

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD MAY 11, 2023

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

Absent: Anne Whitten

Also Present: Matt LeConte, Paul Amatucci, Jerry Graybill, David Springer, Walter Pelkey, Neil Bryant, Lee Bryant, Andrew Bryant, Ken Powers, Jeff Lapointe

1. Call to Order:

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

Pledge of Allegiance

Chairman Morse brought Justin Perry up to full voting status.

2. Review Previous Minutes: April 13, 2023

Mark Cahoon motioned to approve the Minutes of April 13, 2023 as written. Scott Carpenter seconded the motion. VOTE: 4-0-1

3. Current Business:

- 3.1 Public Hearing: 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 summarized again what his plan was regarding 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.

Chairman Morse opened and closed the public hearing at 6:35 p.m.

David Ballard asked for clarification about the Adams Bridge Road address due to the fact that the application gives the number #0 but he is referencing #18. Matt explained that it is a brand-new property and when the application was submitted it was in process. #18 will be the address. Chairman Morse asked Matt if everything was completed. Matt stated that everything has been submitted and asked if the Board had any conditions of approval. Justin Perry stated other than the expansion of hours and no additional employees, there are none others. David Ballard inquired about whether the chemicals are being captured or flushed out. Neil explained again that everything was going into the septic system and they have a specially designed septic system for the dog grooming in mind. Neil stated they have two 1,000 gallon tanks and filters which will guarantee not to create problems. The question was asked if there was a fence around the property and Neil indicated there was not a fence and that there would only be one dog at a time and there is a gated area in the garage.

Mark Cahoon motioned to approve the Conditional Use Permit to start a Home Occupation creating a small-scale dog wash in the lower level of new house located in the Village A Zoning District at 18 Adams Bridge Road, Map 003, Lot 86A with discussed conditions. David Ballard seconded the motion. VOTE: 5-0

- 3.2 David Springer Pre-application for Planned Unit Development/Subdivision Review. Diamond Hill Road, Map 005, Lots 7, 7-2, 14 & 15. Farm and Forest Zoning District. Additionally including land in Berwick on Map 29, Lot 16 and Map 40, Lots 10A & 13. Residential District. Note: This will be a joint meeting including the Planning Board Members from Berwick.

Chairman Morse asked who was present from the Berwick Planning Board. Paul Amatucci stated it was himself and Jerry Graybill and that they did not have a quorum.

Walter Pelkey from BH2M represents David Springer for a 35 lot cluster in North Berwick/Berwick which they consider to be an open space development. The entire project is along Diamond Hill Road and there will be 5 lots on the Berwick side and 30 lots on the North Berwick side. He explained there will be two entrances which are both directly off Diamond Hill

Road but the westerly entrance will come off an existing 50-foot right of way. Both entrances are in Berwick. On the Berwick side, the lots will range anywhere from 33,000 – 133,000 square feet. On the North Berwick side, the lots will range anywhere from 70,000 – 218,000 square feet. Mark Hampton had completed the Wetlands Study for high-intensity soils and the density calls come up with 30 on the North Berwick side and 5 on the Berwick side. The road design itself will be a collectors standard per North Berwick's criteria which exceeds the Berwick width. Walter explained that the open space area in the back will be turned over to the Town and there is access along the perimeter all the way around and is not a land-locked open space. The lots will be served with underground communications (cable, telephone, electric) and they are looking to do individual septic systems and individual wells. Walter explained that with that comes a waiver request. Although it would be okay in Berwick, the ordinance in North Berwick talks about a common water system for this type of development. He is looking for some input from the Board tonight before they move any further. Walter also asked for a waiver regarding the sidewalk. He stated that they would like to build this to town standards and turn it over to the town for maintenance and are looking for how to achieve that between Berwick and North Berwick.

Chairman Morse asked if this was going to be done in sections or if they want approval for the whole thing. Walter stated that they would like approval for the whole thing but if they could phase it by building out 15/16 lots at a time working side to side, that would be fine.

David Ballard asked about the maps not lining up and there was a zoning map which he feels would be more reliable regarding property markers but has some concerns about their map and the zoning map not lining up. David referred to Map #5. Walter stated that the map cuts them off at the town line so it would read a bit different. Walter and Matt clarified the maps.

Justin Perry asked what percentage of the total land owned by Mr. Springer is being used for the development. Walter stated that there is are 144 acres out back and 16 acres in the front and he would guess about 80 acres, assuming 2 acres per lot.

Jerry Graybill stated that the only access into this entire development is on Diamond Hill, through Berwick. Whether or not a traffic study has been done, will most likely be a question that will need to be answered. Walter stated that a turn-around will be available until they know what is going to happen with the roads. Chairman Morse inquired about plowing and Walter indicated it appears that as far as both communities go, it will stay private. Walter indicated that if a turn-around was there, it would most likely be on the North Berwick side where trucks could turn around. Matt stated that if it was all private, it would be one company that the homeowner's association hires to maintain the road and it would be no different than the communities do. David Ballard felt maybe there could be a plan which both communities would be happy with eventually. Walter stated that if this becomes private, it probably will not be necessary to provide a turn around. The storm water design will be open ditches which will provide more area as well.

Walter stated this is the initial design and they have not gone to police or fire in either town yet but will provide whatever is necessary. The development road inside is wider than the Berwick code by 3 feet. David Ballard asked about fire hydrants. Walter stated this will have to go to Army Corp for stream crossing and wetland impacts and there is a full-blown permit from

the Maine D.E.P. There will be a couple storm-water ponds on this property to take care of storm water and if the ponds can be used for fire ponds, they will utilize them. If they cannot be used, they will see what is required from the Fire Chief. The intent would be to use the storm water ponds. David Ballard indicated that his only concern about that is the maintenance by the homeowners association.

Justin Perry asked what the average road frontage is for each of these lots. Walter stated they tried to use 200 feet as a minimum but around the curves, they may go down to 150 feet. Justin asked if these lots will be required to meet the setbacks of farm and forest. Matt indicated they would not because the P.U.D. gives an exemption. The only requirement they have to meet is the maximum density. The overall piece of land divided by 160,000 square feet cannot be exceeded. Justin asked if the land calculation is buildable land or total land by doing that calculation. Matt indicated it is total buildable land as the wetlands come out of total figure.

Matt indicated that the zoning ordinance is what is requiring the single water source and the Planning Board cannot waive the zoning ordinance. They can waive aspects in the subdivision ordinance but the only waive to get around that is an ordinance change which means it would have to go to a public vote. Matt stated it potentially could be approved to start but would not get occupancy until that water source is in place. Walter asked if the waiver provision applies to the zoning and Matt indicated it does not to the zoning requirements but it does to the subdivision requirements. Matt feels it is a reasonable amendment to the zoning ordinance as this is 35 lots on one water source. Chairman Morse feels it would be a financial disaster to put only one water source in this large subdivision/PUD.

Walter asked they are able to waive things in the zoning ordinance and is there a legal opinion on that. Matt was not aware of that but the Planning Board could certainly request that if it is unclear. Matt stated that if Dave's attorney wanted to share a legal opinion and send it through his office to be forwarded to the Town's attorney, he is welcome to do that.

Walter asked what the timeframe would be for a zoning amendment to take place. Matt stated it would take until next April but if the Planning Board sees that there needs to be a modification and they pursue the amendment based on their design, maybe that could go to vote on November. Matt stated it may take some research to see how other communities deal with this kind of thing.

Paul Amatucci stated that it would be the wording of the public question that really dictates what is allowed and felt that if that is narrowly done, you could save the farm and forest areas, while at the same time, allowing some reasonable development in the area. Matt agreed with that as to not make a blanket change but still give the Board the ability to grant the waiver so long as it meets the specifics.

Walter stated that he feels the next step would be for Dave's attorney to present a legal opinion and go from there. Matt stated he would forward it to the Town's attorney.

David Ballard motioned to table the David Springer Pre-application for Planned Unit Development/Subdivision Review at this time until there is correspondence from the attorneys. Mark Cahoon seconded the motion. VOTE: 5-0

Reminders: Next Planning Board Meeting – May 25, 2023 - 6:30 P.M.

4. Other Business: N/A

Mark Cahoon motioned to adjourn the meeting at 7:36 p.m. Justin Perry seconded the motion. VOTE: 6-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

Anne Whitten

David Ballard



~~Scott Steyer~~

Mark Cahoon



Scott Carpenter

Justin Perry



Jack Olea

