

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD SEPTEMBER 9, 2010

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

Absent: Christopher Karcher, and Shaun DeWolf.

Also Present: Donna Rand, Rebecca Dubay, Lendell Quint, Steve Quint, Joe Dubay, Steve Mansfield, Dan Burbank, Lorie Burbank and Teresa Bell.

1. Call To Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:38 p.m.

2. Current Business:

A. Rebecca Dubay, BS, MPT---Applicant proposes to locate Physical Therapy Business at 73 Elm Street (Map 17, Lot 52)

Rebecca Dubay explained that she would like to start a Physical Therapy Business. It will be a private practice and I will be the only one in the practice. I would like the opportunity to expand if need be. It will be for outpatient orthopedic. I will also allow people to use the gym after their exercise program so that they can come and continue to exercise after they have been discharged.

Chairman R. Todd Hoffman asked what the size of the gym was and what will be used for equipment.

Rebecca Dubay answered that it is a just a small area with a elliptical, bike, tread mill, hand weights and some balance equipment, it is basically rehab equipment.

Chairman R. Todd Hoffman asked how many people could use it at once.

Rebecca Dubay answered that anywhere from rotating four to five people.

Chairman R. Todd Hoffman asked what the hours of operation are.

Rebecca Dubay answered the hours of operation are Monday, Wednesday and Friday would be my early days from 7:00 a.m. to 3:30 p.m. and Tuesdays and Thursdays from 10:00 a.m. to 7:00 p.m.

Chairman R. Todd Hoffman asked about parking.

Rebecca Dubay answered there is enough parking there are spaces on the side and in the front. I will be having one patient at a time with most of the traffic in the morning.

Chairman R. Todd Hoffman asked if there are three or four people in the gym getting an early morning work out.

Rebecca Dubay answered there will be enough room for them.

Chairman R. Todd Hoffman asked Steve Mansfield how many parking spaces.

Steve Mansfield answered that there are nine spaces.

Chairman R. Todd Hoffman asked are there designated parking spaces.

Steve Mansfield answered that there are ten parking spaces. The Massage Therapist has one and Rebecca Dubay will have two spaces and the rest is first come first serve and my employees can park in the back.

Chairman R. Todd Hoffman asked if Rebecca Dubay would have designated parking spaces.

Steve Mansfield answered that Rebecca Dubay could place designated parking spaces for her business.

Chairman R. Todd Hoffman read into the record:

6.9.6 Factors Applicable to Conditional Uses:

a. In considering a conditional use permit the Planning Board shall evaluate immediate and long – range effects of the proposed uses, and the following factors:

1. the compatibility of the proposed with adjacent land uses and other property in the district;
Chairman R. Todd Hoffman spoke that the proposed business fits with the adjacent land uses.

2. the need of a particular location for the proposed use;
Chairman R. Todd Hoffman spoke that the downtown commercial area this business has a great location.

3. the impact of the proposed use on local population and community facilities;
Chairman R. Todd Hoffman spoke that it is a wonderful business service.

4. the impact of the proposed use on transportation facilities;
Chairman R. Todd Hoffman spoke I don't think that transportation is an issue with only a couple of people using the facility at a time with plenty of parking.

5. the maintenance of safe and healthful conditions;
Chairman R. Todd Hoffman spoke that this is not an issue the facility is not in operation

6. existing topographic and drainage features and vegetation cover on site;
Chairman R. Todd Hoffman spoke that this does not pertain to the proposed use.

7. the prevention and control of water pollution and sedimentation;
Chairman R. Todd Hoffman spoke that this does not pertain to the proposed use.

8. the location of the site with respect to flood plains and floodways of rivers or streams;
Chairman R. Todd Hoffman spoke that the Board has reviewed this topic.

b. Before any conditional use permit may be issued, the Planning Board shall make written findings certifying compliance:

1. ingress and egress to property;

Chairman R. Todd Hoffman spoke that the Board knows that it is an existing curb cut and there are conditional uses and they are know well.

2. off street parking and loading areas;

Chairman R. Todd Hoffman spoke that we know it well. Steve Mansfield has had people going in and out of the area all the time.

3. refuse and service area;

Chairman R. Todd Hoffman spoke will you being doing any undo. Is there a dumpster in the back? Steve Mansfield answered yes.

4. utilities;

Steve Mansfield answered that it is all one furnace.

5. screening;

Chairman R. Todd Hoffman spoke that this is a commercial zone and nothing is being changed.

6. signs, if any, and proposed exterior lighting;

Chairman R. Todd Hoffman asked if the applicant plans to light up the sign, which signage is a separate Ordinance.

Rebecca Dubay answered I don't plan on it.

7. required yards and other open spaces.

Chairman R. Todd Hoffman spoke that you require nothing outside.

Chairman R. Todd Hoffman asked if Rebecca Dubay about signage.

Rebecca Dubay answered that I proposed a two foot by three foot sign that will be on the building.

Barry Chase move that after reviewing applicable conditional uses 6.9.6 a., b. that we will grant the conditional use permit to Rebecca Dubay, Julie Fernee seconded a motion. Vote, 4-0

B. Steve Quint---Applicant proposes an Ordinance Change to allow Storage Container Staging in the Farm and Forest Zone.

Lendell Quint explained that we are from Farm and Forest and with the large parcels of land. It is hard to make enough money to pay the taxes.

We poured a pad to clean up some of the debris out in the old pit and the old equipment etc....put in a roll off container and there are a couple there , which is fine. The man that brought the container

there said this would be perfect would you mind if I left a few here for storage. The CEO came and said we couldn't do that.

Chairman R. Todd Hoffman asked who wants to store the there.

Lendell Quint answered Seacoast.

Chairman R. Todd Hoffman asked how many was he storing.

Lendell Quint answered approximately eight.

Chairman R. Todd Hoffman asked what road are you on and how far off the road is the storage.

Lendell Quint answered Morrells Mill Road and the area is approximately 1000 feet from the road.

Lawrence Huntley, CEO spoke that isn't the issue it is in Farm and Forest and it isn't allowed in that zone. The allowances need to be changed within the zone itself to allow certain issues if the Planning Board sees fit.

Barry Chase asked CEO are you calling that a shipping container.

Lawrence Huntley, CEO answered no, I m calling it a storage container.

Barry Chase spoke that I look at some of the other things and it says waste processing, disposal facilities other than sewage and solid waste recycling facility. It seems that it could fit into that.

Chairman R. Todd Hoffman asked is he using it essentially to store these containers there while he isn't using them.

Lendell Quint answered right.

Chairman R. Todd Hoffman spoke that they aren't for disposable site on the property. He just needs a place to park them.

Barry Chase commented that to store them they are no heavier than an empty dump truck. If they have containers that are half full then it becomes a recycling facility.

Lawrence Huntley, CEO replied not if they are not handling it. They are taking it off the construction site and storing it on Mr. Quint's yard for awhile and then they get another truck and haul it to a recycling facility.

Steve Quint spoke that the company that wants to come in and park them there are strictly non-hazardous.

Lawrence Huntley, CEO spoke that the Quint's are here tonight to see if the Planning Board would entertain an option of changing the Farm and Forest Zone to a conditional use for storage containers for a place for storage. The Board would need to write an Ordinance as to address that and make that a conditional use.

Patrick Raftery commented on 4-9 c where it talks about storage yard.

Lawrence Huntley, CEO spoke that you have to look at the definition of storage yard. That is self storage facilities or storage base where you would store items for a month.

Barry Chase spoke that it wouldn't be a shipping container because it isn't fully enclosed.

Lawrence Huntley, CEO answered right.

Barry Chase spoke that you are saying that there not allowed because you don't see anything that says that they are allowed.

Lawrence Huntley, CEO answered right.

Barry Chase spoke I go the other way and say they are allowed because there is nothing that says there not allowed.

Donna Rand spoke that I live by them and I don't have a problem with it.

Lawrence Huntley, CEO read into the record the definition of Junkyard.

Chairman R. Todd Hoffman spoke that if we make a ruling on that then that sets precedence. I would entertain your idea to change this book appropriately and give it a conditional use permit.

Lawrence Huntley, CEO replied that we have until December to make changes to the Ordinance.

Chairman R. Todd Hoffman spoke that the Planning Board would make the changes, but we would need a rough draft of what these containers are.

Lendell Quint asked how about if we bring in the owner of the company and he can tell you a lot more about the company than we can..

Chairman R. Todd Hoffman replied what I would like is for him to write it up and define exactly what it is, the processes and the materials that are included.

Lendell Quint replied alright.

Barry Chase suggested SMRPC.

Lawrence Huntley, CEO asked Steve and Lendell Quint to come into his office on Monday.

3. Preview Next Agenda

4. Other Business:

5. Review Previous Minutes:

Chairman R. Todd Hoffman and Patrick Raftery signed and approved the meeting of August 12, 2010.

Barry Chase moved to approve the minutes of August 26, 2010, Julie Fernie seconded a motion. Vote, 3-0

6. Adjournment:

Patrick Raftery moved to adjourn at 7:45 p.m., Julie Fernee seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Anita Lambert, Stenographer

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