

**NEW BUSINESS HEARING AND DECISION
ANDREA BRAND
ART STUDIO AND GALLERY
Tax Map 43, Lot 21**

November 9, 2010

PRESENT: Selectmen:

Everett Perkins

Planning Board Members:

Mark Hawkes, Clifford Newell, Bob Smith, Steve Thayer, and Marie Varian, Chair

Hearing was held at the Town Hall and opened at 5:00 pm.

A quorum was declared. Varian explained that, per Section 2.3 of the Town's Land Use Ordinance, New Business Hearings are conducted by the combined Boards of Planning and Selectmen. A quorum consists of any five members. Varian also reported that public notice of the Hearing was done in a timely fashion as mandated, also by Section 2.3, by printing of a legal notice in *The Times Record* on October 27, 2010, by posting in at least three locations in town, and on local Cable Channel 3.

Varian explained that the usual hearing procedure would be followed:

- Applicant will be asked to present documentation and explanation of the proposal.
- The Board and interested parties will have an opportunity to question and comment. All persons wishing to speak will have the chance to do so.
- At the end of the question and comment portion of the meeting, the public session will come to a close and the Board will deliberate all evidence and determine whether to approve, approve with restrictions, or deny the application.

The Applicant is Andrea Brand of 34 Baker's Wharf Road. Applicant wishes to establish a business – Andrea Brand – on property owned by Francis Sosnowski, Sam Day Hill Road, Tax Map 43, Lot 21.

Hearing was turned over to Andrea Brand, who presented her proposal. She plans to establish an art studio and gallery displaying, selling, and consigning art, new and used goods, crafts, handmade items, antiques, and advertising services, such as: logos, web design, business cards, posters, brochure, pamphlets, menus, photography services, and shipping. Primary market would be tourists and visitors and secondary market would be local residents. Proposed hours would be 7:00 am to 7:00 pm, 7 days a week, all year. Brand explained that this new business would be a continuation of an on-line business that she has conducted from her home. This business includes the on-line sale of antiques (since 2005) and art work (since 2009). She has found that conducting this business on-line is cost-prohibitive. She has also sold her advertising services from her home. She currently has 1,400 Twitter followers for her services. She has also been promoting the area to tourists and potential

visitors, and several people that learned about the area from her efforts have come to Phippsburg and stayed in local lodging facilities.

Bob Smith asked her if she had any interest in selling food. She said that she was interested only in selling Maine products, which could include food, such as Maine maple syrup or candy, but there would not be any food consumption on the premises.

Marie Varian asked Applicant to explain parking and sanitary waste disposal facilities. Applicant responded that at present there is no plumbing or water on the property. She intends to rent a portable toilet the first year, which she intends to start on May 1, 2011. She doesn't believe that availability of water on the property is necessary and she has no intention to obtain it. With regard to parking, she will be renting 4 acres of the 18-acre parcel. She is confident that there will be ample parking. She estimates that currently there is parking for about 20 cars, but ample room for expansion if necessary.

Smith said that he thought it was a great idea. Brand reported that she has had a lot of positive feedback. She had a Saturday and Sunday show that brought approximately 120 visitors and produced an \$800 profit for her after all expenses. There were 7 other vendors, all of whom were very happy and would be interested in coming back again.

Varian reported that she had a letter from the property owner stating that he gives permission for the Applicant to use his barn and land for this business. She also has copies of all the notices to the abutters informing them that this business was proposed that were sent by Certified Mail/Return Receipt. Also, Varian has signatures from other abutters, who did not respond by mail and have signed the application. All abutters have signed.

Varian went through the New Business checklist not already addressed and reported that the proposal meets the requirements:

- Section 1.6.a – **Buffers**
- Section 2.4 – **Standards**. Application letter provides Applicant's written testimony and her spoken testimony state that the New Business proposal meets all the standards listed.
- Section 3.7 – **Signs**
- Section 3.8 – **Water quality**. Varian asked Applicant if there would be any treated or untreated toxic material on the property. Applicant said that there would not be.
- Section 3.9 – **Driveway** already exists from the Sam Day Hill Road and, if needed, from Redford Kelly Lane

Varian noted for the record that the distance from the northwest corner of the barn to the Sam Day Hill Road has been measured at 70 feet. This is a grandfathered building and, under Section 1.3 and 2.11, this grandfathered building is allowed to continue without the additional 5 feet currently required.

Hearing no additional questions or comments, Varian declared that the public portion of the Hearing was over.

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Varian reported that the application was complete, the Board had received the application fee of \$95, and no one had any objections or had proposed any restrictions.

Thayer moved to accept the application as submitted. Newell seconded the motion, which was passed unanimously.

Public Hearing closed at 5:35 p.m.

Respectfully submitted,

Channa A. Eberhart
Secretary