

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD JANUARY 13, 2011

Present: Chairman R. Todd Hoffman, Julie Fernee, Patrick Raftery and Lawrence Huntley, CEO.

Absent: Shaun DeWolf and Barry Chase.

Also Present: Jan Cushing, Gregg Cushing, Diane Nau, Michael Peverett (Civil Consultants), Joel Littlefield, Doug Henning Maggie Bell, Robin Givens, Steven Givens, Erik Heitmann, Diane Hall, Gary Huffstater, Joyce Hall and Paul Hall.

1. Call To Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:35 p.m.

2. Current Business:

A. Robin Givens---Applicant proposes a “Business Administration Office” at 33 Meader Street (Map 18, Lot 11) Computer Solutions)

Robin Givins explained that I’m the property owner and my son has applied for the Conditional use Permit. I would like to have a Business Administrative Office in my house for Computer Technician.

Chairman R. Todd Hoffman asked would people be bringing computers to be worked on, on site.

Robin Givins answered they could.

Steven Givens explained that it is basically computer management. When someone has a problem with a computer, you go get the computer and find out what the problem is. Then you diagnose any hardware or software issues. The limit for a person to work on computer at a time is four or five, anymore than that it gets harder to keep track between the systems. Proactive Management is that you have clients pay you a set amount at the beginning of the month. Then you guarantee to them a certain amount of up time, a certain amount of service and a certain amount of performance.

Chairman R. Todd Hoffman explained that I want to find out how much impact this business is going to be having. This is a home occupation permit which is allowed, but it is a Conditional Use Permit, so if there are certain needs or necessities of the surrounding zone. We can place certain conditions on that permit; such as parking, hours of operation and noise.

Lawrence Huntley, CEO explained that the area on Meader Street and is very close residential.

Chairman R. Todd Hoffman asked CEO if it looked like it had sufficient parking.

Lawrence Huntley, CEO answered that one or two cars maybe. It is a tight situation where the next door neighbor is.

Chairman R. Todd Hoffman opened the Public Hearing at 6:46 p.m.

Diane Nau spoke: that she lives on 14 Meader Street. The question I have is where will the sign be place? I don't want it on my property. I do not know this man, but my observation is that it acts like an adolescent. He exercises no courteous restraint by speeding or the volume of his music while going through the residential area. I 'm concerned about my grandchildren's safety and what kind of clientele he will be brining down the road.

Chairman R. Todd Hoffman spoke that there are things that we can and cannot do. I was wondering why everyone was here and it sounds like there are reasons why they were here.

What we can do, are authorized to do and have to do is to go by the Ordinance book of North Berwick is allow for home occupation.

Julie Fernee spoke: that under 5.2.3 HOME OCCUPATION – c. 4. objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, light, glare, or other nuisances shall not be permitted.

Chairman R. Todd Hoffman replied that what we can do essentially write that in as a condition to the use of this property. What we are saying is that if there is objectionable noise and police complaints coming from this site. We would then be able to revoke the Conditional Use Permit.

Joyce Hall spoke: that I live at 33 Meader Street and according to the Town of North Berwick. I feel that his business will impact proposed use on land population and community facilities. There will be a great impact of traffic on the street if his business is successful. It is a dead end street and we don't need more traffic on our street, it is not a good situation for our street. I don't think the responsible party that is applying and whose name is on this isn't the one living there. I know it doesn't matter, but it matters when the responsible party isn't there. The ingress and egress to the property with particular reference to resident and pedestrians and convenience and traffic control are going to be changed. This is reference to 6.9 of the Zoning Ordinance in North Berwick.

Chairman R. Todd Hoffman read into the record: 6.9.6 Factors Applicable to Conditional Uses

Gregg Cushing spoke: that ever since he moved in there has been issues with noise.

Lawrence Huntley, CEO explained that the noise ordinance is listed in the Zoning Ordinance at 60 decimals, which gives me the authority to restrict the sound coming from property. If I receive a phone call from somebody that the sound is to high I can issue a summons to court. The court could fine the person, the property owner, they can issue a warrant for an arrest of a person, they can tell the person to keep the sound down and if that continues they will be in contempt of court, there could possible be jail time. You need to through the proper authorities and I would say that it is I in this case. If that happens again you need to call the Code Enforcement Office if it is after hours call

the police and they will inform me. The Planning Board can place a condition that no load noise comes from that property.

Erik Heitmann spoke: that you allow the public to speak, so obviously our opinions matter in relation to your decision. It seems to me that there needs to be a time frame between now and a certain time to see if things pan out on the street. If he shows the people especially those that have serious issues with him or if he has serious issues with them and see how their relationships work out before we allow this to occur. Maybe in that point and time we can come in and we have another meeting and maybe do something else.

Chairman R. Todd Hoffman asked if the Planning Board could do a Conditional Use Permit that will be reviewed in six months.

Lawrence Huntley, CEO answered that you can.

Joyce Hall suggested a three month review.

Chairman R. Todd Hoffman closed the Public Hearing at 6:46 p.m.

CONDITIONS:

1. **N.B. Ordinance 5.1.2 shall be strictly enforced. (Performance Standards)**
2. **This C.U. Permit will be reviewed on April 14, 2011 pursuant to N.B Ordinance 5.2.3.2 (approximately 90 days after issuance).**
3. **One parking space in drive will be designated and maintained for Home Occupation business.**
4. **The business sign shall be attached to the house.**
5. **Hours of operation shall be 8 AM to 5 PM Monday thru Saturday.**

Patrick Raftery moved to grant the Conditional Use Permit with five conditions as stated, Julie Fernee seconded a motion. Vote, 3-0

B. Planning Board Workshop---Proposed Zoning Changes 2011

Lawrence Huntley, CEO and the Planning Board discussed the Proposed Zoning Changes 2011.

A Public Hearing will be held on February 10, 2011 on the Proposed Zoning Changes.

3. Preview Next Agenda

Oak Woods Road Subdivision

4. Other Business:

Michael Peverett (Civil Consultants) representing Joel Littlefield asked the Planning Board that when the snow is gone we contact you and get placed on the agenda.

5. Review Previous Minutes:

Julie Fernee moved to approve the minutes of November 18, 2010, Patrick Raftery seconded a motion. Vote, 3-0

6. Adjournment:

Julie Fernee moved to adjourn at 9:00 p.m., Patrick Raftery seconded a motion. Vote, 3-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Anita Lambert, Stenographer

Chairman R. Todd Hoffman

Barry Chase

Julie Fernee

Shaun DeWolf

Patrick Raftery

Chairman R. Todd Hoffman
Barry Chase
Julie Fernee
Shaun DeWolf
Patrick Raftery
CEO
Town Manager
Post Inside/Outside
File