

NORTH BERWICK, MAINE, 03906**MINUTES OF PLANNING BOARD SEPTEMBER 23, 2010**

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

Absent: Christopher Karcher, Julie Fernee and Barry Chase.

Also Present: Kelly Albano, Noel Albano, Steve Quint and Lincoln Harrison.

Shaun DeWolf arrive at 6:50 p.m.

1. Call To Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:44 p.m.

2. Current Business:

A. Planning Board Workshop

1. Comprehensive Plan Review

Tabled

2. Ordinance Changes:

Lawrence Huntley, CEO spoke that I just want to say that we usually and most always follow the attorney's definitions and what his findings are, so that were both on the same page. If the Enduro Race had been brought to a conditional use, and if I were to ask the attorney if it was a race track or not, and whether we should be reviewing it or not, I would have gone with his finding.

What ever the attorneys finding are it doesn't serve the town any good to go against the attorneys thoughts. That is my statement on that.

Chairman R. Todd Hoffman spoke that even through definition that I think throws our book into revision.

Lawrence Huntley, CEO spoke that the attorney has made his decision and we are moving on.

The Selectman has asked the Planning Board to help them restructure the Mass Gathering.

The Selectmen have accepted the attorneys finding and so has the town manager and I.

Chairman R. Todd Hoffman spoke that I talked with Dwayne so I did know this was coming down and we need to move on. I think we need to fix the definition of Race Track here is totally inadequate.

A 1973 dictionary and you can find four or five dictionaries that contrary. What we need to do is have language that addresses a broader issue.

Could we ask the town attorney to take our definition in the Zoning Ordinance and write it they way we think the spirit is.

This was a designated area for 400 riders for money.

Lawrence Huntley, CEO spoke that you are being specific as to one issue that you are passionate about. What we are talking about is an over all definition that will serve the town not just one issue? You need to take these things into consideration.

Chairman R. Todd Hoffman spoke that the intent of this ordinance it seems fairly obvious

Lawrence Huntley, CEO spoke I m not arguing either way. I m just telling you the conclusions are.

Chairman R. Todd Hoffman replied well I am it seems fairly obvious

Chairman R. Todd Hoffman updated Shaun DeWolf that the 1973 Webster's Dictionary on the definition of a "race track" as: "an oval course on which races are run." Everyone knows that all race tracks are not oval or round.

What I think what we probably need to do is to get better language and attach to our definition of race track.

Our Zoning Ordinance defines:

Race Track: any area (that would includes oval, straight, on the road, off the road) designated for or used by motor vehicle for the express purpose of racing competition, whether organized on a commercial or non profit ("club")

I suggest that we would get legal authority that is making designations that would come up with the language. I don't know how that doesn't apply.

Is it your understanding is that what we could do? We could request that.

Patrick Raftery answered why he wouldn't just say; go with the one I already gave you.

Chairman R. Todd Hoffman replied because we know that some race tracks are not ovals, there round or straight.

Patrick Raftery spoke won't he just say the same thing if you ask him again.

Chairman R. Todd Hoffman replied that I don't think that is sufficient.
Patrick Raftery spoke that we could write one and have him go over it.

Chairman R. Todd Hoffman replied that we need a definition that works.

Lawrence Huntley, CEO spoke that he is saying that it works. For his purposes are he's saying that it works.

Chairman R. Todd Hoffman replied but it didn't work for this one.

Shaun DeWolf spoke that the lawyer says that this is not a track, because they only passed over it once.

Lawrence Huntley, CEO spoke that he is saying it isn't a track, because it is a one time thing, it isn't a racing activity once every month or something like that.

Shaun DeWolf replied that it could happen tomorrow as a one time event. The year after is a one time event. Is there a way that we can apply this as an organized event? But apply that to an organize race event with engines for profit and non-profit.

Lawrence Huntley, CEO spoke that it does say that.

Shaun DeWolf replied but not saying it is a track, but an event in general.

Chairman R. Todd Hoffman read: this is such never the less the dictionary defines provides support for the view that a race track is a place for where races are repeatedly run over the same course. We need to come up with a definition that will take into consideration.

Shaun DeWolf asked could we get a list on the abutters that approved and not approved.

Chairman R. Todd Hoffman replied that no abutters were notified.

Shaun DeWolf spoke that not so much as the abutters, but the land owners.

Lawrence Huntley, CEO replied I don't have that list.

Shaun DeWolf spoke no for future.

Chairman R. Todd Hoffman spoke that there are two things that should happen that I would assume is a conditional use permit, although the book says for this activity you can't get a conditional use, so we shouldn't have anything to do with it, but if you have a Mass Gathering and the Selectmen are well aware that the Mass Gathering Permit is inadequate. It is largely for weddings 75 and above and if we need one for weddings. If there would have been an accident this would be worth a lot of money.

Lawrence Huntley, CEO replied that is an opinion, that is not a cut a dry thing. Shaun DeWolf spoke that the biggest thing about the Mass Gathering that I saw at the race was the lack of supervision of the organizers in general.

Chairman R. Todd Hoffman spoke can we write a definition that would take into consideration this as well as other races.

Lawrence Huntley, CEO replied I think your losing the point here. The Selectmen asked you to help them with a Mass Gathering Permit they didn't ask you to write a new racing ordinance.

Shaun DeWolf spoke why are we writing something up shouldn't we get the Chief of Police and the Fire Department and see what there concerns are.

Lawrence Huntley, CEO replied that they want you to think about it and come up with some ideas.

Chairman R. Todd Hoffman spoke they are asking are there issues, so we would write a memo saying this maybe issues that we though about that we are aware of. There are a couple of things that we know about for conditional use permit, because we know the process. It should have public hearings and all abutters should be notified, so that they can have input.

Shaun DeWolf asked what the time frame for a Mass Gathering Permit. If I walk into the Police Station and ask for a Mass Gathering Permit can I get one that day.

Lawrence Huntley, CEO replied I don't know the process.

Chairman R. Todd Hoffman spoke that it goes to the Police Department and then to the Selectmen for approval.

Shaun DeWolf spoke that the Planning Board requests a meeting with a Board of Selectmen member to discuss this issue. The Chief of Police and the Fire Chief write a letter if they are unable to attend.

3. Container Staging Discussion

Kelly Albano of Seacoast Waste Services explained that I think that you are already aware that I want to use the land that is located at 575 Morrels Mill Road to store some containers.

Shaun DeWolf asked is it the location at the white farm house out back in that pit or is it the little ranch.

Steve Quint answered that it is out back of the white farm house.

Kelly Albano spoke that I would like to use the land to store containers.

Chairman R. Todd Hoffman spoke that our dilemma is definitions and the Ordinance book. Business and commercial and industrial uses, commercial facilities having less than 25 hundred square feet, commercial facilities having more than 25 hundred square feet, shopping centers, storage yards and that what it sounds like that this would be a request for storage yards.

Noel Albano spoke that; Kelly Albano could bring in the containers with nothing in them. The DEP does not have a problem with that. If that is the way she has to do it she will just bring in empty containers. They are not junk they cost \$5,000.00 a piece and when you have to buy 40 of them there not junk.

Chairman R. Todd Hoffman replied that our dilemma is that storage yards are allowed in the industrial zone for conditional use.

Shaun DeWolf asked if these are like the ones you see on construction sites, flat rollers.

Chairman R. Todd Hoffman spoke that this meets the definition of storage yards.

Storage Yard: A Commercial establishment offering self-storage facilities or storage space.

Tables: 4-9C

Storage Yard: Village Center (NO)
 Village A,B,C (NO)
 Resrce protect (NO)
 Farm /Forest (NO)
 Comme'l Dist. (NO) etc.....

Supply Yards: Conditional Use
 Limited Comme'l
 Indust. Dist.

Chairman R. Todd Hoffman spoke that if your contracting with someone else professional container company, that fits my definition. You can't get by it that's why we have zones.

Shaun DeWolf asked how far that zone line is.

Lawrence Huntley, CEO replied that it goes across the road and that's Farm and Forest. Morrells Mill Road is the cut off and then its limited residential shoreline.

The only way you can allow this Roll Off is to be put in the Farm and Forest Zone; is to write a new Ordinance definition for Roll Offs and allow pacifically Roll Offs on certain types of property in the Farm and Forest Zone.

Shaun DeWolf spoke you can't spot zone.

Lawrence Huntley, CEO replied what's good for one person is good for the other.

Chairman R. Todd Hoffman spoke that the Comprehensive Plan was voted on by the town's people and their vision and it's pretty clear that the Farm and Forest really want to be protected from industrial or commercial sprawl.

Steve Quint replied that on one can see from the road.

Chairman R. Todd Hoffman spoke that one of the problems is that we could have a perfect location for you and then what happens is it opens it up for everything and anything else.

I would suggest you ask the Town Manager if there is any other talk out there, because he keeps close to the rumor pit. If there is other business types that would like to form an economic development committee that could look at land use issues and would work as an advisory taking the North Berwick Zoning Ordinance into consideration?

Shaun DeWolf asked is there a way that we could do a Farm and Forest residential small commercial, small business. There is Putnam's right next door. There are a lot of people that want to do something that isn't going to be a big impact on the land.

Lawrence Huntley, CEO spoke that you can't make one piece of property a zone. There needs to be more than one; approximately 10 to 12 so that you can make a zone and allow certain things in that zone. That is what their talking about.

Chairman R. Todd Hoffman spoke that I think your original idea is that if you could come up with a tightly defined definition for the kind of units and it would be written up for the land use charts. It would be restricted of that and you could get it as a conditional use.

3. Preview Next Agenda

Seaplane: 6.9.6 (a.)(c.)

4. Other Business:

5. Review Previous Minutes:

Patrick Raftery moved to approve the minutes of June 10, 2010, Shaun DeWolf seconded a motion. Vote, 3-0

6. Adjournment:

Shaun DeWolf moved to adjourn at 7:45 p.m., Patrick Raftery 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