

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD MAY 9, 2013

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

Also Present: Gregory Parshley, M. Gove, Wayne Whitten, Shirley Barto, Lorinda Hilton, Sara Perkins, Fred Perkins, Dan MacDougall, Sue MacDougall, Linda Ridlon, Don Beaupre, Jayne Woodman, Charles Woodman, Robert Grant, Sean Murphy, Linda Trombley, Steve Barnum, Richard Dimarco, Ben Gumm, Sally McLaren

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting at 6:32 pm.

Chairman Chase stated that since we had quite a few people present, the Board will go on to current business and review the previous minutes later in the meeting.

3. Current Business:

The first item under current business is for Parshley Steel Fabricators. The applicant proposes a Steel Fabrication Business at 3 Warrens Way (Map 22, Lot 1-3). Gregory Parshley stepped forward and stated that his intention is to fix the barn up and move his business in it eventually. Chairman Chase asked if all of the operations would be performed inside the barn. Mr. Parshley stated that all his equipment was inside and all work would be done there other than loading or unloading a truck.

Chairman Chase asked Lawrence Huntley what his thoughts were on the project. Mr. Huntley stated that it is a condominium complex for businesses. The zoning was just changed to Commercial II, which allows this type of business to operate in this area. There is one business there now that is a machine shop and one storage unit on the other side.

Shaun DeWolf inquired about the beams, columns and rails that will be built. He wanted to know at what scale. Mr. Parshley stated that the beams and columns that he builds are for houses and not for commercial buildings.

Jon Morse wanted to know what they were going to do for fire proofing because it is wood construction. Mr. Parshley stated that they were going to have to line the walls with corrugated steel.

Chairman Chase opened the meeting for public comment at 6:38 pm.

Ben Gumm stepped forward and stated that he and his wife, Sally McLaren, live next door. He stated that they are very concerned about the derelict property next door to them. He said that the grass had not been cut in two years and there are large granite slabs in the front of the farmhouse. This is a very prominent property in North Berwick. He stated that one of the things that was agreed upon by the owners many years ago, was that they would install a privacy fence at the back of Mr. Gumm's property and the front of their property and it was never done. About 5 years ago, the former owner, Mr. Bolster, came to see them and said he wanted to do something to build a privacy fence. This was never done either. Mr. Gumm would like to see the fence installed as it has been promised in the past. The other thing is that there is a large storage shed on the property. The water drains right off the storage shed and it flows right down to his backyard. He would like to have some mitigation for the drainage to be required. The other concern is about the noise because they run a bed and breakfast and it may interfere with some of their client's sleep.

Chairman Chase closed the meeting to public comment at 6:43 pm.

Jon Morse inquired as to whether or not the fence and drainage issue have anything to do with this permit. Lawrence Huntley stated that it did not. He said that it was between Fred Perkins, the current owner, and the bed and breakfast owners. Mr. Gumm disagreed. He thinks that the property as a whole needs to be taken into account when anything is done with this property. The Association owns the property and no improvement should be made to the property unless the whole property is affected. Mark Cahoon wanted to know if there is any agreement on record regarding the privacy fence. Lawrence Huntley stated that he believed there is an Article of Intent on record. Mr. Cahoon asked if it was up to the town to follow through and Mr. Huntley stated that it was up to the town. Jon Morse thought that the permit and the fence issue were two different matters, but Mr. Huntley stated that he thought Mr. Gumm was correct and it was considered one property. Geoffrey Aleve stated that Mr. Parshley becomes bound to the agreement for the fence by buying a part of that property. Mr. Huntley stated that they could approve the permit tonight and put in a condition that the fence be built before the occupant moves in. Jon Morse asked Mr. Parshley if he knew about the fence and Mr. Parshley stated that he did not know. Mr. Morse also asked Mr. Gove if he knew about the fence and he did not know either. Mr. Gove did state, however, that the drainage issue has been bought by Paul Kennedy and that there is really nothing they can do about it.

Mark Cahoon did state that the building could be insulated so that it will help with the noise. Chairman Chase stated that the Town does have a noise ordinance. It states that for a non-industrial establishment, the noise between the hours of 7 am and 7 pm, be limited to 60 decibels. Between 8 pm and 7 am, it is 55 decibels.

Rick Reynolds motioned to accept the permit for Parshley Steel Fabricators with the following conditions:

1. On the north side of the building towards Warren's Way, no door larger than an egress door will be installed.
2. The fence that was promised on the property line between the Hurd Manor and the condominium property be built prior to occupancy.
3. Fire marshal approval required.

Geoffrey Aleva seconded the motion.

VOTE: 5-0

The next permit to consider is for Linda Trombley. She is proposing to establish a Winery at 863 Oak Woods Road (Map 8, Lot 19). She states that it is a very small enterprise and she will not be serving alcohol on the premises. It's just for the bottling of some homemade wine. She has a couple of customers lined up. She does have a wholesale license, as well as a retail license. Lawrence Huntley asked Mrs. Trombley to give some detail about the process. She mixes water with honey and other ingredients and brings it to temperature so that everything is nice and clean. Once the solution is cool enough, usually between 70-90 degrees, she pitches the yeast into it, which is a winemakers yeast. It is racked over a couple of times in carboys and then goes into a 15 gallon fermenter.

Chairman Chase asked if she was going to have customers coming to her home but she replied that she did not want that. Jon Morse asked if she was going to have someone deliver. She stated that she did not want to deal with a distributor right now. She was going to be delivering the wine herself.

Chairman Chase opened the meeting to public comment at 7:10 pm.

A gentleman from the audience (he did not give his name) wanted to know about the water usage and also about what will be done with the wastewater. She will be using well water. Regarding the wastewater, she states the septic system will be more than capable of handling it. Chairman Chase asked about how much water would be used daily. She stated probably not more than what a family of 6 would use for doing dishes. One of the neighbors (she did not give her name) was very concerned about the wastewater. She states that wineries pollute the land and waters around them. She is concerned about Mrs. Trombley expanding the business. The inspection of the water is done yearly or can be done at any time.

Chairman Chase closed the meeting to public comment at 7:20 pm.

Rick Reynolds motioned that the Board accept the permit for Linda Trombley to establish a winery at 863 Oak Woods Road (Map 8, Lot 19) with the condition that she provide a state license to the CEO annually.

Geoffrey Aleva seconded the motion.

VOTE: 5-0

The next permit is for Wayne & Anne Whitten. They are proposing to add steps and a dock at 121 West First Street (Map 13, Lot 43). Anne stated that basically what they are asking for is that a set of stairs and a walkway be allowed to be added on the property that they own on Bauneg Beg. She would like to add the stairs at the end of the point. Also there is an existing 10 x 10 deck there and they would like to put a wooden footpath around the edge with a four foot landing and stairs going down to a dock. She states that the land has a slight slope to it. She would like permission to place a board foot path around the deck for easier access to the stairs. Having the board foot path would take away approximately 3 feet of stairs and make access to the water easier. She states that she does have DEP permits. They will be removing about 100 feet of dock and replacing them with 3 aluminum docks.

Chairman Chase opened the meeting to public comment at 7:35 pm.

A gentleman (he did not give his name) stated that there was a ramp that is being removed from the north side of the peninsula. He was wondering if there had been any consideration to removing the one from the south side instead. He also asked if the aluminum dock that was going to be used the same one that is lying next to his property line on the south side.

Chairman Chase closed the meeting to public comment at 7:37 pm.

Rick Reynolds motioned to accept the permit of Wayne and Anne Whitten at 121 West First Street (Map 13, Lot 43) for the purpose of building steps and dock and removing previous landing with the condition that the existing float plank ramp gets removed. Geoffrey Aleva seconded the motion.

VOTE: 5-0

2. Review of Previous Minutes:

Rick Reynolds stated that on Page 3, Paragraph 3, the last sentence should read: "Mr. McKenney stated that they generally like their paving to be curbed as opposed to uncurbed."

Anne Whitten stated that on Page 2, Paragraph 3 it should read: "In December of 2012, they presented a concept plan, similar to the one presented tonight, to the Town Manager and Code Enforcement Office. The Town Manager and Code Enforcement Officer told the applicant that they could ..."

Also on Page 3, Paragraph 2 it should read: "Mr. McKenney thinks that the total impact ..."

Also on Page 5, Paragraph 3 it should read: "If they want to come back in a month and give the Board more ..."

Shaun DeWolf stated on Page 4, Paragraph 2 should read: "Shaun DeWolf asked about the glare from the site lighting."

Rick Reynolds motioned to accept the previous minutes from April 25, 2013 as amended above.

Shaun DeWolf seconded the motion.

VOTE: 5-0

Chairman Chase asked about the signing of the conditional use permits for tonight. They could not be printed tonight because the server was not working per Dwayne Morin.

Rick Reynolds motioned to have the signature for the 3 conditional use permits approved tonight be done at the next meeting because of technical problems with the printer.

Shaun DeWolf seconded the motion.

VOTE: 5-0

4. Other Business:

Shirley Barto stated that there are no minutes on the website since February. Anne stated that they should be on there because she has been adding them. Anne will check on it.

Lawrence Huntley stated that a conditional use permit was coming up at next meeting for a storage subdivision on Portland Street.

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:55 pm.

Shaun DeWolf seconded the motion.

VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten