

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD FEBRUARY 9, 2012

Present: Chairman Barry Chase, Julie Fernee, Shaun DeWolf, Rick Reynolds, Mark Cahoon and Lawrence Huntley, CEO.

Also Present: Carol Campbell, Brea McDonald, Brenda Boston, Larry Litvinchyk, Jon Koelker, Donna Koelker, Roger Hartford, and Paul Danforth.

1. Call To Order:

Chairman Barry Chase opened the Planning Board Meeting at 6:37 p.m.

2. Current Business:

CONTINUED:

A. Dwight Littlefield---Applicant proposes to permanently locate a Trucking Business at 25 Appy Acres Rd. Article 4-11 E “ Similar” to a Conditional Use” (Business Enterprise) (Map 16, Lot 9)

Chairman Barry Chase opened the Planning Board Meeting at 6:33 p.m.

2. Current Business:

CONTINUED:

A. Dwight Littlefield--- Trucking Business, 25 Appy Acres Rd. Conditional Use Permit. Final Plan Review (Map 16, Lot 9)

Paul Danforth explained. Basically what we're doing is starting out on Route 4 and relocating the entrance that is currently there and we are looking to move it further to the South and make it a more user-friendly that is a better cited distant entrance for the business. We were out shooting grades. We have found that there is 7 1/2 feet of fill up close to Route 4 and then it obviously diminishes as the road converges on to the existing grade over the course of almost 400 feet and then it goes through this turn.

I wanted to bring to Shaun the auto turn with a WB65 tractor-trailer and everything stayed within the surface or into the shoulder. I wanted to print it so that you could see it.

Shaun DeWolf asked did you say a WB65 that is huge.

Paul Danforth answered yes it is. That is what we use on the turnpike. So that is what I had.

The other items that we were talking about was creating a new access road to go down to a maintenance shop area that is on the far Northeast sideline of the Littlefield property, and you can see that I put in those trucks to show where the parking would be for 4 trailers in the back and right beside that we are looking at putting 6 passenger car auto spaces and if you can see I've tried to put them so that they're behind the projection of any view from Route 4. The building will hide the parking of the tractor-trailers as well as the employee vehicles so it should be masked behind that and besides the fact that we are going to on the south westerly side there will be evergreens planted in front of the building again to soften the building appearance from Route 4. For anyone that is looking and from that direction and that building will have the buffer as the trees grown, it will be more and more obscured. A couple of other things, I will note that the plantings down in the area where the most concern is by the existing field area we are going to put in a 5 foot stockade fence and ends up being approximately 125 feet long around that location. We are looking into just putting in that temporarily until the trees grown. It might be there for about 5 to 10 year time frame, that way the headlights are absolutely blocked nobody will get the shine because if you look at where the vehicles would be coming in. Somewhere around the curve even the vehicles turning in it will be obscured. We are trying to cover it from all angles where we will put that in, like I said, when the pines grow in a place where it is thick enough they can make a decision at that point whether or not the fence can be removed.

Lawrence Huntley, CEO asked you are proposing to make that on the same height as the road.

Paul Danforth answered. We are going to put it right outside the shoulder. It should be pretty close, maybe 1 to 2 feet to the edge of the shoulder as you start to go down on the slope.

Rick Reynolds asked if it will block the vision.

Paul Danforth answered mostly to block the lights from the trucks pulling in and pulling out.

Lawrence Huntley, CEO asked so if you're looking at the slope of the road. It is going to be down along the edge.

Paul Danforth answered that is correct.

As you can see we have the culvert in there, so any water will be pocketed in there. It does come down and sit in that location. Now it does run down here and runs along this edge and out this way. We're going to make sure that we swale it up to here and then we are going to run it the opposite direction.

Next phase would be building this future access across the field that comes into this area and that will access the new maintenance shop. The maintenance shop was sketched in for a dozen box trucks and fit into that building over on the left side for maintenance of the vehicles and for storage of the vehicles so they not out and parked all over the place and not being an eyesore which is what Dwight Littlefield felt was the biggest concern of the neighbors.

We are looking to put in 24 inches of gravel as a 4 inch top grading surface of 3/4 inch crushed gravel and 20 inches of D gravel which is which is basically 6 inch minus which is a mix of various stone sizes.

Mr. Littlefield anticipates he will pave that within the next year or two. He hopes sooner than later. That way it will provide a stable surface.

Shaun DeWolf asked how far is he planning on digging it down.

Paul Danforth answered. I think he just wants to bring it back down to where it blends in to the existing so anything on the slope. He just felt that sometimes the tractor-trailers don't do well going up hill or the box trucks when it's icy or wet, so he figured he wanted to get something down there as soon as possible.

We will be using the three to one slopes to blend into the existing as long as you use the three to one for your slope. You don't need a guard rails up because it considered a recovery slope.

I did address Shaun DeWolf maintenance schedule and your narrative in regards to the construction sequence in the parking phases and so forth. I did write up those narratives, and will get them to the code enforcer, which will provide them to the planning board.

You are also looking for culvert detail and what I ended up doing was showing it on that access road elevation. I did show how any of the culverts that we were going to be putting in new as well as the replacements will go when in and made the comments that they're going to be the 12 inch corrugated poly pipe under this location where you have plenty of cover, but if it's less than 18 inches of gravel, cover, then we are going to use the 12 inch diameter reinforced concrete pipe with at least 12 inches of cover.

Shaun DeWolf asked so that's what you're going to use on the other two.

Paul Danforth answered correct. It will replace those and make sure they are concrete and put 12 inches of cover over them.

Shaun DeWolf asked if we are talking about culverts, the one that you are proposing down by the corner on the plan you say 60 feet of 15 inch CPP and on the details you call it at 12 inch which one are you going with.

Paul Danforth answered. I will be going with 15 inch just to make sure we get everything out of there.

There really isn't a lot of volume 12 would be adequate. But a lot of times there's more obstruction rather than flow.

Chairman Barry Chase asked about the parking going into the barn itself at some point.

Paul Danforth answered that parking will go into the shop.

Chairman Barry Chase asked so at that point will these gravel spaces be eliminated.

Paul Danforth answered they would be yes.

Chairman Barry Chase asked we could make that a condition.

Paul Danforth answered absolutely.

Shaun DeWolf asked the question on the apron on the edge of the DOT road. The edge of the payment to the property line does that have to be paved.

Paul Danforth answered. It should be but it doesn't have to be. But since this is considered a private drive it doesn't have to be paved, but were going to do that anyway.

Shaun DeWolf asked what kind evergreens are you thinking of using.

Paul Danforth answered. I'm looking at the Scotch pine because they stay full, right down to the ground.

Shaun DeWolf asked that you said you did the maintenance detail for the drive for the garage now on that were there easement notes on those sheets.

Paul Danforth answered. The only other thing that I said on the easement is up here that the lands lease from Dawn Morris to the estate of Bruce Littlefield for 920 square feet I didn't get into further detail, but it kind of stipulates that is the way they're going to go.

Shaun DeWolf commented because the easement has change so you can have to address all that.

Paul Danforth answered. I will draft that up and it will be a legal document. It can be a condition because it was concerned of the abutters.

Mr. Littlefield has been working quite diligently on getting pricing for building and foundation work. He is looking on get a plan together so by the time April or May occur he can at least get started with some of the work.

Rick Reynolds asked if the topography will be done at a later time.

Paul Danforth answered yes, that's the normal process.

Shaun DeWolf asked who will be stamping these plans before you send them out.

Paul Danforth answered. I will have Gregg Blake stamped the plans for the roadway. He has been licensed for approximately 25 years.

Shaun DeWolf asked. I'm confused on the details of the culverts. My main concern is the culvert when you take a left on the curb.

Paul Danforth answered. We will need to do some re-grading there.

Shaun DeWolf commented that I was thinking that on the detail. You are going to have to have them readdress this anyway and make the note about the 12 inch culvert and the 15 inch culvert. I was wondering if you could make a note on this plan to make that clear on how you going to handle that or the two existing ones because it kind of gets lost.

Paul Danforth replied. What we talked about doing is that these roadways as they are now are certainly not going to stand up to truck traffic, the gravel will need to be raised up on top of that which is good construction anyway so that your gravels will be able to drain.

Shaun DeWolf asked are you going to take out the existing pavement.

Paul Danforth answered yes.

Shaun DeWolf asked if there was a way you could note that on the plan.

Paul Danforth answered yes. I certainly can make those comments.

Chairman Barry Chase opened the meeting for public comments at 7:07 p.m.

Roger Hartford asked what the length of time is it that all of these changes are to be completed.

Paul Danforth answered. We talked about the initial work and anticipated it would be done during this winter so that they can actually move out of their existing facility. I can't anticipate that it will be any sooner than three months from now. I would expect they would probably have the initial roadway work fill put in and it depends on what the rest of the winter is going to look like. From there, as far as the access coming in, Mr. Littlefield has been candid right along that he really didn't believe that he would be able to get that building up this year. I think you want to get the foundation in, but I think that from a financial standpoint and the legal standpoint they are still straightening out the estate of Bruce Littlefield.

Brea MacDonald asked if financial situations happen as life normally does then what happens to everything there. What if the plan doesn't plan pan out.

Paul Danforth answered. They're going to go forward with this no matter what they have to get out of the facility that they are in.

Brea MacDonald commented that it leaves all these trucks parked everywhere and road construction.

Paul Danforth replied that it is a construction project. It takes time. It is phased.

Chairman Barry Chase explained that once he gets a building permit for the building itself. He will have one year to start.

Larry Huntley, CEO spoke, he has two years to finish but that doesn't mean he can't renew the permit we don't have a time limit that says you have to be done.

Carol Campbell asked so in the future. If the project isn't completed or if there is a new owner and the conditions are not met. What is the procedure?

Lawrence Huntley, CEO explained that each note on the plan will be a condition and I'm hoping the planning board will put a limit on each condition. So let's say that the road must be constructed by a certain date and the building must be constructed by certain date or you must come back and get a new permit by the planning board something to that effect so that we can keep control of the situation as you are concerned about, so we will be aware of what's going on and we can make condition is to that affect. We can make a monetary hardship for the person. But we can try to schedule things in a normal matter so that everyone is considered and that everyone knows what is going on, step by step.

Carol Campbell asked are conditions ever or conditional use permits ever revolt.

Lawrence Huntley, CEO answered yes they have before. This is a conditional use permit and if conditions on this permit are not adhered to we can revoke that permit.

Chairman Barry Chase asked what the process is so that.

Lawrence Huntley, CEO answered. I have to issue a stop order and demand that they come back to the planning board and the planning board must take a vote to revolt the conditional use permit.

Carol Campbell asked if the future owner wants to amend the conditions or remove some of the conditions would we as neighbors or abutters be notified of that.

Lawrence Huntley, CEO answered that would be a change to the conditional use permit and all of others would be notified that would be a new action.

Brea MacDonald asked that the screening is a major concern of mine is that part of the permit is it put in during the time it is built or is it outlined in the conditions.

Lawrence Huntley, CEO answered that it would be put on the plan that all screening should be in place before any occupancy permit is issued, so yes.

Shaun DeWolf commented to you want to go that or a slope to stabilize.

Lawrence Huntley, CEO replied. She is concerned about the screening for headlights and so forth. And I'm saying that could be condition on the plan.

Shaun DeWolf commented that the screening is done at the time of stabilization of the slope.

Paul Danforth replied true. It was my recommendation to Mr. Littlefield that we put that fence in as soon as the road was basically constructed get that fence so that we have a screen in place immediately. That is what I had in that narrative the construction sequence that once the fine

grading occurred they can go ahead and put the posts in for the fencing and constructive stockade fence so basically any in and out at that time would now be subject to screening.

Lawrence Huntley, CEO spoke the question I have about the screening while I've been looking at the plan where the corner is right now. Are there trees over here that screens any of the properties from that side? So when they coming out right now that's not a hindrance.

Roger Hartford commented that you can see to those pines right up in that other field.

Lawrence Huntley, CEO spoke. That's what I am asking now you can have a lot more traffic and is no indication that there is any screening on this corner and I think they should be.

Paul Danforth replied that we can do that.

Shaun DeWolf asked that looking at the temporary screen that you have out front of Langton place could take a few off from there and maybe move him over.

Paul Danforth answered it would be worth just bringing a whole new group the same size and just put them in.

Brenda Boston asked. Are you talking about trees there? How will trees grow in that area when they are totally shaded by existing trees?

Paul Danforth answered. There are no trees out there now. We're talking about putting trees out by the side of the road just into the field so any lights coming through will be shielded by the trees that would be a great solution.

Lawrence Huntley, CEO spoke that the other concern I have is down and back as the trucks are coming down. Are they not going to be trucks coming down and the lights hitting that house down there?

Paul Danforth replied that there is no problem screening wherever needed. Dwight Littlefield has no reservations in addressing these concerns.

Chairman Barry Chase closed the meeting for public comments at 7:35 p.m.

Brenda Boston asked so it could take four years to get the building up if you talking half \$1 million dollar investment for investment that's not flowing very well.

Paul Danforth answered actually they are doing very well. I don't think that was the four years that we were talking about.

Brenda Boston commented that I know that people run out of money and change their minds. I'm just saying literally. How long would they have to implement the plan?

Paul Danforth replied like the code enforcer said. Once the building permit is issued, he has a year to start it and then he will have to basically get a building permit. If he wants to put in a foundation this year this starts that clock. But he has two years to complete it. However, if in fact there was a delay, he may go into the third year.

Chairman Barry Chase spoke: once he starts the one-year clock ticking he has a year to start it after he gets the permit. Once he puts a foundation in then he has one year to get the building done but he could come in and renew the permit.

Shaun DeWolf asked where talking about the timeframe of the parking area. What is that legit timeframe to potentially start that building that was my concern about phasing and that being temporary, maybe five, six years down the road he gets up first phase done and he says why put up the building. I don't want to see it stand there forever when the whole goal was to put the building up.

Paul Danforth answered absolutely. That is his intention and I think by putting it on the plan he is making that commitment.

Shaun DeWolf asked what would be a reasonable timeframe to place on that temporary parking area.

Lawrence Huntley, CEO answered. I suppose you can as far as a temporary parking area you can say established a permanent parking area.

Paul Danforth spoke: in that narrative. I can put some dates in those tasks for the sequencing and the planning board can review that is in fact that sounds reasonable.

Brenda Boston asked that part of the concern with the temporary parking that those trucks have to backup with the noise and if it takes five years and we have to listen to that and he doesn't do the building and we have to listen to that and that is a lot of noise.

Carol Campbell spoke: that I appreciate all the attention to all the concerns that we are expressing in this plan is for our superiors to evaluate on which it has started to be realistic. I just want state what my greatest concern is at this point that it sounds to me that this plan can go forward a conditional use permit can be approved. We all in good faith can go forward with the fencing and some screening and the road begins and then heaven for bid something happens that businesses already there. I think that is my concern the trucks are already there the business may be growing the noise, the lights. The activity is there it has yet to be determined what effect this may have on our property value or intentional to sell. If we decide it's just too much and we want to move out what effects will that have on an investment that we in good faith made so the worst-case scenario is that we have this big road and trucks. But there is nothing else and it doesn't appear there will be a reasonable timeframe that is ever going to ever happen. Nothing says he has come back and asks for permit put in the foundation and things do happen that are unexpected. It just seems for the conditional use permit the business will already exist at this location without the plan being complete.

Paul Danforth answered. He needs to have a repair maintenance shop to function. They have went down here the 40 years that they were in business and they know full well that they need to have a facility to repair their vehicles the barn that is they are now is not adequate. It will suffice for the winter. They want to bring in a few things to work on but it's not going to be something that functions adequately for a long-term facility he has to build this to conduct his normal business with parts and storage he has to have it, but anybody that builds a house has go through the same concerns am I going to get to the other side and 99% of the time we make it.

Chairman Barry Chase spoke: what the planning board wants to see this built I'm sure we'll put some timetables on when those parking spots have to be eliminated.

Lawrence Huntley, CEO spoke: that on Monday he will contact the town attorney to see if there's anything legal that we can put on that to satisfy the situation. I will mention the concerns of the abutters and asked what kind of phasing is required legally and bring that back to the board.

Rick Reynolds asked that the next final plan, be the final plan.

Chairman Barry Chase closed the meeting for public comments at 7:35 p.m.

The Planning Board agreed to have engineer stamp road to truck design and not send road construction out for peer review. Passed 5-0

Shaun DeWolf dictated for the record:

Conditions:

- 1. Maintenance schedule**
- 2. Detail for culvert reviewed and stamped**
- 3. Phase Plan to CEO to show reclamation and time and date**
- 4. Easement Notes and Deed**
- 5. Notes for existing culverts and culvert sizing**
- 6. Screening done at time of slope stabilization**
- 7. Show Evergreen screening on corner of left hand turn**
- 8. Type of Evergreen and size**

3. Preview Next Agenda

4. Other Business:

5. Review Previous Minutes:

Rick Reynolds moved to approve the minutes of January 26, 2012 as corrected, Julie Fernee seconded a motion. Vote, 4-0

6. Adjournment:

Shaun DeWolf moved to adjourn at 8:00 p.m., Julie Fernee seconded a motion.
Vote, 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Anita Merrow, Stenographer

Chairman Barry Chase

Julie Fernee

Shaun DeWolf

Mark Cahoon

Rick Reynolds

Chairman Barry Chase
Julie Fernee
Shaun DeWolf
Mark Cahoon
Rick Reynolds
CEO
Town Manager
Post Inside/Outside
File