J. Cooper then went through a hypothetical instance if something were to happen to one on the MVU's and how the Fire Department would

respond and how he would anticipate patrons would react. There was a discussion that the side of the TMS are removable if necessary. It was determine that J. Cooper and C. Russell would conduct a site walk of the property to review the bar container location and means of egress.

There was a discussion about the capacity of the TMS. The capacity can be up to 190 as previously approved last year. There was a discussion about the capacity of the TMS and parking. Parking is tied to seat count not general assembly area. The applicant again went over the exits plan for the TMS. No furniture or other obstructions shall impede any access ways.

B. Howard than open the public hearing and read an email from Brenda Robinson into the record. B. Robinson had concerns with the provided parking, approving a tent in the location of an approved building, concerns with egress and the aisle way between the tent and the building, and the reasoning behind the need for three (3) MVU's.

B. Howard than closed the public hearing.

The Committee then went through the Findings of Fact:

Town of Kennebunk
Minor Site Plan
Staff Review Committee

FINDINGS OF FACT

1. Project Name: Old Vines – Temporary Membrane Structure
2. Date of Action Taken: June 30, 2022
3. Site Location: 171 & 173 Port Road
4. Zoning District: Lower Village Business
5. Lot Size: .40 & .46 acres
6. Project Proposal: Proposal is for a 40' x 70' Temporary Membrane Structure with a possible 12' x 40' expansion, three (3) Mobile Vending Units and Bar Container.
7. Assessor's Map: 89 Lot: 85 & 92
8. Existing Property Owner: Friday Morning LLC.
9. Proposed Property Owner: Same
10. Applicant: Rick Taranto representing Friday Morning LLC

11. The applicant has shown legal interest in the property by deed.

12. The Kennebunk Staff Review Committee has reviewed the above noted proposal utilizing the set of approval criteria in Article 11, Section 8 of the Kennebunk Zoning Ordinance as summarized below and determined:

Approval Criterion # 1

The plan preserves the natural landscape insofar as practical and adequately uses the natural features of the site and/or new landscaping to define, soften, and screen the impacts of development.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments: there is an understanding there is an existing landscaping plan that has not been implemented as of this approval.

Motioned by B. Laverriere, seconded by B. Paul, motion passed 5-0

Approval Criterion # 2

For a nonresidential project, effective buffers are maintained or created between it and adjoining residential properties and residential zoning districts.

Criterion is: met ____, not met ____, or not applicable X with the following conditions, waivers, and/or comments:

Motioned by B. Laverriere, seconded by C. Russell, motion passed 5-0

Approval Criterion # 3

Filling, excavation and earth moving activity is carried out in a way that keeps erosion and Sedimentation to a minimum.

Criterion is: met ____, not met ____, or not applicable X with the following conditions, waivers, and/or comments: these activities are not proposed at this time.

Motioned by B. Laverriere, seconded by J. Cooper, motion passed 5-0

Approval Criterion # 4

Adequate provision has been made for surface drainage, so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion, or the public storm drainage system.

Criterion is: met ____, not met ____, or not applicable X with the following conditions, waivers, and/or comments: There are no proposed changes to the existing approved drainage plan already approved.

Motioned by J. Cooper, seconded by B. Laverriere, motion passed 5-0

Approval Criterion # 5

Adequate provision has been made for water supply and sewage disposal.

Criterion is: met X, not met ____, or not applicable __ with the following conditions, waivers, and/or comments: The porta-toilets shall be added to the plan.

Motioned by B. Paul, seconded by B. Laverriere, motion passed 5-0

Approval Criterion # 6

The site plan provides for safe access to and egress from public and private streets, with adequate parking and internal circulation.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments: The plan shall be updated ensuring the MVU's are 10 feet away from each other, the building, and membrane structure. The Fire and Police Departments will conduct a site walk to review site circulation and location of the bar container. The capacity of the tent shall not exceed 190.

Motioned by B. Laverriere, seconded by J. Cooper, motion passed 5-0

Approval Criterion # 7

Vehicular access to the site will be on roads which have adequate capacity to accommodate any additional traffic generated by the development.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments: this was reviewed under the current approval.

Motioned by B. Laverriere, seconded by J. Cooper, motion 5-0

Approval Criterion # 8

The site plan provides for safe pedestrian circulation, both on-site and off-site.

Criterion is: met X, not met ____, or not applicable ____ with the following conditions, waivers, and/or comments: On-site circulation will be reviewed by the Fire and Police site walk.

Motioned by B. Laverriere, seconded by C. Russell, motion passed 5-0

Approval Criterion # 9

Exterior lighting does not adversely affect neighboring properties or streets.

Criterion is: met X, not met ____, or not applicable __ with the following conditions, waivers, and/or comments: There is lighting within the tent, there are two (2) small lights on the

back of the tent toward the parking lot. The MVU's and bar container have their own lighting. There were no complaints last year regarding lighting.

Motioned by B. Paul, seconded by J. Cooper, motion passed 5-0

Approval Criterion # 10

Electrical and telephone utility lines and components serving the site will be placed in a manner that is not hazardous or unsightly.

Criterion is: met X, not met _____, or not applicable _____ with the following conditions, waivers, and/or comments: An electrical permit was pulled last year.

Motioned by B. Paul, seconded by J. Cooper, motion passed 5-0

13. In their review, the Committee finds that the criteria of Article 11, Section 8 of the Zoning Ordinance:

_____ Have been met or are not applicable

X Have been met with the conditions noted above and:

- The MVUs and bar cart are temporary and will not be utilized after construction of the building.

Motioned by B. Paul, seconded by J. Cooper, motion passed 5-0

_____ Have not been met (list criteria not met) or are not applicable

Based upon the information above, the Committee therefore:

_____ approves the Site Plan.

X approves the Site Plan with conditions **which are to be completed & evidence filed in the Planning Office no later than two (2) days after plan approval; and prior to permit.** Motioned by J. Cooper seconded by B. Paul, motion passed 5-0

_____ denies the Site Plan.

14. PLEASE NOTE THAT the Following apply:

_____ AFTER SITE PLAN APPROVAL AND PRIOR TO OCCUPANCY, THE APPLICANT MUST RECEIVE A CHANGE OF USE PERMIT AND OCCUPANCY PERMIT FROM THE CEO.

_____ A BUILDING PERMIT SHALL NOT BE ISSUED BY THE CODE ENFORCEMENT OFFICER UNTIL THE APPLICANT FILES A PERFORMANCE GUARANTEE IN CONFORMANCE WITH ARTICLE 11. SECTION 10. (ZONING).

15. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant, as well as any oral representations made to the Board during the final review of the project. Any variation from the plans, proposals and supporting documents is subject to review and approval by the Site Plan Review Board, except for de minimus changes, which the Town Planner may approve.

***A Building Permit is Required from the Code Enforcement Officer in order to complete this approval**

Signed as approved by the Staff Review Committee this 30th day of June, 2022

Town Planner

Date

Motion: Move to approve the findings of fact and plan with conditions for the Old Vines.

Moved: J. Cooper

Second: B. Laverriere

Vote: Roll call vote, 5 votes in favor, none opposed; the motion carried.

3. Minutes for approval:

The Board than reviewed the following minutes:

November 9, 2021: B. Paul motioned to approve the November 9, 2021 minutes as presented, seconded by B. Laverriere the motion passed 3-0-2 (J. Cooper and C. Russell were not in attendance).

4. Adjournment: There being no further business, the meeting concluded at 11:25 am.

Motioned by J. Cooper, seconded by B. Paul, motion passed 5-0.

Respectfully submitted by,
B. Howard

Adopted by the Staff Review Committee at it's the meeting

of November 18, 2022.

Signed by 

Staff Review Committee

