

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD FEBRUARY 22, 2024

Present: Mark Cahoon, Mark Reed, Justin Perry, Jack Olea, Jason Smith

Absent: Anne Whitten, David Ballard

Also Present: Matt LeConte, Brittany Hilton, Jason Day

1. Call to Order:

Mark Cahoon called the meeting to order at 6:30 pm. and brought Mark Reed and Jason Smith up to full voting status.

2. Review Previous Minutes: December 14, 2023, January 11, 2024, January 25, 2024 and February 8, 2024

Mark Reed motioned to approve the Minutes of December 14, 2023, January 11, 2024, January 25, 2024 and February 8, 2024. Justin Perry seconded the Motion. VOTE: 5-0

3. Public Meeting:

Brittany Hilton, 74 Buffum Road
Map 001 Lot 64B

Request: A Conditional Use Permit for a Family Daycare as a Home Occupation within a portion of her single-family dwelling. The property is located in the Village A Zoning District.

Brittany Hilton stated she would like to open an in-home child care center. She is very involved in the Town coaching soccer for Rec and t-ball. Since there is a high demand in the area for a daycare, she would like to provide this service. She stated there is a long driveway, plenty of spaces for parking and large backyard which could be fenced in. She stated she would have no more than twelve children in the home at one time and no more than three employees, two full-time and part-time when necessary. Her hours would be 7:00 a.m. to 5:00 p.m. Monday through Fridays and would be closed all major holidays and two full weeks each year. She has always watched children and has a lot of experience and has been taking care of children for 20+ years. She is CPR certified currently and has connected with Marla Kraft, the Licensing Agent for the State of Maine and she is going to provide her with the necessary documents to go forward. Brittany is starting with the Planning Board as this is the first step.

Jack Olea asked what floor the daycare would be on, and Brittany stated it would just be in the upstairs area using the living room, playroom and bathroom. This is a split-level home and when entering the front door, there is a separate door for the downstairs but that would not be used for the daycare. Brittany stated Marla Kraft through DHHS would have to approve it after there is approval from the Town. Jason Smith inquired about the fence and Brittany stated that since she is over 250 feet from the road, the Planning Board would decide if a fence were necessary. Matt stated there is not a hard and fast rule regarding a fence when there is an excess of land.

Mark Cahoon stated he would rather see a door where the gate is. Justin stated where the kitchen and dining room is not included in the daycare, it would probably be better to have it where the gate is to define the separation between the daycare area and the living area and keep them from migrating all over the home. Mark Reed asked about the number of children allowed per square footage and Brittany stated that would all be in the information from Marla Kraft which she will. There will be a State Fire Marshall who comes out to measure everything as part of the licensing. Justin indicated that there just needs to be a defined separation between living area and daycare during the daycare hours.

Matt stated that it is an option of the Planning Board to conduct a site walk, but it is not required. Justin inquired if Brittany had spoken to her insurance company regarding the daycare and Brittany stated she had, and they will insure the in-home childcare. Justin suggested asking her insurance company about liability coverage in regard to an outside fence. Jack Olea asked Brittany about the measurements of the rooms and home and Brittany stated she would provide the final square footage of the home to the Board.

Justin Perry motioned to accept the application of Brittany Hilton, Map 001 Lot 64B for a conditional use permit for Family Daycare as a Home Occupation within a portion of her single-family dwelling. The property is located in the Village A Zoning District with the condition that a door be installed instead of a gate to separate daycare space from living space. Jason Smith seconded the motion. VOTE: 5-0

Jack Olea motioned that escrow be set for \$1,000.00 for Brittany Hilton, Map 001 Lot 64B for a conditional use permit for Family Daycare as a Home Occupation within a portion of her single-family dwelling. The property is located in the Village A Zoning District. Justin Perry seconded the motion. VOTE: 5-0

Jack Olea motioned that the Public Hearing be set for March 28, 2024 for Brittany Hilton, Map 001 Lot 64B for a conditional use permit for Family Daycare as a Home Occupation within a portion of her single-family dwelling. The property is located in the Village A Zoning District. Mark Reed seconded the motion. VOTE: 5-0

4. Public Meeting:

Business Owner: Jason Day of an Auto Repair Garage

16 Linscott Road, Map 002 Lot 30

Request: Conditional Use permit for an Auto Repair Garage. The property is located in the Industrial Zoning District.

Jason Day stated he is a heavy equipment mechanic and works on large equipment and has been a mechanic for 25 to 30 years. He grew up working at Newhall's Garage and always wanted to operate his own shop doing similar work as Kenny Newhall did. Jason Smith inquired about a proposed half bathroom and Jason Day stated that in the back left-hand corner, there is a spot where they had the plumbing completed. He does not know, however, if there was ever a leach field installed but will find out. Jason indicated there will eventually be two employees and Mark Cahoon indicated that State Law requires that there be a bathroom. Matt stated that this will require a change of occupancy permit and a condition of approval would be a temporary port-o-potty with a definitive end date for an installed bathroom. Mark Cahoon asked about draining oil protocols and Jason stated he is primarily mobile now and has all the required materials for this. Justin Perry inquired about the signage. Matt stated that a permit is required for a sign and has to meet the zoning ordinance.

Jason Day asked if the septic was already there, what would he have to provide. Matt stated he would have to provide the design and whether it will function properly, and a soil scientist would need to verify that and suitable to meet today's laws. Justin stated that before final occupancy, there would need to be a septic design and being a commercial business, a licensed plumber needs to do the internal plumbing.

Justin Perry motioned to accept the application of Jason Day for an Auto Repair Garage at 16 Linscott Road, Map 002 Lot 30, for the Conditional Use permit for an Auto Repair Garage. The property is located in the Industrial Zoning District with the condition that within 30 days, there is verification of waste disposal existing or a design for a new system and then within 90 days approval from the CEO that the system has been installed and meets all required codes. Mark Reed seconded the motion. VOTE: 5-0

Jason Smith motioned that escrow be set for \$1,000.00 for Jason Day for an Auto Repair Garage at 16 Linscott Road, Map 002 Lot 30, for the Conditional Use permit for an Auto Repair Garage. The property is located in the Industrial Zoning District. Jack Olea seconded the motion. VOTE: 5-0

Justin Perry motioned that the Public Hearing be set for March 28, 2024 for Jason Day for an Auto Repair Garage at 16 Linscott Road, Map 002 Lot 30, for the Conditional Use permit for an Auto Repair Garage. The property is located in the Industrial Zoning District. Mark Reed seconded the motion. VOTE: 5-0

Reminders: Next Planning Board Meeting – March 14, 2024 - 6:30 P.M.

5. Other Business

Matt stated he did receive confirmation that Stub Marsh will be returning on April 11, 2024 and the three long standing Board Members will be present to hear that. Matt will do his best to have that be the only agenda item that evening.

Matt stated the escrow money has been received from the Prospect Street project and the 331 Somersworth Road subdivision project.

6. Adjournment:

Mark Reed motioned to adjourn the meeting at 7:16. Justin Perry seconded the motion.
VOTE: 5-0

Matthew LeConte
Planning Coordinator
Respectively submitted,
Jennifer Berard, Stenographer

Chair - Anne Whitten



Vice Chair - David Ballard



Mark Cahoon

Justin Perry



Jack Olea



Mark Reed

A handwritten signature in dark ink, appearing to read 'M Reed'.

Jason Smith

A handwritten signature in dark ink, appearing to read 'J Smith'.