

ACTON PLANNING BOARD PUBLIC HEARING

DATE May 3, 2012

ROLL CALL – Meeting began at 7:05 pm

Members present were:	Chip Venell – Chairman	Members absent were:	None.
	Thomas Cashin – Vice Chairman		
	Jessica Donnell		
	Yoli Gallagher		
	Arthur Kelly		
	Robert Smith – Alternate		
	Gavin Maloney – Alternate		

Also present were: Kenneth Paul, Code Enforcement Office, Linda Capristo, Recording Secretary and William Paladino

MINUTES – Approval of Minutes from 4/19/12 with a motion from Mr. Kelly, seconded and Mr. Cashin seconded – Unanimous Vote.; the 4/26/12 with a motion from Mr. Kelly, Mr. Smith seconded – Unanimous Vote.

UNFINISHED BUSINESS – Public Hearing - Change in Conditional Use– William Paladino, KB Restaurant Enterprises, Inc. (The Shed / Apple Ridge, llc / Willy’s Ale Room) located at 1060 Route 109 Map 233-021

Mr. Venell explained the process of a Public Hearing and then asked Mr. Paladino to explain what it is he would like to do. Mr. Paladino said he had met with the PB a few weeks back to discuss enclosing a portion of the back of the building to open up a retail store for novelty items, prepared meats, fish, sodas, beer, wine and liquor. He said he had spoken to Steve Gagnon, Coordinator at the Dept. of Agricultural. Mr. Paladino said they have no interest in an inspection as it falls under Scott Davis, the State Health Inspector. He then said he spoke with Scott Davis who said when Mr. Paladino is ready to permit the facility, he would come and do his typical Health Inspection. The State Liquor Commissioner has been in and approved the site for an Agency Liquor Store with certain conditions as far as the construction goes. Mr. Paladino said this is why he is here.

Mr. Venell asked Mr. Paul if he had anything to add. Mr. Paul said currently Mr. Paladino has a Building Permit to enclose the existing loading dock for storage. So he is allowed to construct it for storage at this time. Mr. Paul continued that Mr. Paladino would be looking to change that from storage to retail.

Mr. Venell then asked if there were any question or comments from the public. (No public attended.) He then said the Public Hearing is closed and asked if anyone else had questions or comments or issues.

Mr. Smith asked Mr. Paladino if the Health Inspectors questions would eventually come to the Planning Board or does it have nothing to do with us. Mr. Paladino responded that it has nothing to do with the Town, it’s the State. Just like the State Health Inspection and Fire Inspection we have every year. Those are licenses we have to hold as a restaurant.

Mr. Kelly asked if there was any kind of Public Hearing at the State level regarding an Agency Liquor Store portion. Mr. Paladino replied no it has already been granted. Mr. Venell said the Liquor Permit would the same one the tavern is using right now. Mr. Paladino said yes, this is an extension of that permit and falls under the same Inspector, Larry Sanborn. Mr. Venell asked Mr. Paladino if he needs to go through the Selectmen for that. Mr. Paladino replied no he is done with that. The License is granted by the State and there is no review needed by the Town. Mr. Venell asked the size of the area. Mr. Paladino replied 32x12. Mr. Venell asked what would be the hours of operation off hand. Mr. Paladino said he hadn’t set the hours yet. He continued by saying there is a lot of details they haven’t worked out yet; one of them being the hours. He said probably 10am to 10pm at

night. Mr. Venell asked if that was pretty much the hours of the restaurant. Mr. Paladino said the restaurant doesn't open until 4pm and on the weekends, it opens at noontime. Mr. Venell asked what time the tavern opens. Mr. Paladino said 4pm during the week and 12pm on the weekends. Mr. Venell said this would be much longer hours than the other stuff. Would there be different personnel for when the store is open; they wouldn't be running back and forth. Mr. Paladino said with regard to the hours, when they were running breakfast at The Shed Restaurant; we opened at 8am. So we were open from 8am to 1am everyday. If you are looking at it as if we are increasing our hours; yes we are. Are we increasing the hours based upon what we did two years ago; no, not at all. Mr. Venell said he was just wondered the overlap of hours at the Tavern and Restaurant. Mr. Venell asked Mr. Kelly what his thoughts were of the hours. Mr. Kelly said if you are going to go 9-12 you might as well go 9-1. He continued by saying he could see some potential issues; going back to camp and the only place you can pickup beer is there so Mr. Paladino is going to have to monitor this. Mr. Venell asked if the consensus is 9am-12am. Mr. Cashin motioned to that the hours operation be from 9am-12am, seven days a week. Mr. Paladino said when he met with the State Liquor Inspector; he told him they would be licensed to operate to 1am in the morning. Mr. Paul said that would be a conflict with the Town and the more stringent would apply. Mr. Paladino said some winter nights we could be closing at 7pm. Mr. Maloney seconded Mr. Cashin's motion for **9am to 12am**. Mr. Smith said the logic to this motion is just to make sure they are not open when last call is in the bar so that people could not make a purchase in the store. Mr. Venell said he doesn't have an issue with the 1am. The vote was 3-2.

It was determined that the Planning Board should conduct a **finding of fact and vote on the Conditional Use Permit**. Based on the questions in the Zoning Ordinance 6.6.3.7 Standards, the results are as follows:

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| a. yes will not be adverse | d. yes meet standards | c. yes | g. yes |
| b. na | a. na | d. na | h. yes |
| c. yes consistent | b. na | e. na | i. na |
| | | f. yes | |

The Planning Board reviewed application for an amendment to a Conditional Use Permit for applicant KB Restaurant Enterprises, Inc. at Property Location 1060 Route 109 in Acton, to approve a Specialty Store at The Shed/Willy's Ale Room.

Conditions of the Amendment to Conditional Use for KB Restaurant Enterprises

1. Compliance with all State of Maine Licensing provisions.
2. Hours: 9:00 a.m. to 12:00 a.m.
3. Days: Seven days a week.
4. Participation in the Department of Public Safety certified TIPS program for all staff.

The Board elected to grant the Conditional Use Permit with conditions as described. Motion was made by Jessica Donnell, Tom Cashin second.

NEW BUSINESS – 140 Foss Road – BPL – Jim Lessard - Site Walk, Monday, May 7th at 6pm. Anyone wishing to carpool should meet at the Town Hall at 5:45pm.

ADJOURNED – 8:19 pm