

**Winthrop Planning Board
Meeting Minutes
May 7, 2008**

Board Members Present: Rick O'Brien (Chair); Robert Ashby, Clark Phinney, Edward Vigneault, Bryant Hoffman, Eric Robbins, Ron Dyer, Steve Robbins, Beth Young (CEO) and Julie Winberg (Secretary).

Public: Sarah Dostie, Dawn and Lou Gilmore, Margy Gamage, Tyler Sterling, Bill McKenney, Daren Hachey, Norm Thombs, Larry Fitzgerald, Jeff Farnsworth, Sheila Piembromiewicz, Jim Remley, Dan Wells, Bill Monagle, George Smith, CC Smith.

7:04 PM meeting called to order. Noted that Ron Dyer will be a voting member this evening.

Public Hearing:

Item No.

07-21 Case # 281 - Sara Marie Dostie requests a conditional use permit for a home occupation for a therapeutic massage business in the Shoreland Zoning District, 60 South Birchwood Lane, Cobbossee Lake, (Town Map 40 Lot 8A).

Ms. Dostie was in attendance and presented her application to the Board. For the past five years she has had a home based practice in Augusta. She moved to Winthrop in May. She does chair massage. She plans on seeing no more than 20 patients a week should the Board approve her application. She also does chair massage once a week at the Commerce Center in town along with renting office space in Augusta. She is familiar with the area as she is now living in her mother's home on Birchwood

Lane. She understands the concerns voiced and the condition of the road as a primary issue to the negative comments.

Martins Point Road Association representatives were also in attendance and expressed that the overwhelming consensus of their Association was negative. Their concern is liability. The road is maintained by a handful of people with a very small budget. They do not have liability insurance. This past winter there were many questionable days if the road could be open at all. In that vein, what would the expectation for the traveling public coming to this business be as those patients could not look at the Association for any assistance. The concern is a seasonal concern as winter would prove to be a real challenge. However, there have been times in spring and summer where the road is blocked for one reason or another. Last July, it was closed for almost one-half a day due to a large tree falling across it. If this was a public road, the Association would not have a problem with it at all.

A suggestion was made to increase the signage on the road....pass at your own risk...and that could absolve the Association from liability although this could not legally be confirmed on this night.

Another question centered around present restrictions on the lots. This subdivision was established in 1908. There are seven lots that do have a deed restriction that no commercial development is allowed. But this does not include the entire road but just the first half.

The public hearing closed at 7:25 p.m.

Member E. Robbins noted that denying this would be accommodating the association's wish to be protected. However, it would be denying a citizen from income. He would move to approve the application noting that the Board could add conditions if they wish.

Member S. Robbins noted that he is very familiar with the road. Although he has nothing against massage therapy, he felt that Factor #3 could be met and therefore would vote to deny the application.

Member Ashby concerns also centered on safety and liability. This is a very narrow road that is not well maintained. He noted that even though

the applicant would like to have this conditional use permit for a home based business, if denied would not deprive her of livelihood. It does not present hardship.

Member Vigneault confirmed that the applicant has a three month lease for the office in Augusta and that could be extended.

Member Dyer confirmed that the road association is not incorporated.

Member Phinney noted that he agreed with Member E. Robbins. He felt that by approving this application, this would not be contrary to Factor #3 and those ten clients a week should not present a problem. He would vote to approve it.

Motion by Phinney and seconded by E. Robbins to approve **Case # 281** - Sara Marie Dostie's request for a conditional use permit for a home occupation for a therapeutic massage business in the Shoreland Zoning District, 60 South Birchwood Lane, Cobbossee Lake, (Town Map 40 Lot 8A).

This motion did not carry. The vote was 3-3. The application was denied.

07-21 Case #282 - United Methodist Camp (Mechuwana) - request a conditional use permit for five (5) new cabins in the Rural Zoning District, 30 Mechuwana Lane, (Town Map 5 Lot 54).

Member E. Robbins informed the Board that he would abstain from voting on this application as he has done some work in this Camp.

The applicant informed the Board that they plan to build five cabins. They would begin by building two right now, but the application shows the entire proposal. The parking lot was built in 1979. The camp was built before World War 11. They need to make this ADA compliant which will allow anyone with mobility limitations to have complete access. The units are beyond the 1000' requirement and any earthmoving that will be done will be for the public driveway to get to the cabins.

It was noted that the campground is owned by the United Methodist Church.

The cabins will be 44x34. A letter from Steve Robbins was included for the Board describing the leach bed which will be big enough for three of the cabins. At a later date, the water will be metered. That information will be taken to the State to determine what the future needs would be. Approving the application for the five cabins, even though only two will be initially built, would not absolve the applicant from returning to the Code Enforcement Officer for approval prior to building the remaining three.

The CEO informed the Board that all abutting neighbors were notified which include any neighbor 500' from the property line.

Dan Wells from the Winthrop Utilities District noted that the Board should keep in mind that this would be connected to Lower Narrows Pond. The Board noted that this is not a Board issue but rather a plumbing inspector's issue.

The public hearing closed at 7:50 p.m.

Motion by Robbins and seconded by Phinney to approve Case #282 – United Methodist Camp (Mechuwana) request for a conditional use permit for five (5) new cabins in the Rural Zoning District, 30 Mechuwana Lane, (Town Map 5 Lot 54).

07-22 Case #283 – Hannaford Brother Company – requests a conditional use permit for a new supermarket and pharmacy in the General Commercial Zoning District, (Town Map 32 Lots 36 and 38B).

William McKenney representing Hannaford Brothers was in attendance and presented the application to the Board. Several members of his staff were also in attendance from the real estate department, civil engineering department, traffic engineers and Daren Hachey representing Mr. Market.

Winthrop Planning Board

Minutes

May 7, 2008

Page 4

Member Steve Robbins notified the Board that he had a financial conflict of interest and will be abstaining from voting on this application. Speaking in a public capacity, he requested that the sidewalk be extended to Main Street giving more access to people that are not driving.

The site plan presents itself as a 36,000 square foot supermarket/pharmacy. The Whitten Road site is approximately 70,000 square feet. It will sit to the rear of Mr. Market. Several DOT meetings have been held determining the access to the market. Parking will be in front and will meet all the town's criteria for the number of spaces. There will be access to the rear of the site primarily used for deliveries. Retaining walls will be on the side of the building as well as to the rear.

Hannaford plans on extending and upgrading the existing water main line. They will install a booster pump and a number of underground tanks. A grease trap will conform to the district requirements. Four LP gas tanks (1000 gallons each) and a stockade fence will provide adequate screening. New electric lines will be installed underground to the back of the store. All setback requirements will be met.

Landscaping will include grass, shrubs and trees. Trees will be planted along the street. A staggered row of evergreens will be planted in the back of the building. A row of seven shade trees will be planted along the west border providing a visual buffer for Peppers customers. A recessed rain garden will also be part of the landscape.

The lighting will be provided by 25' high light poles adding to the village setting and glare will be reduced. A flag pole will be prominently displayed in the front parking lot. Security lights will be placed throughout the parking lot.

The store signage will be a 20' sign on Route 202. The Ordinance requires a 200 square foot total for all the signs. Hannaford will have 161.8 square feet in total.

Chief J. Young commented that more thought needs to be given to the turn lanes to both Hannaford and Cumberland Farms to avoid accidents. Mr. McKenney noted that they will take a further look at their proposal

and discuss it with DOT but also noted that entering either store will need some behavior modification as this will definitely be a change in the present traffic patterns.

Mr. McKenney concluded that Hannaford is seeking this conditional use permit kindly and noted that all the factors in the Ordinance have been addressed. The Code Enforcement Officer noted that this was indeed true and that each and every factor was addressed during several meetings the town has had with Hannaford.

Bill Monagle commented that there will be a 20% reduction in phosphorus and that Upper Narrows Pond should benefit from this project as proposed.

Dan Brooks, Winthrop Utilities District, commented that his review of the proposal was acceptable and met all the criteria also noting that Hannaford has expressed their willingness to address any and all issues in an open, straight forward manner.

The Board Members brought up the possibility of extending the sidewalk to Main Street (a request from S. Robbins and representatives). Mr. McKenney stated that he would defer to the Board. The consensus of the Board members was that they did not see the need to do this and this could present more problems with pedestrian traffic.

The construction timing was confirmed. It will take about nine months to construct the building and Hannaford plans to start as soon as the permits are approved noting they would start in the fall. They would first clear and grade the back of the site, install the retaining wall and put up the fence. The new store would be constructed leaving Mr. Market opened. Then, Mr. Market will be demolished, a new parking lot will be done (approximate timing for the parking lot is one month). For one month, there will be no supermarket. It is projected that by June 2009 the new Hannaford will be ready to open its doors. When demolish begins, materials will be hauled to a waste management facility. Pavement and masonry will be recycled on the site. There will be some excavation and that material will be used as fill for the new parking lot. It is an export site and material will need to be hauled away. It is expected that 5000 yards of material excavated will be used as fill.

The state is presently reviewing the DEP permit. Deliveries are primarily provided by Hannaford's own trucking company thus making it easier to enforce the no idling concerns noted by the Board.

Motion by Robbins and seconded by Vigneault to approve Case #283 – Hannaford Brother Company request for a conditional use permit for a new supermarket and pharmacy in the General Commercial Zoning District, (Town Map 32 Lots 36 and 38B). Vote was unanimous.

Approval of minutes:

Motion by Phinney and seconded by Ashby to approve the minutes for April 2nd and April 16th approving the minutes. Vote was unanimous.

Adjournment: Motion by Phinney, and seconded by Hoffman at 9:45 p.m. Vote was unanimous