



To: Planning Board
From: Lee Jay Feldman, Contract Planner
Date: January 4, 2023
Re: Vinegar Hill Entertainment Venue-Site Plan Review

I. Proposal

Vinegar Hill Performing Arts facility is seeking an expansion of the operation to include the use of the property for Outdoor performances including a Movie screen and concert stage. This aspect of the review comes by way of the Site Plan Review portion of the Ordinance under Section 10 10.2.1.1 which reads *“The one-time construction or expansion of any non-residential structure or building in excess of a total floor area of 1,000 square feet, or the establishment of new non-residential use involving more than 1,000 square feet of area, even where no buildings or structures are proposed;”*

The applicant is required to seek both a Building Permit as well as an Electrical Permit for the stage. These permits will need to be issued to the applicant prior to any use of the stage for outdoor performances.

The application also seeks to expand the uses allowed on the property beyond that of a Theater. They are seeking approval to include the uses as a Banquet Hall as found in section 6.5.1.11.

The applicant is also seeking approval under Article 9 Section 9.3.22 for the placement of 3 Mobile Food Trucks and Trailers on the site to support the activities noted above as well as other events throughout the year, approval of this portion of the operation is exempt under 9.3.22.2.b, however the remaining performance standards in this section which include 9.3.22.4-9:

4. Operational Requirements: All Mobile Food Truck and Mobile Food Trailer operations shall comply with the following standards:

- a. All Food Trucks and Trailers shall obtain and maintain a *Food Truck License* from the Arundel Board of Selectmen.**
- b. Hours of operation shall start no earlier than 7am and shall cease before 1:00 am.**
- c. Additional trailers and adjunct structures shall not be permitted as part of the operation.**
- d. Mobile Food Trucks and Mobile Food Trailers shall operate as self-contained units, carrying all potable water required for operation on board and storing all liquid wastes and gray water on board. No wastes shall be discharged onto the ground or into a private septic system.**
- e. Mobile Food Trucks or Mobile Food Trailers may connect to a hardwired electrical service receptacle installed by a Maine-licensed electrician, approved by the Arundel Code Enforcement Officer.**
- f. No amplified music shall be played at any time.**
- g. Sales shall be limited to food and non-alcoholic beverages.**
- h. The Mobile Food Truck or Mobile Food Trailers shall be attended at all times, during hours of operation.**
- i. The operation shall provide appropriate trash and recycling receptacles for customer refuse and all trash and recyclables shall be removed from the operation at closing.**

5. Seating: Outdoor seating may be provided at the Mobile Food Truck/ Trailer site for no more than 16 persons. All seating must be anchored or of sufficient weight to prevent tables and chairs from being displaced off the site or into streets, driveways, and parking areas.

6. Off-street Parking: One (1) parking space per 3 customer seats with a minimum of three (3) parking spaces for every food truck/trailer. All parking spaces shall be constructed in conformance with the design standards of Section 5.12 of the Arundel Land Use Ordinance. Food trucks and trailers that serve as an ancillary use to an existing business with adequate on-site parking are exempt from providing additional parking spaces.

7. Signage: All signage shall be painted or permanently affixed to the body of the truck / trailer or located inside the vehicle for public viewing. No signage shall be located above the level of the roof. Digital signage is not permitted nor is any signage with flashing lights or moving images/characters. One sandwich board sign meeting the definition in the Land Use Ordinance may be permitted.

8. Lighting: There will be no exterior lighting permitted on the site, excepting illumination in the inside food preparation area and on the menu. A single battery powered light may be set on each serving table.

9. Permit Required: Excepting those exempt operations specified in §9.3.22.2, all proposed food truck/trailer operations must first receive an Administrative Conditional Use Permit from the Staff Review Committee in accordance with procedures specified in LUO § 9.2

This process is coming forward currently as a follow up to the past 2 years under Covid protocol. Vinegar Hill provided arts entertainment outdoors to continue the operation. Now that life is getting back to normal, they want to continue to provide outdoor opportunities to expand the operation.

II. Completeness Review

In order to obtain the approvals for this expansion, Site plan review is required. As staff to the planning board, it is my responsibility to review the submission and make a recommendation to the board in order to assist with the issue of Completeness. Below is the list from Article 10 Section 10.5.2 Plenary Site Plan Review Application Requirements. All of the same submission requirements are also found in the Checklist used by the applicants and this board.

The applicant has also not provided the names of any abutters or Mailing addresses within 200 feet of the property as required on the Checklist.

The applicant shall file all designated application fees, as determined by the Board of Selectmen, and provide ten (10) copies of the following submission items:

1. A fully executed and signed Plenary Site Plan Review application
Submitted
2. Copy of property deed, option to purchase, or other documentation to demonstrate the applicant's right, title or interest in the property
Submitted
3. Proposed Site Plan, drawn at a scale not to exceed one-inch equals forty feet (1" = 40') or at a scale otherwise required by the Town Planner. Said plan shall be sealed by a Professional Engineer, Landscape Architect, or a Surveyor licensed in the State of Maine, and containing the following information:
 - a. Property Boundary Survey signed & sealed by a Maine Licensed Land Surveyor, showing bearings and distances of the subject property boundary(s), topographic elevations at a contour interval of no more than two (2) feet, location and elevation of all existing and proposed structures, site features and site improvements.

A Waiver has been Requested

b. Information Block containing location, address, Map-Block-Lot number(s) of the subject property, as recorded in the Town Assessor's Office, name and address of the applicant(s), and owner(s) if different;

Submitted

c. Approval Block providing space for the signatures of Planning Board members;

Submitted

d. The existing zone in which the property is located. In the event the property is divided by a zone line, the line shall be delineated and labeled on the Site Plan;

Submitted

e. Map scale, north arrow (True North), and date Site Plan was prepared including the date of any subsequent revisions made to the plan;

Submitted

f. Identification and location of all abutters to the applicant's property;

Submitted

g. The dimensions and layout of all building and zoning setback lines;

Submitted

h. Delineation of all existing and proposed public and private easements on or directly adjacent to the property;

Submitted

i. Location, dimensions, and layout of all existing and proposed built elements, including buildings and structures, parking areas, driveways, Town/State roads, sidewalks, fences, walls, steps, piers and docks, patios, swimming pools, and signage;

Submitted

j. Location of existing site features located on the property, including but not limited to existing streams, wetlands, drainage swales, tree lines, identification and location of specimen trees greater than eight inches (8") caliper, location of existing rock outcrops, and boundary of 100-year Flood Zone as defined by the FEMA Flood Insurance Rate Map for the Town of Arundel;

Submitted

k. Location of existing and proposed utilities including overhead telephone poles and/or underground cables, public sewer and water lines, gate valves, fire hydrants, dumpsters or waste receptacles, private septic systems and water supply wells;

Submitted

- l. Specification, layout, and quantity of proposed landscaping plant materials;
- m. Location, layout, and dimensions of all existing and proposed drainage facilities, accompanied by detailed drainage calculations signed and sealed by a Professional Engineer licensed in the State of Maine;

A Waiver has been Requested

- n. Location, specification, height and photometric data of existing and proposed exterior lighting.

Submitted

- o. Sight distances delineated on the site plan for all driveway and street openings and all easements required to maintain such sight distances in perpetuity shall also be delineated on the plan;

A Waiver has been Requested

- p. Soil Erosion Control Plan showing location, quantity, and specifications of erosion control devices and strategies to be implemented to minimize on and off-site sedimentation.

A Waiver has been Requested

- 4. Cost estimates for all proposed site improvements.

Submitted

- 5. Building Plans of all proposed structure(s) including interior layout, side, and front elevations drawn to a scale of not less than 1/4 inch to 1 foot.

Submittal of structural plans for the stage must be obtained from the CEO prior to the use of the stage this upcoming season. This is a Condition of the Approval

- 6. Schematic elevation of proposed signs, drawn to a scale of not less than 3/4 inches to 1 foot, and illustrating sign layout, lettering, graphics and logos, materials, color, and proposed illumination.

A Waiver has been Requested since no changes are proposed to the current signage.

- 7. Additional Submittals: In addition, the Planning Board may require any one or all of the additional impact studies and information to be submitted as part of the Site Plan Review Application:

- a. Fiscal Impact Assessment: Analyzing the projected fiscal impacts to the municipal service delivery system

- b. Traffic Impact Assessment: Analyzing the potential trip generation created by the proposed project and its cumulative impact upon traffic capacity of servicing public highways and level of service performance at off-site intersections.
- c. Groundwater Study: Analyzing the individual and cumulative impacts of the proposed project upon existing groundwater quality.
- d. Market Study: Prepared by a qualified market research firm and indicating the potential feasibility and projected success of a proposed use.

A Waiver has been Requested for a-d above

8. Other Information: Any other information requested by the Planning Board deemed necessary to make a reasonable and informed decision about the proposed project.

The applicant has submitted a Noise Mitigation Plan and noted that to comply with the Town Standards that Concerts will bend at 9:30 while movies that go beyond 10:00 will have reduced volume to comply with the Noise Standards

10.5.3. WAIVER OF SUBMISSION REQUIREMENTS:

I would also like to point out that while it is not a direct submission requirement, The applicant is proposing to have Auxiliary parking available off site for patrons. Article 5 section 5.12.1.4 requires the following when proposing offsite parking:

“4. Off-Site Parking: Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. If the parking spaces cannot be provided on the same lot as the principal use, the Planning Board may permit the spaces to be located on other property within 500 ft. of the main entrance to the principal use and a pedestrian walkway provides direct, off-street access to the principal use. Such parking areas shall be held under the same ownership or lease as the uses served and evidence of such control or lease shall be required. Arrangements for parking on leased land shall not be acceptable for meeting the minimum required parking provisions of this Ordinance unless the lessee is specifically given the option of renewing the lease indefinitely. (Amended June 14, 2000)”

The applicants Representative has verbally indicated to me that they will not be seeking offsite parking therefore if this application is approved in the future, the plan will need to be updated with removal of the note pertaining to the use of the Mann Vet Clinic parking.

III. Recommendation

The application is requesting several waivers that the Planning Board will need to discuss and vote on individually prior to find in g the application complete.

If a waiver is not allowed by the board the application cannot be found complete until the information has been submitted for the record.

If the application is found complete, the board should discuss the need for a site walk, and set the date for the Public Hearing.

Any Conditions placed on the approval of this application will be found in the Notice of Decision when it is appropriate.