

Draft Minutes of the Mt. Vernon Planning Board

August 17, 2010

Present: John Dixon, Julie Hall, Geoff Herman (Secretary), Scott Herrick, Fred Webber

North Road Weaving Shop.

The Board took up the Site Plan Review application of Connie Leach, who is proposing to create a retail business dealing in woven and knitted items to be located in a 12' x 12' structure located beside her home on 1550 North Road, across from the Elementary School. Ms. Leach first presented the proposal at the June 2010 meeting, the Board conducted a site visit on June 19th, and a public hearing on the proposal was held at the Board's regularly scheduled meeting in July. No substantive testimony was provided at the public hearing. The only outstanding application material required by the Board was a somewhat more developed narrative statement describing the business activity, which Ms. Leach provided. According to that narrative, the store will be open beginning September 1 and its hours of operation will be Friday through Sunday, from 10:00 a.m. to 5:00 p.m. The store will provide handmade and originally designed textiles for the home, as well as knitted, woven and sewn apparel for women and children. The Board also reviewed the ordinance-based signage standards with the applicant, and the driveway's parking capacity. After that review, the Board unanimously approved the application.

Pond Road Vegetable/Baked Goods Stand.

Jeffrey and Sandi Wiles made an inquiry to the Board with respect to their interest in establishing a roadside stand to sell fresh vegetables and baked goods at their property on the Pond Road immediately south of Flying Pond Variety. According to the Wiles, after the beginning of the construction of the roadside stand facility, and after then attempting to secure a building permit, they were directed to the Planning Board by the Town's Code Enforcement Officer to secure Site Plan Review approval. A substantive issue with respect to the issuance of the building permit is how far the stand, as a "structure", should be set back from the Pond Road center line. According to Mr. Wiles, the minimum structure setback by ordinance is 75' from the center line. The long-standing ("grandfathered") house and barn on the property are set back 52' from the center line, and the partially-constructed stand is presently located 46' from the center line. The Wiles do not believe the roadside vegetable stand would be viable as a small business if the stand had to be set up in full conformance with the setback and therefore essentially behind their house and barn. They discussed the possibility of setting the stand up on wheels so that it could be regularly moved to the set back area, or incorporating the stand into their existing structure so as to make their operation a "home occupation", which is a type of business that does not have to go through the Site Plan Review process.

The Board had a general discussion with the applicants about various possibilities for moving forward and the functional difference between obtaining Site Plan Review approval (from the Planning Board), obtaining a building permit (from the Code Enforcement Officer) and obtaining a variance from a setback standard (from the Board of Appeals). The Board also carefully reviewed the definition of a "home occupation" in the Town's Land Use Ordinance.

After that discussion, the Board recommended that the Wiles meet with the Town's Code Enforcement Officer and ask the following questions: (1) If they were to institute certain structural changes so that the Planning Board could determine their operation met the definition of a "home occupation", would the CEO be able to issue a permit for those structural changes, or would they need to seek a variance? and (2) If they were to institute certain structural changes, such as an attachment to one of their existing structures (house or barn) which did not in any way increase the structure's setback nonconformity, and the Planning Board ultimately approved their Site Plan Review application, would

the CEO be able to issue a permit for those structural changes or would they need to seek a variance? After considering the CEO's responses to those questions, the Board suggested that the Wiles present a drawn-out plan to the Board describing how they intend to set up the stand.

Potential minor subdivision.

The Board was informed that the Chair had received an inquiry from an individual proposing to initiate a minor subdivision (creating less than 5 lots) on the Pond Road in the vicinity of the Readfield (Kents Hill)/Mt. Vernon line. No pre-application, however, was presented to the Board at this time.