

NORTH BERWICK, MAINE, 03906**MINUTES OF PLANNING BOARD OCTOBER 25, 2012**

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

Also Present: Larry LeBlance, Mike Hand, Mary Hand, Rod Normand, Yvonne Normand, Gina Filippone and Jude Filippone.

1. Call To Order:

Chairman Barry Chase opened the Planning Board Meeting at 6:31 p.m.

2. Current Business:

A. Jude Filippone---Applicant proposes to add an accessory structure to a Conditional Use (50' x 150' Storage Barn) 8 Fox Farm Hill Road.

Jude Filippone explained that I own the property at 8 Fox Farm Hill Road, which consist of a farm house, 10 unit apartment building, and a detached garage all sitting on 42 plus acres.

I would like to build a 50' x150' accessory building for more storage for my tenants and for my collection of cars, trucks, atvs, motorcycles, snowmobile and other motorized vehicles parts, and accessories. The items stored in the building are a personal collection and to be collected in the future.

I do own a business in Sanford called Motorhead Trading Post, but this collection would be my hobby and not for Motorhead Trading Post. I have been collecting motorized vehicles for 27 years well before I considered owning my own business.

I will be heating the building and will need plumbing and electrical. There will be no living space, no bathroom, and no office. This building will be used for storage for my growing collection of motorized vehicles.

I would like to use the existing driveway in front of the farm house and continue it into the field to keep the construction to a minimum and the driveway will be 100' for the setback off the road that is required.

Lawrence Huntley, CEO spoke: that the Conditional Use Permit is for a 10 unit apartment house on Fox Farm Hill Road. The only way Mr. Filippone could accomplish this is to be an accessory to the Conditional Use, which is a 10 unit apartment house and he can have personal storage in that building also, but it has to be an accessory to that apartment house. Mr. Filippone wants to

build a 50' x150' building to store his personal vehicles and his tenant vehicles and that's why he is here tonight.

The Code Enforcement Officer suggested a site walk to see where the building will be located, what exactly the visual deterrent would be at that location, and what type of building with the location, which is on the applicants Plot Plan and anything else that you would want, constructed or deconstructed on the property at the same time.

Rick Reynolds commented that the applicant Plot Plan was not very accurate. The plan should be to scale.

Rick Reynolds recuse from the Planning Board.

Chairman Barry Chase spoke that for the record Rick Reynolds recuse himself from the board because he is an abutter and his property is within 500 feet.

Shaun DeWolf asked Mr. Fillippone if the building was a steel prefab building.

Mr. Filiponne answered that it is an engineered building and is stamped by the State of Maine.

Shaun DeWolf asked Mr. Fillippone if the driveway that is going in will be gravel.

Mr. Filiponne answered yes preexisting driveway from the house and extend it.

Chairman Barry Chase asked Mr. Filiponne if he had a Plot Plan to show the property to scale.

Mr. Filiponne answered that he has an old Plot Plan from the previous owner.

Julie Fernee commented that she would like to have a site walk.

Chairman Barry Chase spoke: that we will have a site walk and this would come back to the next meeting.

Chairman Barry Chase opened the meeting for public comment at 6:32 p.m.

Larry LeBlance spoke: that I' am adjacent to Mr. Filiponne's apartment and there has been a lot of music, motorcycle and 4 wheeler noise coming from that building every morning and equipment being move out of the lower part of the apartment building.

The article the construction of language definition it talks about the accessory use.

Accessory structure or use: a use or structure that is incidental and subordinate to the principle use or structure. Accessory uses, when aggregated shall not subordinate the principle use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by roof of a common wall is considered part of the principal structure.

In the Tables under Miscellaneous it talks about structures accessory to permitted use and

his land is in Farm and Forest and the barn is not esthetically part of the Farm and Forest unless you have farm equipment. The diagram that Mr. Reynolds has shows the building being right there in the field, but if you look at our land use table it looks like that building is going to be separate, a stand alone building some where in that field and that does not conform to the accessory structure or the accessory to the land. If he is going to put another building up there and he is going to store vehicles that will leak oil, gasoline and other liquids will there be some type of collection system or a concrete floor where all these liquids are going to go to, because my well is right down from Mr. Filippone's apartment.

Mike Hand spoke: that the noise coming from the apartment building that lasts all day and Sand Pond Road is used as a drag strip. A building that is 50' x 150' is a warehouse. He already has a building that he has filled up with vehicle; how many vehicles can you drive. The people that are here have to deal with the noise as it is. I look at that property and I don't want to see a metal barn and hear more noise.

Rod Normand spoke: that going back to what this land was supposed to be in Farm and Forest. There is already a race track on the property and now they want a 50' x 150' building right in the middle of the field where everyone can see it. It is progressing into some thing I don't want to see there.

Mary Hand spoke: I move to Chadbourne Lane because of the nice area. The noise that comes from the apartment building is difficult. This structure will be adding to the noise and will be unsightly.

Rick Reynolds asked if Mr. Filippone will be charging his tenant to store vehicles.

Mr. Filippone replied that I will not be charging anyone to store their vehicles in the storage building.

Rick Reynolds asked about the extended driveway and tenant parking, also the old grandfathered existing shed, which is in front of the farm house. I would recommend that the storage shed be removed if Mr. Filippone is going to put this storage building in. The size of the storage building is excessive for a storage building for vehicles. The accessory use for that building is not contusive to Farm and Forest.

Chairman Barry Chase closed the meeting for public comment at 6:57 p.m.

Mr. Filippone spoke: I collect cars this is why I want a big building, so that in 20 years if I decide to sell it. It is Farm and Forest and someone may want it for horses, so I'm asking for more than I really need.

I do not start 4 wheelers or motorcycles there at 7:00 a.m. I wouldn't have any tenants, so it isn't me making the noise. I respect my tenants and neighbors.

Lawrence Huntley, CEO spoke: that this is being brought to you as an accessory structure to a Conditional Use and it has to be an accessory to that Conditional Use.

Lawrence Huntley, CEO read the definition for Accessory structure or use and explained the definition:

Accessory structure or use: a use or structure that is incidental and subordinate to the principle use or structure (the principle use of that structure is an apartment house example: store my car there is an accessory to that apartment house) Accessory uses, when aggregated shall not subordinate the principle use of the lot (to build a building and start selling cars that would subordinate the apartment house, but if he is storing something in a building it is an accessory use to the apartment house). A deck or similar extension of the principal structure or a garage attached to the principal structure by roof of a common wall is considered part of the principal structure.

Chairman Barry Chase asked why then can't he just build on his property a barn for his own personal use.

Lawrence Huntley, CEO answered because you can't have a personal use there. It is a Planning Board approved Conditional Use as an apartment building subdivision and anything that is changed or is subordinate to that subdivision has to be approved by the Planning Board. It is up to the Planning Board what size the building will be or what the uses are, but that would be an accessory building to that apartment house.

Lawrence Huntley, CEO recommended the Planning Board conduct a site walk.

Chairman Barry Chase asked Mr. Filiponne to have the four corners of the building staked out where the building is going to go and for the next meeting have a scaled plan.

Mark Cahoon moved to table this issue and conduct a site walk, Julie Fernee seconded a motion. Vote, 3-1 in favor

The Planning Board site walk will be held at 8 Fox Farm Hill Road on November 1st at 5:00 p.m.

Rick Reynolds returned to the Planning Board.

3. Preview Next Agenda

4. Other Business:

5. Review Previous Minutes:

Mark Cahoon moved to approve the minutes of September 13, 2012, Julie Fernee seconded a motion. Vote, 3-0 in favor

Rick Reynolds moved to approve the minutes of October 11, 2012, Mark Cahoon seconded a motion. Vote, 4-0 in favor

6. Adjournment:

Rick Reynolds moved to adjourn at 8:00 p.m., Mark Cahoon seconded a motion.
Vote, 5-0 in favor

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