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## LONG ISLAND PLANNING BOARD

### FINDINGS OF FACT AND CONCLUSION OF LAW

Project: Site Plan Review, 3 Garfield St., Long Island, Maine, Tax Map Lot 313

Applicants: Ed & Jeanie McAleney

Date of Final Approval:

Pursuant to the provisions of the Land Use ordinance of the Town of Long Island and its bylaws, the Long Island Planning Board has considered the application of Ed and Jeanie McAleney for a Site Plan Review regarding the proposed accessory and incidental use of the property between June 1 and November 1 for on-site special catered events in addition to changes to the property not previous considered by the Planning Board in its decisions.

#### FINDINGS OF FACT

- A. The property under consideration is located at 3 Garfield Street and is located in the Island Business Zone (1-B). The property is identified on the Town of Long Island tax map as lot 313.
- B. The property is currently approved for the following commercial uses: (1) a retail establishment for the primary purpose of selling baked goods and a commercial kitchen facility for the preparation and sale of foodstuffs with on-site seating limited to the capacity of the subsurface wastewater disposal system approved as of October 27, 2009, and (2) a stand to serve snacks and soft serve ice cream.
- C. On March 22, 2022, the applicants submitted an application to the Code Enforcement Officer (CEO) of the Town of Long Island for a Site Plan Review to add “accessory or incidental use to our property land use provision to allow exterior seating up to the capacity determined by Matt Logan, septic system engineer, for outside catered events for 150 seats.” That application was revised and resubmitted to the CEO on April 5, 2022.
- D. On April 18, 2022, the Long Island Planning Board reviewed the application against the applicable outlined criteria in Chapter 14 Land Use Ordinance, section 10.4 Submission Requirements. The Planning Board tabled consideration of the application and requested the applicants provide certain additional information and documentation as listed in section 10.4 along with several corrections and additions to the application submitted on April 5, 2022.

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- E. The Planning Board is well versed in many of the particulars of the property since it has been the subject of four (4) previous Site Plan Reviews by the Planning Board. See previous Findings of Fact and Conclusion of Law dated May 11, 2004; September 14, 2004; October 27, 2009; and February 25, 2019. In light of the cumulative information and documentation previously utilized, in making its request for additional information and documentation, the Planning Board waived the following submission requirements: 10.4(B) 1-3; 10.4(B) 5; 10.4(B) 7; 10.4(B) 8; 10.4(B) 11; 10.4(B) 13; 10.4(C); 10.4(E); and 10.4(F), except for a building plan detailing the structure or space allocated for the existing and proposed uses – specifically the one-bedroom residence added after the October 27, 2009 Findings of Fact as well as the square footage of the commercial kitchen facility and the location of restrooms associated with the permitted or proposed commercial uses. To comply with the requirements under 10.4(H) the Planning Board requested the applicant provide a revised schematic drawing of the Subsurface Wastewater Disposal system to accompany the several representations previously provided by Matt Logan, septic system engineer, as to the 556-gallon capacity of the SSWD system.
- F. The revised application was submitted to the CEO and Planning Board on April 25, 2022. On Wednesday, April 27, 2022, the Planning Board for the Town of Long Island held a special meeting for the purpose of considering the application for a Site Plan Review of 3 Garfield St.
- G. By a vote of 7-0, the Board determined, based on the information and documentation provided by the applicants and the Board's several previous decisions on prior applications for the subject property, that the application for a SPR was complete. The Board also approved a motion to hold a public hearing on the application at least 10 days after notice of the hearing was published in the Portland Press Herald, but not earlier than May 9, 2022.

## CONCLUSIONS OF LAW

Based upon the application materials, testimony, statements, evidence, documents and other materials submitted to it and the above Findings of Fact, the Long Island Planning Board makes the following conclusions based on the applicable Site Plan Review Criteria and Standards in the Land Use Ordinance:

### A. Preservation of Landscape

There are no changes proposed to the existing landscape and the Board finds that this standard is met.

### B. Relation of Proposed Buildings to the Environment

This standard is not applicable as there are no proposed buildings to be constructed.

### C. Vehicular Access

Based on the evidence in the record this standard is met subject to the condition of approval related to parking and driveway maintenance.

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## D. Parking and Circulation

Based on the evidence in the record this standard is met subject to the condition of approval related to parking and driveway maintenance.

## E. Surface Water Drainage

Based on evidence in this record the Board found this standard was met and there are no changes proposed or additional effects to the surface water drainage from this project.

## F. Utilities

Based on evidence in the record the Board found this standard was met and there is adequate utility service for the property.

## G. Advertising Features

This standard is not applicable as there is no additional signage proposed as part of this project.

## H. Special Features

This standard is not applicable as there are no special features proposed to be included on the property as part of this project.

## I. Exterior Lighting

This standard is not applicable as there are not special features proposed to be included on the property as part of this project.

## J. Emergency Vehicle Access

Based on evidence in the record the Board finds that this standard is met.

## K. Landscaping/Buffering

This standard is not applicable as there are no landscape changes proposed to this site that are required for this project.

## L. Environmental Considerations

This standard was met subject to the conditions of approval related to the restrictions in the use and capacity of the events.

## M. Adequacy of Subsurface Wastewater Disposal (SSWD) System.

The Board found that this standard was met based on evidence in the record with a condition outlined below related to the on-site outdoors seating capacity.

## N. Conservation, Erosion and Sediment Control

Based on evidence in the record, this standard was met.

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## DECISION

The Long Island Planning Board has reviewed the complete application for the project under consideration and based on the above findings of fact and conclusions of law hereby finds that the proposed project meets all of the applicable standards set forth by the Long Island Land Use Ordinance. Furthermore, the Planning Board grants final approval of the project on this date, provided that the seven (7) following conditions are met and maintained.

Date:

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W. Stephen Hart, Chair

Planning Board, Town of Long Island

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## CONDITIONS

1. The special catered events hosted on the subject property shall be limited to one (1) event per day which can start no earlier than 11:00 am and which must conclude no less than thirty (30) minutes prior to the last ferry departure from Long Island.
2. The food service at the special catered events shall occur in a banquet setting using no china, flatware, or glass. The minimum staffing level for the special catered events shall be four (4) persons, which may be comprised in any mix of the property owners, residents, family members, paid employees, or volunteers.
3. The current parking area for two (2) vehicles utilizing a driveway off of Island Avenue may be expanded to up to four (4) vehicles associated with the approved commercial uses. The existing two (2) parking spaces off Garfield Street shall be maintained for use by residents of 3 Garfield Street. The applicants and successors shall be responsible for ensuring that the driveway and parking areas are constructed and maintained so as to prevent erosion or discharge of sediments onto adjacent properties or public ways.
4. The applicants surrender the previously approved use of a structure – Ed’s Shed – to serve snacks and soft serve ice cream. The structure cannot be utilized for food service and/or preparation.
5. The on-site outdoors capacity for special catered events is 50 persons. Any additional or reduced capacity shall be determined by the Code Enforcement Officer of the Town of Long Island applying state mandated water flow requirements or guidelines against the capacity of the existing, modified, or new subsurface wastewater disposal system.
6. Approval of the existing (retail establishment and commercial kitchen) and the proposed accessory and incidental use (hosting on-site special catered events between June 1 and November 1) is subject to the applicants obtaining and maintaining all necessary town and state permits, approvals, and licenses, including any structural, engineering, and plumbing approvals required by the Code Enforcement Office of the Town of Long Island.
7. The Planning Board’s approval of the proposed use application is limited to the existing structures, utilities, proposals, and plans submitted by the applicants as well as the information and documentation utilized by the Board in its consideration of this application. No changes or modifications to the structures, utilities, or permitted uses granted can be made without authorization by the Town of Long Island Planning Board under the Site Plan Review process.

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