

TOWN of *Greenville* MAINE PLANNING BOARD

NOTICE OF DECISION

March 5, 2021

Melissa Carrier
Gypsy Soul Nutrition
85 Lower Shirley Corner Rd
Shirley, ME 04485

Dear Ms. Carrier,

This is to inform you that the Town of Greenville Maine Planning Board (hereinafter Planning Board), at its February 22, 2021 meeting, acted on your Conditional Use Permit Application (hereinafter Application) for Gypsy Soul Nutrition (hereinafter Restaurant), a nutritional shake entity.

Project Description: Melissa Carrier (hereinafter Applicant) proposes to establish and operate a Restaurant at 16 Moosehead Lake Road (hereinafter Property). The Property is currently an existing commercial mini mall with several commercial properties leasing space.

Process:

- a) 1/25/2021: Pre-permit Application meeting with Planning Board.
- b) 2/01/2021: Application received.
- c) 2/01/2021: Application deemed complete by Code Enforcement Officer (hereinafter CEO).
- e) 2/01/2021: Application scheduled for Planning Board review meeting on 2/22/2021.
- f] 2/01/2021: Property abutters sent certified letter notifying them that an Application has been received and will be reviewed on 2/22/2021. No comments were received.
- g) 2/22/2021: Planning Board reviews Application. No abutting property owners are present at meeting or submit comment. After review, Planning Board approves Application, with one condition that a copy of any and all permits received will be submitted to CEO) before opening of Restaurant.

Findings of Fact and Conclusions:

1. The Planning Board concludes the owner of the Property is Watt Management Realty (hereinafter Owner).
2. The Planning Board concludes the Property is located at 16 Moosehead Lake Road, Map 22 Lot 123.
3. The Planning Board concludes the Applicant has demonstrated a legal interest in the Property by providing a letter of intent to lease from the Owner.

Greenville Planning Board Notice of Decision for Melissa Carrier-Gypsy Soul Nutrition (3/5/2021)

Phone: 207-695-2421 ~ Fax: 207-695-4611

PO Box 1109 ~ 7 Minden St. Greenville, ME 04441 ~ www.GreenvilleME.com

4. Relevant sections of the Land Use Ordinance for the Town of Greenville Amended 2019:

a) Article III, Permitting Requirements and Procedures, Section 10: Planning Board Review of Conditional Uses and Subdivisions, and Section 11: Planning Board Review of Conditional Uses.

- **Pollution.** The proposed activity shall not result in undue water or air pollution. In making this determination the Board shall consider:
 - a. the elevation of the land above sea level and its relation to the floodplains;
 - b. the nature of soils and sub-soils and their ability to adequately support waste disposal;
 - c. the slope of the land and its effect on effluents;
 - d. the availability of streams for disposal of effluents; and
 - e. the applicable state and local health and water resources rules and regulations.**By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 1.**

- **Sufficient Water.** The proposed activity shall have sufficient water available for the reasonably foreseeable needs of the proposed development.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 2.

- **Municipal Water Supply.** The proposed activity shall not cause an unreasonable burden on an existing public water supply, if one is to be used.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 3.

- **Erosion.** The proposed activity shall not cause unreasonable soil erosion, erosion or sedimentation to surface waters, or a reduction in the land's capacity to hold water so that dangerous or unhealthy situation results. The best management practices set forth in the "Maine Erosion and Sedimentation Control Handbook for Construction Practices" (Cumberland County Soil and Water Conservation District, Department of Environmental Protection. March 1991, or as revised) shall be used as a guide for compliance with this requirement.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 4.

- **Transportation.** The proposed activity shall not cause unreasonable highway or public road congestion, or unsafe conditions with respect to the use of highways, public roads, sidewalks, parking areas, or loading and unloading areas, existing or proposed. The proposed activity shall not cause unsafe conditions for motor vehicles, bicycles and pedestrians within a development.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 5.

- **Sewage Disposal.** The proposed activity shall provide for adequate sewage waste disposal and shall not cause an unreasonable burden on public services if they are to be utilized.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 6.

- **Municipal Solid Waste Disposal.** The proposed activity shall not cause an unreasonable burden on the town's ability to dispose of solid waste, if town services are to be utilized.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 7.

- **Aesthetic, Cultural and Natural Values.** The proposed activity to the maximum extent possible shall not have an undue adverse effect on the scenic or natural beauty of the area; aesthetics; archaeological and historic sites; spawning grounds, fish, aquatic life, bird or other wildlife habitat; significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town; rare and irreplaceable natural areas; or any public rights for physical or visual access to the shoreline. The proposed activity, to the maximum extent possible, shall conserve shore cover.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 8.

- **Ordinances and Plans.** The proposed activity shall conform with all applicable ordinances, and the Comprehensive Plan. In making this determination, the Planning Board may interpret these ordinances and plans.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 9.
 - **Financial and Technical Capacity.** The applicant shall have adequate financial resources and technical capacity to meet the standards and criteria of this Ordinance.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 10.
 - **Groundwater.** The proposed activity shall not alone, or in conjunction with existing activities, affect the quality or quantity of ground water.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 11.
 - **Flood Areas.** The proposed activity shall not adversely affect floodplain areas as depicted on the Federal Emergency Management Agency Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and the proposal shall conform to the applicable requirements of the Town of Greenville Floodplain Management Ordinance.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 12.
 - **Freshwater Wetlands.** The proposed activity shall not have an undue adverse impact on freshwater wetlands.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 13.
 - **Water Bodies.** The proposed activity shall not have an undue adverse impact on any water body such as a lake, pond, river, or stream.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 14.
 - **Stormwater.** The proposed activity shall provide for adequate stormwater management. The best management practices set forth in the “Stormwater Management for Maine” (Department of Environmental Protection, State of Maine, January 2006, or as revised) shall be used as a guide for compliance with this requirement.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 15.
 - **Adjacent Land Uses.** The proposed activity shall not have a significant detrimental effect on adjacent land uses or properties that might be affected by waste, noise, glare, fumes, smoke, dust, odors, or other effects.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 16.
 - **Financial Burden on Town.** The proposed activity shall not cause an unreasonable financial burden on the Town for provisions of public services and facilities.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 17.
 - **Harmonious Fit.** Development site designs shall relate harmoniously to Greenville’s traditional land uses and landscape to ensure there will be no undue adverse effect on existing uses, scenic character, and the natural and historic resources likely to be affected by the proposal. The community’s unique characteristics shall not be compromised by standardized or franchise designs, or overpowered by very large structures.
By a vote of 5-0, the Planning Board concludes the Restaurant will meet Criterion 18.
- b) Article III, Permitting Requirements and Procedures, Table III-I Application Requirements For Conditional Use Permits. The Planning Board used the above Application requirements with the exception of lines 10,11,12,13, and 14 which were waived. (See Application)

- c) Article V, Land Uses Districts and Requirements, Section 4, District Purposes: E, Downtown District 1 & 2. The Planning Board concludes the Property is in Downtown District 2.
- d) Article V, Land Use Districts and Requirements, Table V-1, page 8, Restaurants less than 2,000 square feet. The Planning Board concludes a Conditional Use Permit is required for the Restaurant.
- e) Article V, Land Use Districts and Requirements, Section 12, Downtown Districts (#1 and #2) Standards. This section relates to certain design standards and buildings over 5,000 square feet of floor area. The Planning Board concludes this is an existing commercial property and the Restaurant is less than 5,000 square feet. Article V Section 12 is not applicable.

f) Article VI. All Areas: Performance and Design Standards

SECTION 1. LAND NOT TO BE INCLUDED IN THE CALCULATION OF LOT AREA.

Findings and Conclusion: Property already has an established structure. Planning Board concludes Article VI Section 1 is not applicable.

SECTION 2. WATER SUPPLY AND QUALITY.

Findings: Restaurant will utilize public water supply. Letter received from Maine Water that Restaurant will not be a burden on water supply. Town water supply is located almost 1 mile away from Property. All Restaurant activities will be held inside of building. Will not impact water quality or pollute existing private or public water supplies. (Found in Application)

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 2.

SECTION 3. SEWAGE DISPOSAL.

Findings: Restaurant will utilize public sewer. Letter received from Moosehead Sanitary that there is adequate capacity to treat waste. (Found in Application)

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 3.

SECTION 4. STORMWATER RUNOFF.

Findings: All Restaurant activities will be inside existing structure. No further stormwater runoff will be created than what already exists. This was waived by Planning Board.

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 4.

SECTION 5. EROSION AND SEDIMENTATION CONTROL.

Findings: All Restaurant activities will be inside existing structure. No further erosion will be created than what already exists. This was waived by Planning Board.

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 5.

SECTION 6. SOLID WASTE DISPOSAL.

Findings: Restaurant will generate no more than a bag of trash per day. Applicant will dispose of at local waste facility. (Found in Application)

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 6.

SECTION 7. TRAFFIC ACCESS, CIRCULATION, AND PARKING.

Findings: Restaurant will utilize existing parking in front of existing building. Traffic analysis was waived by Planning Board.

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 7.

SECTION 8. BUFFER AREAS.

Findings and Conclusions: Restaurant is an existing building and will maintain current buffer.

Conclusions: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 8.

SECTION 9. RECREATIONAL FACILITIES, PARKS AND RECREATION, CAMPGROUNDS, INDIVIDUAL PRIVATE CAMPSITES, AND USE OF RECREATIONAL TRAILERS.

Findings and Conclusion: The Planning Board concludes Article VI Section 9 is not applicable.

SECTION 10. HOME OCCUPATIONS.

Findings and Conclusion: The Planning Board concludes Article VI Section 10 is not applicable.

SECTION 11. SIGNS.

Findings: Any future signs will have to be permitted through CEO.

Conclusion: The Planning Board concludes the Restaurant will satisfy Article VI Section 11.

SECTION 12. HISTORIC AND ARCHAEOLOGICAL SITES.

Findings: Existing building is on an existing commercial property.

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 12.

SECTION 13. CONFORMANCE WITH OTHER LAWS, REGULATIONS.

Findings: The Restaurant will conform with all other laws and regulations, with the condition that any permits will be submitted to CEO prior to the Restaurant opening for business.

Conclusion: The Planning Board concludes the Restaurant will satisfy the requirements of Article VI Section 13, with the condition that all required permits, including but not limited to a State of Maine Health Department and Fire Marshal permit be obtained, and a copy submitted to CEO prior to opening Restaurant for business.

SECTION 14. CLUSTER DEVELOPMENT: RESIDENTIAL AND NON-RESIDENTIAL.

Findings and Conclusion: The Planning Board concludes Article VI Section 14 is not applicable.

SECTION 15. RESERVATION, DEDICATION, AND MAINTENANCE OF COMMON OPEN SPACE AND FACILITIES.

Findings and Conclusion: The Planning Board concludes Article VI Section 15 is not applicable.

SECTION 16. MANUFACTURED HOUSING.

Findings and Conclusion: The Planning Board concludes Article VI Section 16 is not applicable.

SECTION 17. OUTDOOR LIGHTING.

Findings: Existing Property has outdoor lighting. If any additional lighting is required, Owner and Applicant will have to adhere to Outdoor Lighting specifications in Article VI Section 17.

Conclusion: The Planning Board concludes the Project will satisfy the requirements of Article VI Section 17.

SECTION 18. ADULT BUSINESS ESTABLISHMENTS.

Findings and Conclusion: The Planning Board concludes Article VI Section 18 is not applicable.

ARTICLE VII. SHORELAND OVERLAY DISTRICT AND RESOURCE PROTECTION DISTRICT STANDARDS.

Findings and Conclusion: The Planning Board concludes Article VII is not applicable because the Restaurant will not be in a Shoreland Overlay or Resource Protection district.

ARTICLE VIII. SUBDIVISIONS: PERFORMANCE STANDARDS AND REQUIREMENTS.

Findings and Conclusion: The Planning Board concludes Article VIII is not applicable because the Restaurant is not a subdivision.

Conditions: All required permits, including but not limited to a State of Maine Health Department and Fire Marshal permit be obtained, and a copy submitted to CEO prior to opening Restaurant for business.

Decision:

By a vote of 5-0, the Planning Board concludes that based on the findings of fact, conclusions, and conditions of approval set forth above, Melissa Carrier's Application has demonstrated that Gypsy Soul Nutrition will conform with the requirements of the Land Use Ordinance for the Town of Greenville.

A variance/administrative appeal may be requested from the Board of Appeals. An appeal may be made by filing with the Board of Appeals at the office of the Town Clerk. The cost of an appeal is \$100, based on Article II, § 3 of the Land Use Ordinance for the Town of Greenville 2019.

FEE: \$100 - Paid

Dated at Greenville, Maine
March 5, 2021

Sincerely,

Greenville Planning Board:

John Contreni, Chairperson

Jonathan Boynton, Secretary

Lurline Arco

Noel Wohlforth,

Joanie Withee

Jenny Ward [Alternate]

