

Appeal filed by Sylvia and Lynn Gray against the Planning Boards granting of a Conditional Use Permit for an addition to brewery production manufacturing space and business at Gneiss Brewing Company LLC 94 Patterson Rd. Limerick Map 53 Lot 6A.

Members Present:

Michael Carroll-Chairman
Kimberly Oliver
Steven Mclean
Kathy Ward
David Coleman

Public Present:

Lynn Gray-Appellant
Sylvia Gray-Appellant
Dustin Johnson
Richard Johnson
Arron Carroll
Craig Cakouros
Barbara Fifield
Edward LePage
Lloyd Burcham
Dottie Richard
Joanne Andrews
John Medici
Dean LePage
Wendy Thorne
Richardson
Denise Benton

Michael Carroll called the meeting to order with the recitation of the Pledge of Allegiance. He then stated the appeal was file by Sylvia and Lynn Gray in regards to Planning Boards granting of a Conditional Use Permit for an addition to brewery production manufacturing space and business at Gness Brewing Company LLC 94 Patterson Rd. Limerick Map 53 Lot 6A. He continued that all members of the board was present and inquired if there was anyone with a conflict of interest and Kathy Ward replied that she did have a conflict of interest with the Appellant, Sylvia Gray being her first cousin. Michael Carroll asked for a motion that Kathy Ward recuse herself. Steven Mclean made a motion that Kathy Ward recuse herself and Kimberly Oliver second it. With no discussion realized all were in favor. 5-0. With no other conflicts or bias Michael Carroll proceeded to the timeliness of the appeal noting that the vote of the conditional use permit was November 16, 2016 and the application for the appeal was submitted on January 16, 2017, which is 61 day, however, the 60 days, which is the rule to file an appeal, would have been on a Sunday, and the following Monday was Martin Luther King holiday which allows for the extra days making it within the allowable 60 days. He notes that they have had this precedence in the past where a Sunday fell on the 60th day giving the applicant 61 days. He asked for a

motion and David Coleman stated that based on the prior precedence, timeliness of the appeal has been met. Kimberly Oliver second it and with no discussion realized all were in favor 4-0. He continued with jurisdiction stating that the statute of the State of Maine provides the board jurisdiction and ask the board members if they had any discussion. Seeing there were no discussion Michael Carroll asked for a motion. Kimberly Oliver made the motion that the board did have jurisdiction to hear this appeal based on 30 A title 4053. David Coleman second it and with no discussion realized all were in favor 4-0. Michael Carroll continued with the next step in the process of determining standing. Confirming that the appellants were abutters of the property and Kimberly Oliver made a motion that the appellants did meet the criteria for standing as they are abutters to the property of the Gneiss Brewing Co. David Coleman second it and with no discussion realized all were in favor 4-0. He stated that it was a completed application and the fee had been paid. David Coleman made a motion that the completed application be accepted and Kimberly Oliver second it. With no discussion realized all were in favor 4-0.

Michael Carroll then explained that the Public Hearing portion would begin and the appellant would state their case first and the board would ask any question they have at that time. Next the subject of the appeal would present their case and likewise answer any questions the board may have. Then any rebuttals would be given at that time and then comments or questions from members of the audience.

Lynn Gray, one of the appellants, stated that he abuts the property of the Gneiss Brewing Co. and that the main reason for this appeal is the parking situation. He explained that watching the Planning Board meeting at the time the conditional use permit was granted that they felt the Planning Board did not address the issue for the parking for this business. He stated that a business should provide parking off the road and not on the road. He noted that he did have some sketches but has had three years to do something about the parking. He admitted that this was not something they wanted to do but it has become a problem for another neighbor's safety. He continued that he felt the Planning Board should have made parking a condition within the conditional use permit. **11:39**

Michael Carroll asked Lynn Gray to explain some of his experience with the Gneiss Brewing Co. regarding his appeal. He replied that he himself has not had too many issues because he is usually working when the events are taking place. He states that his aunt has had problems with them parking in front of her driveway and in general that hill is no place to be parking cars beside the road. He continued that when the snowflake event was going on he was at home for that weekend and cars were parked down around the corner on the opposite side of the road at the bakery and cars were parked up his way and anyone coming from Range E Road to Foss Road and anyone coming from Foss Road on Range E road onto Patterson Road you could not see around the cars until you were basically together. Michael Carroll asked if the bakery had cars parked in the road as well and Lynn Gray answered that they had. Lynn Gray stated that he thought it was just for the Snow Flake Trail and normally there was just two or three cars that come and go. He continued that he did not know if they thought about it or what, but they did let cars parked on the right hand side. They were over as much as they could get. Michael Carroll stated that they were not here to discuss the bakery. Lynn Gray continued that in the past, he let or Sues boy use his field for a car show and there were complaints from the neighbors on that one because they laid rubber when they left. He said that it did not bother him very much, but he was sorry that he let them use his field and they did that and the promised would not let stuff like that happen. He realized that it is hard to control it. He continued that the main reason for this appeal is by the zoning ordinance that they should have enough onsite parking to keep cars off of the road and they

have had three years to do it. With no questions from the board Michael Carroll asked Dustin to present his side.

Dustin Johnson asked if he was just opened to discuss the appeal or comments or both. Michael Carroll answered both. Dustin Johnson continued that they completely understand the comments that were made during the original Planning Board Hearing. He felt they had spent quite a bit of time discussing that they are expanding their parking lot, actually it is more their driveway, with that comes being able to push out both sides of the driveway to create upwards of 40 spots for parking on the diagram that was submitted to the Board of Appeals. He continued that they had been waiting on that diagram as they were waiting to have that done a little more professionally. He stated that it is to scale and is drafted. It does fit 40 cars if you run the parking show yourself as in himself standing out there parking cars or somebody the like. He explained by ordinances parking spaces had to be 200 square feet and at least one 10x20 foot spot. Based on ordinances and square footages, this is normally just based on retail space, but if you take into account the entire square footage the current facility which would be about 4000 square feet ordinances say they would need about 15 parking spaces. They would meet if they expand the 40 tighter spaces they could easily get 15, 200 square foot spaces in. He continued if you could picture 200 square foot spaces which is about the size of this rug in this room which is a pretty massive parking space, but is code. He stated none of that really came to light in the original Planning Board meeting that was just on research of his own accord figuring out where exactly he lies in all of that stuff. The rest of the Planning Board they talked about expanding their parking area to accommodate some of these issues. 16:51 They realize that parking on the street is not optimal and they utilize the street a couple times a year for a couple of events that are done at the brewery. They realize the biggest concern, and was on oversight on their part, they did not take this into account as best they could. However, the parking did extend around the hill. Sylvia Gray brought that up and is a very worthwhile point. It was address at the Planning Board meeting and they plan on buying 500 parking cones and cutting off all of that. There will be no parking past the brewery heading towards the hill because it creates a blind spot and is a dangerous area, there is not a lot of room etc. That was address at the Planning Board meeting as well. He continued, as far as the parking and addressing some of the aspects of the appeal and Lynn mentioned it also. There was talk about parking on both sides of the road. He stated that this was relative news to him, during the events they put up signs up on the drivers right hand side of the road for no parking. That's for the majority of the bakery, the Wright's, June the Richardson's etc. live so they put them up to protect people's properties and keep them away from that, as well as you can't park on both sides of the road. He continued that it is not a great way to approach things and try to nix things as much as you can when it comes to parking decisions and often times they are not great decisions. By doing that they have a great line of sight. To that fact there was a sheriff moving around on October 8th 2016 which was the 3rd anniversary event which he was actually out in the road at the time the sheriff was moving around. He states he was checking on the parking and was completely on one side of the road. He went on to say that he watched the sheriff for a little bit and then he came up the road gave him a wave and kept on going. The sheriff did not stop to talk or to say there was an issue for rescue or clogging of the road or anything of that nature and he assumed he would have if there was an issue. He said they try to do their due diligence. He states that this is happening two to three times a year. He went on to say that Lynn Gray brought up a great point regarding the Snow Flake Trail. They did not take into consideration that the bakery was going to be operational at the same time with a lot of people moving around. If you don't control that scenario and obviously the brewery being on the same trail with it being the larger business they should go out and

put their signs up and deal with the parking on that end because if the bakery is overloaded with people and the brewery is overloaded with people and moving all around all of sudden you have cars and a bunch of scenarios and he stated that he understood this as well. He continued that the primary point with the expansion and proposed conditional use they will be adding a U shaped driveway which will alleviate any trucks being on the road trying to back into the facility. They will be able to drive in one way and then back into the facility. It adds parking on numerous locations that they have currently as well as adding an entire set to the new proposed driveway area. The driveway ends up being one way at that point, which is nice it will be pull in pull out. The pull out is on a straighter section of that road, so again you get a better feel for things. They have never really had any issues with people pulling out of the parking lot driveway area. He states that they have never had any comments towards them that it could be dangerous or was dangerous or they almost go hit or what not. He mentions that it is not an incredibly busy road to begin with. He does understand that at certain times of the year that could happen. He states they are doing their due diligence to alleviate those issues and park everything that they can inside of the facility. At this point Kimberly Oliver asked when he thought he would complete the driveway. He answered that the driveway is conditional on the expansion. He states it would be the first thing being done as they need access to that location, they have topographic surveys to complete and along with that comes the engineering with the architecture etc. All of this is dependent on being granted a conditional use permit. He states that these things all cost tens of thousands of dollars and they will not go forward with anything until they are granted the permit which is why he applied for it about a year before getting things rolling because he did not want to spend time and money getting a facility going and then come to the town and say this is what he wants to do and have that shot down and all of sudden he has a couple of hundred thousand dollars just washed away and have a house that is not conducive with living in. Kimberly Oliver then wanted clarification that they had not been granted the conditional use permit yet. He answered that they had been granted the conditional use permit, but because of the appeal they had not moved forward with anything at this point. He continued that the driveway is first and foremost because they have topographic surveys to be done along with architectural plans to be completed for the building. He stated that when they get through all of this, depending on how it all shakes out they would hope to begin the process at snow out, or by the time the load limits are lifted and begin getting some trees removed and then the driveway put in. Michael Carroll asked Dustin if the map had ever been given to the Planning Board. He answered that when he originally went to the Planning Board there were questions regarding parking. It was put on the plot map, however, when you scale all that stuff down you get a driveway that is this big, (showing with his fingers the size it may look) it doesn't give you a sense of what is really going on. He continued that he did not enlarge it at that time because this design was mostly in our heads and we were just going for the permit before we began diving into these more time consuming projects. He stated that it was verbally talked about as well as being a very small drawing on the map. Michael Carroll wanted to make sure that he stated that they did have a site walk on the 6th of February, all the board members did attend. He then asked Dustin if he had a copy of the map that the Gray could look at. Dustin gave the Grays a copy to look at and explained it to them. Michael Carroll also stated that at the site walk Dustin talked about satellite parking at some other location. He answered that they had discussed with people regarding leasing their property and possibly running a shuttle for events where overflow would be needed. 25:23 Michael Carroll asked if that was something in place or in the process and Dustin answered that it was being discussed at the moment. He stated that it was not finalize and he felt it was putting the cart before the horse at this time, but there are a couple irons in the fire. Steve Mclean

asked Dustin if he was approved his conditional use permit without the parking lot and Dustin answered yes he did. He went on to say that what he did was scale it up so it could be seen how many parking spaces there would be and what it was going to look like. He clarified that it was his drawing and his interpretation of how he would like it to look. Steve Mclean reiterated that he was approved the conditional use permit without having to provide the parking lot expansion and Dustin answered that he did it because of the appeal. Dustin then stated that the Planning Board had an informational hearing regarding this and he discussed in more depth what they planned on doing and presented that to the Planning Board. David Coleman stated that if they were to remand it back to the Planning Board stating that you would provide a 16x86 parking lot is that something he would agree to do. The other members did not feel that they would have to remand it back to the Planning Board. Steven Mclean stated that the scope of the Appeals Board is to strictly discuss what was appealed unless the board voted to hear the whole 16 conditions again, but they had all been approved and were not part of the appeal. They agreed that they could add to his conditional use that he already has if they chose to, but could not subtract. Michael Carroll stated that he presented this to the board and Steve Mclean again stated that it was not submitted to the Planning Board. Michael Carroll stated that it was the Appeal Board job to take information. Dustin continued that in regards to the car show the whole thing had been nixed immediately afterwards. He stated that he was not pleased with that. He went on to say that everything went smoothly up until the end. He stated that he probably should have talked to the Grays as well. He again stated that everything was great until the end and then someone said let's burn some rubber and that did not stand well with him and it will never happen again. Steven Mclean stated to Dustin that he had sent a document to the Appeals Board that read 50 cars were parked on one side of the road at the October 8th event and asked if he thought he would have more than 50 cars. Dustin answered that was the discussion for the satellite parking would be. He went on to say to that end the town slash and a lot of this is being a good steward of the neighborhood and the town and everything else. He states again that they have tried to do their due diligence to be good neighbors. They do not want to become what other small breweries have become over in Lyman and a couple of other places where it is a different sort of scene. He states that his brewery is a very family oriented place, and anyone that has been by, particularly in the summer time, that there are little children running around its just families. He continues that there are no ordinances for parking on the road for the town it is a little lax on that end. So if there is some overflow, this is kind of where his discussion leads to where they are going with that. He gave an example, if he had 40 cars in his lot and he had to put 10 in the road is that going to upset everyone and get the sheriff called or report it to the town or whatnot. What if he had 15 cars on the road, but tried the best to have offsite parking in general obviously that nixes the whole thing. With nothing on the books with the town as far as the parking we walk a gray area. Steve Mclean states that except this is a conditional use and a condition could be put on. Dustin agrees and continues that that is what he was leading into leaving this as defined as possible so that they do not have these issue down the road. Michael Carroll states that there are other businesses in town and some have conditional uses and some do not. They have events, not every day, but there are events and they get pretty big and are parking on the road too. The board would like to minimize that as much as possible. Dustin states that this is a couple times a year that they have this overflow into the road it is not every weekend or every day. He states the times he can think of is around July, October and the Snowflake Trail, so cumulatively it would be about 4 days so it would be like an extended Maple Sunday sort of thing. He stated that he did not want to tie himself down for 4 days when similar people have similar usages and for a weekend they park cars in the road. He continued that if they could find a way to do it with the best intentions,

again putting cones up making sure that nobody parks on that hill. Limit the parking to certain sections out in front of his land, a little further and then we go to satellite parking that sort of scenario or we all just try to do our best. That is what we were trying to do and obviously there have been a few mistakes there and I can admit that. Steve Mclean states that if he were to increase this he would increase it by 30 more than what you had, because the other day when we were there, there were 7 or 8 of us there and that was about maximum with the snow. Dustin stated that with the snow they fit about 15 cars in there right now. There are probably about 6 or 7 technical places.

With no other questions from the board to Dustin at this point, Michael Carroll asked Lynn Gray if he had a question and was it directed to Dustin or to the board. Lynn Gray stated that it was towards Dustin and the board. Lynn stated that Dustin had mentioned putting the cart before the horse and he thinks the parking issue is part of that. He stated that he looked up the zoning ordinance for the Town of Limerick, he did not know if it was old or had been changed. He found it on the Limerick Website. He read from the zoning ordinance, "Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business." He stated that he thinks that it states right here that it shall be there, doesn't say anything about testing it out for 3 years and then doing it. He continued to state that the way the Planning Board did it, it essentially gave him another 3 or 4 years to do anything they want to without putting parking in. He wasn't sure if the Planning Board was supposed to check later or if the CEO was supposed to check later, but there is nobody out there checking to see what is going on and that was a concern. Steve Mclean asked Michael Carroll if that is in our zoning ordinance and Michael stated that it is and it gives the minimum of 200 square feet of space. Dustin Johnson stated that based on that they would need have 5 parking spots with our current facility. Michael Carroll stated that is based on the current facility as it stands and asked if that include production space and everything. Dustin answered that is the footprint of the building. He added that if it were just retail it would be 2.5 spots. Michael Carroll explains that ordinance gives a little more detail regarding the parking spaces. He mentions again the other businesses in town that customers park on the side of the road and admits that he is not saying that it is right, but it is the way that it is. He clarified that he was speaking for himself and not for the board and that his issue is safety on the road.

With no other questions from the board for Lynn Gray or Dustin Jonson, Michael Carroll opened it up to questions or comments from the audience. **35:31**

Richard Johnson he asked if he is to understand with that ordinance if the ordinance means, every business in town when there is an overflow, can't have it. So therefore Snowflake Trail time, Maple Sunday time all those days all those little businesses they can't park on the road. He stated that if one business has to do it they it will open up a big can of worms.

Arron Carroll, Planning Board Chairman, stated that he knew Dustin all of his life and what he is stating is against him. He stated that he felt the board may have made a few mistakes. He noted that the Gray's may be thinking that these little events could turn into an every weekend event and it could turn into a real problem. He wished that the Planning Board had imposed a condition that the brewery could only host 2 events per year, one of them being the anniversary event and one other event, where parking would potentially overflow into the road. He pointed out that parking on town roads at this point is a privilege. There are some businesses', for example, Maple Sunday that are allowed in Residential Farm

and Forest are permitted businesses that can legally exist and the Gneiss Brewery is a conditional use, which is a different case. Kimberly Oliver commented that she does agree that a conditional use permit is for a business that is allowed in a zone that is not zoned for businesses unless certain conditions are met, however, even in permitted zone the businesses must be vigilant with regards to safety and parking on the roadways. Arron Carroll clarified that what he was saying is that with a conditional use the Planning Board has the authority to impose conditions, where a permitted use is a little trickier. He stated that the Selectmen could post areas to say no parking and strictly enforce it so it is a privilege.

Craig Cacore stated that the Grays property is between the brewery and his house. He states that they hear the sound of the music coming from the Northwest, but it is not a problem and says that he has a nice place there. He goes on to say that this is a residential area and would like to know why there are businesses popping up all over Patterson Road and how is this going to affect his property value. He states that the parking on the road does not bother him and admitted he was the guy who complained about the car show. He stated that he purchased this property from Carlin Gray because it was in the middle of nowhere and that he has a 4 1/2 daughter. He was fine with Bob Richardson, who lives at the end of Patterson Road, being the Road Commissioner, he is used to the trucks and it means the roads are being plowed. Now he is hearing about all these businesses expanding, and parking lots. As Aaron said, and I don't very often agree with Aaron on things, he is a former student of mine he is a great guy, but like he said what's next. If we allow conditional use for these events, when are these events going to turn into overnight. We already have at the end of Patterson Road some big, it looks like a commune down there where they have some sort of fest. If no one knows about it then no one is going down Patterson Road much. He states that he does not usually get involved with this stuff, but the cars are traveling too fast on that straight away from the corner of Foss up until the hill by Richardson. He states that he is going to break someone's window, because if his child, dog, or cat get run over because somebody is not patrolling, when they have not allowed that place to become too business friendly, there will be hell to pay because he will be the guy standing there complaining constantly. He further states that he has nothing against the brewery, but questions if it is going to turn into a bar, because it is alcohol you are talking about being served up there. It is not eggs at bakery, and it is fine when it is once or twice a year, but is concerned that it will develop into more often and will someone go through his front yard. He again states that it is not a business area it is residential. He states there are enough business down here that are empty why can't businesses be moved down here. He also wanted to know why he did not know about this hearing, he had to find out from a little blurb in the paper and then found out the conditional use permit was granted in November 2016. He wanted to know why the neighbors did not get a letter and was wondering if they had to read the Smart Shopper. Michael Carroll corrected him that this is the Board of Appeals not the Planning Board. Craig Cakouros answered that they were here because this happened and he was not even aware of it. Michael Carroll stated that he understood that, but that he was tying it all in together with the Appeals Board. Craig Cakouros stated that he felt they would need to hear from more than just the abutters and the neighbor across the street and that he has a family. Michael Carroll asked if he abutted them and Craig Cakouros answered that he abutted the Grays. Michael Carroll stated that he was not an abutter that is why he did not get any notification. Craig Cacore asked them to suppose the abutting land was a 500 ft. x 100 ft. piece of land shouldn't he have the right to know this. Michael Carroll explained that all the direct abutters received notification from the Board of Appeals and they had. Anyone else would have to rely on the public notice in the papers and placed in 3 places in town, which is how it is done. Michael continued, speaking for himself and not the board that the businesses popping up is the reason why they have a

conditional use ordinance, which was voted on by the townspeople. The townspeople have told us that it is okay to have a business in the residential zone with a conditional use. He also stated that he could understand Mr. Cacore's frustration, but this had been voted on by the people and the Appeals Board can only do what the people tell them to do. Craig Cacore stated that he is the one that stormed up during the car show going crazy because they were peeling by his house. He stated that Dustin had commented on the Sheriff checking it out, but this was the first year he had seen the Sheriff. He felt they need to get out and not just cruise through. He did admit that he saw the signs that read "do not park on this side", so slap the ticket on them. He went on to say that there needs to be other people checking and being proactive. Michael Carroll stated that once the conditional use is granted then the enforcement goes to the CEO. If there is an issue with the conditional use, such as parking on the side of the road, a complaint should be made to the CEO, he then goes out to investigate and if there is an issue the CEO will then act upon it. He assured him that there is enforcement so that if someone is not abiding by the conditions, there are steps to be taken to investigate and take care of the matter.46:04 Craig Cakouros asked his how this would affect property values when these businesses pop up on abutting land or residential areas. He wanted to know what affect it would have on his value if he wants to sell to another family and there is a good size business there and another one going in because there are a lot of empty fields there. Michael Carroll reiterates that everything goes through the conditional use process and there are safe guards in there, but said would not say that it won't affect property values, but there are 16 different conditions that applicants must go through and meet. He again states that it was voted in by the people so if Mr. Cakouros does not like the way it works he suggested he get involved and change it.

Dean LePage want to clarify for the audience that he believed that is in the Residential Farm and Forest and not the Residential zone and in the zoning ordinance for the Town of Limerick there are different businesses that are permitted in Residential, Residential Farm and Forest, etc. He also wanted to mention that 20-25 years ago when that land use chart was developed there were 6 or 8 months of public hearings and input on how the town wanted it to look like and the conditional use permit was voted in by the town's people and on that land use chart the board and the people decided that they were okay with these certain businesses in these zones. Some of them with the conditional use permit which gives the town some control.

Michael Carroll asked Lynn Gray about the parking ordinance he mentioned and looking through the ordinance to find it and the one that was found it may not be the same one that Lynn Gray was referring to, but right in the beginning it talks about the business district and then it goes on, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business. He states that if Lynn Gray can find something different, but this is all the board found. It is mentioned in the business district alone. Lynn Gray said the wording says shall. Michael Carroll agreed.

Howard Burnham stated that he had spoken at the last Planning Board meeting regarding this project and he wanted to assure that he was not at all against the brewery. He stated that he was against the process. He asked David Coleman if he remembered when he put his Golf course through, because he was on the Planning Board at that time. He continued that at that time he had a building going up 780 square feet and the Planning Board made him put in 45 parking spaces. And after that every other course that he put in he had to put an additional 45 parking spaces in. He now has 3 courses and now

he has parking for over 150 cars. He stated that not everyone is being treated the same when it comes to the zoning ordinance. He wants to see everyone treated the same.

Barbar Fifield stated that she is on the Planning Board and that she took a few notes when she reviewed this conditional use hearing and there were 3 things that were supposed to be supplied to the Planning Board by Mr. Johnson. They were supposed to be given a deed, which did not come with the original application, a revised site plan because it was not adequate, and the 3rd thing was a written plan to talk about how overflow parking would be handled. She stated the last piece was not given to the Planning Board. When she saw that there was going to be an appeal she began to read the ordinance and if looking at the Land Use Chart, his uses are retail, because he does sell alcohol on site on occasion, he is also a wholesaler because he has big trucks coming in and picking up his tanks and delivering them to retailers. He is also a manufacturer because he is a brewery. If you look at the Land Use Chart and check the conditional use requirements, there are no conditional use requirements for those 3 land uses that specify parking. There are 2 footnotes, numbers 3 and 4, which have been attached to a few of the conditional uses in the ordinance on the Land Use Chart and these are excluded. They do not have parking requirements for retail, wholesale, and manufacturing. She pointed to Lynn Gray and stated that he referred to the business district and Michael Carroll had just pointed this out. She went on to say that there are only 1 or 2 other places in the ordinance and do not relate to this application. She went on to reply to what Mr. Burnham had said about precedent and having some consistency in this town, she feels that it is very important. She stated that if Mr. Dustin would produce a proper parking plan for overflow parking in writing that is equitable or fairly done for people in the community and they are acceptable to that plan, then that it is the way it should proceed. By ordinance it really cannot be done by precedent and then an additional requirement that the conditional use could ask for from the Planning Board or the Appeal Board.

Eddie LePage stated that he was a neighbor and he drives that road seven day a week. He said that he could not agree with Craig Cakouros more, but it is not the brewery it is the Line School. People going to the Line School are creating all the traffic and they are finding all the short cuts. First it was the Range Road, all of a sudden they started putting a police man there once in a while. Okay let's go the shortcut. That's what causing the traffic, it isn't the brewery causing all the speeding and stuff by the house. He stated that he goes down there now and again, they have a great business, the parking, I said the only time there is an overflow is when he has his little parties and get together. Friday night you go by there and the cars are parked in there, it's quite there is not a bunch of noise, there are no people parked on the road. There opened Saturdays until noon, I go by that time of the day, everything is copasetic. It's all good there are no cars in the road, people aren't peeing out of there, and people aren't speeding out of there. They keep a good track who is going in and out of there and how people are and stuff like that. He continued to state that we can't beat down business. He stated that he is a hunter and I have lost more land now because of businesses. We need businesses in town, and in the state, that is what brings revenue. You have young people who are trying to start a business. It would be good if you could all of a sudden have a million dollars and boom you could make everything in the world that you need, but we have to make things happen as they happen. The 3 times a year that he does have overflow parking, I've seen people out there that put signs up and they read them like they do the stop signs and the red lights and everything else. If they want to look at them they will, if it convenient for them to get out and park there. I've even seen patriots say you can't park there in front of a sign. People kind of look out for everybody and it is one of those things that you have to go as the times go. You just all of a sudden one

day have everything going to be the way it is. He stated that he thinks they are doing a good job and I do understand these people and have known these people my whole life and understand their concerns and hope that we can work this all together so that everyone can get what they want and keep everything on the up and up. He went on to say that they are all neighbors and they all at one time or another will need each other. He stated that he likes to wave to people and sometime they wave back and sometimes they give you a high five. He reiterated that he would like to see it work out for everyone involved. Michael Carroll asked Eddie LePage if he only saw the parking on the road is when the brewery has the special events. Eddie LePage answered that there is some overflow parking but and went back to everything else, Maple Syrup Sunday. Michael Carroll said they are just looking for evidence of what is happening. Eddie LePage stated again that he goes by every day of the week. He has a white van and a black pickup truck. He suggested to start posting some of the speed limits down to 35 miles per hour. Michael Carroll stated that he could appreciate that, but are getting a little off track.[57:51](#)

Lloyd Burcham spoke in favor stating that having seen the business and having patronized the business he believes that it is a very good thing for the Town of Limerick. He felt that as long as he has the adequate spaces that are required for zoning and the Planning Board, he has submitted that plan and is ready to move forward with that. He also stated that he thought too much emphasis is placed on the overflow parking from the stand point that if the town feels that is a problem then posting the road as far as restrictions on corners could be an option and advocate when there will be a function taking place where more parking is expected and also ask law enforcement for extra patrols. This would not be unreasonable and he believes that has been done. He states that he lives in West Limerick and he believes that Limerick needs the business. Steve Mclean wanted to clarify to Lloyd Burcham that the Planning Board did not ask him about his parking when he received his conditional use and the parking plan was submitted only after the appeal had been filed. He also wanted to clarify that there were 3 things that were not answered. He continued that the Planning Board should have requested that he return with the information that he did not provide. Lloyd Burcham admitted that he couldn't say that it was a moot point, but the plan has now been submitted and they are trying very hard to follow the guidelines that are set out by the Planning Board. Steve Mclean reiterated that if they Planning Board had asked Dustin Johnson to provide the information, it would have been finished.

Lynn Gray asked Barbara Fifield to repeat the 3 things that were not applicable to this business. She answered that it was wholesale, retail and manufacturing. He addressed the events stating that this was the issue that he had. He wanted to make it clear that he was not trying to shut Dustin's business down. He enjoys the people and have known Dustin's folks for 40 years, and admits that he does not know Dustin very well, but it is the parking issue and the procedure that he wanted addressed. He wondered if the Planning Board was looking at this thoroughly in regards to the zoning ordinance. He states that one member of the Planning Board is all over the place when it comes to the parking. He explained that the Planning Board member stated that he did not think the board should require Dustin to cut down any trees and felt that he had enough parking and if there is any overflow to park beside the road. Lynn Gray felt that this is a poor attitude for a Planning Board member. Michael Carroll stated the towns zoning ordinance may not be the best, especially when it comes to conditional uses and parking and that each conditional use needs to be reviewed case by case according to each business depending on the type of business. He again wanted to clarify that this was his opinion. Dave Coleman stated that Barbara Fifield did bring up a good point that there are footnotes in the zoning ordinance for certain

businesses. He gave an example of a lawyer's office at that site according to condition 2 it would require a 200 foot parking space based on the square footage of the building, however for retail in that same area that is not a requirement. He states that the Planning Board has tried for the past 20 years to revise areas of this chart and sometimes it goes and sometimes it does not. He admits that these types of things point that out so when the ordinance is reviewed it can be put in there but does not keep happening. Lynn Gray stated that the Appeals Board members all attended the site walk and was wondering what their thoughts were, and reminded them that they have not seen the cars parked beside the road and would have to visualize it. He stated that if you were coming from his aunt's driveway that you could not see in either direction and would have to inch your way out until you can see clear enough. He reminded them that Eddie LePage stated that the cars travel that road 50 or 60 miles per hour. He continues that in the winter time with the high snow banks that it is even worse. He felt that this is a real concern and it is a matter of procedure and in his view should have been addressed the night the conditional use permit was granted. Steve Mclean asked Lynn Gray if he thought the new plan that Dustin Johnson presented would work. Kimberly Oliver wanted to reiterate something that Dustin had said earlier that he did not have the full size scale drawing but he did have a smaller drawing that was part of his packet. Dustin stated that even though the drawing was much smaller it had been addressed and he was unaware that because it was not asked for the conditional use that he should have provide a blown up version. Steven Mclean replied that technically it was not requested by the Planning Board so Dustin Johnson did not know he would have to provide it. Kimberly Oliver wanted to clarify her statement that he did provide that information and it is being stated that he did not provide the information. Michael Carroll stated that he would like to come to an agreement with all parties involved. He continued the best plan that could be made there would still be a car in the road. He does not feel that it could be guaranteed that this would not occur, however the board can do the best they can with what they have to work with and with the plan Dustin Johnson has provided has 40 parking spaces and is also working on satellite parking. He noted that at the site walk his parking was small, but his business is small as well and his plan is expanding his parking from 15 to 40 parking spaces. He went to say that if he gets the satellite parking off site instead of parking in the road and when he holds the events he needs to be sure no one parks on the road. Lynn Gray wanted to clarify that it is not happening at this time and he had 3 years and is just now addressing the issue. Michael Carroll stated that to be fair to Dustin Johnson he has not expanded his business yet either. Lynn Gray reiterated that he is already holding the events and has been for 3 years and no one went out to see if there was adequate parking. He was adamant that it is happening right now and that there is an event coming up in a couple of weeks and there is a northeaster expected and the fields cannot be used for parking unless they hire a bulldozer to remove the snow. Michael Carroll states that he already had a conditional use permit before this more recent permit was granted. Lynn Gray stated that the parking was not addressed on the permit either. Michael Carroll realized that, but stated that they must now move forward and address the issues at this point and do the best that they can. Lynn Gray pointed out that the board cannot see what is going on by a site walk they would have to see it as it was happening.

Aaron Carroll stated that one of the things the Planning Board discussed was that the business was going to grow, but he did not expect to have a lot more onsite retail. That was one of the things that was considered when granting the conditional use permit. Dustin Johnson was basically going to increase production, but not necessarily his retail sales and that is what was discussed by the Planning Board. Michael Carroll recalled that he did state at the site walk his business was mainly production. Aaron Carroll continued that they had discussed his parking issue among other things for some time. He felt

that as far as his day to day operations are concerned there is not a problem in the world, but in regards to the special events these could be troublesome.1:11.09

Dustin Johnson stated that he found the meeting to be very informative on his end. He took a few notes that he addressed. One was that they may not have done the best job regarding the parking situation when they first opened, and thought that maybe they should have sent out letters to people, but that they are opened on certain days and they are very transparent and have an open door policy. He states that if anyone has a problem with anything to contact him by phone or email or visit the brewery any day during the week from 5 to 5 and speak with him. He does not wish to have any of these issues and he does understand the parking concerns, exactly why they are addressing it with the expansion. He continues that as Lynn Gray stated it has been 3 years and this was the first he had heard of these issues and if he had known it could have been nipped in the bud 2 years ago. He stated that they are part of the community and are stewards of what they do and do not wish to upset anyone. He states that he grew up there and his parents gave him this lot of land because he wanted to come back to Limerick and did not want to do it in an industrial park because the brewery industry is the number 1 industry in the state right now and overtook lobster this past summer. He continued that it is the biggest money making industry in the state and putting it in the location that it is it draws many different people from many areas and like the location because it is in the woods. He states that they definitely want to strike a balance to assure there is enough parking and keep cars off the road and keep everything safe for everyone that is around there. He states that they close at a reasonable hour so that the noise does not affect anyone around and they hold a couple of events that does have music but end those events by 5 o'clock. He believes that this is a reasonable time to end things because if he was a neighbor he would be fine with this. He continues that it is not their intention to have late night events and are strictly regulated by the alcohol bureau enforcement and the department of agriculture. He stated that he has government and state licenses and have regular inspections. It will not turn into a bar, it is a tasting room where people can sample and take their things home to do what they do. He explains that he has been part of restaurants and organizations that have gone under from not doing their due diligence for not shutting people off and not be smart about it and when he opened it there was a lot of reserve because of that situation, but you can do these things and you can do them intelligently. Michael Carroll states that it sounds like there are a lot of other issues that are happening on that road besides just the brewery. Dustin Johnson states that he wants everyone to work together to make this happen and do what right for everybody. He read a letter by Nate and Megan Chasse who own the bakery and could not attend this meeting because the storm is causing them to change their delivery schedule so he would like to read this on their behalf. He reads; To Whom It May Concern we are writing today in regards to the expansion of Gneiss brewery in Limerick. We recently learned of the expansion of via both Dustin and Allysa Johnson and have decided as residents of Patterson Road, Limerick we would like to offer our perspective in favor of Gneiss Brewery. We live at 79 Patterson, Limerick across the street from the brewery. We have found living over 3 years across from the brewery that our neighbors have been nothing but kind and respectful of our community. Gneiss Brewery has very limited hours and often those times go unnoticed even with us living in close proximity to the brewery. On the rare occasion the brewery has events on the property they are not loud or done by stated hours and patrons of the events are also respectful of the community. We also have noticed that Gneiss Brewery have also monitored their events closely in all details down to the parking and location are closely monitored as well. We are parents of 4 young children and would be the very first people to speak up if we felt there was a nuisance with the brewery on our street but we have no complaints and are proud to have Gneiss

as part of our community. We look forward to seeing Limerick grow and embrace local businesses in the community. (End of letter). Dustin Johnson continues that this seems to strike a similar tone with a couple of different people and is why he wanted to read it. He states that one of Megan's concerns is outside of the breweries operating hours that road sees some relatively fast traffic and Megan wants to attend a few public hearings about getting a speed limit sign posted on that road. He states that a couple of the people that live on that road are the ones that like to crank on it. If there is a speed limit sign maybe there will be a little more due diligence on their part. He agrees that this has nothing to do with this appeal, but it is just a suggestion. He feels that the bottom line is that they are addressing the parking situation whether or not the appeal is against the Planning Board or against himself, he states that maybe things were not discussed as in-depth as they should have been at the Planning Board meeting. He states that maybe the Planning Board should have asked him to return with the diagram of the parking space and maybe the diagram should be part of the conditional use permit in general, like the deed that Barbara Fifield mentioned. He states that is not mentioned anywhere in the conditional use permit process, didn't know that and nobody followed up with him. He did submit the deed after locating it. He continued that it is just a matter of transparency, if you want something all you have to do is ask. He states he is happy to do everything that he can and feels that they did their due diligence to fix the parking situation.1:18.04 He wanted to assure that the event in February is a private closed event. It is limited to the number of people and will park everybody strategically in their lot as well as any overflow into his parent's lot. He states that is the deal they with them and there will be no cars in the road and there have never been cars in the road in the February event. He states that they close it because if they have 60 feet of snow they cannot do it. The goal is, obviously the parking is contained and there will be no parking in the road. He promised that. Michael Carroll states the he spoke of 3 events a year, and Dustin Johnson agreed. Michael Carroll states the personally he does not want to limit it to 3 events a year and he asked Dustin Johnson what he felt was a comfortable number of the big events that he would like to hold a year without nailing him down to 2 or 3 events. Dustin Johnson stated that it would become a semantic as to what is called an event. He states that the Snowflake event is a 12 business weekend and not the Gneiss event and that is something that their parking would take care of. He reiterates that the February event is a private event and parking will not be an issue. Michael Carroll request to rephrase the question and asks about the events that have parking issues. He asks if Gneiss is part of the Snowflake Trail and Dustin answers that they are part of the Snowflake Trail, but it is not his event. Steven Mclean states that the Snowflake Trail is a town event that the town businesses participate and everyone would be exempt. Dustin Johnson states that they are not the only ones with parking issues at this event, but that his parking plan will take care of the parking for his business. Michael Carroll states that is what he would like to add a part of his conditional use is a number of events that can be held annually and asks if he has a number that he is comfortable with. He explains that he could change it if he wishes, but would have to go back to the Planning Board. Dustin Johnson acknowledges that he understands this. Dustin Johnson asks if he meant not including the Snowflake Trail and throwing out the February event anything other than those 2 events and Michael Carroll states that is what he was asking. Mrs. Johnson states that organically the business will grow. She continues that to limit their business and their livelihood to 2, 3 or 4 events and wants to know how that is fair. She states that they would have to do it across the board to every business and they will have a lot of fall back on that. She addresses Sylvia Gray stating that Sylvia talked about 5 events and said that has never happened. She asked Sylvia to go to the podium and comment on that. Dustin stated that he understood the circumstance of putting a number on it, however, the next part becomes

where do we draw the definition of an event and states it is very arbitrary. He states he could say 4 events and someone will call and say they had 5. Michael Carroll clarifies that he is asking for himself not for the board. Dustin Johnson then asks who and how enforces this. He continues that it takes him 4 months to deal with these things and they stress him right to hell out and these events are needed for them to make what they need to get through certain times of the year and he does not like doing them. He continues that he would say for on the fact of quarterly. Steve Mclean states to that extent that Dustin has already stated that at 5:30 any of his events are done, he would suggest to add any events would be over by 5:00. Dustin states that his regular operating hours are later than that and don't include music or massive amounts of parking. Steven Mclean states that the Planning Board did not include any hours of operation in their conditions. Dustin Johnson states that if they have hours of operation stated in their conditional use then they would have to state it in all conditional uses. Lloyd Burcham states that the limit on the events would be beyond the scope of what his appeal was based upon and reminds the board that the appeal was based upon the parking. He felt that Dustin and his wife are doing very much to try to comply and should not be restricted in their business from the essence, just because of the parking. They seem to be appeasing the neighbors and reminds them that they will never make everyone happy. Kimberly Oliver states that with conditional use permits if a business does decide to go haywire, any persons should go to the code enforcement officer and that code enforcement officer has the authority to revoke the conditional use permit and you would have to start all over again. Then she apologizes and says that it is not the code enforcement officer it is the Planning Board that would have to revoke the conditional use permit. Kimberly continues that this appeal was strictly about the parking and that the decision that the Appeals Board makes should be about the parking only and not in favor of limitations on number of events and number of hours or anything in that regard. She states that if things do get out of hand that abutters or other people in the town can come back to the Planning Board and the conditional use permit can be revoked and a business can be shut down just as quickly as it gets started. If anyone feels that they are not following their conditional use permit then there are mechanisms in place. Steve Mclean adds for clarification it is mentioned in the appeal regarding the events and the board has to go by the appeal. He reminded them that is what was done with CIA and the neighbors came in and everyone left the meeting in agreement of what was going to go on. He states that Dustin offered to include that the music will end by 5:00 and it is not like the board is putting something on him. Aaron Carroll stated that when the Planning Board voted on Dustin's application they did not specifically set hours, however they did state, based upon the information provided by the applicant at the public hearing, at the site walk and during the meeting and is answer we find this condition to be met. So his testimony stating that he was going to be open a certain number of hours and that he was going to be closing his events at a certain time is part of the conditional use and becomes part of a condition that was set. Sylvia Gray stated that Dustin had said they could be opened to him, she asked him if he ended his parking right where his lot ends and her lot begins and no parking is allowed onto her property or on the side of the roads and they can use their fields in the summer for whatever they want and he does not park cars there would please her very much. Michael Carroll was not sure what she was referring to and Dustin clarified that he could park cars up until her property and not onto her property is what she is asking and he says he will do the best he can and by technicality the town owns the side of the road. David Coleman wanted to know it this is the area that he spoke of that he posts no parking and he said no he posts so that all parking stays on one side of the road. Dustin Johnson felt that this request could be handled in a civilized fashion.

With no other questions or concerns by the board or the public Michael Carroll closed the public hearing and thank everyone and the board went into deliberations. (Did not transcribe deliberations) Steve Mclean asked Ron Phinney the code enforcement officer if there is anything at all in the zoning or any other research Ron has done regarding parking on the roads. Ron Phinney stated that the only thing he was able to find regarding parking on the roads was in regards to the village and that the zoning ordinance states with regards to the size of a parking area that it shall be a certain size and a parking space of 200 square feet for each square foot of business space and it also states that you have to have enough space for all of the parking that you will need. He clarifies that this means just because you have a parking space of 200 square feet per square foot of business space that is all you will need. You must go by the number of patrons you are servicing to keep them off of the road.1:41

Deliberations: Michael Carroll states that the board has the parking plan and the only thing that they really don't have is offsite parking and Dustin Johnson is working on that. Kimberly Oliver states the plan is for 40 parking spaces and Michael Carroll agrees that it is enough to cover anything that is in the ordinance as far as a business goes, but not sure if it is enough to cover all of the cars that are going to attend events. Kimberly Oliver states that Dustin Johnson said he had 50 cars at the last event he held. Michael Carroll asked if the board wanted to require him to have off-street parking. He states that this parking plan is not quite 3 times the size of the parking that he has at this time. Steven Mclean stated that he would like to see something with offsite parking to appease everyone involved. David Coleman stated that any offsite parking should be planned ahead. Steve Mclean wanted to add that there could be no parking on the road and Michael Carroll and Kimberly Oliver stated that you cannot tell someone they can't park on the road. Kimberly Oliver stated that she believes the extra 40 lots that Dustin Johnson is planning on creating should cover the events. Michael Carroll and Steve Mclean did not agree stating that the October event had 50 cars. Steven Mclean explained that the cars cannot park on the curve of the road and was hoping that he could put the extra cars in Dustin Johnson parent's yard. Michael Carroll stated that the conditional use is dependent upon his land and now we are going to try to tell him they will have to park off his land. He states that they do not have the power to control him. Steve Mclean suggested maybe Dustin Johnson could squeeze in 50 cars. Kimberly Oliver states that parking plan must be done. Steve Mclean states that if the Planning Board had asked for this there would not have been an appeal. Kimberly Oliver states that going from 15 to 40 parking spaces for day to day operations it will be more than enough and David Coleman agrees with her. David Coleman stated that they could add the condition that any parking from a large scale event that occurs that is beyond the normal business parking that arrangements are made with satellite location or expand. Michael Carroll states again that he does not believe they can tell anyone they cannot park in the road. Kimberly Oliver reiterates that this parking does meet the requirements for the size of the business. She also states that she believes he will do his best when he has an event that he will take care of the parking. Steve Mclean asks Ronald Phinney if there is anything at all in the ordinance about parking in the roads. Ronald Phinney stated the only thing he is aware of is the parking in the village only and the one thing in the ordinance that states how big a parking space must be and in one other place in the ordinance it states that you must have enough parking space for all of the parking that the business is bringing in to keep them off of the road. Kimberly Oliver stated the other option is to remand it back to the Planning Board and have them review the parking. Michael Carroll states that they cannot do that, they must do it at this meeting. David Coleman feels that the parking lot expansion will address 95 percent of the parking issue and feels if Dustin Johnson is willing to work with Lynn & Sylvia Gray and post the no parking in front of their property and hopefully with the help of the sheriff it will keep

people from parking on the road. He also stated that he is in favor of the parking lot as it is presented. Kimberly Oliver second it. Kimberly Oliver stated that as long as the parking lot plan is completed and Dustin Johnson makes sure that no one parks in front of the Grays and putting no parking across the street the parking issue has been met. Michael Carroll asked if the board wanted to amend the motion and add the wording into it as Kimberly Oliver stated. David Coleman amended his motion to state, Gneiss Brewing will agree to expand the parking lot as presented and create a no parking zone to abutting properties across the street and immediately to the right in front of the Gray's and June Richardson property. Kimberly Oliver second it and with no discussion realized the motion passed 4-0. Michael Carroll told Dustin Johnson that he would receive a written decision within 10 days. Michael Carroll clarified that this is a condition to add to the conditions of his conditional use permit. He then stated that they would need to make a motion on the appeal. Kimberly Oliver stated that the decision that the Appeals Board made regarding this condition would have to be sent to the Planning Board to add to Dustin Johnsons conditional use permit. Kimberly Oliver stated that after reviewing the appeal, with the parking lot extension as presented by Gneiss Brewing it meets the parking requirement. Steven Mclean stated that they are granting the appeal with modifications or denying the appeal with modifications. Kimberly Oliver stated that they have addressed the appeal by modifying the conditions of the conditional use permit and is basically the decision of the Appeals Board. Steve Mclean stated that they are granting the appeal with the 17th condition of the conditional use permit for the parking. Kimberly Oliver reiterates that they have addressed the appeal by adding the condition and Michael Carroll states that will be in the findings of facts and Kimberly Oliver agrees. They agreed that it was unnecessary to have a motion because they had already made the motion voted on to add the 17th condition.

Michael Carroll asked if there was any old or new business they had to address. Kimberly Oliver asked about the Appeals Board ordinance changes and Michael Carroll stated he had not finished it. Kathy Ward asked if they were going to put in if there is only one meeting per year when would this take place. Michael Carroll stated that it would have to be after March. David Coleman stated that the Planning Boards is worded, the first meeting after the annual town meeting. They agreed that they should meet at least once a year.

Kimberly Oliver made a motion to adjourn, David Coleman second it and with no discussion realized all were in favor.

Respectfully Submitted,

Laura L. May