

**PHIPPSBURG PLANNING BOARD**  
**PUBLIC HEARING – New Business**  
**Pangea Café**  
**206 Popham Road, Tax Map 45, Lot 55**  
**July 13, 2021**

**PRESENT:** Joshua Bate, Mark Hawkes (arrived after meeting began), Clifford Newell, and Marie Varian, Chair

[7:57] The hearing was held at the Phippsburg Town Hall and was declared open at 4:06 pm by Ms. Varian. She informed the public that the proceedings were being filmed and recorded. Ms. Varian introduced herself as Chair of the Planning Board, and stated that the purpose of the hearing was to consider the application of Patricia McLaughlin and Justin Valentine to open a café on their property at 206 Popham Road, Tax Map 45, Lot 55. She explained that the application would be heard under the rules and regulations of the Town's Land Use Ordinance. Business applications are under the permitting authority of the Planning Board.

Ms. Varian noted that the Planning Board was short one member, and she therefore appointed Alternate Ashley Thayer to serve, thus making full board of five members.

Ms. Varian then asked the members of the Board if any of them felt that they should step down from serving at this time due to a conflict of interest and, if so, their reason for same. No one came forward. Ms. Varian announced that, as there were no abstentions, all members present were qualified to vote.

Ms. Varian stated that, per rule, a quorum is any three regular or alternate members of the Planning Board. She declared that a quorum was present, and introduced the members present. Mark Hawkes was not present during the introduction, but joined the meeting during the discussion.

Ms. Varian then stated that, per Ordinance regarding a proposed new business, notice of this hearing was timely published in the *Times Record*, and posted on the Town's website and in several establishments around town. A public site walk viewing of the proposed location was conducted by the Board on May 2, 2021.

Ms. Varian stated that anyone wishing to speak will have an opportunity to do so. A speaker will please first give their name, address, and interest in the application. She asked the attendees to speak clearly for the benefit of the recorder. She then explained the procedure in which the hearing will be conducted:

- The applicant will describe the business plan, including showing visual aids, mapping, and so forth, if available.
- The Board will ask questions and make comments throughout the hearing.
- Abutters and other persons will ask questions and make comments.
- At the end of the discussion and after all parties have been heard, Ms. Varian, as Chair, will then close this portion of the hearing.

- The Board reserves the right to recall the applicant or any speaker for further information or verification.
- The Board will then deliberate the information presented from all sources to arrive at a decision of approval, approval with conditions, or denial of the application.

Ms. Varian then asked if there were any questions about the procedure. There were none.

Noting that Mr. Valentine was not present, Ms. Varian then turned the hearing over to Ms. McLaughlin.

[11:30] Ms. McLaughlin stated that they were proposing a small café/mercantile on a section of their land, offering an espresso coffee house, pastries, baked goods, soups, and more. Their business plan outlines providing artisan cheeses, breads, hand meat pies, quinoa/rice bowls, wraps, sandwiches, salads, and smoothies, etc. She stated that their goal is to provide wholesome breakfast and lunch options that would otherwise be difficult to obtain locally. They are also focused on Maine microbrews (bottles, cans, growlers only), as well as a limited selection of wines. Guests can buy food for takeout or consume on the property. They aim to have a maximum of twelve tables. They would like to sell handmade, vintage, and unique goods as well. They aspire to seek out locally sourced foods and goods as availability dictates.

Ms. McLaughlin stated that the applicants believe that the café design should reflect the neighborhood. Their proposed building has a nature center design theme, with windows to allow natural light, and a patio. They would like to provide live acoustic music on the back patio in the warmer months. They hope to bring communities together in a welcoming, warm environment, one they will feel comfortable returning to, again and again.

Ms. McLaughlin reported that they have received a commercial driveway permit from the state.

Ms. Varian asked if the Board had any questions.

Mr. Newell referred to Ms. McLaughlin's statement about the permit from the state, noting that they already had a residential driveway permit. Ms. McLaughlin said that they had the permit amended. Ms. Varian reported that the Board had a copy of this permit. Ms. Varian also reported that the Board has received a letter from the Road Commissioner stating that he has no objections to the driveway entrance as long as the applicants adhere to the State DOT standards.

Ms. Varian asked the applicant if she has proof of her abutter notification. Ms. McLaughlin submitted it to her.

Hazel Herrick asked how many house units the initial driveway permit was approved for? Ms. McLaughlin responded that she believes the permit was for up to five houses. Ms. Varian explained that the permit that was discussed at the site visit was for 5 house lots, as if it were a subdivision, but it isn't. That permit has been voided and the revised permit reflects the commercial use for the driveway.

Ms. Varian asked for clarification of the business name because different names have appeared in different forms. Ms. McLaughlin confirmed that the name of the business is Pangea Café. They do have an LLC, but it is not related to the café.

Ms. Varian reported that the Phippsburg Police Department told her that accidents and speeding in this area are not significant at the present time.

Mark Shuman noted that the business isn't there yet. He reported that he feels some concern that people coming from Bath will turn left at that spot into the driveway, and there is a curve immediately after that, so there will be a risk of people coming from Popham and driving too fast to stop safely.

*[Mr. Hawkes joined the meeting at this point.]*

Mr. Bate responded that at the site walk Board members noted that there is excellent visibility at that point, and the people coming from Bath have the longer view, several hundred feet of good visibility.

Steve Wyman said that he agreed with Mr. Shuman. He pulls out of his driveway every day of the week, going to work. That bend comes up quick. A suggestion was made that the speed limit should be reduced. Ms. Varian said that that might be a good way to address the concern, and they should look into it. It is not, however, relevant in the discussion here. The Maine DOT has approved the driveway entrance for a commercial property. This approval is what the Planning Board needs for their deliberations.

Ms. Varian asked Ms. McLaughlin to go over their desired hours. Ms. McLaughlin responded that they were thinking of spring-fall hours (May 25 to October 15) – 7:00 am to 7:00 pm Tuesday through Saturday and 8:00 am to noon on Sunday. Fall-spring hours (October 16 to May 24) – 8:00 am to noon Thursday through Saturday.

Ms. Varian asked if they were planning to have any employees. Ms. McLaughlin responded that they are not sure, but they would probably have two employees.

Ms. Thayer asked if there would be any buffer for the live music. Ms. McLaughlin responded that, per the ordinance, the music would be 150' from the nearest property line and it would be behind the building and tucked against the woods, with their house behind that.

Mr. Bate asked if they would have events there. Ms. McLaughlin responded that they haven't planned to do so, although they have thought about inviting local organizations, like Chewonki, to come and do a nature activity on the land.

Mr. Hawkes asked if the proposed building would be on a foundation. She said that, in the rear, there would be a room below the main floor of the building. The patio, on which the music would be played, would not be attached to the building, but on the land behind the building, which is below the land in the front of the building, where the business would be conducted.

Dave Gagliarducci, who lives at 219 Popham Road, asked Ms. McLaughlin if the land would be separated between the business and the residence. She said that it would, that the business would

lease the land from them. She was asked if she knew how much land the business would lease. She responded that it probably would be the minimum size required by the ordinance.

Ms. McLaughlin was asked how many parking spaces there would be. She responded that they estimate 10-15, with a designated turn-around area, so that cars leaving the site would have to turn around to get out. The designated turn-around is stipulated in the DOT driveway permit.

Ms. McLaughlin was asked what the schedule would be for the live music. She responded that they were thinking it would be just once a month, during business hours, on the weekend, from 4:00-6:00 pm.

Ms. Varian asked about cooking on-site. Ms. McLaughlin responded that, except for coffee, food would be prepared by others off-site, and on-site they would have appliances for making espresso, and for keeping things warm—rice cooker, quinoa cooker, soup warmer—and a toaster oven and microwave for heating things up. Mr. Bate suggested that they check to determine whether what they are planning to do is considered cooking and to make sure that they follow any pertinent regulations and obtain a permit, if appropriate.

Ms. McLaughlin was asked whether they plan to serve alcoholic beverages. She responded that their plan was not to pour but to sell beer in unopened bottles, cans, and growlers and wine in unopened bottles. Customers could then consume the contents on site or not. She was told that that activity would need to be permitted by the state and the town.

Ms. McLaughlin was asked about delivery trucks. She said that they would mostly be cars or small trucks and, in fact, they themselves would be picking up much of the items for sale or use in the business.

Sara Gagliarducci asked if they were planning to host beer or wine tastings. Ms. McLaughlin responded that she didn't think so.

Ms. Gagliarducci said she thought the proposed business would have the following negative effects on the neighborhood:

- It's a residential area, not a commercial area, and the café would not keep their rural, quiet, wooded neighborhood intact;
- The location of the café will disrupt where the deer cross;
- It will inevitably impact hunting in the area;
- Concern that the live music will be disruptive;
- May decrease property values for neighboring properties and homes;
- The café will take away from the pleasure that travelers on the road get from the rural, undisturbed nature of the land surrounding that stretch of the road;
- If liquor is being served, that increases the chance of people being loud and driving intoxicated;

- Concern that there will be a “snowball” effect, that the business would grow to have a full kitchen, become a restaurant, host wedding and special events, etc.

In response to the last concern, Ms. Varian informed Ms. Gagliarducci that any permit issued for the business that is currently being proposed would be the limit of what they could do. If the applicants did wish to change or expand the business in any way, they would need to go through the whole business process to consider the proposed changes/expansion: application, public hearing, and issuance of a permit with or without restrictions.

A question was asked about signage on the road related to the business. Ms. McLaughlin stated that they would follow the requirements outlined in the ordinance, which restrict the number and size of signs and type of illumination.

Ms. Varian explained that there are three choices available for commercial signs: (1) free-standing, not more than 25 square feet; (2) projecting, not more than 25 square feet; and (3) signs on buildings, limited to the aggregate of one square foot for each linear foot of road side length of the principle structure on the premises and also limited to the height of the building. A business shall have no more than two of the above three types of signs, and the aggregate shall not exceed 50 square feet.

Ms. Varian also noted that exemptions to these regulations include: (1) signs erected for public safety and welfare or pursuant to any governmental function; (2) directional signs solely indicating entrance and exit at driveway locations, containing no advertising material, and where display area does not exceed two square feet, or extend higher than seven feet about ground level; and (3) signs relating to trespassing and hunting, not exceeding two square feet. Ms. Varian noted that if a sign is improperly put up, the Town has the authority to remove it.

Ms. Varian stated that, technically, the paperwork is complete, and that the applicants have done everything that they need to do. According to the Town’s rules and regulations, they have done everything that has been asked of them. They have the DOT permit for the driveway, and they will have to get any other permits required for them to do what they plan to do, but the Town’s requirements have been met.

Ms. McLaughlin was asked when she expected to open the business if she got a permit. She responded that they would start construction in August and probably open in the spring of 2022. Ms. Varian informed Ms. McLaughlin that the permit is good for a year. If they have completed 30% of the project by the expiration of the permit, then they can get a year’s extension.

**[53:40]** Ms. Varian declared this portion of the hearing closed, and the Board will talk about, deliberate, and make a decision.

There was discussion about whether people close to the business location, but not actually abutters, should also have to be notified about a new business. Ms. Varian responded that she would put that comment in her file for when the time comes that the ordinance is being revised, but that there was nothing else that she could do on that issue.

Mr. Newell moved to approve the application as written. Mr. Bate seconded the motion. Ms. Varian asked for suggested items/restrictions to be included in the permit before the vote. The

motion was amended with the following restrictions: (1) no parking on the road; (2) closing time no later than 9:00 pm; and (3) no backing out on Route 209.

Motion was passed unanimously.

Ms. Varian noted that this application was considered under the following sections of the Town of Phippsburg Land Use Ordinance:

- Section 1, “Purpose”
- Section 9.L.1, “New Business Permit”
- Section 9.L.3, “Buffer Zones”
- Section 9.L.4, “Standards for Commercial Use”
- Section 12.B, “Permits Required”
- Section 12.D, “Procedure for Administering Permits”
- All sections of the Ordinance in general

Applicant paid fee of \$180.00 with check #335.

[1:13:00] Ms. Varian declared the hearing closed at 5:11 pm.

Respectfully submitted,



Channa A. Eberhart  
Planning Board Secretary