

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD MARCH 28, 2013

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

Absent: Shaun DeWolf, Geoffrey Aleva

Also Present: Danny Bouzianis, Bill LaTorella, Charles Barto

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting of March 28, 2013 at 6:30 pm.

Chairman Barry Chase moved Anne Whitten and Jon Morse to full voting status.

Chairman Chase moved to Agenda item #3 for Current Business.

3. Current Business:

The first item of current business is regarding Delphi Holdings. Mr. Dan Bouzianis, who is the owner of Delphi Holdings, LLC, the property owner of 23 Wells Street and also one of the owners of Dunkin Donuts, which is one of the tenants at 23 Wells Street. He is here to request a waiver to change the hours of operation for Dunkin Donuts to 4am instead of 5am. He states that when they first got approval they agreed to open no earlier than 5am. He states that there has been some feedback by both employees and customers to open at 4am. He said the employees would like to have the additional hours. He also states that they have a guest that actually waits 15 to 20 minutes for them to open. Also, others have asked because of their commute times. He also states that economically, it would provide more finances.

Jon Morse asked what the reason was for 5am and if it has to do with a town ordinance. Larry Huntley stated that it was not an ordinance but the Planning Board at the time had suggested that 5 would be okay especially, after having public hearings.

Jon Morse asked if there were any complaints on traffic with the 5:00 time and Larry Huntley stated that he had not heard anything from the police department about it.

Chase stated that all we had at this time is the copy of the Conditional Use Permit.

Chairman Barry Chase opened the meeting to public comment at 6:37pm.

Bill LaTorella from 32 Wells Street, which is located directly across the street from Dunkin Donuts, spoke against opening up earlier. His main complaint is the big trucks that park illegally by his house. They leave their trucks running and it is very loud so he has hard time sleeping. He had pictures to show the trucks parked illegally. He also complained about loud motorcycles. He feels that the noise is not worth the earlier hours. He has complained to the police and has spoken to Chief Peasley about it.

Mark Cahoon stated that he agrees with him regarding the trucks parking in a no parking zone. He stated that he has also seen our town trucks parked there. Mark feels that this parking problem is not really Dunkin Donuts problem, but it really is an issue for the Town Manager or police to handle. Mr. LaTorella states that he has spoken with both Dwayne Morin and Chief Peasley many times.

Chairman Chase asked if there were any other comments.

Charles Barto did state that there were no minutes or Agenda posted on the website. Anne Whitten said that she has asked that people call or email her to remind her so she can make sure that they are there.

Anne Whitten then asked if the abutters had been notified about this proposal for the time change. Mr. Huntley stated that he had sent out 30 notifications to surrounding neighbors.

Chairman Chase closed the hearing from public comment at 6:45pm.

The Board members discussed the comments that were made and they were in consensus that the parking issues were really a police matter.

Anne Whitten asked Dan Bouzianis if he had tried to work with Mr. LaTorella regarding the issues that were brought forward. She asked if he had told Mr. LaTorella that they would have cameras and call the police if they saw anything. He stated, that with their delivery trucks, they do tell them to move it along if they are there for too long. He stated that the trucks that Mr. LaTorella was taking pictures of, were not any of his delivery trucks.

Chairman Chase asked whether the original times for store to be opened from 5am to 10pm were part of his proposal or was it a stipulation that was added by the Board? Mr. Bouzianis stated that it was a request by the Planning Board at that time.

There was further discussions regarding how the parking and noise complaints are not really a Dunkin Donuts issue, but a police matter. Chairman Chase feels that the police

department needs to get involved in this. Mark Cahoon asked about what the Planning Board can do to see that these issues are addressed. Anne Whitten stated that it should be brought up to the Board of Selectman. Chairman Chase stated that he would address it with the Town Manager.

Jon Morse motioned to accept the time change for Dunkin Donuts to go from 5am-10pm 7 days a week to 4am - 10pm 7 days week.

Rick Reynolds seconded the motion.

Mark Cahoon suggested that we keep the Sunday at 5am - 10pm.

Jon Morse made another motion to accept the time change to be 4am - 10pm from Monday to Saturday and 5am - 10pm on Sundays.

Rick Reynolds seconded the motion.

VOTE: 4-1

2. Review of Previous Minutes:

Jon Morse mentioned that he was absent at the last meeting so I need to add his name to the Absent list.

Rick Reynolds also suggested we change the 2nd paragraph on Page 6 to read “The Board agreed that this is more of a state priority.”

Chairman Chase stated that the minutes couldn't be voted on tonight because we need 3 signatures from the people that were present at last meeting and there are only 2 here.

4. Other Business:

Rick Reynolds stated that there were several issues tabled at the last meeting for further discussion. He asked Lawrence Huntley if he had received the definitions from the town attorney. Mr. Huntley stated that he had not heard back and he would call him again.

Chairman Chase brought up a discussion regarding the growth cap. Lawrence Huntley stated that we allow 39 now. Mark Cahoon asked how many permits given out this year and Mr. Huntley said about 10. Chairman Chase asked when was the last time that it had been maxed. Mr. Huntley said it was about 8 years ago and it had been maxed every year prior to that.

There was further discussion regarding how the permits for subdivisions works. There is currently a limit of 6 homes per subdivision.

Chairman Chase asked Mr. Huntley to check with the town attorney to find out what the Planning Board can and can't do regarding subdivisions. Mark Cahoon also would like

to know what the impact would be on school and fire departments. Mark Cahoon also stated to inquire if the Planning Board can have the power to amend the number in the subdivisions with each contractor. Anne Whitten and Larry Huntley stated that this may

be giving the Board too much power.

Anne Whitten stated that she thinks that all of this was discussed when the idea of adding a growth cap was done.

Rick Reynolds motioned to table this discussion until a future meeting.

Mark Cahoon seconded the motion.

VOTE: 5-0

Rick Reynolds motioned that all the items that were tabled from the March 14th meeting be tabled for discussion for further meetings.

Mark Cahoon seconded the motion.

VOTE: 5-0

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:30 pm.

Mark Cahoon seconded the meeting.

VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted,
Susan Niehoff, Stenographer

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten