

**LINCOLN ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
WEDNESDAY, FEBRUARY 19, 2014 – 6:00PM  
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

**APPROVED**

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**Present:** Chair Paul Beaudin II, Vice-Chairman Jonathan Ham, Board of Selectmen's Representative Patricia McTeague, Ronald Comeau and Don Landry.

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Planning and Zoning Administrator Carole Bont, and Town Manager & Town Planner, Alfred "Butch" Burbank.

**Guests:**

1. Applicant Herbert J. Lahout, of 54 Sunset Hill, Sugar Hill, NH 03586 & owner of Herbert Lahout Shopping Plaza, LLC at 159 Main Street, Lincoln, NH (Tax Map 118, Lot 075 & 076) where among other businesses, Subway is located
2. Michael Mooney by speaker phone, Franchise owner of 14 Subway Franchises in New Hampshire, including the Lincoln Subway.

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- I. CALL TO ORDER** by the Chairman of Zoning Board of Adjustment; announcement of excused absences, if any, and seating of alternates(s), if necessary.

*Chair Paul Beaudin II called the meeting to order at 6:00 pm. Ronald Comeau was excused for medical reasons.*

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**II. CONSIDERATION OF DRAFT MEETING MINUTES FROM:**

- January 29, 2013

**Motion to approve the minutes as submitted.**

**Motion:** McTeague.

**Second:** Ham.

**Motion carried (4-0).** *Don Landry abstained as he was not present at the meeting.*

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**III. CONTINUING AND OTHER BUSINESS** (Staff and Zoning Board Members).

*None.*

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**IV. NEW BUSINESS**

- A. 6:00 pm. **Application for Special Exception for a Drive-Up Restaurant** as specified in the Land Use Plan Ordinance, Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Chart of Business Uses for Drive-up Restaurants under the Village Center District (V.C.), where Drive-Up Restaurants are allowed in the Village Center (VC) District by Special Exception as provided in Article VIII, Section A (Board of Adjustment), Paragraph 2, subparagraphs A-D.

1. **Case #ZBA #2014-01**
2. Locations: Tedeschi Food Shop  
36 Main Street  
(Tax Map 112, Lot 006)
3. Applicant: Tedeschi Food Shops, Inc.  
14 Howland Street  
Rockland, MA 02370
4. Property Owner: "36 Main Street Lincoln Corp"  
(c/o CMRK, Inc. - Fawaz el Ehoury)  
15 Railroad Drive  
Northborough, MA 01532

**DESCRIPTION:** Under Land Use Plan Ordinance, Article VIII, Section A, Paragraph 2, Applicant Tedeschi Food Shops, Inc., is seeking a Special Exception to put in a Drive-Up Restaurant on property owned by 36 Main Street Lincoln Corp. (Tax Map 112, Lot 006) in the Village Center (VC) District which requires a Special Exception as specified in the Land Use Plan Ordinance, Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Chart of Business Uses for Drive-up Restaurants under the Village Center District (V.C.), where Drive-Up Restaurants are allowed in the Village Center (VC) District by Special Exception as provided in Article VIII, Section A (Board of Adjustment), Paragraph 2, subparagraphs A-D. Therefore, Tedeschi Food Shops is requesting a Special Exception from the ZBA.

**ACTION:** Acceptance of the application as administratively complete by the Zoning Board.

**ACTION:** The Zoning Board may conduct a public hearing, or schedule a public hearing at some future date established during this meeting.

**ACTION:** Approval, approval with conditions or disapproval of the application by the Zoning Board.

*According to Bont, the Applicant Tedeschi's Foods, Inc. (Tedeschi's) asked that this hearing be continued until next month, Wednesday, March 19, 2014. Tedeschi's lease with the property owner, "36 Main Street Lincoln Corp", says that they do not have to notify the owners unless they are making a structural change. They do not consider their proposal to put in a drive-up window (i.e., "drive-through restaurant") constitutes a "structural change", requiring notification of the property owner. Bont informed Tedeschis that in order for the ZBA to act on an application, the property owner needed to sign an approval for the work, based on the ZBA's negative experiences with other earlier applicants when the owners were not notified of work being approved and in accordance with the ZBA By Laws 2011. They do not have the property owners' approval or signature on the application at this time.*

*McTeague asked if the former Dunkin Donuts drive-up window was still there. Beaudin informed her that it was not.*

*Bont said that the applicants wanted to “revive” the former Dunkin Donuts window, but two different representatives of the owners, one of whom filed the application with NH DES for the Renewal of Groundwater Management Permit, said the owner needed time to determine whether or not the monitoring wells for the fuel spill would be negatively affected.*

*McTeague asked if there were monitoring wells present when Dunkin Donuts had the drive-up window. Beaudin responded that they may have been there; he was not sure. There were fuel tanks on the property back when there was a Dunkin Donuts there. Beaudin opined that he did not think that the monitoring wells as depicted on the map would be negatively affected by drive-up window traffic. However, the person who is concerned is the person who submitted the NH DES application for the owner and she needs a chance to review the proposal on behalf of the property owner.*

*Beaudin informed the ZBA that the ZBA By-Laws require the applicants to get the owner’s permission for the proposed project regardless of what their lease says. The applicants do not have written permission from the owner for the proposal before the ZBA, so now the Applicant needs a chance to get written permission. The owners’ representatives and the applicants have asked to continue this hearing to March 19, 2014.*

ZBA By-Laws:  
Article IV. Meetings  
10. The Conduct of Public Hearings:

- a. The Chairman shall call the hearing into session, and identify the owner of record, applicant, and/or agent. **If an agent is appearing before the ZBA and the applicant is not present at the meeting, the ZBA must have written authorization from the applicant stating that the agent has been appointed to represent the applicant at the hearing.** If neither the owner of record, the applicant, nor a properly authorized agent is present at the hearing without a formal request for postponement provided to the ZBA Chairperson or Zoning Administrator, the ZBA may vote to request that the applicant re-file with the ZBA an application for a new hearing, and the applicant will be responsible to pay administrative and public notice fees associated with the change of hearing date, including providing a new current abutter list and fees for notification of abutters of the change.

**Motion to Continue the Hearing to Wednesday, March 19, 2014 at 6:00 pm.**

**Motion: McTeague.**

**Second: Ham.**

**Motion carried (5-0).**

- B. 6:00 pm. **Application for Special Exception for a Drive-Up Restaurant** as specified in the Land Use Plan Ordinance, Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Chart of Business Uses for Drive-up Restaurants under the Village Center District (V.C.), where Drive-Up Restaurants are allowed in the Village Center (VC) District by Special Exception as provided in Article VIII, Section A (Board of Adjustment), Paragraph 2, subparagraphs A-D

1. **Case #ZBA #2014-02**

2. Location of Subway & Aroma Joes:  
159 Main Street  
(Tax Map 118, Lot 075)

3. Location of Herbert Lahout Shopping Center:  
(Tax Map 118, Lots 075 & 076)  
159 Main Street
4. Applicant: Herbert Lahout  
54 Sunset Hill  
Sugar Hill, MA 03586
5. Property Owner: Herbert Lahout Shopping Center, Inc.  
26 Union Street  
Littleton, NH 01532

**DESCRIPTION:** Under Land Use Plan Ordinance, Article VIII, Section A, Paragraph 2, Applicant Herbert Lahout is seeking a Special Exception to put in a Drive-Up Restaurant (two drive-up windows in the Subway building for Subway and Aroma Joes) on property owned by Herbert Lahout Shopping Center. (Tax Map 118, Lot 075) with traffic flowing through both Tax Map 118, Lots 075 & 076 in the Village Center (VC) District which requires a Special Exception as specified in the Land Use Plan Ordinance, Article VI (District and District Regulations), Section B (District Regulations), Paragraph 2 (Land Use Schedule), Chart of Business Uses for Drive-Up Restaurants under the Village Center District (V.C.), where Drive-Up Restaurants are allowed in the Village Center (VC) District by Special Exception as provided in Article VIII, Section A (Board of Adjustment), Paragraph 2, Subparagraphs A-D.

**ACTION:** Acceptance of the application as administratively complete by the Zoning Board.

**ACTION:** The Zoning Board may conduct a public hearing, or schedule a public hearing at some future date established during this meeting.

**ACTION:** Approval, approval with conditions or disapproval of the application by the Zoning Board.

**Presentation:**

*Lahout presented his application with some assistance from Michael Mooney, who is the franchise owner of 14 Subway Franchises in New Hampshire including the Lincoln Subway, by speaker phone.*

*Lahout informed the ZBA that Subway and Aroma Joes have a kind of partnership. Aroma Joes and Subway are teaming up just like KFC and Taco Bell. The two businesses will share a place together. Aroma Joes is a coffee restaurant that is all about service. Customers do not talk through an intercom but to a person at the window. Everything is done in person. Likewise, in Subway the subs are customized.*

*Aroma Joes are down country right now. Aroma Joes has an exclusive agreement with Subway. Michael Mooney owns 14 Subway franchises and has an agreement with Aroma Joes. He is putting Aroma Joes in with his Subway franchises and he asked if he could get approval for a drive through window for the Subway in Lincoln to sell Aroma Joes.*

*Lahout drew a plan with a drive-through lane that he thought would work. The Subway building is a relatively large and beautiful restaurant compared to the other Subways. As their landlord, Lahout does not have a problem with giving them permission to create a drive through window for their business. In*

his opinion, he does not think Aroma Joes will ever be as busy as a Dunkin Donuts because “They don’t do the pastry or bake anything.” Right now it is basically just coffee.

**What Is Going to Be Sold Out of the Drive-Through Window?**

Beaudin asked if anything else was going to be available through the drive through window or would it be limited to be just coffee. Lahout assured him that no subways would be served through the window.

The ZBA communicated with Michael Mooney by Herb Lahout’s speaker phone to ask questions.

Beaudin, Chair of the ZBA, asked what product is going to go through the window besides coffee. Mooney responded that Aroma Joes would be selling coffee or coffee drinks and a few pastries like muffins, donuts, and croissants, but not a lot of that. They sell mostly coffee and coffee drinks and energy drinks.

Lahout: asked Mooney how he would compare Aroma Joes to a Dunkin Donuts. Mooney said they would have similar volume, but not as many pastries. Right now they are offering “muffin tops”, whoopee pies, and bear claws.

Beaudin asked Mooney if there would be any Subways served through the window. Mooney assured him there would not. “Subway is too individual an order.”

**How Will the Customers Know What They Can Buy Through the Window?**

Landry asked Mooney how he would define for customers when they come through the drive-through window that they can order and what they cannot. Mooney explained that on the drive-through side there will only be an Aroma Joes menu. They will adapt their signage so the menu would be clearly identified as Aroma Joes. Subway options would not be listed.

Mooney further explained that there are a couple of places where there is this kind of a dual concept. People get the picture fairly quickly. It is only the coffee part of the business that has the drive through.

There is a combined Subway, Sunoco Station Convenience Store and Aroma Joes at 203 Maine 4 a/k/a 170 Main St, South Berwick, ME 03908 Phone: (207) 384-2411. There are 5 angled parking spaces behind the building, none of them handicapped and a large dumpster. There are 8 spaces beside the building, one being a handicapped parking spot. There is one additional parking spot for using the auto vacuum cleaner. There is a very wide alley around the building for ingress and egress. See Google Maps using aerial photography.

**How Will The Queuing Lane Work?**

Beaudin asked if there was a queuing line and a speaker phone that you pull up to like when you go to a place like Dunkin Donuts or McDonald’s. Mooney answered that Aroma Joes only does direct contact. There is an open window. Customers are speaking person to person. They do not use intercoms.

**What Will The Open Hours Be?**

Comeau asked if the Subway business would be open at the same time as the Aroma Joes. Mooney thought that Aroma Joes would be open earlier than Subway. Subway would be open a little later than Aroma Joes.



Per comments on Facebook, Aroma Joes in other communities open at 5:00 am. The pastries are 50 cents after 5:00 pm.

Comeau asked if they would overlap at any time during the day. Mooney answered that there would be an overlap.

**What Is The Estimated Customer Volume?**

Beaudin asked what type of volume they expect through their drive through window. Mooney estimated about 120 cars per day.\*

\*According to information submitted to the Saco, Maine, Planning Board by Aroma Joe's, the company anticipated it would generate about 120 trips into and out of its proposed Saco location in both the peak morning and evening hours as reported on , February 13, 2013, in the Sun Chronicle. See Appendix A.

Lahout: exclaimed that he thought that amount of volume sounded relatively light. He has waited in a Dunkin Donuts line and they do about 120 cars between 8:00 am and 8:30 am so it sounds like Aroma Joes would be a pretty small operation.

Mooney said that Aroma Joes prides itself on person to person contact. There are presently around 16 Aroma Joes stores. They are all in southeastern New Hampshire in Dover, Rochester, Durham, Somersworth, and that area. (See Attachment A.)

In Maine Aroma Joes is in South Berwick, Wells, Sanford, Biddeford, and Portland.

Lahout tried to clarify whether there was only going to be 120 people through there per day. Mooney said yes. Comeau asked him where he got his figure of 120 people per day. Mooney explained that 120 was a figure that came from the owners of Aroma Joes in high volume towns like Dover and Rochester. Mooney said he might be able to get figures from an outlying town and get that figure to the ZBA. Mooney is going by the figures from Aroma Joes because the Aroma Joes owners knew what they were expecting in daily volume and then they divided that volume of the number of checks. Lahout: commented that from a retail point of view 120 cars is like peanuts!

Lahout asked if the volume would be less than Dover or those places in Southern New Hampshire. Mooney thought it would be. He thinks the coffee business is the kind of business that is concentrated in the early morning hours. He does not think that he will have customer flow numbers for just the morning.

**Will Customer Traffic Come From Inside the Restaurant As Well As Through the Drive-Through Window?**

Beaudin asked if Aroma Joes was going to have inside counter service as well as drive up. Mooney thought they would. Customers would go through the open window through the drive through to order coffee to go. The area of the restaurant that would be Aroma Joes would be fairly small. There would be an open window on the inside too so if someone wanted to get coffee from the inside they could go to the open window on the inside. Customers would be getting Aroma Joes products through an open window both inside and outside the restaurant.

**What Will The Impact of the Drive-Through Window Be On Rest Of Mall?**

Landry was concerned about the drive-through causing a negative impact on the mall itself. At this time the Herb Lahout Shopping Center is a successful mall. The mall accommodates a lot of cars and substantial amount of traffic flow. If the drive-through is approved as proposed, customers would drive into the mall through the entrance to the mall and then veer left towards the drive-through lane, crossing the exit lane for the mall. This proposed traffic flow could easily cause backups onto Main Street. There is very little room there. He thinks the drive-through would cause traffic problems for all of the other customers of the mall.

Lahout informed the ZBA that he would like to have a professional engineer restripe the parking lot. If this proposed drive-through lane gets approved he would re-stripe the entire parking lot to accommodate the drive-through lane. Lahout said he was on the downtown committee for a long time when Lincoln was talking about creating the bypass for Loon Mountain. There very few traffic peak periods, but when it peaked it was "nuts" like at the mill. Lahout asked if he got the parking redrawn would it be to his advantage "to get this parking nailed".

Beaudin informed Lahout that as presented, his plan for the drive-through was insufficient for the ZBA to make a decision. Lahout did the best he could, but the ZBA needs more information in order to make an informed decision. They need to know:

1. What the square footage of the mall is and how much square footage there is for which purpose?
  - a. How much square footage is for the three restaurants? (Chieng Gardens, Elvios and Subway)
  - b. How much square footage is for retail space? (Aubuchon Hardware, Bass Shoe Outlet, NH State Liquor Store, Lahout's Summit Shop, Village Ski & Sport, Chutters Candy Counter)

**Parking Spaces:**

Beaudin explained that the ZBA needs to know this so that they can make sure that when the Herb Lahout Shopping Center is losing parking spaces like he would lose on the back side of the Subway building he will still be able to meet the parking requirements of the regulations for his other tenants in the mall.

**Using Municipal Parking Spaces to Count for Businesses**

Lahout pointed out that over the years the Planning Board had established precedent for allowing a number of businesses located very close to the Herb Lahout Shopping Center mall to count as their parking spaces some spaces in the municipal parking lot across the street by the Town Offices. He thought that he should be able to do that also. Beaudin explained that the Town of Lincoln does not have "municipal parking". In his opinion, the municipal parking at its town offices is too far away from the Herb Lahout Shopping Center to count for the Shopping Center anyway.

**Traffic Flow**

Beaudin pointed out that the Herb Lahout Shopping Center is really busy already. Either Lahout needs to hire someone to help him with his plan for the drive-through or the Town will have to hire someone who can and the Town will charge the cost of the engineer to Lahout. The town has the authority to hire an engineer to take a look at this project. The Town will need to know what the traffic flows will be and where Lahout should create the lanes for car queues. The way Lahout's plan is laid out now, as drivers enter his mall entrance they are going to have to shift very quickly over to the left to get into the drive-

*through queue, crossing the traffic exiting the mall. Customers of Aroma Joes will have to cross traffic trying to get into the queue lane.*

*McTeague pointed out that other mall customers also would have to cross drive-through queue traffic, trying to get out of the mall parking lot.*

*Beaudin commented that even though the customers from the rest of the mall can go out the other way onto Maple Street, the primary access to and from the mall will be from Main Street /NH Route 112 and it will be very congested. The ZBA needs to see how the flow works and how Lahout is going to stack the cars up. There is not enough room. If there are two cars backed up they are going to be right in the traffic lane so you are not really going to have any queuing line. A guy comes up to get a cup of coffee. He goes up to the person in the window and says I want to order a coffee and a muffin top. Then there are two other people behind him. There really is not enough room for those other cars to do that. I am also concerned about the drivers coming outside. Although I think you will lose more parking there because by the time they try to cut over to the right to exit you are going to take up more of your parking spaces where that light pole section is. I am concerned about you losing the parking spaces. I am concerned about adding to the congestion in an already busy area. Right now they are parking in the mall. They are parking on Main Street. They are parking on the side street. They are parking in the municipal parking lot across the street. The place is very busy and that is good, but if you throw another venue in there that has its own traffic flow pattern and needs its own traffic pattern it will be too congested to be successful.*

*Beaudin recommended to Lahout that he hire an engineer who deals with traffic issues, patterns and flow to look at his plan and tell him what the options are. The present option will not work well. He is also concerned about the amount of existing parking spaces that you may lose due to the changes in the configurations that he will need to have to accommodate the proposed drive through window.*

*The Board and Lahout discussed the current status of the municipal parking both next to the town offices and below behind the police station portion of the building. Burbank checked with the Planning Board Chair who indicated the Planning Board made decisions where they used the Municipal Parking Lot for car counts. Beaudin was involved in renovating*

*Beaudin was the Chair of this committee when the Town Offices were built. That lower parking lot was never meant to be parking for police. That was always meant to be employee parking down there and customer parking up here, but then the Police Department took all of the parking spaces down there. The Police Department is using all of the parking down below so now there is really no more additional municipal parking*

*Burbank said that as planner, the Town may be at the end of its ability to assign parking for businesses with the municipal parking lot. According to Beaudin, those municipal parking lots were not designated for individual businesses parking spaces. It is supposed to be "first come, first served." Burbank suggested that the Planning Board and ZBA relook at that parking area because if the municipal parking lot was included in the calculation of parking spaces for the businesses across the street, then the Town has to figure out, if it exceeded the limits of our municipal parking. Beaudin protested that the municipal parking lots have never been taken into consideration in determining whether to approve any project requiring parking. He would like to see in some minutes where it says that they used municipal parking to count towards parking spaces for a business.*

*Burbank opined that he thinks that the Herb Lahout Shopping Center would lose at least two maybe three spaces to make the corner.*



Burbank asked if there was another municipal parking lot besides the parking lot in front of the town offices. Beaudin told him that there was municipal parking by the fire station behind Ron Comeau's Flapjacks Restaurant.

Landry pointed out that there are municipal parking spaces in front of the Gypsy Restaurant. Beaudin commented that every parallel parking space on Main Street is municipal parking. There are a few private arrangements like the Gypsy Restaurant can also use one row within the Village Shops parking lot. McTeague said that the town has an agreement with the Village Shops.

Beaudin reminded the ZBA of some other private parking arrangements. Chopper (aka Larry Hartle, Jr.) Moose Tours has permission to use some of those parking spaces in front of where Mike's place closed. Mike agreed to let Chopper (use those spaces to park his vehicle for his Moose Tours.

### **Traffic Congestion:**

Comeau was concerned about the traffic flow. He is concerned about traffic easily backing up onto Main Street. If this window was configured in a different part of the lot then people who are waiting to purchase something would have a place to queue up safely and he would not see any issue at all. However, the way The Herb Lahout Shopping Center is presently configured, the cars are parked to the south of the Subway need to back out to get out. Two or three cars queued up will prevent those drivers from being able to get out. Once that happens you are going to have people trying to get in and out at the same time and traffic will back up on Main Street.

Lahout offered to redraw the parking lot. McTeague commented that as someone who drives into the Shopping Center parking lot on a regular basis, in her opinion, the parking lot definitely needs attention. When she goes into the liquor store she takes her life into her hands when it is a busy period like ski season. The customers "park all over the place!"

Beaudin suggested that Subway open the space as Aroma Joes and see if it works and see if you could use a drive through later. That would give Lahout time to look at how he might configure the traffic flow and the parking. Lahout does not think the owner of Aroma Joes want to try something that does not involve a drive-through window as that is not their business model.

Beaudin asked Lahout to:

1. How many spaces were initially approved?
2. What is your total usage is in that complex right now?
3. How many parking spaces he would lose with the drive-through?
4. Get some traffic flow information from a professional traffic engineer to include entering and exiting from both Maple Street and Main Street.
5. Get some queuing recommendations from a professional traffic engineer.

Beaudin advised Lahout that a traffic engineer can tell him:

1. How fast can the driver/customers exit based on peak times
  - a. In the morning when they are on residential Maple Street trying to get back onto the traffic flow on commercial Main Street/NH Route 112 turning left to go up towards Loon Mountain they might find they do not have good luck
  - b. In the evening when they coming down NH Route 112/Main Street they will try to pull in here with every other person who has finished skiing to have Pizza at Elvios or pick up something at the liquor store and to get a coffee for their drive home.
2. If the Shopping Center parking lot is full his mall will have a bottle neck type of look to it. A professional expertise in traffic flow will make recommendations to alleviate that problem.

3. *Is the traffic flow of 120 cars/day divided up into 60 in the morning when they are going to the slopes and 60 in the evening when they are coming off the slopes.*
4. *How much traffic are you going to be putting out onto Main Street/NH Route 112 during the times when someone is going to Loon or there is a Highland Games or there is a some other large town event? Does it create more of a problem there? They take a look at your pedestrian traffic flow as well.*
5. *Address concerns about the nose-in parking along the building. If people are coming into those spaces they would not be able to get back out.*

*Comeau commented that, in the end the other businesses in the mall are going to pay for this too. If the plan does not work well it will affect their businesses too. If customers cannot get into and out of the mall when they want to they will say, "I will stop next time" or "I will go someplace else".*

*Even though the volume would only be 120 cars to start with there is nothing that says it could not grow in time. If the popularity of Aroma Joes grows bigger and people like and you end up creating more business and creating a bigger problem. I just don't see your plans as addressing any of those concerns.*

*Landry commented that people have certain expectations with take out windows. How I feel too is not so much like riding a bike, people have done them so many times and if you look at them all. When you go to the take out window and you see how it is set up. There is no left, right. You go. You know you are going to come around like a horseshoe pattern. No one really has to think when they are going through it. They talk into the box. They do it. And they go. It is kind of like you are in that natural motion. All of a sudden they come out of the Aroma Joe's coffee drive through and they are coming out onto Maple Street. Like say if this happened and there was going to be signage. You don't go around a horseshoe. Now you are going to have to turn right. Then you are going to have to turn left. You take another left. You are going to cross over the entrance to the shopping mall. It just seems like it is too difficult.*

*Beaudin recommended that Lahout hire a professional traffic engineer to help him with his plan to avoid hurting his existing customers and creating a traffic hazard.*

**Motion to Continue Hearing until March 19, 2014, at 6:00 pm.**

**Motion: McTeague.**

**Second: Ham.**

**Motion carried (5-0).**

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**V. OTHER BUSINESS – ZBA members/alternates, Zoning Board Staff**

*No other business.*

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**VII. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Zoning Board of Adjustment will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

*No public input.*

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**VIII. ADJOURNMENT**

**Motion to Adjourn.**

**Motion: Ham.**

**Second: Landry.**

**Motion carried (5-0).**

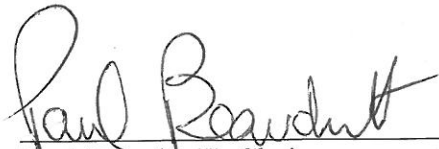
*The meeting was adjourned by at 6:47 pm.*

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Respectfully submitted,

Carole Bont, Planning and Zoning  
Administrative Assistant

Dated: May 21, 2014

  
Paul Beaudin II, Chair

## Appendix A

### What is Aroma Joes?

#### Franchisee

Aroma Joe's Coffee is now offering franchises in the States of Maine and NH. Please send an email to [franchising@aromajoes.com](mailto:franchising@aromajoes.com) for more information. Additional states will be added in 2014. We appreciate your interest in the growth of our brand and look forward to seeing you at one of our sales seminars"



[www.aromajoes.com](http://www.aromajoes.com)

#### **Creating a new standard with the Coffee & Espresso, Beverage Infusions and the Energy Drink Industry**

Aroma Joes Coffee focuses on the highest quality service, as well as, the freshest ingredients. Our "3 Laws of Service" promote this: "No Intercoms, No Mistakes, No Attitudes". Having a fast paced Drive-Thru and greeting customers with a smile is our daily routine. Our "Baristas" (espresso, coffee and drink making experts) take pride in getting all our delicious drinks correct and specific to the customers' needs. Our friendly staff puts a smile on a customer's drowsy face and can lift any sluggish step.

The other great area of focus is our fresh ingredients and the high standard we uphold daily. Our menu starts with our Award winning brand of Aroma Joes Coffee and Espresso. Our original House Blend and Dark roasted beans separates us from all other companies in the industry. It took many trials to perfect our Aroma Joe's blends and recipes. Our experience in mixology and innovation is unmatched. Many times our competitors are years behind us with their products. We take great pride in leading.

If coffee alone isn't cutting it for you, why not try boosting it up a notch with one of our specialty espresso drinks made from scratch. You won't find any of those powder machines oozing out your drink in our Coffee Houses or Drive Thrus! Only the freshest ingredients, made to order, is our standard.

Coffee flavors not your thing? WE have a long list of flavor infusions with our RUSH energy drink, fresh Iced Teas or an array of other beverages ready for your signature flavor profile. We are at the forefront of a whole new generation in flavor infusion, beverage consumption. Aroma Joes is where energy and refreshment meet. Every generation of the family is finding that Aroma Joes not only meets their daily needs but exceeds it. From age 2 to 102, we can find your perfect beverage. That's what we do, and we love what we do!

Advertising:

Wicked Good Coffee  
Frojoes Ice Coffee  
Awesome Espresso  
Fresh Baked Goods

Locations: Several places in Maine & New Hampshire

Aroma Joe's Coffee  
644 Union Ave  
Laconia, NH 03246-2547  
Local: (603) 527-8004

Aroma Joe's Coffee 96%  
113 Highland St  
\$ Rochester, NH

Aroma Joe's Coffee 69%  
71 Broadway  
\$ Dover, NH



## Sun Chronicle

### Coffee Shop Hot On Saco



#### Typical kiosk

This Aroma Joe's coffee kiosk in Laconia, N.H., is typical of most locations and is similar to what the proposed Saco site would look like. **Courtesy photo**

Posted: Wednesday, February 13, 2013 2:22 pm

By Kate Irish Collins [kcollins@keepmecurrent.com](mailto:kcollins@keepmecurrent.com) | [0 comments](#)

SACO – The Saco Planning Board is considering a proposal by Aroma Joe's to build a drive-through coffee kiosk on the corner of Route 1 and Moody Street near downtown.

The board was scheduled to meet on Tuesday, after the Sun Chronicle's deadline, to discuss the project in more detail, but City Planner Bob Hamblen does not expect a final vote on the site plan until early March.

The Saco location would add to Aroma Joe's other holdings in Maine, including drive-through locations in Biddeford, Sanford, South Berwick and Portland, according to the company's website.

The proposal in Saco, as in most of its other locations, is for a stand-alone, 502-square-foot kiosk with two drive-through windows and no indoor seating. The parcel the kiosk would occupy is slightly less than an acre in size and abuts a bank on Route 1, as well as a residential neighborhood on Moody Street.

Because of the proposed location's proximity to the I-195 on and off ramps and because of the amount of traffic it may generate in the morning and afternoon peak hours, the project requires a traffic movement permit from the Maine Department of Transportation. But, Hamblen said, it's unlikely a traffic light would be needed.

In addition, Code Enforcement Officer Dick Lambert is suggesting that the Planning Board consider limiting the hours when deliveries can be made and the disposal bin emptied due to the nearby homes.

He also wants to see site buffering, and wants the Planning Board to carefully consider issues such as signage and

lighting, as well as the number of stacking spaces in each drive-through lane, which he suggests should be able to accommodate 10 vehicles at a time.

City Engineer Angela Blanchette has also suggested that the board consider requiring Aroma Joe's to create a separate left-turn lane on Moody Street in order to help keep traffic moving out onto busy Route 1.

Prior to Tuesday's meeting, Hamblen said, "My aim is to hear the concerns of the Planning Board and the neighbors. Historically the Moody Street neighborhood has been active and interested in new development."

He said the Planning Board has already reviewed the sketch plan for the new Aroma Joe's and he believes board members are "generally in favor" of the project.

However, he did say that traffic would be a big concern for the board. According to information submitted to the planning office by Aroma Joe's, the company is anticipating it would generate about 120 trips into and out of its proposed Saco location in both the peak morning and evening hours.

Hamblen would not say whether he thought an Aroma Joe's was a good use of the proposed parcel, but did say, "A number of (kiosks) have been approved in other locations and they seem to work well."

In addition to not having any sit-down space inside, Aroma Joe's sets itself apart from other coffee chains, such as Starbucks and Dunkin' Donuts, the company website says, because it does not have any intercom ordering. All order taking is done in person instead. The general operating hours are Monday-Saturday, from 5:30 a.m.-9 p.m., and Sunday, from 6 a.m.-9 p.m.

However, like the other coffee chains, Aroma Joe's offers a variety of pastries and baked goods, including whoopee pies, muffins, doughnuts, and bagels. It also has a variety of coffees, teas and hot chocolate. And, it offers iced coffees, soda, lemonade and iced tea, according to its online menu.

Based in seacoast New Hampshire, Aroma Joe's got started in 2000 and is owned and operated by Marty McKenna, his brother Tim, and their cousins, Brian and Mike Sillon.

Mike Sillon, the chief financial officer, did not respond to Sun Chronicle inquiries before deadline, but Hamblen believes the company has had its eye on locating near downtown Saco "for awhile."

The information submitted to the planning office shows that Aroma Joe's plans to have two people on each shift, but it's unclear how many people would actually be employed in the Saco location if it gets approved.

According to the company's website, the four "caffeinated cousins have worked in food service for decades and (have) excelled using high standards of quality and attention to detail."

The goal of the company's founders, according to the website, is to build at least one new location every year.