

PLANNING BOARD MINUTES
WEDNESDAY, APRIL 20, 2022
MUNICIPAL COUNCIL CHAMBERS – 6:30 P.M.

Present: Ashley Case, Michael Costello, Lisa Buck, Phil Ruck, Christa Schwintzer, Dave Thompson

Absent: Jud McIntosh, Bob Bayer, John Beckett

Town Staff: Kyle Drexler, Jessica Chadbourne

Acceptance of the Agenda

Mr. Ruck asked for a motion to accept the agenda.

Motion: Lisa Buck

Second: Michael Costello

Mr. Ruck asked for a roll call vote. The vote to accept the agenda passed with six in favor, none opposed.

Approval of the Minutes of the March 16th Planning Board Meeting

Mr. Ruck asked for a motion to approve the March Planning Board Minutes.

Motion: Lisa Buck

Second: Michael Costello

Corrections to the March minutes were noted, and Mr. Ruck asked for a roll call vote. The vote to approve the March meeting minutes passed five in favor, with one abstaining, as Ashley Case was absent from the March meeting.

Old Business

There was no old business.

New Business

Item A: A minor site plan application by Delaney Brownlee, located at 56 Main St (tax map 27-2, lot 140) in the Village Commercial District. The application is for a food truck to operate in the existing parking area on the lot.

Mr. Ruck invited the applicants up to the podium to present their project to the Board. Matthew Cuneha stepped up to speak for himself, Delaney Brownlee, and their third partner, Gavin Russell, who was attending the meeting remotely. Mr. Cuneha explained that their intention was to operate a food truck at 56 Main St, in the existing parking lot of the currently vacant bank building. The truck will serve burgers, fries, and milkshakes to begin with, what the applicant referred to as “fair food”, with the intention of adding additional items to the menu down the road. There will be a few tables placed around the truck where people can sit and eat.

Mr. Drexler then provided his report to the Board. He explained that the proposed truck falls under the Mobile Food Vendor designation in the ordinance, a designation which is split into two categories depending on the duration of the proposed use. In this case, the applicant intends to operate on a more regular, frequent basis, and since they will be in operation for more than three consecutive days in the same location they are required seek Planning Board approval. The purpose of the Board’s review is

to consider things like parking and traffic that might be impacted by the food truck's longer period of operation. The applicant's food truck will be placed in the parking lot of a building that is currently vacant, and only a small portion of the property is being utilized by adjacent businesses. Therefore there is no concern that the applicant's food truck will be taking up off street parking spaces needed for other businesses.

Through the application process the applicants explained that the tables and trash receptacles that will be located outside the truck will be stored in the vacant bank building during off hours, meeting the standards of the ordinance which prohibit anything being located outside of the truck when it is not in operation. The hours of operation also meet the requirements of the ordinance. The applicant did not propose any signage as part of their application, but the ordinance does allow a food truck to have one sandwich board sign to advertise their business. Mr. Drexler recommended that it be made a condition of approval that the food truck was permitted to have that one sign, so long as it meets all the requirements of the sign ordinance, so that they can utilize a sign if they wish without having to come back to the Board for additional approval.

Mr. Ruck asked the Board if they had any questions. Hearing none from the other members, Mr. Ruck asked about garbage pick up from the site and whether that would be the applicant's responsibility. The applicant confirmed that they would be responsible for the disposal of any garbage on site. Mr. Ruck then asked Mr. Drexler about waivers for the application criteria and materials that don't apply to a minor site plan such as this (stormwater management, erosion control, etc.) where nothing is being constructed. Mr. Drexler replied that yes the applicant would need waivers and that there should be a motion from the Board to grant those waivers.

Hearing no additional questions from the Board, Mr. Ruck opened the public hearing. While waiting for any questions to come in from the public, Mr. Ruck asked the applicant to clarify their hours of operation. Mr. Cuneha explained that they would be closed Mondays and Tuesdays, open Wednesday through Sunday. They will be open until 10PM on Fridays and Saturdays, as allowed by the ordinance, and until 9PM on Wednesdays, Thursdays, and Sundays. Mr. Ruck then asked about lighting for the evening hours, and Mr. Cuneha replied that they had the standard lights above the food truck to allow people to see the menus after dark. When asked about their intended start date, Mr. Cuneha replied that they were in the process of completing their state license, then they would pursue their local victualer's license with the hopes of opening by the start of summer.

Mr. Ruck closed the public hearing, and asked for final questions from the Board. He then asked for a motion to grant the necessary waivers.

Motion: Lisa Buck moved that the Board waive all submission requirements not relevant to the minor site plan application, including surveys, topographic maps, soil information, stormwater management, erosion control plans, parking and traffic circulation plans, utility plans, and landscaping plans.

Second: Dave Thompson

Mr. Ruck asked for a roll call vote. The vote to waive the aforementioned submission requirements passed with six in favor, none opposed. Mr. Ruck then read the proposed findings of fact. Hearing no proposed changes from the Board, he asked for a motion.

Motion: Lisa Buck moved that the Board approve the minor site plan to operate a food truck at 56

Main St in the Village Commercial District with the following conditions:

1. Should the property owner give notice that the applicant no longer has the right to use the property to operate a food truck, the applicant shall cease operation. Also, if the property is sold, the applicant shall cease operation unless an agreement with the new property owner is reached.
2. That the applicant is allowed to have one sandwich board sign in relation to the food truck, so long as it meets all relevant requirements of the sign ordinance in Sec. 18-140 of the Land Use Ordinance.

Second: Christa Schwintzer

Mr. Ruck then asked for a roll call vote. The vote to approve the minor site plan for Delaney Brownlee passed with six in favor, none opposed.

Item A: A proposed land use ordinance amendment to create a definition for fraternity/sorority houses which would allow fraternity and sorority houses to be used by groups taking part in University-sponsored events when the University is not in session.

Mr. Drexler provided the board with a summary of the proposed creation of a definition for fraternity and sorority houses. Fraternity and Sorority houses are an allowable use in the University District, but they don't currently have a definition under the ordinance. There has been a practice in the past in which fraternity and sorority houses have been rented out to groups attending University-sponsored events, and the question came up as to whether this is a practice the Town would continue to allow. Mr. Drexler explained that it was a good practice for a number of reasons: the renting groups are there to take place in University-sponsored events, and having the groups there puts someone in residence to continue maintenance and operation of the buildings when they would otherwise sit empty.

The potential issue, Mr. Drexler pointed out, is that if you don't have a specific definition for that use, and you take only the average dictionary definition of a fraternity or sorority house and assume that its to be used by the fraternity or sorority, then it raises a question as to what the building is then classified as if being rented by a group that is not a part of that fraternity or sorority. Should it be treated as a type of lodging facility? What codes do they now have to meet that a fraternity or sorority house do not? Etc.

By creating a definition for fraternity and sorority houses where none currently exists in the ordinance, the Town can include language in that definition that allows for the existing practice of renting these houses to non-fraternity and sorority groups going forward.

Mr. Ruck asked if the Board had any questions. Christa Schwintzer proposed a small change to the definition language in the third line from the bottom where the text reads "University-sponsored events or programs so long as the group serves a common interest". Her recommendation was to include additional language to narrow down what "common interest" means in this context, preferably by adding something like "approved by the University" after "common interest". Mr. Drexler pointed out that they had specified in an earlier line that groups renting were to be taking part in University-sponsored events, which would therefore be events/interests approved by the University, and asked whether the Board thought that language was not clear enough.

Mr. Ruck asked whether the fact that the definition specifies that a lease must be signed by the renting group would accomplish the same ends as adding "approved by the University" in that the lease

agreement could be fairly specific with regards to what is allowed by the leasees. Lisa Buck asked whether the concern was who would be liable for the leasees staying in the fraternity/sorority houses, or if the concern was the activities that might take place while they were in residence. Ms. Schwintzer clarified that her concern was the activities that might take place, and that renters, particularly younger renters, would see it as an opportunity to party.

Mr. Drexler clarified that the group's "common interest" would be whatever University-sponsored event it was that they were attending, and that the point of renting the fraternity/sorority houses would be to provide housing specifically for those groups attending University-sponsored events. However, he noted that if it was the Board's wish that Council should consider their feedback and revisit that language to make sure the point was being clearly made, then the Board could make that a condition of their recommendation.

Mr. Ruck asked if there were any other questions from the Board. Ashley Case explained that her husband works with a group that rents these spaces during the summer, and that as a general practice students staying in these residence can stay there, sleep there, and eat there, but they can't hold events there, which should remove some concern about parties or other inappropriate uses of the space. Mr. Ruck asked her what she thought about the proposed additional language. Ms. Case replied that she agreed with the language but suggested that the qualifier should be included earlier in the text so that it reads "University-sponsored events approved by the University".

The other Board members weighed in and the general consensus was that adding the proposed language would do no harm and might be helpful in the future. Mr. Ruck then opened the public hearing. There were no comments from the public, so after a short time had passed Mr. Ruck closed the public hearing and asked the Board for a motion.

Motion: Michael Costello moved that the Board recommend the land use ordinance amendment to the Council with the following condition:

1. That the language be further amended to indicate that any events for which fraternity/sorority houses are being rented out must be approved by the University.

Second: Lisa Buck

Mr. Ruck asked for a roll call vote. The vote to recommend the proposed land use ordinance amendment to Council passed with six in favor, none opposed.

Other New Business

There was no other new business.

Discussion

The Board held their annual vote to approve a Chair and Vice Chair for the following year. The Board nominated Mr. Ruck to continue as Chair, and Jud McIntosh to continue as Vice Chair, conditional on his accepting the position at the next Planning Board meeting.

The vote to approve the nominees for Chair and Vice Chair passed six in favor, with none opposed.

Mr. Ruck asked Belle Ryder, Assistant Town Manager, about the status of the Zoom Room which had been approved to improve the Town's ability to broadcast public meetings and integrate in-person and digital participants. Ms. Ryder replied that the upgrades were still going to take place but that, as with many things at the moment, they were having trouble sourcing some of the equipment due to

shortages and supply chain issues.

Mr. Drexler informed the Board about an upcoming opportunity at the May meeting of the Bangor Planning Board, where representatives from the Climate Action Plan team will facilitate an educational conversation about the relationship between climate action planning and zoning and land use planning. He explained that it could a worthwhile opportunity for Board members, and that Bangor had extended an invitation for them to attend if they wish, in-person or remotely through Zoom.

Mr. Ruck asked Mr. Drexler about any forthcoming projects slated for Planning Board review. Mr. Drexler provided him with a short summary of possible May projects.

Before closing the meeting, Mr. Ruck offered a brief reminder to the Board that if they found themselves unable to attend future meetings, or if they would be attending a future meeting by Zoom rather than in person, they should provide that information to Mr. Drexler so that each meeting can be sure to proceed with the necessary quorum of Board members.

Adjournment

Mr. Ruck asked for a motion to adjourn the April meeting of the Planning Board.

Motion: Lisa Buck

Second: Michael Costello

The motion to adjourn the meeting passed six for, none opposed, and the meeting was adjourned at 7:22 pm April 20th, 2022.