

**Union Planning Board Minutes**  
**Thursday, September 14, 2023, 6:30 p.m.**  
**William L. Pullen Municipal Building Downstairs Meeting Room**

**Present:** Jesse Thompson, Gerald S. Brooks, Jr. (“Jerry,” Chair), Dale Flint, John Mountainland, and Robin Milliken

**Others Present:** CEO Grant Watmough, Katharine Lunt, Penny Dostie, Cameo Sampson, and others

1. **Meeting called to order:** 6:30 p.m. by Jerry Brooks.
  
2. **Site Plan Review – preapplication review to open a cornhole store and craft center at Map 6 Lot 6-2 on property owned by Bryco, Inc. (water bottling building on Mic Mac property):**

Jerry said before they begin, they need to discuss whether they are reviewing this as Site Plan Review conditions, Article 2, or as a Retail Business.

Jerry brought up whether or not this triggers Sight Plan Review. Grant said it might not, then clarified that because of Covid, re: just regular permits he’s been issuing – some people didn’t get them done in the timeframe needed, and he’s given them extensions because Covid messed up everything. He gave some latitude.

Jerry explained a Site Plan Review is more extensive and would require a public hearing, whereas Retail Business they could vote on this evening.

He confirmed with Penny (Dostie, of 661 Beechwood Street, Warren, ME) that they had a business in Waldoboro that is now suspended. She said they want to be in Union not in Waldoboro anymore.

Jerry said he would entertain any recommendations in terms of reviewing this application. He said they triggered Site Plan Review initially because of the square footage, confirmed by Grant. Existing use, conforming and nonconforming, would seek to expand by 1,500 SF within a five-year period. Re: floor space, parking area, seating capacity, or outdoor storage area, and the addition of weeks or months to a business’s operating seasons which exceed 20%, he asked is it expansion from Thresher’s original permit?

Grant said it is the same footprint. Kathy echoed there’s no expansion.

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In answer to Grant, Kathy said they would need exactly the same parking as on the map. Jesse said so the parking's going to be on the 17 side of the building. Kathy said she believed on both sides. Penny said they usually average 15 to 20 cars.

In answer to Jerry, Penny said hours of operation might be usually 11:00 a.m. to 10:00 p.m. or 11:00 a.m. to 9:00 p.m., noting most of the cornhole goes on at night. Jerry asked to see if there is any difference between this and the approval two years ago for Thresher's. He thought they had extended hours beyond that.

Kathy said most of the time Penny closes at 9:00 p.m. unless there's a game that goes over. Penny added they like to be out of there by 9:00 p.m.

Jerry asked for board recommendations. Dale wondered whether they need to go through Site Plan Review. John said other clients say no to the Site Plan Review, and he thinks it a tad excessive for what's being applied for here. Jesse agreed with John that Site Plan Review for this is excessive; if it hadn't gone through the whole thing it did for Thresher's, then he would say it probably needs to do that, but because it's already passed the sniff test it's probably good to go. Jerry said he was inclined to agree.

Grant said things like notifying the abutters, we did that for Thresher's and we had no abutters come in and be concerned about it. If we had then got a lot of people here saying, "We don't want this," then this (Site Plan Review) might be the right venue.

Jerry said they need to put this portion to a vote and then proceed from there. Grant said they are voting on to just review it as commercial under land use. Dale asked if it is a commercial change of use. Grant said it's enough of a change of use that it would require your review for parking and those kinds of issues, but that means the board could make a decision tonight.

Jerry said they were going to take a step back and referred to Retail and Wholesale Business (in the Land Use Ordinance), noting he had it all written up to go one way for the review, subsequent public hearings, and so forth. Grant said the planning board tries to review with some common sense, and that's where we are right now.

Jerry referred to p. 33, Retail and Wholesale Business. He confirmed they are selling retail as well. Penny said yes, they sell bags and boards. They are going to do like a craft night, a trivia night, different stuff. Kathy added they are also going to sell retail crafts.

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Initially when reviewing this application, Jerry said, they looked at Table 1.10.1, Allowable Land Uses, p. 17. They looked at 244, “Retail Business,” and 251, “Theaters and other indoor places of assembly and entertainment.” He said that all falls under p. 33 Retail and Wholesale Businesses.

Motion to change from a Site Plan Review to a Change of Use by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
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Jerry established no conflict or bias regarding the application, and a quorum. He read a summary of the application: Penny Dostie, owner of The Cornhole Connection, is proposing to establish a cornhole craft store and entertainment center featuring tournament and general retail sales at the property and building located on Map 6 Lot 6-2, the former water bottling facility on the Mic Mac Market property. He established the planning board has jurisdiction to review this (under the Land Use citations above). He established standing to apply and fees paid.

Penny said they would like to open it and hold tournaments two or three nights a week. They will do small crafts on a night as not everybody likes to do cornhole. She thought a trivia night might be fun. Eventually they will have beer and wine. Jerry confirmed they sell the sets (boards, bags, shirts). She said they do the skids on site but buy the boards.

Kathy said she has her beer and wine license now. Jerry confirmed with Grant that will need to come before the select board for approval. Jerry added that existed before but is not in the planning board’s purview.

Grant confirmed the applicants are aware there is a 2,000 gallon holding tank there, which has to be pumped fairly regularly. He also confirmed with Kathy that it has an alarm letting them know when it is full. Kathy also confirmed Interstate Septic will continue per Grant’s file, adding that the tank is easily accessible year round.

Grant said we reviewed this last time with Thresher’s, too: proximity to the school. State law says that you cannot serve alcohol within 300’ of a school. That is from their front door to yours. He measured it last time, double checked, and it is more than 300’.

Jerry referred to four items on p. 33:

1.10.3.25.1 Side and rear yard setbacks shall be not less than thirty (30) feet, of which not less than ten (10) feet shall be maintained as yard space – Not Applicable.

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1.10.3.25.2 No parking or outdoor storage shall be located within ten (10) feet of any lot line – Not Applicable.

1.10.3.25.3 All outdoor storage of material, goods, or vehicles shall be screened from view from adjacent residential lots as required for off-street parking and loading areas – Not Applicable.

1.10.3.25.4 Retail facilities in the Village District shall not exceed a ground footprint of two thousand five hundred (2,500) SF – Not Applicable.

Jerry asked for questions. Jesse asked if they would be serving food as well as beer and wine. Penny said yes, pub food. Jesse clarified his point of view, fire safety issue. Grant confirmed they would be cooking on site thus have to go to DHHS. Penny said it would be the same thing as in Waldoboro. Kathy said they purchased a fryolator, auto fry so a self-contained unit with no required Ansul, and a tiny pizza oven. Kathy added they would also send pizzas over from the store.

Kathy said Thresher's had been approved for food trucks and asked if they could have them also, for special events, etc.

Grant said it is up to the planning board, which can say "food trucks if needed" as with Thresher. Grant clarified that a food truck, if sporadic – say Union Farm wanted to have a food truck there for a weekend display of equipment, they can do that without anything from either of us (planning board or CEO). But if there's going to be a food truck there on a regular basis...

Dale asked how many people they expect at a tournament. Penny said the biggest tournament they've had was 32 people. They hope to get a few more at this location.

Jerry said re: the Pour Farm, they never did anything with a food truck but that was sporadic. Kathy said same thing. Grant said in our past the planning board has approved a food truck, he thought at Kathy's store, and over at what was Union Fair. He noted food trucks are self-contained, and incidental for the board to approve. Jerry confirmed they would not list that as a condition of approval in this case. Kathy confirmed with Jerry that Thresher's had long-term food truck approval.

Motion to approve by: John Mountainland

2<sup>nd</sup> by: Dale Flint

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Grant said he still has to issue a permit, a change of use, \$30 fee.

### **3. Approve minutes of March 23, 2023, April 13, 2023, May 19, 2023, and August 24, 2023:**

Motion to approve minutes of March 23, 2023 by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
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Motion to approve minutes of April 13, 2023 by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
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Motion to approve minutes of May 19, 2023 by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
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Motion to approve minutes of August 24, 2023 by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
4-0

### **4. Any other business by the board: None.**

### **5. Adjourn:**

Motion by: Dale Flint  
2<sup>nd</sup> by: John Mountainland  
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Meeting adjourned at 7:02 p.m.

Respectfully submitted,

Sherry Abaldo  
Secretary