

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD JULY 25, 2013

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

Absent: Mark Cahoon

Also Present: Lee Jay Feldman, Charles Barto, Shirley Barto, Sue Mansfield, Steve Mansfield, Victoria Mackenzie, Elaine Folsom, Edwin Amerman, Beverly Frost, Dorian Jacobs, Jodi Wick, Sonja Royal, Donald Royal, Kathy Pease, Dan Hett, Rick Stambaugh, Carol Stambaugh, Linda Dutch, David Dutch, Dave Babcock, Cathy Babcock, Bill Shute, Lanie Shute, Sid Hall, Brian Gosselin, Betty Hall, Lorinda Hilton, Dale Hilton, Bill McKenney, Tyler Sterling, Dwayne Morin, Wendy Cowan, Dan Cowan, Neil Rapoza, Israel Gray, Nancy Guptill

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting at 6:33 pm.

Chairman Chase moved Jon Morse to full voting status.

3. Current Business:

Chairman Chase stated that we would go right to the Public Hearing for Hannaford Supermarkets.

Bill McKenney from Hannaford stood up and reviewed their plan with the public. He stated that the store would be located on what is currently the Wick's property. He stated that the Wick's would be keeping the parcel of land where the duplexes are currently located. He stated that they are proposing to open a 35,000 square foot building, which is the smallest store they have. He stated that they have met several times with the Planning Board and have discussed different issues that the Board feels the public would like to see incorporated into the plan. One of the concerns is the buffering, so Hannaford has added some landscaping to their plan showing what kind of buffering it would offer. He stated that where there are currently a lot of trees, they would be keeping most of that except for what they will need for their driveway. He stated that there is already an existing buffer between their property and Route 4, which they will be retaining and adding a little more where needed. In the back of the store, they are adding 40 feet of

trees to help buffer there. They are also proposing a row of shade trees along the Route 9 side.

Mr. McKenney stated that lighting was also another issue of concern for the Planning Board. He stated that the Board wanted to make sure that there would be no glare going onto any of the abutter's property.

Another item that was brought up by the Board was the architecture of the building. They wanted to make sure that it had the same feel of the rest of the town making it more residential looking than commercial looking. Also, the signage was an issue because of the Town Ordinance requirements. They will have signs at both the Route 4 entrance and the Route 9 entrance, which they have reduced in size since their initial plan.

Mr. McKenney stated that they were here tonight to listen to any public comments and suggestions. They would take these comments along with the comments from the Board and various town Department heads back to their office to take under consideration and compose a new plan if necessary.

Chairman Chase asked Mr. McKenney to speak about the sidewalks. Mr. McKenney explained to the public that the Board had requested that sidewalks be extended so there would be walking access to the store. He stated that they do not show it on the plan yet because they are not sure of the feasibility of it yet. Mr. McKenney then showed the public on his site plan, where the possible sidewalks could be added. He stated that the State owns both of these right of ways so Hannaford needs to work with them to see if it is possible. Anne Whitten asked Mr. McKenney to explain what he means by the feasibility of the sidewalks. Mr. McKenney stated that there are some things that need to be looked at, such as the width of the roads. With adding a crosswalk across Route 4, they may need to move a stock bar back which could affect the Q lengths for traffic and the DOT has standards on road designs relative to what those Q lengths are. DOT will look at their plans and decide if it can be done. They also need to consider the curbing that needs to be done. Anne Whitten asked Mr. McKenney whether Hannaford would go ahead and provide the sidewalks if DOT approved or could there still be other issues to consider on their part? Mr. McKenney stated that if it was approved and Hannaford felt it was cost effective, they would go ahead with providing the sidewalks.

Chairman Chase opened the meeting to public comment at 6:50 pm.

Charles Barto feels that a 6-foot berm with landscaping and the trees on that would be more effective than a 6-foot fence to help buffer the neighbors. He feels that it would help with the lights from the vehicles coming in and out shining on the neighbors. He stated that he feels that the 22-foot poles for lighting is possible and would work fine.

Elaine Folsom stepped forward and asked if no left turn on Route 4 had been addressed yet. Chairman Chase stated that they had talked about it. Lee Jay Feldman stated that the

State would be looking closely at that intersection. He stated that we have made DOT aware of this concern. He stated that he is not sure whether they will address it or not. He also stated that if the Board wanted to, they could add that as a conditional use.

Rick Stambaugh submitted a letter to the Board tonight regarding issues not specifically addressed per our Performance Standards where conditions are warranted as he had stated in his May 22, 2013 letter. He is requesting that the Board review both of the letters once the Findings of Facts are completed but before they approve the permit to make sure that all the concerns are considered and addressed in the Findings of Facts. One of the issues from his previous letter is Traffic and Highway Access, which is Article 5.1.1. He believes that all delivery vehicles should have access from Route 9 because of the noise and glare issues and should be limited to 7 am to 8 pm.

Another issue is Noise, which is addressed in Article 5.1.2. He stated that the standard was 55 dba from 8 pm to 7 am. To meet this restricted constraint will take significant screening and buffering and limiting the noise like trucks during these hours. He asked how snow removal operations meet this standard?

The other issue is regarding Glare, which is Article 5.5. It states that no use shall be permitted that allows a strong dazzling light beyond its lot lines onto adjacent properties. Conditions to meet this standard will have to involve setbacks, screening and lighting designs.

Another issue that Mr. Stambaugh mentioned is regarding the signs and billboards. He states that the sign presented by Hannaford's doesn't appear to meet our standards of 60 square feet.

Now Mr. Stambaugh would like to go over some additional conditions from the letter he has submitted to the Board tonight.

1. Overnight Parking-Overnight parking should be prohibited. It is not appropriate to allow overnight carpool or RV parking in this location. After hours parking should be limited to employees.
2. Litter Control-Daily litter policing should be required in addition to screening, to contain parking lot and store generated litter, to avoid unsightly appearance and rodent and insect infestation.
3. Future Additional Uses-All additional Conditional Use Permit Applications for this site and adjacent lots should require a review of both: 1. The Findings of Fact for meeting the Performance Standards for this permit, and 2. The conditions imposed on this permit. This review is warranted to ensure that the proposed new use does not invalidate the Findings of Fact or make existing conditions ineffective.
4. Trash, Garbage, and Bottle Storage and Renewal-Adequate screening should be required to keep this trash from abutters, and to screen unsightly storage

containers and equipment. Noise generating activities should be limited to 7:00 am to 8:00 pm.

5. Snow Storage-Conditions should be established to ensure snowmelt run-off from parking lot snow removal piles doesn't cause run-off issues for abutters.

6. Storm Water Run-Off-Article 5.1.6 states: "Surface water run-off shall be minimized and detained on-site if possible or practicable." It is both possible and practicable to detain all run-offs on site. This should be a condition. At Hannaford's DEP hearing of 22 July 13, it was stated that the run-off from the site to adjacent lots will be no more than it currently is. The current downstream channels across Rte 4 are inadequate (since the Water Main replacement). So, it is appropriate to limit the run-off or "If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project." (Art 5.1.6) Additionally, a performance guarantee is warranted to ensure correction of run-off issues.

7. Enforcement of Performance Standards and Conditions-Conditions are warranted to quickly report, curtail and prevent recurrence of any violations. There must be quick effective enforcement to prevent recurrence, and maintain the quality of life of nearby residents.

Shirley Barto stepped forward to discuss the store hours. She stated that when Hannaford held the meeting at the High School, they stated that the hours would probably be until 9:00 pm, but at the last Board meeting they stated it could close as late as 11:00 pm. She feels that this is a little late. Anne Whitten asked Tyler Sterling if he could address this issue since he was present at that meeting. Mr. Sterling stated that he didn't recall that they stated a definite time for the store to close. He said that at the time of that meeting, they didn't even have a preliminary concept design at that time. Usually decisions such as store hours are not done until the store is under construction and they work on the delivery schedule. He said that they might have stated hours that other Hannaford stores have but he does not recall stating a definite time that the North Berwick store would close. Bill McKenney stated that in more urban areas, they would probably stay open longer hours. With North Berwick being a rural area, he doesn't think that this store would have later operating hours.

Chairman Chase closed the meeting to public comment at 7:05 pm.

Geoffrey Aleva wanted to know if Mr. McKenney and Mr. Sterling had had a chance to review the letter from the Southern Maine Regional Planning Commission yet and if they wanted to give the Board their initial thoughts now or wait to discuss at the next meeting. Mr. McKenney stated that he had not had a chance to review it completely. He would like to take all comments and suggestions made here tonight as well as from other meetings and memos and discuss at the next meeting.

Anne Whitten wanted to make it clear that the Board had not come up with any concrete conditions yet. She also asked Tyler Sterling why the conversations had changed a bit from the time that he spoke with Dwayne Morin to now. Mr. Sterling was unsure as to

what she meant. She stated that originally it was discussed that there would be a wall behind the storage containers in the back so they would not be seen and Mr. Morin was told that it would be no problem. However, that is no longer being considered. She states that initially everything didn't seem like it would be a problem but now there are different excuses being made for why something may not be considered. Mr. Sterling stated that it was just preliminary plans and that Hannaford would take any suggestions and comments into consideration. He stated that one of the things that they did from that initial meeting is add the buffering in the back of the store with all the trees. Mr. Sterling stated that it is hard to respond to the question with Dwayne Morin coming forward and stating exactly what he feels was promised that they are not offering. Anne stated that she didn't say that Mr. Sterling had specifically promised them anything but had just kind of said that it shouldn't be a problem.

Geoffrey Aleva stated that during this whole process, the Board has made comments about items that we would like to see changed. We had discussions that there would be a period where the Town hired a review engineer and planner and he would make comments. Looking at the date on the Memorandum from Lee Jay Feldman, it states July 25, 2013, which is today and Mr. McKenney states that he received it last week. He feels that the Board needs to give Mr. McKenney the time to review and address these comments, which include a lot of the comments that Board and public have addressed. Once they have reviewed and responded to the comments, we can see where everyone stands and negotiate from there. There are still other issues to look at also such as the traffic study, etc. Shaun DeWolf also stated that he needs to wait for the updated plans before deciding on anything. Mr. McKenney stated that he does need to go over everything and they definitely need to get an updated set of plans. Lee Jay Feldman also stated that they need the revised plans.

Shaun DeWolf asked the Hannaford representatives to consider an earth berm instead of a fence.

Mr. McKenney stated that it would take some time now to go through everything and get a revised plan. He also wants get answers on some of the issues such as the sidewalks.

Geoffrey Aleva motioned to continue the Public Hearing regarding Hannaford Supermarket to the 8/22/13 meeting to allow them to have enough time to review all information and develop a revised plan.

Shaun seconded the motion.

Rick Reynolds stated that they need to take care of the need to haves versus the nice to haves.

VOTE: 5-0

2. Review of minutes:

Rick Reynolds stated that on Page 1 in the last paragraph, it should state that the site walk was with a representative from Hannaford not representatives. On Page 5, in 5th paragraph, where it states "...and of the natural swell ..." it should read "...and of the natural swale..."

Susan Niehoff also mentioned that she had received an email from Lawrence Huntley to add a condition to the conditional use permit for Steve Mansfield so she added it to the notes, which were different from what she originally emailed the Board members prior to the meeting. On Page 8, the following was added: 2. Parking lot for PHASE TWO shall be paved.

Shaun DeWolf motioned to accept the minutes from the July 25, 2013 meeting as amended.

Rick Reynolds seconded the motion.

VOTE: 5-0

4. Other Business:

Steve Mansfield came forward to state that he had the updated plan that the Board had requested at the last meeting for the Storage Unit Facility. Unfortunately, he was told this morning that the parking lot on the left side would now need to be paved.

Unfortunately, he could not get the plan updated for tonight's meeting for the Board to sign off on. Lawrence Huntley stated that the Board could sign this plan so Mr. Mansfield could proceed with Phase 1 of the project. He will bring in the updated plan, which will include Phase 2 for the Board to sign at the 8/8 meeting.

Geoffrey Aleva motioned to accept the conditional use permit for Steven Mansfield to build a Storage Facility at 74 Portland Street with the following conditions:

1. For all grading to be included on the main site plan for the Board to sign and have an engineer stamp the site plan.

2. Parking lot for PHASE TWO shall be paved.

Rick Reynolds seconded the motion.

VOTE: 5-0

Lawrence Huntley stated that he would not be at the next meeting on 8/8/13. He also stated that there might be two conditional use permits on the Agenda.

5. Adjournment:

Rick Reynolds motioned to adjourn the Planning Board meeting at 7:40 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