

## **NORTH BERWICK PLANNING BOARD**

### **MINUTES OF PLANNING BOARD APRIL 28, 2022**

**Present:** Jon Morse, Anne Whitten, Mark Cahoon, David Ballard

**Absent:** Chairman Geoffrey Aleva, Scott Strynar

**Also Present:** Matt LeConte, Steve Morello

1. Call to Order:

Chairman Morse called the meeting to order at 6:30 pm.

2. Review Previous Minutes: N/A

3. Current Business:

3.1 Public Meeting:

Steve Morello

165 Little River Road, Map 009 Lot 19

Conditional Use Permit request: Applicant proposes a Home Office / photo studio inside a portion of his home and outside on his property weather permitting.

Steve Morello introduced himself and stated he would like to teach photography classes out of his home and he has an office in his home but he is not planning on using any of the facility inside the home with the exception of taking payments. He stated since it is going to be nature photography classes, they will all be outside. Chairman Morse asked if there was a building outside now that he is using and Steve stated there was no building and they will just be outside. He stated he put in a pergola in the backyard and he said they would be sitting under the pergola to talk photography and do classes but that is it but no structure other than that.

Chairman Morse asked Matt if everything was complete regarding the Application and Matt stated it was. Matt said that a public hearing would need to be set because it is a business and a business requires a public hearing. Matt stated an escrow must be set much like the last home occupation business and said the suggested amount is \$1,000.00 and whatever is not used, will be returned to the Applicant.

Mark Cahoon asked about the restroom facilities and asked if Steve was going to allow students to use his inside facilities. Steve stated he would let them use his bathroom off his kitchen and there is an easy access door to it. Chairman Morse asked if the actual teaching area outside is on the kitchen side of his home. Steve stated there is a few places that he is planning to teach most of the time. He said that over the past few years, he has restored a meadow on the

southside of the property and most of the instruction will be there at the meadow. He also stated he has trails in the woods that bring him down towards a river and there might be some landscape photography in that area. Steve stated he has several bird feeders and they will be doing some bird photography as well.

David Ballard asked about negatives and prints and Steve stated that everything was strictly digital and it is a one day class. He stated that the way it would work is that the students would get instruction for half of the day. He will be encouraging them to all bring a picnic lunch to hold a "photo lunch" and he will answer any questions and then the rest of the afternoon there will be free time to photograph to put into practice what they've learned and he will be there to answer questions. Steve stated it is really geared to people or tourists who come to Maine and they want to do something for a day other than go shopping, the beach, etc.

David Ballard asked if there was an age limit. Steve stated that he is expecting that most of the students would be probably 40+. He stated he does teach now for National Geographic Expeditions and he travels to different destinations to teach people photography and he feels this will be about the same demographics and typically they are either older than 45 or a lot of retired people as well. David was curious about younger people and inquired of Matt if there was any requirements regarding CPR or the like by the Town. Matt stated he was not aware of any requirements.

Matt LeConte asked about the limit of the class and Steve stated the limit would be ten (10) people. He suspects less than that at the beginning but he is putting a 10 person cap on a class. He stated he is 67 years old and prefers a small group to teach. He stated this would be for a couple months out of the year where he can be active in his home teaching and the rest of the year, he will continue with teaching for National Geographic Expeditions. This is just a way to ensure some type of income a couple months a year.

Mark Cahoon inquired about how long his driveway is and is wondering about how many cars can be parked there. Steve stated one side, there is room for three spaces and on the opposite side, there is room for five spaces. The Board referenced the photographs that were provided by Steve. He did reference a barn where there are lots of places to park to ensure that there will be ample parking for everyone. Steve did say he has discussed this with his three immediate neighbors and asked them if they had any concerns before he started this process and they told him they did not have any concerns with this.

Anne Whitten read *"An occupation which is carried on in a dwelling unit or a structure accessory to the dwelling unit"* and *"A home based business is a business, profession, occupation or trade undertaken for gain or profit is secondary to use of the dwelling for residents. It is wholly carried on within the dwelling or accessory structure"*. She asked what that actually meant and David Ballard stated you could add a building to have a business. Mark Cahoon stated he is not doing that, he is just walking his property and taking pictures. Anne stated the way she reads that is it is supposed to be within the dwelling unit. Matt stated the intent from the State would be, for example, if he lived in an apartment and wanted to run a business out of his "dwelling", he would not own the property. In this case, Steve owns his property so it is on his private property and it would be reasonable to extend to that which is curtilage. If it was a case of

an apartment building or out on a public domain, that would be different. Anne stated that is not what it said and she directed the Board to look at page 310, the section on Home Occupation. Chairman Morse and Mark Cahoon both said they were not reading it the same as Anne Whitten and stated that in this case, Steve is not carrying on his business in a dwelling unit. Anne then stated if he wants to have this as his home occupation, then he needs to hold his home occupation within the building. David Ballard also stated he did not read it the same way as Anne. Chairman Morse stated he is using one small office in his home as a billing area and the way Anne is interpreting the wording is not the way he is. Anne stated she is not against it, but she wants to make sure, all the laws are being followed. Chairman Morse stated he could use the pergola or gazebo as the accessory dwelling. Mark Cahoon stated his land and his gazebo is his property and that fits the ordinance. Matt stated the gazebo is an accessory structure. David Ballard asked Anne if she was reading this as "if he did not stay inside the entire time and use his structure that he is not meeting the ordinance" which she is. David Ballard stated he does not read it that way at all and believes he does meet the part where he has a billing office and a gazebo. He doesn't stay in that all day, but he does have a structure and that this is not an all or none in his situation. David Ballard gave an example of a daycare where there is an outside area to play. Anne stated that was a good example.

David Ballard asked Steve if he was going to put in any outside lighting. Steve said the only time he would plan on doing a class in the afternoon if there was inclement weather in the morning and it looked like better weather in the afternoon. Otherwise he would cancel the day. He plans to hold the classes in the morning if possible. Steve stated it is all natural lighting. The students will not be around after dark at all. During the summer, it is light until late and lighting will not be a problem. Steve stated this was going to be seasonal and in the off-season, he would offer private lessons to individuals and that class would be structured depending on what their needs were. If they wanted to learn macro photography or landscape photography, for example, that would all be daylight hours. Anne Whitten inquired about his website and Steve stated it will be about two months to get up and going.

Matt again stated that a public hearing would have to be scheduled and there would be time to have a site walk if there are concerns or the Board finds it necessary but it is not required. Chairman Morse stated he felt a site walk would not be necessary. Anne Whitten stated she would like to see it and would like a site walk. Steve said she is welcome to come see the property and he would be back in town around May 16.

Anne Whitten motioned that the escrow be set at \$1,000.00 for Steve Morello at 165 Little River Road, Map 009 Lot 19 for his conditional use for a home office. David Ballard seconded the motion. VOTE: 4-0

Mark Cahoon motioned that a site walk be held on June 9, 2022 at 5:30 p.m. for 165 Little River Road, Map 009 Lot 19. Anne Whitten seconded the motion. VOTE: 4-0

Mark Cahoon motioned that a public hearing be held on June 9, 2022 for Steve Morello of 165 Little River Road, Map 009 Lot 19, Conditional Use Permit request. Anne Whitten seconded the motion. VOTE: 4-0

4. Other Business:

No other business.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:03 p.m. Anne Whitten seconded the motion.

VOTE: 4-0

Matthew LeConte  
Planning Coordinator

Respectively submitted,  
Jennifer Berard, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

David Ballard

Scott Strynar

Mark Cahoon