

**Dayton Planning Board  
Site Walk and Public Hearing  
Solar Rock Winery  
March 19, 2019**

**Members Present:** Dan Plourde, John Boissonnault, Darren Adams, Shannon Belanger

**Town Employees Present:** Jim Roberts (CEO), Linda Bristol (Secretary)

**Public Present:** Craig and Maria Durocher (Solar Rock Winery), Chief Roger Hooper, Rose and Dave Hill, Doug Hill, Jane Littlefield, Colleen and George Taylor, Christine Stoddard, Vincent and Donna Cote, Kristie and Brian Pellerin, Paul and Jodi Poirier, Douglas Hill, Tamara Lagarde, Lester Parady, Gail Parady

**Administrative:**

Meeting Minutes were read from March 12, 2019. John moved to accept the minutes with the correction. Darren seconded the motion. All voted in favor.

**Old Business:**

Craig and Maria Durocher, Solar Rock Winery. Request to Amend Conditional Use Permit to increase number of people from 25 to 50 to 100 and extend the time from 7:00 P.M. to 9:00 P.M.

Site Walk held at 33 John Clark Road, Dayton, Maine. Chairman Dan Plourde opened the Site Walk at 6:00 P.M. Craig Durocher showed the group the property which is 13-1/2 acres. His property does not extend out to Route 5.

A question was asked from the group as to how many days a week the Winery is open.

Craig answered that they are open Friday through Sunday.

Another person from the group asked what the license is.

Craig said the license is for a winery. He said they can only sell wine by the glass or bottle. The license is up for renewal in June. They hope to be able amend the license to add cheese platters, etc. to sell.

Chief Hooper went into the building and bar area. He was concerned with the exits. He asked how many could be seated and Craig said 20-25 people. Craig said the room is seven feet by twenty square feet.

Chief Hooper stated that the emergency exit is not good because it is actually storage.

There is only one exit. The Chief noted that the step up to the bathroom is not handicap accessible. When asked about the kitchen, Craig said it is used for brewing, not cooking.

Craig noted that they need a ramp to the bathroom and a sink and toilet that conform to ADA standards.

Chief Hooper asked if the smoke detectors are hard wired and Craig stated that they are not, they are battery operated.

The Chief asked about the sprinkler head and Craig said it runs off the domestic water. The Chief wanted to know who installed it and Craig said that he did. Chief Hooper asked him if it is up to code. Craig said that it is.

Jim Roberts asked Craig who worked with him to install it and Craig said Charlie Fortin, who is a plumber.

Craig told the Chief that the kitchen is all GFI.

The Chief noted that the pile of boxes next to the stove is not safe and asked if the stove is part of the process. Craig said it is rarely used.

The Chief asked about the pump and Craig said it is a transfer pump, barrel to barrel.

Craig has plans to open up under the deck and the Chief said we are only looking at the existing space now.

Jim Roberts explained that because the request is to expand the number of people that the Board has to look at everything, such as ingress, egress, etc.

Chairman Dan Plourde said we will now continue with the Public Hearing at the Town Office so everyone can be present.

Chairman Dan Plourde opened the Public Hearing and said that we would start with the public's statements and comments.

First, he asked Craig if he had anything else to add.

Craig said that they want to add an outdoor pavilion. He asked if they want to do anything different after what is discussed tonight, what do they need to do.

John answered that they would have to come in for an amendment.

Brian Pellerin asked what they are asking for.

Craig said currently they are allowed to have 25 people and close at 7 P.M. He would like

the occupancy bumped up and the closing time to be 9 P.M.

Brian Pellerin asked what he wanted to bump to.

Craig said he asked for 75-100 people. If we go to any more, we would move off site. We will expand the parking.

Rose Hill asked what tests are needed for the licenses Craig has.

Craig said the water and septic have been tested.

Rose asked if they were good and Maria and said they are.

Vincent Cote asked how many nights would have live bands.

Craig said Friday through Sunday, but not live bands, single people, acoustical, guitar, etc.

George Taylor asked who would decide if someone wanted a band like AC/DC.

Dan noted that the conditional use permit tells what they can do. If other than that, they would have to come back to the Board. We could also pull the permit.

George said that the sanctity of the neighbors is a concern.

Jim asked how wide the road is.

Craig said there is a 16-foot right-of-way and an 8-foot right-of-way next to it. There is confusion as to who owns the road and who maintains it.

Jim stated that the Board will need to know the exact right-of-way and who owns it.

Craig said he would like to get the neighbors together tonight to establish a road maintenance agreement.

Jim said he has only seen the 12-foot wide right-of-way. It was his personal opinion that it is not wide enough for 75 people.

Rose Hill asked Craig if he would have the State check the road.

Jim said that the right-of-way needs to be established first.

Jane Littlefield said that she owns from Route 35 to his property and he has a right-of-way. She said part of Lagarde's lawn is on her property according to the map.

Craig asked if that should be in her deed which the Board has.

Shannon said that the Board would take a look at that.

Jane said the road is on my property which means she would be liable for anything that happens and she is not willing to do that.

John said that is why the Board needs to determine who owns the right-of-way first.

George said they have two rights-of-way to their property. What they are doing is commercial. He asked if that is different. How was the town able to issue a conditional use permit or wasn't he selling at the time.

George asked if anybody was buying.

Dan said not at the time the conditional use permit was issued.

Craig said originally the property was a junk yard and there was a lot of traffic.

Dan stated that he didn't feel that pertains to what we are doing now.

Dan asked for any other comments and asked the Chief if he had any insights.

The Chief said he made some notes and needs to go back and compare the fire codes. Also, emergency vehicle access. The Life Safety Code is not applicable if outside. He will look at Fire Code NFPA-1 and 101 and the Life Safety Code.

Dan asked if there was any discussion from the Board. He said he feels the same as Jim does as to the width of the road and emergency vehicles being able to get in and out. He said an outdoor pavilion is good planning, but safety needs to be taken into account.

George asked if everybody cringed coming out of the road and John agreed that is a big concern.

Tamara asked with that much traffic how will it be regulated. She has children.

Dan said that the Board does not set speed limits. You could regulate through a road maintenance agreement. He suggested Craig be approached and if necessary, go to the Selectmen.

Darren expressed his concerns as the access and width of road, emergency vehicles, and volume of traffic.

Rick Parady had a Survey by Maine Boundary Consultants dated June 22, 1988. He offered it to the Board to look at.

Jane said that was done earlier. Another survey has been done since.

Shannon noted that there are discrepancies with the boundaries of the right-of-way.

Dan felt that the right-of-way was not adequate for the expansion that the Durochers are looking for.

Shannon said that for us to consider, we would need to know who owns the right-of-way and who has the right to expand it.

Dan asked Craig what the driveway is by the house and Craig said it is about 12 feet of gravel.

Dan said we are gathering information tonight and will discuss. If you have more information, we will ask you to come back to another meeting.

Brian Pellerin asked what the right-of-way was established at.

Dan said 12 feet, but if there is any new construction, it will need to be 20 feet.

The Chief will send the Board a letter and the Board will wait for that before any decision is made.

Rick asked how the land is taxed and Dan said he is not an assessor, but who owns it doesn't matter as long as there is a right-of-way for the others.

Dan noted that new subdivisions require a 50-foot right-of-way and a 20-foot road.

Craig said if another house goes in, the road will need to be wider.

Jane said the right-of-way is 16 feet. We built the first house. There was just a junk yard at the end. We put the road in. I'm on the right, my pins are on the left.

Dan said that he gets her point that she owns that part of the right-of-way.

Darren said that regardless of 12 feet or 16 feet, it is not wide enough for expansion. They need an agreement on the road.

Dan asked if there was anything else.

Darren made a motion to adjourn the Public Hearing and John seconded the motion. All were in favor.

Craig and Maria stayed after the Hearing closed for more discussion.

Craig said that their 12-foot right-of-way is from the house to route 35.

Shannon said it is how it is deeded and that is a 12-foot strip of land. The survey will

show it. Craig said that he is allowed to maintain the 12 feet.

Darren said the Board's challenge is bringing it beyond 12 feet which Dan said is not our problem.

John said that they need to figure it out.

Darren noted that if any land was subdivided, the Board would be looking at 24 feet.

Craig said that Littlefield Road, which is owned by Jane, has access to Route 35.

Dan said back in the 70s and 80s zoning was not established, so you are grandfathered.

Craig asked if he could still produce on his property but go off site and Darren said that he could.

Dan noted that there is an event site on Route 5 and maybe they could partner with them. If you did that, you would not even have to come before the Board.

Darren said the way it is now, it would be difficult to improve the road.

Dan said it is not just that. If there were a medical emergency, access is needed for emergency vehicles which would be difficult.

Craig said that they have 18-wheelers come in there now. They turn around on the front lawn.

Dan stated that he expects the Fire Chief to have the same concerns that we are discussing

Craig asked about expanding the hours.

Dan said the Board is not really concerned with that.

Shannon about the retail on site and Craig said that his liquor permit from the State says retail sales.

Dan said that the Selectmen need to give a permit for liquor sales.

Darren said that if the Selectmen grant the permit, then the Board can amend the Conditional Use Permit.

Dan said that the Board is not opposed to it.

Darren said we just need the Selectmen to approve the liquor license.

Craig said they are trying to do everything on the up and up.

John noted that he loves on Kyle Drive and Paul Poirier has trucks. When he got too many, he moved on.

Darren said Paul had the same issue and now is located on property on Route 35.

John said it is obvious that your neighbors are not all that happy.

Craig said that most of the people who come are not looking to get smashed.

Darren told him to operate with the Conditional Use Permit he has now and look to expand off site.

John said that the Board gets what he is trying to do.

Shannon noted that they have a permit for 25 people now. You have manufacturing. She asked how the Board feels about expanding the hours to 9 P.M.

Craig asked if he could have a family event with 50-60 people.

Dan said that is not up to the Board. Family reunions are not up to us.

Craig said he was asking because he plans to have a family reunion this year.

Darren said that is not our concern.

Shannon said for a one-time event, he should go to the Selectmen.

Dan said the event center on route 5 has to have a liquor permit from the Selectmen.

Craig asked when the Selectmen meet and Darren said they meet every other Monday.

Jim confirmed that.

Craig noted that they have to wait for the Board to hear from the Chief and asked what has to happen with the right-of-way.

Jim said that the Planning Board needs to review. There needs to be right, title, and interest.

Shannon said a surveyor/attorney needs to establish the right-of-way owner.

Shannon said that Jane thinks she owns it.

Craig said they have been told that they do not own it.

John said we would go over the checklist which includes the right-of-way.

Darren noted that if they can't widen the right-of-way, then there is a problem.

Shannon said surveys can be difficult.

Jim said that the deed says a 12-foot right-of-way to land of Jimmy Gates.

Shannon noted that you wouldn't be able to get 20 feet all the way through.

Darren said that the cost of widening or going off site and partnering might be less costly.

Dan noted that there is a lot of traffic on Route 5 and that could be good for them. Dan also told them that the Board received three written letters with comments.

John said that the Board is not here to stop you, but we have to follow the rules. The right-of-way will be your sticking point.

Darren asked if they stay with the 25-person limit and go outside, would he still pursue the outside pavilion.

Craig said it probably would not be profitable. He might put a couple of chairs outside, but not build a building.

Craig said when they go off site, they pay a \$300 fee and Maria said it is \$85 at the Farmers' Market which is twice a month.

Dan asked if they are in any stores.

Craig said they are in Vic and Whit's and will be in 5 and 35.

John asked how fast a batch can be made and Maria said four months.

Jim asked if the same bottles were used and was told that they are, but are cleaned and sterilized.

Dan thanked them for coming in and the discussion ended.

**New Business:**

None Discussed.

**Other Business:**

None Discussed.

Darren made a motion to adjourn. Shannon seconded the motion. All voted in favor. The meeting adjourned at 8:15 PM. The next meeting will be on April 9, 2019, at 6:30 P.M. at the Dayton Town Office.

Linda Bristol Date: 4/9/2019

Linda Bristol, Secretary

Dan Plourde Date: 4/9/19

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor

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