

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD SEPTEMBER 24, 2009

Present: Chairman R. Todd Hoffman, Shaun DeWolf, Christopher Karcher and Lawrence Huntley, CEO.

Absent: Julie Fernee, Barry Chase

Also Present: Dale Clock, Amelic Small, Bill Wyman, Gil Larsen, John Curtis, Peggy Curtis, Michael Johnson Jr., Lucy Silsby, Michael Silsby, Patrick Raftery, James McGuire, Betty McGuire, Sarah Hebert, Josh Hebert, George Young, Patricia Young, Dean Barlowe and Pam Davis.

1. Call to Order:

Chairman R. Todd Hoffman opened the Planning Board Meeting at 6:36 p.m.

2. Current Business:

A. Town of North Berwick--- Conditional Use Permit, Applicant proposes expansion of Hillside Cemetery (MAP, 4, Lot 41)

Dale Clock explained that in the mid 90's the Board decided at that time that the Hillside Cemetery was running out of space. The Board went to the Town and the Town voted to buy a piece of property and take a piece of property by eminent domain. The Board at that time hired a firm to come in to do a three hundred year plan and will be done in three phases. Phase 1 will begin in approximately 10 to 15 years.

Chairman R. Todd Hoffman opened the meeting to the public at 6:42 p.m.

John Curtis asked if this Conditional Use Permit extend the current permit on the cemetery or will it separate emanate added to the property added to it.

Chairman R. Todd Hoffman answered that this permit will be related to the added property for the three-phase plan. This Conditional Use Permit is strictly for the new addition to the cemetery.

John Curtis asked is the 18.5 acres added to the current cemetery lot. If the Conditional Use Permit is going just for that acreage, how does that work? It seems to me that if that is one lot or is it two lots.

Chairman R. Todd Hoffman answered that what were accepting the application for lot 41; map 4 and that includes the lot that is to be divided off for the crematory.

Lawrence Huntley, CEO spoke that the total acreage for that lot is 24.8 acres that is the Conditional Use Permit that is being addressed at this time. The next Conditional Use permit on the agenda is part of that, but it is not the whole thing. We have a plan that shows the 24.8 and it shows all the

plots and layouts that have been done by professionals. The Condition Use Permit for the crematorium is adjacent to that piece of property.

Lucy Silsby asked when you say it is part of the crematorium it will still be part of the cemetery.

Chairman R. Todd Hoffman answered it is State Law that you cannot build a crematorium unless it is contiguous to an existing cemetery.

John Curtis asked that this first Conditional Use Permit is actually for the whole 24.8 acres to use as a crematory.

Lawrence Huntley, CEO replied, yes.

Pat Young asked how is there access to this parcel plan right now.

Lawrence Huntley, CEO answered the addition to the cemetery is from Route 4.

John Curtis asked just to be clear again on this drawing lot 41; it looks like the original cemetery is its own piece. The cemetery with the plots on it currently is all part of lot 41. I thought lot 41 was only 18.5 acres.

Paul Danforth spoke that the 24 acres are both parcels.

John Curtis asked are both parcels lot 41 on tax maps.

Paul Danforth replied no they are two separate parcels.

John Curtis spoke so there might be an error in mapping. If you are saying the original use permit is for 24.8 acres lot 41 on the North Berwick tax map that would be incorrect, because lot 41 North Berwick tax map is 18.5 acres.

Paul Danforth replied technically that could be correct.

John Curtis spoke the point I am trying to make is that we are backtracking to fix an error that was in the past that was never applied to a future permit, it makes sense to right it right now.

Chairman R. Todd Hoffman replied we are backdating a permit for the total cemetery in any event.

Lawrence Huntley, CEO left the meeting to locate the tax map 6:50 p.m.

Chairman R. Todd Hoffman called the meeting back to order at 6:55 p.m.

Lawrence Huntley, CEO spoke that Stapes Drive 4-41 is 17.5 acres, Hillside Cemetery 4-41c is 19.8 acres.

Dale Clock asked about the piece of property that was taken by eminent domain that is not in lot 41, we bought lot 41 outright. There was a piece to gain access through Hillside Cemetery. There was a piece between lot 41 and the present cemetery.

Paul Danforth spoke that the Board could grant the approval with a condition that the final lot sizes in acreage is correct.

John Curtis spoke that since this is becoming one cemetery should it not all be deeded as a single lot by now.

Chairman R. Todd Hoffman spoke at this point since it is added to and becomes a part of, I don't know.

Paul Danforth spoke they don't normally. Until you go to convey it you really wouldn't put everything together in a single lot. There is no reason to have a deed. You can have multiple deeds into one parcel, but until you go to convey that parcel you normally don't put them together.

Chairman R. Todd Hoffman closed the meeting to the public at 7:20 p.m.

Condition:

The Town of North Berwick must establish the correct lot size for lot 41, map 4 and any additions to said lot with appropriate acquisitions and documentations.

Chris Karcher moved to accept the Conditional Use Permit application of the Town of North Berwick; lot 41, map 4 with conditions noted, Shaun DeWolf seconded a motion. Vote, 3-0

B. Great Works Crematory---Conditional Use Permit, Michael Johnson Jr. proposes a Crematory on Land adjacent to the Hillside Cemetery located off Staples Dr. (Map 2 Lot 28)

Paul Danforth explained that he is representing Great Works Crematory and the application is for the operation of a crematory on a lease parcel as part of the cemetery. The parcel access will be over Staples Drive, which is a private road. The building is 26 by 50 ranch style building.

The cross section that was provided is a proposed road improvement cross section for Staples Drive. The Chairman at the last meeting had recommended that the crematory owner and the abutters work out a solution to the concerns of the condition of the road. The Hebert's were gracious on providing their home to address questions, concerns and issues. The cross section and the notes are basically a summary and a conclusion of what everyone agreed to as far as the conditions and the new proposed construction.

Shaun DeWolf spoke that the Fire Chief wanted proper turn around for the fire trucks.

Paul Danforth replied that the emergency vehicles would be able to turn around in the proposed driveway. We will put gravel and pavement in depth to support those vehicles.

Shaun DeWolf asked Lawrence Huntley, CEO if he saw a problem them doing three points turn in that verses a hammerhead.

Lawrence Huntley, CEO replied the only vehicle that would have a problem is a ladder truck, but if they can turn ninety degrees into that drive and back up into John's drive, they should be able to turn around.

Paul Danforth spoke that the gravel will be extended past that driveway from what is there now.

Shaun DeWolf asked for Mr Danforth to add note to the Great Works Crematory LLC Site Plan Land Lease the dimensions of the driveway and new compacted M. Type D gravel.

Chairman R. Todd Hoffman read into the record a memo from Dwayne Morin the Road Commissioner:

LANDesign Plan – (See Attachment) The improvements proposed by Great Works Crematory include widening the existing road surface to 18 feet. The widened area will be excavated and 12-18 inches of subbase gravel will be provided. The existing and new surface of the road will be improved with a minimum of 3 inches of Type A gravel crowned to ¼ “ per foot. Drainage will be provided through road side ditches at a 3 to 1 slope. In addition to the widening of the road surface from the current 12-14 feet to the 18 feet, a 10-12 foot clear zone will be provided on either side of the road surface. This clear zone will be free of trees, shrubs and saplings. The clear zone will allow for direct sunlight to the road surface to assist in maintenance of the road especially during the winter months and insure that vegetation will not hinder access or damage vehicles traveling on Staples Drive and will provide for a 38-40 foot right of way area.

Recommendation on Proposed Plan: The only additional recommendation I have to the proposed improvements would be to require the widening area to have a minimum of 18 inches of gravel aggregate subbase MDOT type D (4 inch minus). I have discussed this with Great Works Crematory and they agree with this recommendation.

Chairman R. Todd Hoffman opened the meeting to the public at 7:40 p.m.

Sarah Hebert asked what Staples Drive is; is it a private road, a driveway or Town owned.

Paul Danforth answered Staples Drive is a private road, but it does not conform to any of the Town Standards private road standards.

Sarah Hebert asked is it not true that the Town has taken over ownership of the road.

Paul Danforth answered the Town has acquired the interest in the road that one of the former owners have, so the Town maybe a parcel owner in that road, but there are other owners as well within all of the lots in the way the properties conveyed in the past. There are other owners that have rights in that road.

Sarah Hebert asked beyond the people that have houses already.

Paul Danforth answered yes that some of the lots might have been joining these other parcels and what was determined was one landowner that was still alive that had an interest in the land. The Town acquired the interest her interest in the road so the Town has some level ownership of the road.

Chairman R. Todd Hoffman spoke, but it is not considered a Town road.

Paul Danforth answered that is correct. It is still a private road.

Michael Silby asked about the ditch at the end of his driveway.

Paul Danforth answered that we had talked about this issue when were out there and said that there would be a ditch in the front, but we were going to make the ditch as shallow as we could make it in order for it to drain that area.

Shaun Dewolf asked Mr. Silby's how long his driveway was.

Mr. Silby answered 32 feet side to side.

Shaun Dewolf spoke your only talking 8-inch drop side to side.

Paul Danforth spoke I don't think that we are going to do something that is going to be objectionable to you.

The Hebert's had a great solution where there is already a swales that runs out threw the back of the side of there property and were looking to go ahead and drain from two directions and run it across into the swales which puts it down into the wetlands.

Shaun DeWolf asked Mr. Danforth if he had a survey down to the intersection.

Paul Danforth answered that I don't, but John Curtis does.

Shaun DeWolf asked that a sketch of the drainage project on Staples Drive that abuts Card Mill Road and Mill Street be documented on plan.

John Curtis spoke that he would like to see the culvert crossing the middle of Staples Drive on the plan and also on Notes: 2 of the sectional view of the proposed Staples Drive cross section that you provided for us as revenue increases, GWC will pay for its share (50%) of the cost to widen Staple Drive to include 3 foot gravel shoulder. Could you please explain that?

Paul Danforth explained that ultimately you folks said you would like to have it mimic as much as possible private road standard and Mike was saying I can't build all that, but ultimately yes lets improve it beyond when revenue improves, but we also made the comment that we didn't think Mike should be responsible for all of it. Mike Johnson Jr. was willing to go half way and that everyone else would pitch in and help halfway and we would add the 3-foot shoulders onto the 9-foot wide lane.

John Curtis replied that I think that should be stricken from here and negotiated at point time if that ever comes through to happen and who is to say that 50% is fair share.

Paul Danforth replied that I don't think the applicant has any issue with that. I though it was a protection to put down to say that there would be future improvements to the road. If everyone feels the same about having it stricken we have no objections and it will.

John Curtis spoke that Note 1 says Mr. Johnson will be responsible for maintaining the gravel surface and some winter plowing. When it come to widening the snow banks I have no problem

going out with my tractor and snow blower and keeping the mailboxes cleared out anyway. On Notes: 2 strike that item.

John Curtis asked that the Town have access to the right of way. Is this how this works.

Paul Danforth answered that the Town has access rights like everyone else.

John Curtis asked to obtain a copy of the documentation of the road.

Sarah Hebert asked the hours of operation because of children being dropped off after school and walking the road with no sidewalks. There is currently a turn around for the bus to turn around and the bus does not come down to pick up students.

Chairman R. Todd Hoffman replied that it is a SAD#60 issue.

John Curtis asked that I don't see on the sectional view here is how the road will be centered.

Paul Danforth answered that we already discussed this issue. We said we were going to try to put it in where it made the most sense. Because if you just want to hug one side that means that the burden is going to end up being on these two families on the other end and that if we force it over to that side it is closer to the utility pole and we will have to go further out into the lawns in order to make the improvements. I think when we were out there we all talked about the fact we were going to try to wiggle it in the best we could and as straight as we could.

John Curtis replied that keeping the road center to the right of way was a benefit to you guys and I just need to be documented somewhere that any road improvements will center the road right of way that is part of the road standard.

Shaun DeWolf spoke to Mr. Danforth that the plan that I talked about with the drainage layout be put in written form I think will clarify on what you are trying to do and it will show where the setbacks are and issues where the road lines up.

Paul Danforth replied that from a practical standpoint to redo a road that isn't in the center of the right of way is much more costly and in order to try to facilitate making the improvement at some reasonable cost. We are looking to just do the best that we can that would fit with working with everyone and considering those issues of going way out onto the lawn verses tighter to the gravel, but also trying to put it close or at lease working it towards that the benefit of getting it to the center line as best we could and it may not be centered. I guess I'm reluctant to say I want to center it there because if it is off 2 feet, is someone going to say you know what that isn't centered. I want to say were going to attempt to better center it, but I'm not going to say were going to center it.

Shawn DeWolf spoke that the bottom line is all the work has to be done within the right of way.

Paul Danforth replied absolutely. There is plenty of right of way there 50 feet. We are putting 18 feet of gravel surface. There is plenty of right of way to do what we need to do.

George Young asked about the additional traffic that is projected or expected. I have heard four times the current amount.

Paul Danforth answered that it is difficult to predict exactly what we are going to encounter.

Sarah Hebert spoke that initially that it was proposed to us that it would only be an increase of basically a family of four and two children and school.

Shaun DeWolf replied that by DOT standards I believe per home are 12 to 16 trips per household per day on average.

Michael Johnson Jr. estimated approximately 4 trips per day.

Dean Barlowe spoke that we are on Staples Drive were just on the very first paved portion. Can you include your drainage to that area?

Paul Danforth replied we are going to the end where the gravel is.

Chairman R. Todd Hoffman spoke that it is my understanding that it ends at Card Mill Road.

Dean Barlowe replied that we have Card Mill Road, Middle Street, our drive way and Staples Drive all intercept in the same area.

Paul Danforth answered that is correct, but your driveway is coning down the hill a little bit further from where the end of the gravel was on Staples Drive.

Dean Barlowe replied that were in the curb.

Paul Danforth spoke, all right. I will have a separate plan to show Staples Drive.

John Curtis spoke that I asked earlier that shouldn't these lots be deeded as a single lot and someone said they didn't need to be. Right now there still deeded as individual lot, is my understanding.

Paul Danforth replied that they are combined into Hillside Cemetery. Hillside Cemetery is made up of three parcels. They are not separate land they are all part of the cemetery. The Town had to have a purpose when it took the land by eminent domain and all of those purposes for the cemetery. They went and did a site plan, which includes the development and future development of the cemetery, so to go in and say that it is now two or three parcels and not the 20 acres. A cemetery is a 24 plus acre cemetery parcel.

John Curtis spoke that my question is that in order to be legally correct the proper permitting of the crematorium has to be on 20 acres, if that is permitted for lot 41.

Chairman R Todd. Hoffman replied we don't know if there is 20 acres that will be determined. The Conditional Use on the permit is that these properties areas have to be determined correctly with proper documentation, which then fulfills what Paul is saying it is all one unit.

Lawrence Huntley, CEO spoke that what John is referring to is a State of Maine requirement that it be connected to a 20-acre cemetery and by giving a Conditional Use Permit tonight for an additional 18 acres of the original 6 acres. Then you have a cemetery that is more than 20 acres.

John Curtis replied, so you can have a cemetery that is made up of separate lots.

Chairman R. Todd Hoffman replied, but it has to be contiguous.

John Curtis asked since the lease was done before that the Conditional Use Permit when is passed will made it a proper size cemetery. Does that lease need to be redone and predated?

Shaun DeWoilf asked did you have a condition put on your lease that it is only granted if it is accepted.

Mike Johnson Jr. replied, yes if approved.

Paul Danforth spoke that absolutely it was, because otherwise if there is no Conditional Use given then the lease is null and void.

Chairman R. Todd Hoffman closed the meeting to the public at 8:20 p.m.

Shaun DeWolf read in to the record notes for Site Plan Land Lease:

1. Add to Site Plan Land Lease or create a new plan layout for drainage for the road.
2. Note: 2 remove detail 50% cost of road.
3. Note: on gravel add M. MDOT to the Type D.
4. Add dimension to the plan of 25-foot gravel extension pass the end of the drive and improve the start of Staples Drive.

Great Works Crematory hours of operation:

Monday - Friday - 7:00 a.m. to 5:00 p.m.

Saturday - 7:00 a.m. to 12:00 p.m.

Closed Sunday

Great Works Crematory will be on October 8, 2009 agenda at 6:30 p.m.

3. Preview next agenda:

4. Other Business:

Shaun DeWolf moved that US Cellular put up a bond for RF Engineering peer review or withdraw application within 30 days of receipt of the notification from Lawrence Huntley, CEO, Chris Karcher seconded a motion. Vote, 3-0

5. Preview Previous Minutes:

Tabled

6. Adjournment:

Shaun DeWolf moved to adjourn at 9:00 p.m., Chris Karcher seconded a motion. Vote, 3-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Shaun DeWolf

Barry Chase

Christopher Karcher

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Shaun DeWolf
Barry Chase
Christopher Karcher
CEO
Town Manager
Selectmen
Christine Dudley
ZBA
File