

TOWN OF DAMARISCOTTA

PLANNING BOARD MEETING AGENDA

When: Monday, June 14, 2021 - 6:00 PM

Where: ZOOM Meeting

<https://us02web.zoom.us/j/86881224625?pwd=NTU0UzdGT3JwaXVSUjM2Y2N2Yk1Sz09>

Meeting ID: 868 8122 4625

Passcode: 455116

Pledge of Allegiance

REGULAR MONTHLY MEETING for June 14, 2021

MINUTES May 3, 2021 Meeting

A. OLD BUSINESS

1. None

B. NEW BUSINESS

1. 88 Main Street – Outdoor Dining Deck and Smoker – Preliminary Review and Scheduling of Site Visit

C. OTHER

1. Questions from the public.
2. Housekeeping
3. Planner's Reports

D. ADJOURN

Memorandum

To: Damariscotta Planning Board
Fm: Bob Faunce
Date: June 4, 2021
Re: 88 Main Street – Outdoor Dining Deck and Smoker

Peter Ebanks operates a Jamaican grocery store at 88 Main Street. Best Thai previously operated a restaurant at 74 Main Street and moved to a commercial space in the same building as the grocery store. Rather than abandon the dining deck at 74 Main Street it was offered to Mr. Ebanks, who installed it temporarily in front of his grocery store. He would like to prepare Jamaican foods in his store and in a smoker as well as accommodating customers who want to dine on the deck. Restaurants are a conditional use in the C-1 District and Mr. Ebanks has submitted an application for Site Plan Approval and a Conditional Use Permit for the dining deck and smoker. The property is in the Main Street Historic District and Historic Preservation Review Commission approved a Certificate of Appropriateness on May 27.

Attached are the following:

- Site Plan Review Application and waiver requests
- Letter from Applicant including explanations of requested waivers
- Photos of front and side of the property with deck and smoker.
- Photo of deck when located at 74 Main Street
- Tax-Zoning Map
- Lit of Abutters
- Property lease

The applicant will attend the meeting. The Board should schedule a site visit.

Application Fee \$30 + Site Review Fee \$50 minimum or \$0.02 per sf
 Conditional Use Fee \$100
 Advertising Fee \$45 if Public Hearing

For Office Use Only:
 Submission Date _____
 Fee Amount: _____

Town of Damariscotta Site Plan Review *Application* Form

Project Name: J & J Jamaican Grocery & Gift Shop

1.-Applicant <div style="border: 1px solid black; padding: 5px; min-height: 60px;">Peter Ebanks</div>	2. Applicant's Address <div style="border: 1px solid black; padding: 5px; min-height: 60px;">25 High Street Newcastle Maine 04553</div>	3. Applicant's Tel/Email <div style="border: 1px solid black; padding: 5px; min-height: 60px;">207-522-6912 speshaleyze@gmail.com</div>
4. Property Owner <div style="border: 1px solid black; padding: 5px; min-height: 60px;">Thanyalak Rojpanichkul</div>	5. Owner's Address <div style="border: 1px solid black; padding: 5px; min-height: 60px;">66 Keene Woods Damariscotta Maine 04543</div>	6. Owner's Tel # and Email <div style="border: 1px solid black; padding: 5px; min-height: 60px;">207-776-4302 bestthai74@hotmail.com</div>
7. Engineer/Consultant/Architect <div style="border: 1px solid black; padding: 5px; min-height: 60px;">N/A</div>	8. E/C/A Address <div style="border: 1px solid black; padding: 5px; min-height: 60px;">N/A</div>	9. E/C/A Tel/Email <div style="border: 1px solid black; padding: 5px; min-height: 60px;">N/A</div>
10. Location/Address of Property <div style="border: 1px solid black; padding: 5px; min-height: 60px;">88 Main Street Damariscotta Maine 04543</div>	11. Tax Map/Lot <div style="border: 1px solid black; padding: 5px; min-height: 60px;">629</div>	12. Zoning District <div style="border: 1px solid black; padding: 5px; min-height: 60px;">Com1</div>

<input checked="" type="checkbox"/>	<i>If submitted. If you believe a submission is not applicable or you want to request a waiver, so indicate by NA or W and explain in the spaces provided at the end of the form.</i>	
x	E.1	Signed SPR Application
x	E.2	Evidence of Right, Title or Interest
X	E.3	Site Plan at a scale of not more than 50'=1" with two 24'x36" for presentation purposes showing all of the following information:
x	E.3 a	Names & addresses of all abutters on plan and on a separate listing
x	E.3.b	Sketch map showing General location of site within the town
W - letter	E.3.c	Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
W - letter	E.3.d	The bearings and distances of all property lines and the source of this information. The Board may waive the requirement of a formal boundary survey when sufficient information is available to clearly establish, on the ground, all property boundaries
X	E.3.e	Classification(s) of the property and the location of zoning district boundaries as applicable.

N/A	E.3.f	Soil types and location of soil boundaries suitable for waste water disposal as certified by a registered engineer or soil scientist.
W	E.3.g	The location of all building setbacks and buffers required by this or other ordinances of the Town of Damariscotta.
X	E.3.h	The location, size, and character of all signs and exterior lighting.
N/A	E.3.i	The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces and associated structures, snow storage areas, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.
X	E.3.j	The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
X	E.3.k	The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
N/A	E.4	A Stormwater Management Plan including Low Impact Development (LID) measures in conformance with the provisions of §102.6.L. See definition of LID in §102.4
N/A	E.5	An erosion and sediment control plan in conformance with the provisions of §102.6.M
W	E.6	Building plans showing, at a minimum, floor plans and all elevations clearly indicating the type, color, and texture of all exterior surfacing materials of all proposed principal buildings and structures and all accessory buildings and structures.
N/A	E.7	Copies of any proposed or existing easements, covenants, deed restrictions, etc.
N/A	E.8	A list of all applicable State & Federal permits
X	E.9	Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).
W	E.10	Demonstration of financial and technical capacity to complete the project, as proposed, in accordance with this ordinance and the approved plan.
N/A	E.11	Location of any floodplains on the project parcel as well as any wetlands and streams as identified by a wetlands scientist or other certified wetlands professional.
N/A	E.12	Soils test pit log demonstrating suitable soils for subsurface sewage disposal unless connection to a public sanitary sewer is proposed, in which case a letter from the Great Salt Bay Sanitary District attesting to its ability to accept sanitary wastes from the proposed development.
N/A	E.13	A phosphorus impact report if the project is within the watershed of a great pond.
X	E.14	An estimate of the amount of domestic water required for the project; if connection to the public water system is proposed, a letter from the Great Salt Bay Water District attesting to its ability to provide sufficient water to the project; if water is to be supplied by wells, the results of a hydrological study if required by the Planning Board.
X	E.15	Plan for supplying water for fire protection.
W	E.16	Letters from appropriate state authorities attesting to the project's impact, if any on historic, archaeological and rare or endangered plant or animal species on or in the vicinity of the project parcel.
X	E.17	Demonstration that access to the site will be safe and will meet or exceed minimum required sight distance.
X	E.18	Demonstration that the project will comply with applicable noise and air quality standards.
N/A	E.19	A scenic assessment and landscaping plan for the site consistent with the recommendations of the Damariscotta Comprehensive Plan that includes drawings and/or photo simulations including elevations of proposed buildings, topography and landscaping as well as sidewalks (if applicable), illustrating the view from each public roadway adjacent to the proposed development.

Note: The applicant shall submit a plan that fully satisfies the §102.6 Performance Standards and, if applicable, the §102.7 Large Scale Development Performance Standards. The applicant may also submit an accompanying separate plan that sets out any proposed waivers from §102.6 and §102.7 Performance Standards accompanied by a written statement(s) explaining why the applicant believes the waivers would still accomplish the purpose of the performance standard so proposed to be altered.

Explain any requested waivers or submission requirements you believe are not applicable.

Check if Required

Planning Board Review/Approval (e.g. Subdivision)

Board of Appeals Review/Approval

Flood Hazard Development Permit

Exterior Plumbing Permit (Approved HHE-200 Application Form)

Interior Plumbing Permit

DEP Permit (Site Location, NRPA)

Army Corps of Engineers (Sec. 404 of Clean Water Act)

_____ MaineDOT Entrance or Traffic Permit

Others:

Note: Applicant is Advised to Consult with the Code Enforcement Officer and Appropriate State and Federal Agencies to Determine Whether Additional Permits, Approvals and/or Reviews are Required

I Certify That All Information Given in this Application is Accurate. All Proposed Uses Shall be in Conformance with this Application and the Applicable Town of Damariscotta Zoning Ordinances. I Agree to Future Inspections by the Code Enforcement Officer at Reasonable Hours.

Peter Ebanks

Applicant's Signature

05-12-2021

Date

Agent's Signature (if applicable)

Date

During the 2020 COVID-19 a lot of negative aspects of human nature surfaced. For myself and my family it was different. I found the positives.

I had never spent so much time with my kids before and I could not lose that time ever again going forward.

Our very dear and great friend Jib, owner of Best Thai presented us with an opportunity. We were excited and apprehensive at the same time. Questions arose about our ability to do it. So we moved ahead.

Best Thai bought the building on 88 Main Street Damariscotta leaving the former Best Thai restaurant on 74 Main Street Damariscotta available. We quickly asked about renting it for ourselves to use as a Jamaican Restaurant. The owner at first said great. We could get the building. We went and started buying equipment to use immediately. However, about two weeks after we were told that they no longer wanted a restaurant in their building. We were stumped. After this set back, we were then shown the upper floor of 88 Main Street Damariscotta to see the possibilities of using (converting) it to a restaurant. Quickly scratched that idea. So we switched to opening a Grocery Store.

I started doing the research and gathered as much info as I could. Got the business license and the approval from the town a month before opening.

Opening on March first 2021 was a task but we did it.

We were interviewed by the Lincoln County News, with an article in the paper and then by News Center Maine thereafter.

As soon as we opened we were bombarded by questions as to when we would have food for sale? I had to say sorry too many times. Explaining that the size of the space would not allow for cooking as well as a grocery store. Tried to sell the idea of staycationing at home was great if you can come to the store to purchase and go home to cook (bbq) on their grills and in their own kitchen. Our customers adamantly declined that idea. They wanted to come taste it, smell it, enjoy it the way we make it. (Being that they couldn't do it the way we do according to several customers)

We looked at the possibilities again and pondered. Called code enforcement and asked about putting a smoker at the side of the building. Then spoke to our neighbors about putting and using a smoker and was received with positivity.

Best Thai had erected a deck for outdoor seating at 74 Main Street that they no longer needed and the owner of said building did not want it there either. The idea of destroying the deck was preposterous to me. Why not recycle and relocate it to the new Best Thai building. I paid \$700 to have it moved and then resized it to allow for the use of the sidewalk. Repainted it to the Jamaican colors that are typical of our store fronts and restaurants around the world.

All this was a temporary setup with the hope of finding a place to open an actual restaurant.

With this addition we had a tasting and it went amazing. We drew people off the streets and with the ad on the Facebook page. They were amazed by the smell wafting through the streets. It was different. People driving by smelt it, came back to try it, loved it and they all wanted more.

We had customers from Cape Elizabeth, South Portland, Waterville, Oakland, Falmouth, Yarmouth, Lewiston and surrounding areas. We wanted to give more. Adding the diversity to Damariscotta, a chance to get away from the doldrums of the pandemic, a chance to tantalize their palates. A moment's getaway to the Caribbean with the smell of the "Jerk", the taste of the island flavors in both food and drink with lively reggae music playing.

We are looking forward to providing this experience and much more given the opportunity. In addition to the deck and the smoker, there are some waivers I'd like to request based upon the unique situation of the business.

There will be no proposed changes to the parcel boundaries. (Project parcel, map 6 lot 29. See attached tax-zoning map.)

The deck has been approved by the Damariscotta Historic Preservation Commission. The said deck is located on Courtyard Street and there are no required front setbacks in the C-1 District. The deck has already been purchased and paid for. The colors of the deck can be seen in attached photos and it's location in the zoning map.

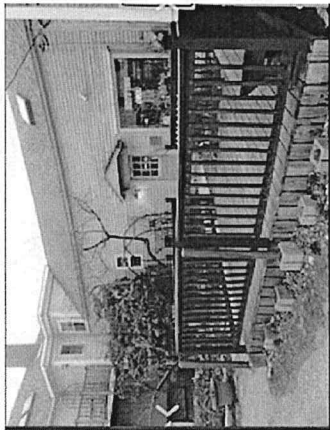
We will be using town water and fire hydrants are nearby.

I would like to have music outside for the deck in compliance with the town noise restrictions. Also the use of tents to cover the deck and the serving area when necessary.

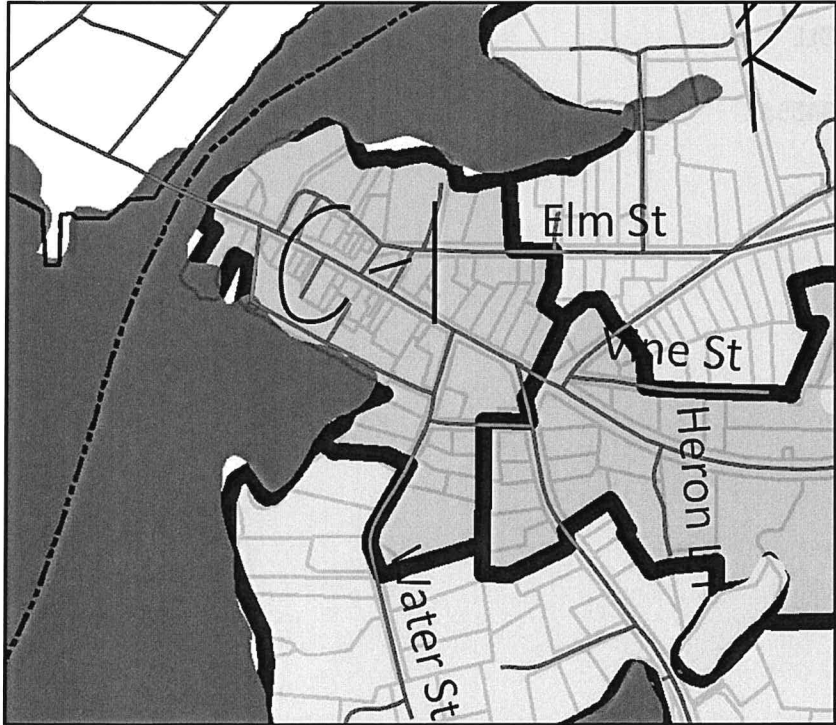
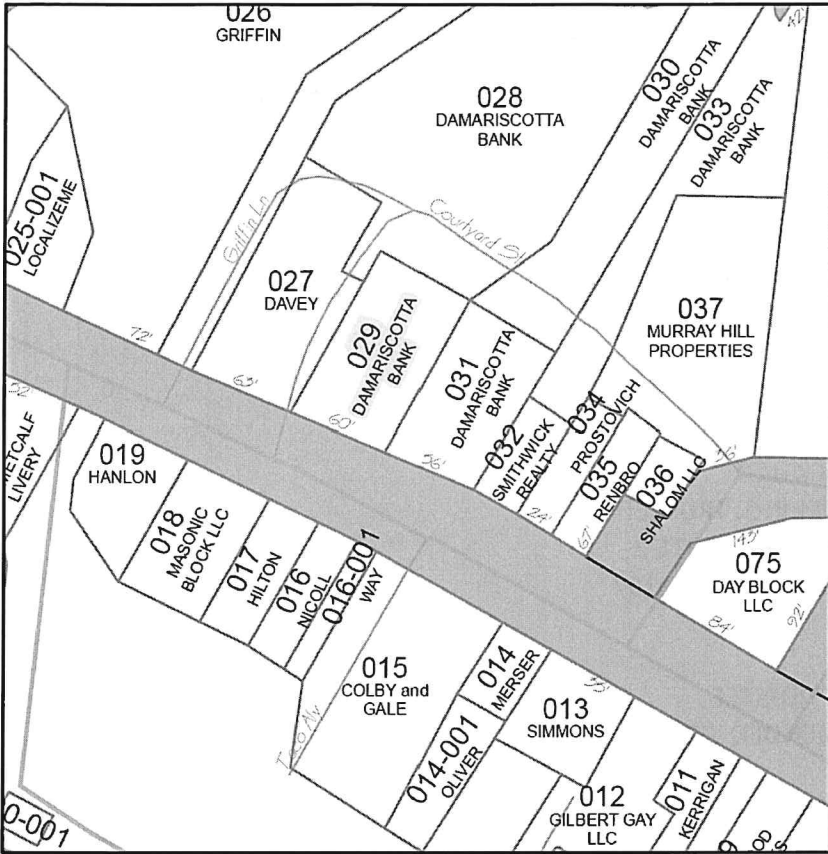
Sincerely
Peter Ebanks.
207-522-6912







88 Main Street – Tax-Location-Zoning Maps



88 Main Street – List of Abutters

20 GRIFFIN LANE AND 100 MAIN STREET

DB+T (BANGOR SAVINGS) – OWNERSHIP HAS NOT UPDATED TO DATE

PO BOX 999

DAMARISCOTTA

74 MAIN ST

ELAINE AND DYLAN DAVEY

PO BOX 506

DAMARISCOTTA

79 MAIN ST

MASONIC BLOCK, LLC

C/O RALPH DOERING, TRUSTEE

4303 NE 1ST TERRACE, SUITE 2

OAKLAND PARK, FL 33334-3157

87 MAIN ST

JOHN HILTON, TRUSTEE

J HILTON AMMENDED TRUST

277 MAIN ST

DAMARISCOTTA

93 MAIN ST

GORDON NICOLL

PO BOX 246

NEWCASTLE, 04553

COMMERCIAL LEASE AGREEMENT

This Lease Agreement made the 30 day of January, 2021, by and between:

Lessor: Thanyalak Rojpanichkul [name of lessor], of 88 Main St Damariscotta [mailing address] hereinafter referred to as "Lessor", and ME 04543

Lessee: Keleen Watson [name of lessee], of Same [mailing address] hereinafter referred to as "Lessee", and collectively referred to herein as the "Parties", agree as follows:

1. **DESCRIPTION OF LEASED PREMISES:** The Lessor agrees to lease to the Lessee the following described 226ft x 116ft square feet (SF) of _____ [type of space] located at 88 Main St Damariscotta ME 04543 [street address], State of Maine.

Additional Description: _____

Hereinafter known as the "Premises".

2. **USE OF LEASED PREMISES:** The Lessor is leasing the Premises to the Lessee and the Lessee is hereby agreeing to lease the Premises for the following use and purpose: _____

Any change in use or purpose the Premises other than as described above shall be upon prior written consent of Lessor only.

3. **TERM OF LEASE:** The term of this Lease shall be for a period of 1 year(s) _____ month(s) commencing on the 30 day of January, 2021 and expiring at Midnight on the 30 day of January, 2022. ("Initial Term")

4. **BASE RENT:** The net monthly payment shall be \$1,000 dollars (\$ _____), payable monthly with the first payment due upon the commencement of the Lease and each monthly installment payable thereafter on the _____ day of each month. Said net monthly payment is hereafter referred to as the "Base Rent". Rent for any period during the term hereon, which is for less than 1 month shall be a pro-rata portion of the monthly rent. for security deposit and for first payment.

5. **OPTION TO RENEW:** (check one)

- Lessee may not renew the Lease.

- Lessee may have the right to renew the Lease with a total of _____ renewal period(s) with each term being _____ year(s) _____ month(s) which may be exercised by giving written notice to Lessor no less than 60 days prior to the expiration of the Lease or renewal period.

e * On January 30th, 2021, Keleen Watson give * to Thanyalak Rojpanichkul

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Lessee: Keleen Watson [name of lessee], of Same [mailing address] hereinafter referred to as "Lessee", and collectively referred to herein as the "Parties", agree as follows:

1. **DESCRIPTION OF LEASED PREMISES:** The Lessor agrees to lease to the Lessee the following described 2261.116 square feet (SF) of _____ [type of space] located at 88 Main St Damariscotta ME 04543 [street address], State of Maine.

Additional Description: _____

Hereinafter known as the "Premises".

2. **USE OF LEASED PREMISES:** The Lessor is leasing the Premises to the Lessee and the Lessee is hereby agreeing to lease the Premises for the following use and purpose: _____

Any change in use or purpose the Premises other than as described above shall be upon prior written consent of Lessor only.

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e * On January 30th, 2021, Keleen Watson give _____ to Thanyalak Rojpanichkul