

Monday, November 20, 2017
WORKSHOP MEETING MINUTES

Attending: Jessica Larson, Ken Hall, Norm Harding, Eve Bergstrom

Absent: Nancy Perkins

Guests: Steve Smith, Lisa & Mike Fulginiti, Diane Perkins, Craig Jones,

Call Meeting to Order: 6:33 PM by Jessica Larson

Unfinished Business: None

New Business: None

Agenda Items:

1. Approved Minutes of Business/Workshop Meeting October 16, 2017, **4 yes- 0 no** unanimously approved
2. Review Commercial food service businesses licensing/inspections/applications.
 - a. Jess Larson contacted the *Department of Environmental Health (DEH)* on 11/14/17 asked about license requirements for opening of the Café to the public.
 - i.) *The only license/application on file was issued to Café 22 which closed in 2015. No other applications for a Café exist on file at DEH.*
 - ii.) *A license can be issued through the Department of Agriculture without DEH being informed. It's a fine line between the departments.*
 - iii.) ***The question that needs to be asked is what is the predominate business? Café 22 license was through DEH with the predominate business being a Café serving coffee, espresso and some baked goods.***
 - iv.) ***DEH transferred call to Dept. of Agriculture: A license was issued to 22 Main St as a Retail Bakery/Café, Dandy's Kitchen. The predominate business being a retail Bakery. Would this be a change from the initial CUP issued to Café 22? Further review would be needed.***
 - v.) *The other question asked: Did the inspection, review that the establishment was on a Municipal Sewer and Public Water system? Grease traps & PBZ backflow preventers? According to the Department these would be reviewed by the inspectors. Inspector may follow up with the establishment for requirements.*
 - vi.) *A review of Bakery regulations noted backflow preventer requirements.*
 - b. **CoChair:** *2 Departments seems redundant updating ordinances would better reflect what state stipulates.*
 - c. **E Bergstrom:** *Has there been a response to the letter? Chair:* *No response to letter or e-mail.*
3. MMA response to Scheduling/ By-Laws
 - a. The question asked to MMA: **Can the Planning Board schedule an extra Business Meeting for a vote prior to a regular scheduled Business Meeting which is held on the first Monday of each month?**
 - b. The following was the response given by Becky Seel, Senior Staff Attorney MMA, after reviewing the Planning Board Bylaws and Rules of Conduct.

I didn't see anything in the document that I thought would prevent the planning board from scheduling additional meetings to accomplish the business needing the board's attention and action. I think the bylaws document establishes a minimum meeting schedule by setting the day of the month for a regular board meeting and the day of the month for a board workshop. If the board needs to hold additional meetings, I think that would be legal, as long as proper notice of the meeting is provided to the board members, the public and the parties pursuant to the Maine Freedom of Access Act, the board bylaws, and any other applicable town requirements related to meeting notices. I noticed an express reference in Article VI section 3 of the bylaws to the board's authority to call a special meeting in the context of an item that was on a regular meeting agenda but that could not be addressed because the board ran out of time. I wouldn't interpret that provision as restricting the board's authority to schedule special meetings for other reasons. I think the key is ensuring that all parties and the public have adequate notice in advance of the meeting date.

Public Comment/Questions:

1. **D Perkins:** *What is the name of the Café at 22 Main St.?*
 - a. **Chair:** *Dandy's Kitchen per Dept. of Agriculture licensing.*
2. **D Perkins:** *What about the apartment?*
 - a. **Chair:** *CUP deemed incomplete for each member did not receive copy, placed on 12/04/2017 for review*
3. **K Hall:** *Are additions allowed to sewer system?*
 - a. **Chair:** *Pending until after November 30, 2017 Annual Sewer District Meeting. A lot of uncertainty/speculations currently. Hopeful for guidance after that meeting. DEP is involved and is reaching out to DEH to help identify unknown substance.*
4. **C Jones:** *Is a sprinkler system required at a Bakery?*
 - a. **CoChair:** *1st floor no town ordinances exist for a sprinkler system. My understanding anything above 1st floor would be determined by the State Fire Marshall*
5. **M Fulginiti:** *Apartment on 2nd floor? When the Trading Post was issued an occupancy permit Fire Marshall required sprinkler system for occupancy above the 1st floor.*
 - a. **CoChair:** *Fire safety rules are at State Level; the town does not have ordinances mandating businesses to have s sprinkler system.*
6. **S Smith:** *Shouldn't an ordinance exist requiring sprinklers at all commercial establishments, buildings are predominately Historic wooden structures?*
 - a. **CoChair:** *Cost is a huge factor, need 10,000-gallon water tank. A blanket ordinance forcing sprinklers at all commercial establishments wouldn't be feasible until cost can be driven down. Total renovations of a commercial establishment have a set of different guidelines.*
7. **CoChair:** **Reminder November 30, 2017 6:30 PM at Pike Hall Annual Sewer District Meeting.**

Communications Received/Sent:

1. D. Drake certified letter sent 11/17/17 also e-mail
2. E-mail follow up w/ Dept. of Agriculture & DEH licensing/inspections.
3. MMA Regular Business meeting scheduling request sent 11-14-17.

Agenda Items for Next Meeting: Business Meeting – Monday, December 4, 2017 @ 6:30 PM

1. **Unfinished Business:** CUP residential/occupancy permit 22 Main St
2. Approve minutes of the Business Meeting, November 06, 2017.
3. Approve minutes of the Workshop Meeting November 20, 2017
4. Other
5. Other

Adjourn: 7:18 PM