

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD JULY 11, 2013

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

Absent: Jon Morse

Also Present: Lee Jay Feldman, Lynn D. Best, Bob Schummricks, Amber Rouillard, Brent Rouillard, Sue Mansfield, Steve Mansfield, Carol Stambaugh, Deborah Weiner, Margaret Riley, Shirley Barto, Charles Barto, Jude Filippone, Gina Filippone, Josh Trivilino, Tyler Sterling, Bill McKenney, Sam Garza, Chris Higgins, John Davis from Unitil, Scott Gemas, Laura Gemas

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting at 6:31 pm.

2. Review of Previous Minutes:

Rick Reynolds motioned to accept the minutes from June 27, 2013.

Mark Cahoon seconded the motion.

VOTE: 5-0

3. Current Business:

Chairman Chase stated that the first item on the agenda was Hannaford Supermarkets. This is a continuance of the proposal for a Supermarket and Pharmacy at 33 Somersworth Road. (Map 17, Lot 7).

Chairman Chase mentioned that the Board had attended a site walk with the representative from Hannaford. Bill McKenney from Hannaford stepped forward to talk about what has taken place since the last meeting. He said that they submitted the \$15,000 escrow check that the Board had requested at the last meeting to Lawrence Huntley. He has provided copies of the updated architectural elevations, which were updated with a smaller size. He stated that Chairman Chase had mentioned at the last meeting that the signs were a little hard to see because of an obstructive view. Mr. McKenney shows the Board a new perspective to what the signs will look like. He stated that Hannaford had originally proposed 150 square feet for the signs and the new design is for 102 square feet. Lawrence Huntley inquired about the main sign on the front of the

building. He said that Mr. McKenney indicated that it was 100 square feet but our Town Ordinance states it cannot be more than 50 square feet. Mr. Huntley stated that they would have to make it two signs. He said that on the plan it says one sign at 100 square feet but it should read two signs at 50 square feet each to meet the requirements. Mr. McKenney stated that he would work on that.

Mr. Huntley had mentioned at the last meeting that he was going to be submitting their plan to all department heads and Board of Selectmen to ask for their input and suggestions. Mr. McKenney asked if those comments were going to be available to them tonight. Mr. Huntley stated that they would be available to them. Lee Jay Feldman stated that his report is somewhat drafted. He will be taking the comments submitted and incorporating them into his report. He said he is waiting for Underwood to get back to him on the storm water. He has given a deadline of July 18th to do so. He is hoping to finalize his report by the beginning of the week of the 22nd. He will then email the report to both Mr. McKenney and Lawrence Huntley. Mr. Huntley gave Mr. McKenney a copy of the other comments that were made by staff.

Mr. McKenney stated that they have done some further research into the lighting situation. He stated that they had originally submitted that there would be 30-foot light poles, but the Board had requested 20-foot poles. He stated that if the lower poles were used, they would have to use more of them to cover the parking lots. He has brought a comparison plan to show what the difference would be between the 30-foot poles and the 20-foot poles. He states that he has used the same modeling and the same criteria relative to providing a safe level of light. If they use the 30-foot poles, there would be 6 poles in the parking lot. There would be a need for 15 poles if they use the 20-foot poles. He does not believe that it would not look good with the lower poles because of the amount needed. Also, when you move the light poles down lower, you not only get a proliferation of light poles, but the lights themselves get so close to the pavement, you end up burning holes into the pavement and you can't push the light out well enough so it will look dark in between the poles. He states that it would not look as uniformly lit.

Anne Whitten stated that Dwayne Morin had mentioned in his memo that Hannaford was using the 20-foot lights in their store in Hinesburg, Vermont. She was wondering what was different between that store and the store they are proposing here. Mr. McKenney stated that they have never built a Hannaford with 20-foot poles. He stated that they are still in the permitting phase there and it is an issue. He stated that Vermont has very stringent lighting requirements. He said that when you go to Vermont and go to shopping centers, the parking would be dimly lit. The state standards are different.

Geoffrey Aleva stated that if you look at the original lighting plan, the 30-foot poles are in the main parking lot. As you go out the driveway, they are 22-foot poles. He states that in the second plan showing the lower poles, there will be poles in the middle of the parking lot. With the 30-foot poles, you only have them on their islands.

Shaun DeWolf asked about the lights along Route 4 and Route 9 entrances that are labeled B on the plan. He recommended making those poles lower instead of the proposed 30 feet because of it being on the outskirts. He feels that the 30-foot poles in the cluster are okay. Mr. McKenney stated that they need to meet state standards and they have to maintain a certain amount of light into the right of way. Mr. DeWolf stated that the pole currently has only one light fixture on it. He feels that they could probably get the same amount of light with two light fixtures on a 20-foot pole. Mr. DeWolf also stated that they probably could do something similar with the poles that run along the back of the building on Route 9 and the one by the propane tanks. Mr. McKenney stated that he would ask DOT about it.

The Board and Mr. McKenney went on to discuss the landscaping issue. Anne Whitten asked why they were going to use white pines for some of the bordering. Mr. McKenney stated that the town had suggested the white pines at one of the meetings they had with Hannaford.

Rick Reynolds inquired about when the lighting would be turned off at night. Mr. McKenney stated that about an hour after the store closes the lights would be turned off except for the lights around the building. At about 3 or 4 in the morning, there will be one light that comes on for the donut guy to come in and prepare the food. This is the initial plan for the lighting situation, but Mr. McKenney stated that if some safety or security issues arise, this plan would probably be changed to accommodate the situation.

Lee Jay Feldman suggested to Mr. McKenney that it would be great to get updated plans showing some of the things that have been mentioned here tonight, such as additional trees and dropping the light poles. Mr. McKenney suggested that it is costly to keep revising the plans. He stated that he would like to wait until he receives all the comments and Mr. Feldman's suggestions before updating the plans. Mr. Feldman and the Board agreed that that was fine.

Mr. McKenney then addressed the sidewalk issue. He presented a plan to the Board tonight on the possible areas for the sidewalk. He stated that at the corner where the convenience store is located, they would add a crosswalk across Route 4. They would then add the sidewalk along Route 9 and then add a crosswalk across Route 9 by their Route 9 entrance. They would then extend the sidewalk to the store. Anne Whitten inquired as to why they did not add the crosswalk across Madison Street then take a right and go across Route 4. Mr. McKenney stated that part of the reason is that there is not much right of way on that side. He doesn't think they can fit a sidewalk on the corner because of private property ownership. He stated that they still need to show the plan to DOT so it could change depending on what they say.

Chairman Chase brought up the issue of the equipment on the roof. He wants to make sure that when people are coming down the hill towards town they are not looking at a

bunch of equipment. He suggested that they think of a way to screen it so it is more presentable.

Shaun DeWolf inquired about the area where the storage containers are located. He wanted to know if they were going to be screened or enclosed. Chairman Chase stated that it would be pretty well screened by the trees. Mr. McKenney did emphasize that these are permanent storage containers. Lawrence Huntley asked if they could have a blocked wall there, but Mr. McKenney stated that it was a cost issue. Anne Whitten stated that the town has that ordinance because of what storage containers look like. She asked if the ones that would be at this store would have wheels on them and be moveable like some of the other Hannaford's. He stated that this was a new prototype change for them and they are building the first one in Branford, Vermont. It actually just opened last weekend so he would try to get a picture of them so the Board could see exactly what they look like.

Lawrence Huntley mentioned that the detention pond would need to be fenced per the town ordinance. He stated that he did not see any fencing on the plan. Mr. McKenney said that he had discussed this with Dwayne Morin also. Mr. McKenney stated that he could do whatever the Board decided. Larry stated that it was basically for safety reasons. Mr. McKenney stated that safety was a concern for Hannaford's also because since they will own the land, it is a liability issue for them.

Anne Whitten asked if the delivery trucks would use the entrance on Route 9. Mr. McKenney stated that it was up to the Board. He did state that they modified the pass so the trucks can exit from the Route 9 entrance. He stated that Hannaford would prefer that the trucks would have the flexibility to use both entrances but they will do whatever the Board would like them to do.

Anne Whitten asked what they were planning on doing for snow removal. Mr. McKenney stated that because this has such a large site, it shouldn't be an issue. They don't want to have the snow in the parking lots. He said that the edges of the property should provide plenty of space to put the snow.

Chairman Chase opened the meeting up for public comments at 7:29 pm.

Charles Barto stated that one thing to keep in mind regarding the lights, is that if it states it is a 30-foot pole, it is not a 30-foot pole. There is usually a base of 3-5 feet so if you were looking at 30-foot poles it is would really be 33 or 35 feet. He also stated that, regarding the lighting, they can use diffusers to deflect the light back onto their property. He also stated concern regarding the snowplows during snow removal and the noise that the trucks make when they back up. He feels that the Board needs to set some standards as to when this can be done. Shaun DeWolf pointed out that on their lighting plan it states that it is a 30-foot mounting height.

Brent Rouillard stated that he used to be a truck driver for Hannaford. He stated that you would need to have plenty of light, especially for deliveries in the middle of the night because you don't know who is walking around. He also stated that if they were doing deliveries in the middle of the night during or after a snowstorm, snow would need to be plowed at different hours of the day or night to accommodate the deliveries. Anne Whitten stated that one of the comments that Dwayne Morin had made in his memo was that deliveries only be made during business hours.

Chairman Chase closed the meeting to public comments at 7:33 pm.

Rick Reynolds motioned to postpone any action until after the public hearing which is scheduled for July 25, 2013.

Mark Cahoon seconded the motion.

VOTE: 5-0

Chairman Chase stated that the next item on the agenda was Jude Filippone. This is a continuance from a previous meeting regarding the subdivision driveway at Fox Farm Hill Road. Rick Reynolds excused himself from the Board for this issue because he is an abutter. Chairman Chase moved Anne Whitten up to voting status for this issue.

Jude Filippone came forward and presented all the documentation he could find on his property, which he obtained from the Registry of Deeds. He stated that there was hardly any information on the Clock Farm. There are two plans that hardly show any driveway information at all and a letter stating that the property was approved for a subdivision. He stated that Lawrence Huntley found some information from Civil Consultants which does not have much information also. Mr. Filippone stated that he went to his neighbor, who has lived there for 13 years, to ask if she had any information. She recommended that he speak with Andrew Smith. He has lived in North Berwick since the 1960's and his father was actually the Planning Board Director at the time. Mr. Smith told him the bottom entrance was the original driveway to the property. Chairman Chase stated that the Board just wanted to make sure that there was nothing on record that said that the driveway needed to be closed off. Mr. Filippone presented photos to the Board showing the driveway in question and of the natural swale where he is proposing to add parking spaces.

Chairman Chase opened the meeting for public comment at 7:48 pm.

Brent Rouillard is a tenant at this subdivision and states that additional parking spaces are definitely needed. Amber Rouillard agreed. Deborah Weiner stated that she has been a tenant there from the beginning. Now the building is full and the tenants have 2 or more cars so parking is now a problem, especially in the wintertime. Chris Higgins has been a tenant for about 3 years and feels that adding the additional driveway would also be good for safety reasons because a lot of children play in the front of the building. Laura Gemas

also stated that she was in favor of the parking spaces. She states that in the winter, parking in the currently unpaved areas causes ruts, which can become slippery because they ice over. Sam Garza stated that he would recommend the driveway to be farther away from the intersection. He feels that it would make it easier to pull out of the entrance onto the street.

Chairman Chase closed the meeting to public comment at 7:53 pm.

Shaun DeWolf suggested to Mr. Filippone that he make the third driveway an exit only for safety issues. Mr. Filippone stated that the driveway is probably the most used as an entrance and there has never been an accident there since he has lived there. Mr. DeWolf stated that he saw someone slam onto their brakes because they didn't see the entrance. He feels it would be safer if it was only used as an exit. Geoffrey Aleva stated that if you are coming down Morrells Mills heading toward Sanford, it is pretty tight. He said that he has not seen the exit so he can't really speak on it, but he suggested that if that area is very tight, maybe some brush can be cleared away to make sure that site entrance is more visible.

Geoffrey Aleva motioned to accept the conditional use application for Jude Filippone to create an additional driveway and paving the gravel area parking spaces that were submitted with the application with the following conditions:

1. 24 inch diameter cross culvert be installed under the proposed driveway and be directed to existing drainage path.

Shaun DeWolf seconded the motion.

VOTE: 5-0

Chairman Chase moved Anne Whitten back down from full voting status and moved Rick Reynolds back to full voting status.

Chairman Chase stated that the next item on the agenda is the Unitil Corporation. The applicant is proposing to install a Gas Pipeline Heater at Pratt & Whitney regulating facility located at 113 Wells Street (Map 19, lot 29). John Davis from Unitil stepped forward to discuss this issue. He stated that the information that he submitted to the Board is a three-sheet plan. One shows the existing regulator that is currently there. He said that it is a private regulator and feeds only Pratt & Whitney. He states that over the past year, because of the cold, they have been getting ice over because of the excess gas. The ice over prevents the valve from cooperating so they need to be shut down. They are proposing a new heater that would heat the gas and prevent the ice over making the valve operational. He states that the info packet also shows a profile of the height of the equipment. It is basically in an area that is industrial and off the road. They would expand the fence from 10'x25' to 30'x25' to accommodate for the heater and any other future things that they may need to do in there. Anne Whitten asked where exactly this was going to be installed. Mr. Davis stated that it was at Pratt & Whitney right next to

the railroad bed that was abandoned but is now owned by Unitil. Anne also asked about the Eastern Trail. She said that she knows that it has not been approved for the Eastern Trail to use this property, but if it ever were, would this have any impact on them? Mr. Davis stated that it would not because this is just an expansion of an already existing station.

Chairman Chase opened the meeting for public comment at 8:03 pm. There was not public input so Chairman Chase closed the meeting for public comment at 8:04 pm.

Geoffrey Aleva motioned to accept the application to install a Gas Pipeline Heater at Pratt & Whitney regulating facility located at 113 Wells Street (Map 19, Lot 29) as indicated with submitted plans on the application.

Rick Reynolds seconded the motion.

VOTE: 5-0

Chairman Chase stated that the next item on the agenda is Steve Mansfield. This is a continuance from a previous meeting for a proposal for a Storage Facility at 74 Portland Street (Map 19, Lot 10). Steve Mansfield stepped forward and stated that he had submitted to the Board all of the information that they have asked him for at the last meeting. He stated that he included the drainage, lighting and lot coverage on the site plan. Geoffrey Aleva stated that the grading on the drainage plan is fine but he feels that this should be included on the plan that shows all of the improvements that the Board will be signing. He also asked what the discussion was at the last meeting about fencing because he was not at that meeting. Mr. Mansfield and some of the Board members stated that because of the fact that he is the abutter, no fencing was needed. Mr. Mansfield stated that if it would ever be an issue, he would fence it in. Chairman Chase stated that some of the neighbors were at the first meeting and they stated that they had no problem with no fence being there.

Chairman Chase opened the meeting for public comment at 8:13 pm.

Shirley Barto stated that at the first meeting, Mr. Mansfield had said he would put up a nice wooden fence facing Route 9. She thought that that would still be a good idea because the buildings are not very nice. Mr. Mansfield stated that he said he would put up a fence if he were required to do so.

Chairman Chase closed the meeting to public comment at 8:15 pm.

Geoffrey Aleva motioned to approve the conditional use application for Steve Mansfield to build a Storage Facility at 74 Portland Street (Map 19, Lot 10) with the following condition:

1. The site plan to be signed by the Planning Board include the grading provisions for buildings and the storm water and be sealed by the design engineer.
2. Parking lot for PHASE TWO shall be paved.

Shaun DeWolf seconded the motion.

VOTE: 5-0

4. Other Business:

The Public Hearing for Hannaford will be July 25th at the 6:30 at the Community Center.

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 8:30 pm.

Mark Cahoon 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 More

Anne Whitten