

**Planning Commission  
Meeting Minutes  
March 20, 2023**

**ATTENDANCE:** Julie Rachel, Jim Baxendell, Al Fuller, Sabian Woodard, Commissioner Christina Aldridge, Dianna Battaglia, and Amanda Paoletti

Also present: Mayor Matt Roath, Scott Dallas, Dave Carey

**Meeting called to order at 6:29 p.m.**

**APPROVAL OF MINUTES:**

The minutes for the February 27, 2023 meeting were unanimously approved as written.

**New Business:**

**Final Site Plan – Captain Lee’s – 31 River Road, LLC– 31 River Road - Tax Map 34E, Parcel 721, Zoned RM**

Ms. Battaglia introduced the Final Site Plan to the Planning Commission. She reminded them that the Concept was approved in 2021, the Preliminary was approved in December of 2022, and that this was the Final Site Plan. She noted that there will be a slight change to add the walkway back into the plan as originally shown, which was removed due to some confusion with ownership of the existing adjacent walkway.

Ms. Battaglia indicated that this plan meets the requirements for Critical Area Commission, Town, and Floodplain requirements. The Water and Sewer has been reviewed by the Town engineer and all comments have been addressed adequately.

Ms. Battaglia noted that the parking and offsite parking plans had been provided. Documentation is required for offsite parking. The Draft Landscape agreement has been provided to the developer.

Ms. Battaglia asked for further clarification on what type of “Impervious Surface” the handicap path would be made of. Mr. Dallas stated that it would most likely be wood decking.

Ms. Battaglia mentioned that the site was currently under a Stop Work Order and that no grading permit had been issued for the site. Mr. Dallas indicated that it was in the works. Mr. Carey indicated that they had an approval letter from the County that they would provide the Town with.

Mr. Woodard asked why the developers brought so much dirt to the site as it appeared excessive for the bulkhead. Mr. Carey stated that whatever was not used for the bulkhead would be removed from the site.

Ms. Battaglia reviewed the conditions of approval as written in the staff report.

Discussion ensued regarding the operating hours. Mr. Carey believed that the hours stated by Ms. Battaglia from the Board of Appeals meeting were incorrect, stating that he would not have agreed to those hours. Mr. Woodard questioned why the hours would be later on Sunday than on Friday night. Mr. Baxendell asked Ms. Battaglia if the Planning Commission had the power to recommend a change in the hours until Midnight to the Board of Appeals. Mr. Carey mirrored that question, asking if the service hours could extend until midnight. Mr. Woodard agreed that midnight seemed reasonable, and asked about the live music. Mr. Carey indicated that the music would not extend past 9pm, even on weekends. Ms. Battaglia advised the process requires a recommendation from the Planning Commission for the Board

of Appeals to revise a modification to the hours. Ms. Rachel confirmed that the recommendation would be for the hours to be 10am -12 am Monday through Sunday with music no later than 9pm.

Mr. Dallas asked that the minutes from the prior Board of Appeals Meeting be forwarded to him so that he may review them.

There were no additional questions from the Planning Commission Members or the Developers.

Mr. Fuller made a motion to approve the Final Site Plan for 31 River Road (Captain Lee's) conditioned upon meeting all recommended conditions stated in the Staff Report and for the Board of Appeals to accept the modification of the hours of operation from 10am-12am Monday through Sunday with music no later than 9pm. The motioned was seconded by Mr. Woodard and carried unanimously.

**Old Business:**

There was no old business to discuss.

**Adjournment:**

With no further comments from the community and without objection the Planning Commission meeting adjourned at 6:54 p.m.

Respectfully Submitted,

Amanda M. Paoletti  
Planning Coordinator