

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD MAY 13, 2010

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

Absent: Barry Chase and Christopher Karcher.

Also Present: Allen Holshoser, Mary Holshoser, Tammy Willey, Carmen Blanchette, Norman Blanchette, Helga Rollins, Paul Rollins, Carol Kezar, Natalie Parker, George Parker, Charles Kezar, Harold Grant, Claudy Boy, Justin Shaw, Danny Shaw, Stella Roberts, Harland Roberts, Don Wyman, Mary Wyman, Debbie Dubay, Dorothy Linscott, Betty Hall, Charlene Carliell, Tom Littlefield, Becky Bernard, Tom Keenan, Terry Patstone, Rebecca Rand, Joe Dubay, Richard Braly, Earl Archie, Diane Archie, Jukie Alexander, Sid Hall, Josh Morong, Joe Wyman, Bill Wyman and Laura Shaw.

1. Call To Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:33 p.m.

Chairman R. Todd Hoffman moved Patrick Raftery to full Planning Board member.

Shaun DeWolf arrived at 6:40 p.m.

2. Current Business:

A. Paul Hollis (DBA Sea Wind Enterprises, LLC) ---Applicant proposes a Four Lot Subdivision at the intersection of Lebanon Road and High Street (Map 24, Lot 5)

Chairman R. Todd Hoffman explained to the public that we are volunteers and we do our best to read, interpret and understand the North Berwick Ordinance. We cannot make any decisions that are not for ordained in this ordinance book. We go through this process whether it is for a subdivision review or a conditional use permit which consist of pages and sometimes multiple pages within the ordinance. Lawrence Huntley, CEO assists the Planning Board in the readings of the ordinance. We review what is said and then we try to determine what is said. We are not lawyer's just volunteers. We interpret and apply the Ordinance book.

This application has come before us as a minor subdivision and it falls in two overlay zones. There is Village A and Village C. Village C is affordable housing which would allow for ten thousand square foot parcels. Village A has another standard.

This evening Paul Hollis is going to make a new proposal before us.

Paul Hollis explained that the neighbors were not in favor of placing three homes at the intersection of Lebanon Road and High Street. I received a call from Lawrence Huntley, CEO that it had been determined that if I was to place 10,000 square foot lots on this property that it has to be dedicated to affordable housing only.

After speaking with the residents in the area the three lot subdivision will not be presented by me, that plan has past. I still plan on purchasing the property.

There is 1.49 acres of land with the existing home and with the corner being open land Plan A is to keep the corner of this lot open space. If I can come up with a formula in achieving this or reach out to Federal, State or local funding. If there is a process in doing that and it can be done in a reasonable amount of time I want to give it a great effort to see that this corner stay open space. If there is a probability in raising funds and sell at a reasonable amount of money which I 'am willing to do and that it stay as open space and protected.

The uses that are allowed under Village A zone are residential; one house that is 20,000 square feet; the other 10,000 square feet could be affordable housing. The uses that are allowed is anything from: personal service; clubs not serving alcohol, business enterprises; neighborhood variety convenient stores; which is under 1,000 square feet for display area only; restaurants, professional administrative offices; lodging; motel and hotel; boarding houses; bed and breakfast; church and other places of worship; private and parochial school; daycare facilities; public building such as libraries, museums and civic centers; hospitals; nursing homes; recreation; cemeteries; small non-residential facilities or cultural center.

It is limited on what you can do. This to me is as far as I 'am concern is the center of town and it would be great to me to keep it open. I would like the neighborhood to get together and choose a few representatives. I'm going to reach out for somebody that is familiar with State Granting money and see what a strong probability is to have the corner stay as open space and to have it purchased.

If weeks and months go by and we don't seem to be making any head way. Then we are going to revisit that corner and it may be just a single building. I'm not going to go out and build a building on speculation on that property. These things are tannic driven with this economy. You need someone to come to you and say "I would like to be there" and what ever they are proposing to do it has to fit within the zone or your wasting your time. I'm not interested in getting variances or waivers and I'm truly not interested in upsetting the neighbors. Plan A is to keep the corner as open space.

Chairman R. Todd Hoffman spoke that we called for a Public Hearing. But what the Public Hearing was about, Mr. Hollis has taken off the table. Mr. Hollis has stepped back so it is premature for the official Public Hearing on this plan, it is tentative it isn't even a sketch plan. Mr. Hollis has a captive audience and the Board appreciates your interest and the citizen participation and this is what North Berwick is all about.

Lawrence Huntley, CEO spoke that the point of order is that I should mention that now that Mr. Hollis is proposing to just split the property this will be the only chance that this group will be able to talk to Mr. Hollis because it will not be a subdivision and will not require a review by the town. The citizens may stay in contact with me or you may call my office at anytime. This will probably be the last Public Hearing on that property unless Mr. Hollis decides to go further with a subdivision.

Chairman R. Todd Hoffman opened the Public Hearing at 6:58 p.m.

Paul Hollis explained to the public that the DOT will be paving Route 4. We are going to bring the sewer in to the edge of the property.

Chairman R. Todd Hoffman spoke that since Mr. Hollis has recind his first plan and will not coming in and presenting to us, that he will probably be developing this under the Village A overlay.

Chairman R. Todd Hoffman read into the record:

Page 4-4/Article 4-District Requirements:

The Village A District:

- a. Is to provide compact residential growth in such a manor and in such locations as are compatible with development and the ability of the community to provide essential services and utilities.
- b. To provide an area where the location of public facilities can serve the greatest number of people as economically as possible.
- c. To allow the maximum diversity of uses while protecting the public health and safety, environmental quality and economic well being of municipality by controlling those uses which by virtue of there external effects, waste discharge: noise, glare, fumes, smoke, dust, odor or traffic could other wise could create nuisance or unsafe or unhealthy conditions.
- d. To protect the historical and architectural integrity of existing village development and to unsure future development is compatible both in character and use.

These are the general parameters under which Mr. Hollis will be doing any development that he does do. As of now he is not going to be in a subdivision. But will be under the purview of the Code Enforcement Officer that will enforce these ordinances.

Charles Carliell spoke that she is concern about what Mr. Huntley said that this would no longer be a subdivision. If the old Guptill house stays there and the vacant land could it still become two houses or three houses.

Lawrence Huntley, CEO replied that it could become another house on that lot.

Charlene Carliell asked just one house.

Lawrence Huntley, CEO answered that it could become another house on that lot. There could be one house on that lot but if Mr. Hollis wanted to make a subdivision he could make an affordable house.

Charlene Carliell asked so Mr. Hollis could still put in two houses.

Lawrence Huntley, CEO answered if he came back for a subdivision review.

Chairman R. Todd Hoffman spoke that we would be back in this process again and the abutters would be notified.

Lawrence Huntley, CEO spoke there are things that could trigger a conditional use permit review before the Planning Board and you would be notified.

Paul Rollins spoke that the only problem that the abutters had was density, too many houses. And bringing up the affordable housing killed it for Mr. Hollis. You mentioned that he could put another affordable housing lot on there. To answer Charlene's question put a second house. It would be nice if he addressed that right now because it was addressed privately with me.

Paul Hollis answered that I have no intentions of putting affordable housing on the property. It is as simple as that.

The property is either going to be open space or a single building and a use that is complimentary to the neighborhood.

Julie Fernee spoke that I don't think it is inappropriate of me to ask you how much we would have to raise to buy from you to keep it as open space.

Mr. Hollis replied that I want to get the closing done it would be premature of me to say that. I'm paying full price for the property and we haven't determined that yet. We have not bought it yet. But we will be buying.

Charlene Carliell asked why Mr. Guptill isn't selling it to the town.

Mr. Hollis answered because he has it under contract with me; he can't. I will not be selling the property to someone who is going to put affordable housing on that property.

Charlene Carliell spoke that when speaking with Mr. Hollis on the property that my main concern is the water run off. I know there is a stream under that property and it runs directly under Ed Guptill's house. Our basements are all cracked from previous blasting and we have a lot of water. I was told when I bought the house over six years ago that there is never water in the basement because we were on a hill. The problem is we are on a down slope of that hill so when the water comes down High Street and also down Lebanon Road and floods all my land.

Charles Kezar spoke that before any roads were built we use to skate on that corner piece of land. The water always came right in there on the corner property. But when they put the road in they have a manhole that you don't see, because Harry covered it up and grassed it in. There has never been a drop and because of the curbing it goes down in the manhole and does not cross the street. The water come down that side and goes into the manhole which is in the corner. There is another manhole up on the lawn that never did receive any water because there is no water there for it to receive.

Chairman R. Todd Hoffman spoke that if this went under minor subdivision review. We would have Mr. Hollis hire a hydrology engineer and do a site walk and look at drainage. We would review that and we could send that report out for a peer review. This is to protect you from any disturbance that would change or not.

Chairman R. Todd Hoffman asked Lawrence Huntley, CEO if he ever demanded a hydrology report.

Lawrence Huntley, CEO replied that there is provisions that he ask for a professional hydrologist engineer review.

Mr. Hollis spoke that water is truly a valid concern for developing a piece of property. You can't develop a piece of property and be adding water to your abutter's property it isn't legal. When it is time to get a hydro geologist report that is professional determine how much water you are going to be adding on to a site as a result of asphalt, parking and root drain. Every town that I have dealt with my report goes to a town approved engineer that I pay for and they review my engineers report and they all come out and meet on the site and put a plan together that works.

Tom Keenan spoke that he has lived on 11 Lebanon Road for 22 years and up until the State blasted for the roads we didn't have a problem with water.

Chairman R. Todd Hoffman asked if there were citizens that were interested in fund raising whether it is at the State Government local level to keep from having a house right on it.

Paul Rollins replied that Mr. Hollis has discussed that with both myself and Skip and we are quite willing to work with him on that as a starting point.

Charles Kezar spoke that I think we have accophished everything that needs to be accomplished here tonight.

Chairman R. Todd Hoffman closed the Public Hearing at 7:30 p.m.

3. Preview Next Agenda

4. Other Business:

The Planning Board discussed the Medical Marijuana Act.

Julie Fernee moved that the Planning Board places a Moratorium on the initiative to amend the Medical Marijuana Act, Shaun DeWolf seconded a motion. Vote, 4-0

5. Review Previous Minutes:

Julie Fernee moved to approve the Minutes of April 22, 2010, Patrick Raftery seconded a motion. Vote, 3-0

Shaun moved to amend the Minutes of April 22, 2010, Patrick Raftery seconded a motion. Vote, 4-0

6. Adjournment:

Shaun DeWolf moved to adjourn the Planning Board Meeting of May 13, 2010 at 8:00 p.m., Julie Fernee seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Anita Lambert

Chairman R. Todd Hoffman

Barry Chase

Julie Fernee

Shaun DeWolf

Christopher Karcher

Patrick Raftery

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