

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD OCTOBER 23, 2014

Present: Chairman Barry Chase, Mark Cahoon, Rick Reynolds, Jon Morse, Anne Whitten, Geoffrey Aleva, Lawrence Huntley, CEO

Also Present: Tyler Sterling, Bill McKenney, Shirley Barto, Lorinda Hilton, Andrew Pomaroy, Lee Jay Feldman

1. Call to Order:

Chairman Barry Chase called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Rick Reynolds motioned to accept the October 9, 2014 minutes as written. Mark Cahoon seconded the motion. VOTE: 5-0

3. Current Business:

Chairman Chase stated that the item on the Agenda tonight was for Hannaford Bros. Co., LLC. They are submitting a proposed Site and Building Amendment to a previously approved Site and Building Conditional Use Permit. (Map 17, Lot 7) at 23 Somersworth Road.

Bill McKenney from Hannaford stepped forward and also introduced Tyler Sterling. He stated that they were before the Board a year ago and the Board had granted a Conditional Use Permit for a 36,000 square foot supermarket. Since that time, they have purchased the property and have started initial site work under that permit. They are here to meet with the Board again to get approval for a phased project. The first phase would be a 20,000 square foot supermarket.

Mr. McKenney stated that he would go through his presentation on what the changes are since the last plan and will then answer any questions that the Board may have. He stated that he has given the Board a narrative explaining what the changes are along with copies of the site plan. He stated that the layout of the Phase 1 project are similar in many respects to the prior project. They will still have the main access on Somersworth Road and on Route 4. The general location of the supermarket hasn't changed and the parking is still in the same area. He stated that there are some changes along the front of the store. In the back of the store, there are really no significant changes. Receiving is still toward the rear of the building. They have moved the transformer and the generator to a different location. They are still proposing to upgrade the

water line to an 8 inch line. The sewer still comes out in the same area and connects to the existing sewer for the connection. The LP gas tanks used to be further away. They are now closer in and have four instead of the five previously approved.

Mr. McKenney stated that the light poles are staying the same but they have fewer light poles because they have less parking in one of the areas. They are also changing to LED lighting. The primary difference with LED lighting is that it is more uniform. Regarding the landscaping, they are doing less because the parking lot is smaller. They are proposing that the buffering stays the same along Route 4 and Somersworth Road. They are proposing the buffering be shortened in the back of the store to correspond with the Phase 1 improvements. When they do the Phase 2 implementation, they would add the buffering that was originally approved in the original plan.

Mr. McKenney stated that they are working with DOT on the off-site improvements. In the prior plan, there is a turn lane on the Somersworth Road driveway and from Route 4. They are proposing to not do the turn lane on Somersworth Road because they feel there will be less traffic volume. He stated that this is a State road so this will be up to Maine DOT. He stated that the public sidewalk will be the same.

Mr. McKenney stated that the primary change along the front of the building is that the building is not as long and the canopy is a little longer. The windows are also a little bigger. He also said that the mechanical center used to be on the ground but they are now proposing to have it on the roof. He also said that the screening of the compactor is not changing.

Mr. McKenney stated that they did meet with Town staff last week. The staff did stress to them the need to adhere to the Construction Standards that have changed since they were last approved. One of the changes was for granite curbing. They are proposing slip form concrete. They are requesting that the Board allow them to keep this grandfathered so they can proceed with the project as it was originally approved.

Mr. McKenney stated that they are changing the architecture of the building. They have made some of the changes per the new Ordinance because they would like to get this approved as soon as possible. On all four sides, instead of having a flat roof, they are proposing a mansard roof extending all the way around. They have also submitted a new sign proposal. They are proposing to not have a pharmacy at this time. The sign Ordinance states that you are allowed 60 square feet per business. They originally had 3 businesses with the supermarket, bottle redemption center and the pharmacy. Now they only will have the 2 businesses and this will only allow 120 square feet of signage. They are not proposing any changes to the pylon signs but they do need to change the building signs. He stated that they now have to conform to the proposal to the new sign ordinance which does not allow internally lit signs. They are proposing a 40 foot sign that would have be externally lit with gooseneck fixtures.

Chairman Chase asked what brought about the down scaling of the project. Mr. McKenney stated that since they met with the Board, they have refined their fixture plans. They have been

going through a process and looking at new format work and they feel that the 20,000 square foot size is the right size for North Berwick. Mark Cahoon asked how many more square feet it would take to put a pharmacy in because a lot of the townspeople were excited about having a pharmacy in Town. Mr. McKenney stated that he understood and that there are no guarantees, but a Phase 2 plan could come sooner rather than later. Tyler Sterling stated that the approval of the 36,000 square foot they got from North Berwick sort of coincided with some work they were doing internally with the company trying to develop a smaller more suburban format. As they were looking further into it, they decided that this area would be the perfect place to build this new format. This will be the first 20,000 square foot building that they construct. He stated that in order to still have some of the variety that they have in their larger stores, compromises needed to be made. He stated that he remembers people talking about having a pharmacy and he knows that it will be missed. They are however still excited about this new store.

Anne Whitten stated that she still is not sure why they are not putting a pharmacy in. She is wondering why all of a sudden, they came here and told the town that this is what they were going to do, the Town accepted it and now you are now taking the pharmacy away. Mr. McKenney stated that another factor is the cost. He stated that this project has been very challenging from a cost standpoint. Tyler Sterling stated that they do performance projections for the entire store. If they had projected that the pharmacy would have done big business, they would have tried to sacrifice something else, but it wasn't a big business doer in this market for them. Mr. Sterling stated that Hannaford has always been focused on meat, seafood, produce and fresh and by the time you put all of that in there along with milk, frozen, center store and the checkout, you can only put so much in 20,000 square feet. In order for the store to be successful for them, they needed to put the things in that the community needed the most and what they thought would do the best.

Chairman Chase asked what had changed so much in the past year for them to make these changes. Mr. Sterling stated that the 36,000 square foot building was always a challenging project. He stated that North Berwick needed a grocery store and Hannaford wanted to fill that void. He stated that basically this project just seemed to coincide with the creating of the new format and they feel that it fits perfectly to meet the needs of what North Berwick needs right now from a sales perspective. He stated that the good thing about the 20,000 square foot store is that it can be expanded if the demand is out performing that smaller size. He stated that they did not have anything smaller than the 36,000 square foot store a year ago when they were approved. This is a totally new format.

Mark Cahoon asked how long after they begin operation would they look at the numbers and consider the expansion. Mr. Sterling stated that it was hard to tell. He said that as soon as the market warrants it and it looks like there would be money to make, then they would expand.

Jon Morse stated he doesn't understand why they would want to do it in phases. He stated that when they do decide to expand, they will have to tear down half of the store to add on. They will need to tear down two complete walls. He wondered if that was really saving money. They will also need to add on a foundation. Mr. McKenney stated this was a good point. He stated that in the 1990's, they had defined prototypes, just like they do now. When they expanded their store, they would build the next prototype up. He stated that this is no longer viable for them to do.

Geoffrey Aleva stated that he feels that the economy is what drove them to remove the pharmacy. If they felt that the pharmacy would make money, than it would be in the store. He said that he is disappointed that they are not having one but they need to be realistic as to why they are not having one. He stated that Hannaford will be looking at the numbers and if it is feasible, they will expand in the future.

Larry Huntley stated that he feels that the way to save money on this project is to get rid of the road that goes out to Elm Street and have that as part of Phase 2 expansion. He feels that this road does not make sense from a traffic perspective. Mr. McKenney stated that they feel that this driveway will help with the sales. He stated that they would rather be on Route 4 but unfortunately it can't be done that way. Mr. Sterling stated that it is still a matter of convenience and easy access.

Mark Cahoon stated that if people have to go get their prescriptions somewhere else, than they will probably do their grocery shopping there as well. They won't waste their time going to two different places if they can help it. He feels that the people will be disappointed that there is no pharmacy.

Lee Jay Feldman stated that he knows that Hannaford is a formula operation and that certain things are going to drive decisions for them. He stated that one of the things that they may want to take back from this meeting to Corporate to discuss is that Phase 2 be a Pharmacy expansion only. He stated that he knows somewhat how their internal layout operates and he said that there may be a way to build this in the south front part of the store as a Phase 2. He says that it may be a way to develop this as a Prototype model.

Mark Cahoon asked how much square footage is needed for a pharmacy. Mr. Sterling said that he wasn't sure. Mr. Cahoon stated that the pharmacy will be a definite selling point for this store. Mr. Sterling stated that he understood where they were coming from. He stated that if it became feasible in the future for a pharmacy, they would definitely come back before the Board and ask permission to add it. He stated that not putting in a pharmacy does save money but it is also a matter of the pharmacy being able to perform in the box and be profitable.

Lee Jay Feldman stated that he feels that it is disingenuous to try and sell this Board on a Phase 2 expansion to 36,000 square feet. He stated that they should show that as the previous footprint and say that they are only going to build a 20,000 square foot and then come back to get approval

for expansion. He stated that he is definitely going to recommend to the Board that they would have to come back to get approval for any expansion project anyway. He thinks that they should not say that they are doing a Phase 1 and a Phase 2 that will get them to the 36,000 square foot. There is no guarantee that this will be built. It is a 20,000 square foot building. Mr. McKenney stated that they have done this in the past and he doesn't feel that it is disingenuous.

Anne Whitten asked what happens if the Board does not agree to the change. Geoffrey Aleva stated that they either go back to the original size building, not build at all or come back with another option.

Mr. McKenney stated that they are always looking at stores and opportunities to grow all the time. He stated that Hannaford has a good history of making good decisions and they are still building stores in a very challenging economy. They think that this is something new, creative and leading edge. They are pleased to offer North Berwick this opportunity.

Chairman Chase stated that the Planning Board in general, supported their proposal. He stated that the Board fought for them and they wanted it for the town. He said that Hannaford had promised these things and now they are coming back and saying that they are not going to do it as originally planned. He stated that some of the Board members are not very happy with this decision. Jon Morse stated that he feels that they should have done their homework before coming to them in the first place. He feels that they wasted the Board's time. Mr. McKenney stated that he lives in Falmouth and there is a Wal-Mart there. He stated that they went through a huge process getting an expansion there. He was sure that it was going to happen but they are now not proceeding with that. He stated that it is especially challenging in these economic times and it is very important for a business to be very light on its feet and make good decisions. He stated that they are constantly looking at these factors and that is what led to these changes.

Geoffrey Aleva stated that the part that the Board does is very small compared to what the business goes through with getting permits and so forth. He feels that if they had any intention of doing a smaller store, they would have done it then because it would have saved them some money when doing their site designs. Mr. Aleva stated that, in looking at the site design, pretty much everything stays the same. Mr. Aleva stated that the one thing that he would ask for is to keep the buffering on the Old County Road side the same so when it grows in it all grows in at the same density and thickness. It would shield the parking lot and building lot and they would not have to touch that if a future expansion came through. He states that he understands the reasons that they are doing this.

Lee Jay Feldman stated that one of the things that he mentioned in his memo to the Board is to see if they could take the same window that is on the south side of the building footprint toward the front and duplicating this window on the Route 9 side of the building. This would break that side up. Chairman Chase stated that they would have to have a minimum of 20% window on that side. Lee Jay stated that they did not have to be see through windows. They can be blacked out windows.

Rick Reynolds stated that they also need to discuss the granite and whether they will grant a waiver or not. Geoffrey Aleva stated that he would not object to an exception to allow them to continue to use slip form concrete. Rick Reynolds agreed and said that was what was expected anyway. Chairman Chase stated that they also expected a lit sign. He said that they should not really pick and choose. They either stick to the Ordinance or they don't. Mr. McKenney stated that they could use the same sign that they had before. It would be smaller, but they already had a permit for it. They figured that the Town wanted external illumination so the new sign would be a good compromise. Chairman Chase said that they will need to treat the Somersworth Road side just like the front. He stated that it is facing a public way so it has to follow the Ordinance. Chairman Chase went on to read Section 5.2.21.B:

B. Buildings with facades that exceed fifty (50) feet in width shall include features that modulate the façade walls in increments of thirty (30) feet or less, in order to create variety and interest along the public way. Use a minimal number of these features judiciously so that a larger building shall present a human-scaled appearance while remaining a unified design composition. The intent of this standard is to encourage buildings with architectural relief and interest.

Chairman Chase stated that it then lists features that the project may include to meet the criteria for this Ordinance.

Chairman Chase then stated that when you look at Section C.1, it states: "Storefronts of commercial facades under 100 feet in length shall have display windows comprising not more than eighty (80%) percent of the storefront surface area nor less than twenty (20%) percent."

Mr. McKenney stated that if they need to do something on the Somersworth side of the building to get approval, they will do so.

Chairman Chase asked Lee Jay Feldman if he had any other issues. Mr. Feldman said that since they are doing the mansard roof and the roof will have a parapet area, they may want to do away with the building appendage. They could drop all of the HVAC and other equipment into the parapet area. It will all be hidden due to the mansard roof.

Chairman Chase stated that they should provide them with the color samples. Mr. McKenney said that they could do that. He didn't think that they would need to show them because of the previous approval. Chairman Chase stated that this was not an issue before but with the new Ordinance they need to approve it.

Larry Huntley stated the Board needs to vote on the waiver for the granite. Chairman Chase was wondering if they actually can waive it since it is part of the new Ordinance. Mr. Huntley said that they could. Chairman Chase stated that under 5.2.21.E.4, it states: "All curbing associated with the development shall be made of granite in keeping with the curbing maintained by the

Town of North Berwick.” Lee Jay stated that they should submit the waiver request at the Public Hearing. He will do a little research to make sure that they can do that. He said that it may be considered grandfathered since it was a prior approval and it is just an amendment to the prior application.

Geoffrey Aleva asked if they would go forward with the new sign or go back to the previous proposal. Mr. McKenney stated that they would go forward with the new proposal. Geoffrey Aleva stated that they will need to be ready to provide reasons for no longer having a pharmacy.

Larry Huntley stated that the Public Hearing will be November 13, 2014 at the Community Center at 6:30 pm.

Lee Jay Feldman asked the Board if they wanted to have the Findings of Fact at the Public Hearing or only for the meeting after that. Chairman Chase stated that it should be the meeting after the Public Hearing.

Larry Huntley stated that they need to contact Underwood Engineering because of the catch basin changes on the back side.

Chairman Chase asked about the change in lighting comments. Lee Jay Feldman stated that he did make a comment about it in his memo. He said that the lighting plan shows trespass lighting on the neighboring property lines so he was suggesting dropping the light poles in these areas to 20 feet. Geoffrey Aleva stated that the problem with the lighting plans is that they don't take into account the vegetation that will be used for buffering. He said that the buffering with the trees will help with this trespass lighting. Mr. Feldman agreed but stated that they need to tell us that somehow on their plans. Mr. McKenney stated that they did make sure with the lighting plan that it matched exactly what they had before.

Larry asked Mr. McKenney about the berms along Route 4 that are collecting water and wondered if they could relieve the berms so they could get rid of some of the water. Mr. McKenney said that he would have somebody look at it.

Mr. McKenney explained the status of the construction. With the Gile's house, they needed to do some asbestos abatement, tore the house down and then graded the property. With the garage, they had asbestos as well and also some petroleum contaminated gravel. They have taken care of a great deal of this but still have work to do there. The slab where the garage was has slowed them down. They have to pull the slab up and test that soil. There is still some material stockpiled under a tarp on the property. This is going through a testing process. It takes several days to get the results back and they will decide how to dispose of it after they get the results. They are fully capable of getting rid of it on site but Hannaford would rather have it hauled off. They just need to know which disposal facility to send it to. Larry asked about the

pole barn that was still there and if there were any issues with it. Mr. McKenney stated that there were no issues with it. Mr. Huntley was wondering if anybody had persuaded them to give up the building for the tin and Mr. McKenney said that he believes their contractor is discussing this with somebody.

4. Other Business:

Larry stated that the Board of Selectmen have requested that the Planning Board come to one of their meetings to discuss proposed Ordinance changes. They could do the November 18th or December 2nd meeting. Geoffrey Aleva stated that he would like to review the granite curbing and the sign ordinance again. The Board agreed to go on November 18th.

Chairman Chase asked if anybody in the audience had any comments.

Shirley Barto was saying that she thinks it is a little suspicious that since Dollar General has come into town, Hannaford is now tailoring their plan to match Dollar General. Larry stated that Dollar General is only 9,000 square feet. Mrs. Barto said that they have downsized and are not having a pharmacy anymore because Dollar General does not have one.

Lorinda Hilton stated that they had same pharmacies in the other towns when Hannaford proposed the plan as there are now. She feels that the Town has been had.

Andrew Pomaroy stated that in the minutes from the last meeting, there was talk about changing the Land Use Tables, but he doesn't see where a vote was taken on them. He said that one that concerns him was the change in Farm and Forest zone from a "Yes" to a "CU". He stated that he feels that there is a misunderstanding about the Ordinance change. He said that it reads like it will protect people's chickens in the Farm and Forest area from being a noise problem. He was wondering why the change to a "CU" since the purpose of the Farm and Forest is to have animals. Mark Cahoon stated that a conditional use permit helps to safeguard in certain situations. Mr. Pomaroy stated that if you are in Farm and Forest, it should be already approved to have livestock and other animals. He shouldn't have to come before the Board to get approval for something that should be automatic. Geoffrey Aleva stated that he lives in Farm and Forest and it was created before zoning. He has a little over an acre. He said that right now, he could put as many cows as he wanted to onto this lot. However, he really doesn't have the room for a lot of animals. By having it as a conditional use, it is allowing for a review of everything to make sure that animals are protected and neighbors are not affected. Chairman Chase stated that they will be holding Public Hearings to discuss this before it goes to a town vote.

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:58 pm. Mark Cahoon seconded the motion.

VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten