

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD APRIL 13, 2023

Present: Chairman Jon Morse, Mark Cahoon, Justin Perry, Scott Carpenter, David Ballard

Absent: Anne Whitten

Also Present: Matt LeConte, Lee Bryant, Andrew Bryant, Neil Bryant, Mary Zucco, Francesca Zucco, Jonathan Davis

1. Call to Order:

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

Chairman Morse brought Justin Perry up to full voting status.

Pledge of Allegiance

2. Review Previous Minutes: N/A

3. Current Business:

3.1 Public Meeting:

Neil & Helena Bryant

18 Adams Bridge Road, Map 003, Lot 86A

Request for a Conditional Use Permit to start a Home Occupation creating a small-scale dog wash in the lower level of new house. The property is located in the Village A Zoning District.

Neil Bryant stated that he and his wife Lee Bryant are looking for a conditional use permit for a home occupation of a dog grooming business for their son, Andrew Bryant. Neil stated that Andrew is a 26-year-old, high-functioning autistic man. He has been grooming part-time at their home in South Berwick for about 7 years now. They feel that home grooming is the best option for Andrew as far as employment goes. Neil and Lee will be there to give him help and support as needed to be successful. He does well in a quiet environment with a routine and minimal distractions. They are going to be building a single-story home in North Berwick and want to design the home with the everything they need for Andrew's dog grooming salon in it. They purchased the lot on Adams Bridge Road off Lebanon Road. They have hired a builder and are waiting to break ground soon.

Neil stated that Andrew grooms by appointment only so there will be no walk-in traffic, his core hours are 8:00 a.m. to 5:30 Wednesdays, Thursdays and Fridays and Saturdays. He will have Sundays, Mondays and Tuesdays off. He will schedule a maximum of four grooms per day. Neil stated Andrew has averaged about 20 hours of grooming for the first three months of this year in their home in South Berwick. He feels the amount of time will be the same in North Berwick. Neil stated it is just dog grooming and there will be no boarding, day care or selling of any products. There are no other employees, and they are planning to have a small sign to let customers know they are in the correct location. There is very minimal noise, and the loudest piece of equipment would be a dryer. Neil stated there will also be very minimal traffic. He stated all grooming waste water will go into the septic system and they have had the system designed to accommodate that.

Mark Cahoon stated that he feels Neil was very conscious of the environment by designing his septic system around the business and felt he presented all the answers he had. Matt stated that the Bryant's recently purchased the property and have a building permit in place and pre-empted the design with the intent of the dog grooming business instead of waiting until after the house was built.

Justin Perry indicated that a condition should be placed that there be no expansion of business hours, number of employees or purpose (i.e. boarding).

Justin Perry motioned for conditional approval based on no expansion of hours which are currently 8:00 – 5:30 a.m. Wednesday through Saturday, additional employees or boarding of any kind. Mark Cahoon seconded the motion. VOTE: 5-0

Mark Cahoon motioned that the escrow be set at \$1,000.00 which is due next Wednesday. Scott Carpenter seconded the motion. VOTE: 5-0

Scott Carpenter motioned to accept and deem the application complete. Mark Cahoon seconded the motion. VOTE: 5-0

Scott Carpenter motioned to set a public hearing in this matter for May 11, 2023. Mark Cahoon seconded the motion. VOTE: 5-0

- 3.2 Public Meeting review continuance from January 12, 2023
Mary & Francesca Zucco
6 Burma Road, Map 022, Lot 67
Conditional Use Application request for a home occupation – family day care.
The property is located in the Village C Zoning District

Jonathan Davis appeared for Mary and Francesca Zucco. He is an attorney from Freeport. He stated that a conditional use permit was filed in November of 2022. Then Mary and Francesca came before the Board in January and there were some questions as to if there was an accessory use or a mixed use issue. Jonathan stated that the Town's ordinance states that an accessory use is a permitted use. He indicated that the State of Maine licenses child care facilities and there is a separate classification for a family child care provider. He stated that under the statute, a family child care provider is someone who provides care for not more than 12 children in their home. Jonathan stated they are there to ask for a conditional use for a home occupation for a family day care. It is not going to be a school and as he looked through the ordinance for a conditional use, he feels they meet that. He quoted portions of the Town of North Berwick's Ordinance as follows:

"the home occupation shall be carried on by a member of the family residing in the dwelling unit"... Regarding this requirement, he stated that Mary is one of the co-owners, as is Francesca, and Francesca will be the one living at the property.

"with not more than three employees who are not a member of the family" Regarding this requirement, he stated that Mary and Francesca will working there and maybe one more.

"the home occupation shall be carried on wholly within the principal or accessory structure" Regarding this requirement, he provided the sketch indicating the area where the day care will be and it is almost confined to one room, a common bathroom and a small portion of the living room for a dining facility.

"the home occupation shall not occupy more than 30% of the total floor area of a residential structure; never to exceed 2500 square feet of floor area of a residential structure or an accessory structure" Regarding this requirement, Jonathan indicated again that the sketch that was provided and the measurements from the appraiser show the dimensions of the building and the floor plan. They also plotted out the area that is going to be used and they will be 30% or less so they feel they meet this requirement.

"objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, light, glare, illumination of any kind or other nuisances shall not be permitted" Regarding this requirement, he stated that it is a small day care and there will be any noise disturbances and they will not be manufacturing anything or running equipment. He stated they may be thinking of a sign but they will erect a sign that meets the standard which is attached to the garage as necessary.

Jonathan stated that as far as traffic goes, by state law, they are limited to twelve children. He stated they may not even have twelve children and they feel this will not be unreasonable in this neighborhood in terms of traffic. He stated the hours will be somewhat limited as being 8:00 a.m. – 4:00 p.m. He stated that in terms

of the off-site parking requirement, Section 5.1.13(4), there will be a space for the classroom and a space for employees. The sketch indicates there is room for four vehicles, of which two will come off the road and pull in and pull out and there will be an extra space.

Jonathan indicated that in regards to Section 6.9.6 Compatibility, it is a family day care inside a home and they feel they are entirely consistent with this as opposed to a large day care facility.

He stated that there is a huge need for good, quality, affordable day care providers in Maine and Francesca is a B.C. graduate with a Masters and is looking to provide personal home care for children.

Jonathan stated that they feel they meet all requirements of the Town's ordinance and will follow anything required of them. They also have a state inspector who will be coming in and will have to meet all state requirements as well.

Chairman Morse asked what days they will be operating. Jonathan indicated it would be Monday through Friday 8:00 a.m. to 4:00 p.m.

David Ballard asked about square footage and stated that they are right at the 30% because they split a part of the living room to 160 square feet and drew a line on the map. David asked if there was an actual wall in the living room that separates the space. Mary and Francesca indicated there was not a wall but indicated there was a gate. David asked how the living room space will be separated as they are on the cusp of exceeding the limit. Mary stated there would be a circular table there which will divide the space.

David Ballard also asked about a sign with lighting. Jonathan indicated they have not made a decision on the sign yet and understand that there is a sign ordinance and lighting requirements and will meet all those requirements. He stated that if there is going to be signage, it will be pursuant to the ordinance and it will also be lit to the specific provisions of the home occupation.

David Ballard asked if the Road Commissioner has looked at the traffic pattern of this location. Matt indicated that he has not weighed in as it is private property and as long as it meets the requirements of the number of parking spaces based on the size, it meets the requirements. They could pull into the driveway off the road. David's concern was if there were twelve children and twelve cars pulled up at the same time. He feels that a site walk would be good so that they could see.

Justin Perry asked how much road frontage between North Berwick Road and the property line on Burma Road. They stated they were not sure but can measure that. Mary stated there has never been a survey on the property and cannot locate someone to do a survey.

Jonathan stated that he feels that words matter and in reading the definition of Town's definition of a home occupation, it states home occupations "may"... which is a permissive word as opposed to a compulsory word such as "shall" or "must". "May" means can be not must be. He stated the ordinance does not restrict to a single office. As far as square footage, it perhaps could be a condition of approval that some sort of barrier be erected to separate the space. Jonathan stated that as far as traffic is concerned and the number of vehicles coming and going, it is often the case that there are more than one child per vehicle as several children from one family may be attending the day care. He also stated that the times would be sporadic as far as drop-offs and pick-ups.

David Ballard motioned that there be a site walk conducted on April 27th at 6:00 p.m. Scott Carpenter seconded the Motion. VOTE: 5-0

4. Other Business

Reminders: Next Planning Board Meeting – March 27, 2023 - 6:30 P.M.

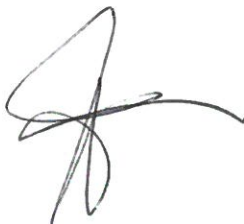
5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:39 p.m. Justin Perry seconded the motion. VOTE: 4-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

A stylized, handwritten signature in black ink, featuring a large, sweeping loop at the top and a long, horizontal stroke extending to the right.

Anne Whitten

David Ballard

A handwritten signature in black ink, consisting of a series of fluid, interconnected loops and curves.

Mark Cahoon

A handwritten signature in black ink, with a prominent, sweeping curve at the top and a long, horizontal stroke extending to the right.

Scott Carpenter

A handwritten signature in black ink, featuring a large, sweeping loop at the top and a long, horizontal stroke extending to the right.

Justin Perry

A handwritten signature in black ink, with a large, sweeping curve at the top and a long, horizontal stroke extending to the right.