

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD AUGUST 27, 2009

Present: Chairman R. Todd Hoffman, Julie Fernee, Barry Chase, Christopher Karcher and Lawrence Huntley, CEO.

Absent: Shaun DeWolf

Also Present: Robert Frechette Sr., Edward Maurais, Timothy Robinson, Todd Goldenberg, Jeff Gaudette, Richard Lovejoy, Jeff McGovern, Bruce Jordan and Sheila Jordan.

1. Call to Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:35 p.m.

2. Current Business:

A. Sandra Engeman---Applicant proposes a home office for Horse Drawn Carriage Service, located at 51 Pine Meadow Dr. (Map 3, Lot 109-6)

Tim Robinson explained that he would like to start a home office business for his Horse Drawn Carriage Service. The business will be carriage operations for horse drawn funerals, weddings and special events.

The business will be conducted out of a home office. Therefore, we do not anticipate any drive up customers due to the nature of our service. Anybody wishing to view our horses and carriages must make an appointment. Business will be conducted by telephone or via email. The actual horse drawn carriage service will be conducted off site at the client's requested location. Departure times from our location will vary depending on the distance we must travel.

Chairman R. Todd Hoffman spoke if you want to place a sign for your business contact Lawrence Huntley, CEO about signs in North Berwick.

Barry Chase moved to grant the Conditional Use Permit, Chris Karcher seconded a motion. Vote, 4-0

B. Cheryl Pomerleau---Applicant proposes to construct a 24x24 garage addition to an existing, home, located in the Shoreland Limited Res. Zone. 826 Morrells Mill Rd. (Map 8, Lot 69)

Jeff Gaudette explained that he will be constructing a 24 x 24 garage with a 12 x12 breezeway to the main house.

Julie Fernee asked how many acres to the property.

Jeff Gaudette answered 2 ½ acres.

Barry Chase moved to grant the Conditional Use Permit for the garage and breezeway, Julie Fernee seconded a motion. Vote, 4-0

C. Robert Frechette---Applicant proposes to remove 16 trees located within the Shoreland Zone, 32 new plantings are proposed. 206 Morrells Mill Rd. (Map 13, Lot 20)

Edward Maurais explained that he will be representing Robert Frechette.

Mr. Maurais spoke that he had contacted Lawrence Huntley, CEO to start the process to remove some trees at 206 Morrells Mill Road.

Lawrence Huntley, CEO, spoke with Mike Morse from DEP two days ago to review the 16 trees in question and settled on 6 trees to be removed and 4 to be pruned. The site is in the Shoreland Protection as well as in the Resource Protection Zone.

Mr. Maurais distributed photos of the damages to Mr. Frechette's resident after the last storm.

The remedy is to remove these pine trees which keep breaking off and punching a hole in the roof. The heights of the trees are between 60 to 80 feet tall. The trees will be brought down in three pieces one sections at a time.

Lawrence Huntley, CEO met with Mike Morse from the DEP at the proposed site. Mike Moore suggested the removal of 4 to 5 trees and replanting 2 trees to each tree removed and on a number of trees dead branches will be removed to save the canopy.

Chairman R. Todd Hoffman opened the meeting to the public at 7:10 p.m.

Sheila Jordan spoke that we were in a similar situation last year we actually received permission to remove 3 of these huge pine trees. There was 1 tree that was rotted 40 feet up and probably would have fallen on my house and Mother Nature took down a few more last winter. It is a very dangerous area and I am supportive of removing trees near a home. The pines that we took down would have come down last winter so in all fairness to Mr. Frechette that would a smart move on his part to request that these trees be removed.

Mr. Maurais explained in theory we are only removing 5 trees and pruning 5 trees because 1 of the trees has a sixty foot growth off the main stub. So it really doesn't constitute a tree removal all though you are taking off a piece of wood that probably weights 2000 pounds and the entire tree work will be done with a crane.

Barry Chase asked about the theory how trees support each other.

Mr. Maurais answered that these trees are buffered by the wind by the outside layers of trees.

Barry Chase asked that you don't have any concerns about taking down this lot of trees.

Mr. Maurais answered I would like to take down all 16 trees, but the ones were taking down are the most dangerous ones.

Jeff McGovern spoke that the rules and regulations that I thought I read; is you do not touch any of the trees along the shoreline. Isn't there a regulation in place that you cannot cut down a tree that is 10 feet from the water?

Lawrence Huntley, CEO replied the criteria is it is dangerous to human habitat and some trees are dangerous and some trees are not and you have to have a specialist review the trees and determine if they are dangerous or they are not. In this case the specialist was the DEP and they are approving this situation. "Will every tree that somebody asks to be cut will be able to be cut no that is not the case".

Bruce Jordan asked that setbacks of 100 feet from the water you don't need an approval.

Lawrence Huntley, CEO replied that it is 100 feet from the water around the Bauneg Beg Lake area which is Limited Shoreland Residential and if you want to remove trees in that zone beyond the 100 foot setback you would probably need to come before the Planning Board.

Chairman R. Todd Hoffman spoke that when we give a permit it maybe a permitted activity. The Board can place conditions. "The Code Enforcer worked out conditions with the DEP. The 16 trees will not be removed only the interior trees, it is not going to change the lake view shed, it will not be impinging on other residents that really love that view as well as address the safety issue of the land owner's home".

Todd Goldenberg spoke that there are other neighbors here, but I'm interested in my view and if given the choice I would rather have the trees be replaced with a pine.

Chris Karcher moved to grant the Conditional Use Permit to cut 5 trees, prune 5 trees and replace with 10 white pine 4 feet tall, Julie Fernee seconded a motion. Vote, 4-0

3. Preview next agenda:

4. Other Business:

Chairman R. Todd Hoffman updated the Planning Board on the site walk on the proposed crematory.

5. Preview Previous Minutes:

Barry Chase moved to approve August 13, 2009 minutes as corrected, Chris Karcher seconded a motion. Vote, 4-0

6. Adjournment:

Barry Chase moved to adjourn at 8:00 p.m., Chris Karcher seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Shaun DeWolf

Barry Chase

Christopher Karcher

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Shaun DeWolf
Barry Chase
Christopher Karcher
CEO
Town Manager
Selectmen
Christine Dudley
ZBA
File