

## **NORTH BERWICK, MAINE 03906**

### **MINUTES OF PLANNING BOARD JANUARY 8, 2015**

**Present:** Chairman Barry Chase, Rick Reynolds, Mark Cahoon, Jon Morse, Matthew Qualls, Lawrence Huntley, CEO

**Absent:** Geoffrey Aleva, Anne Whitten

1. Call To Order:

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

Chairman Chase moved Matthew Qualls to full voting status.

2. Review Previous Minutes:

Mark Cahoon motioned to accept the minutes from December 11, 2014. Jon Morse seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

Chairman Chase stated that this was a Public Hearing regarding the proposed Zoning Ordinance changes. The Board needs to review each of them and vote on whether to approve moving them forward to be voted on at Town Meeting. The first one is add a paragraph to 5.2.7. He read it into the record.

5.2.7 Timber Harvesting:

4. All logging operations conducted in the Town of North Berwick will be required to install a stabilized construction entrance designed pursuant to the Street Design and Construction Standards Ordinance for the duration of the logging operation.

Chairman Chase opened the Public Hearing for public comments at 6:32 pm. There were no comments.

Chairman Chase closed the Public hearing at 6:32 pm.

Jon Morse motioned to add the above mentioned paragraph to 5.2.7 Timber Harvesting.

Rick Reynolds made a comment that the construction would be taking place after the logging operation. Larry Huntley stated that they are not talking about a building project. He stated that

this one has to do with a company wanting to just do logging on the site and not constructing anything on it. Larry said that the next ordinance change that they are going to go over is about an actual construction site.

Mark Cahoon seconded the motion. VOTE: 5-0

Chairman Chase went on to the next change under Street Design and Construction Standards Ordinance. He read the paragraph that is being added to this Ordinance into the minutes.

### 2.3 Construction hours and standards; inspections

D. A stabilized construction entrance shall be required for all construction sites and logging operations whenever vehicles are entering or leaving a construction site or logging operation from a public right-of-way and there is a risk of transporting mud or sediment onto the paved roads.

The Stabilized construction entrance shall be constructed as follows:

Width: shall be a minimum of 12 feet but not less than the full width of the points where ingress and egress occurs. At sites where traffic volume is high, the entrance should be wide enough for two vehicles to pass safely. Flare the entrance where it meets the existing road with a minimum 15 foot radius.

Length: shall be a minimum length of 50 feet or four (4) times the circumference of the largest construction vehicle tire whichever is greater, except on a single-residence lot where a 30 foot minimum shall apply.

Depth and Aggregate: the minimum depth of the aggregate shall be 8 inches in depth and composed of crushed aggregate greater than 2 inches but smaller than 4 inches (AASHTO #1 Aggregate).

Geo-textile Fabric: It is required that a non-woven geo-textile fabric be installed under the aggregate.

Drainage: Runoff from the entrance shall be drained to a sediment trap or sediment basin and the installation of a temporary culvert may be required depending on the ditching requirement of the street.

Maintenance: The entrance shall be maintained in a condition that prevents the tracking and flow of sediment onto the public right of way. All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains shall be removed immediately. When

necessary, vehicle wheels should be cleaned to remove the sediment prior to entrance onto the public right-of-way.

Trapped sediment shall be removed from the site or stabilized onsite and prevented from entering storm drains, ditches or waterways. Disturbed soil area resulting from the removal shall be permanently stabilized. The entrance may be removed after final site stabilization is achieved.

Chairman Chase opened the Public Hearing for public comments at 6:38 pm. There were no comments.

Chairman Chase closed the Public hearing at 6:38 pm.

Chairman Chase asked Larry Huntley if somebody was just building a house, did they have to go through this process. Larry said they didn't unless it was a logging operation. Chairman Chase asked him if he was sure that it did not include other construction sites. Rick Reynolds stated that it does state construction site in the paragraph. Larry stated that the Ordinance is very specific as to what is needed to require the stabilized entrance. He stated that the details with the width, length, etc. usually don't happen on a construction site. He stated that it may happen at the Hannaford site because of all the removal of the soil and work in the field. Jon Morse stated that people may read this and think that the only difference between the two are a 50 and a 30 foot entrance. He referred to the last part of the sentence under Length which states "except on a single-residence lot, where a 30 foot minimum shall apply". Mr. Morse stated that some people may look at this and think that they would need to meet all of these requirements. Mr. Morse stated that if it has nothing to do with single family lots, they should just remove that part. Rick Reynolds stated that this part of the Ordinance is for the whole town not just for the logging operations. Larry stated that they need to leave something in there for the commercial sites. Larry said that they could probably just write it as "...except on a single-residence lot" and remove the "where a 30 foot minimum shall apply.". Matthew Qualls stated that they should add something in the beginning of the D statement where it states "required for all construction sites". He said that we can "except on a single-residence lot" after that phrase. Larry stated that it states "and there is a risk of transporting mud or sediment onto the paved roads.". He said that you don't want mud and sediment on a paved road no matter if you are building an outhouse or a shopping center. He said that there needs to be something for protection in there somewhere so that the person that needs to enforce it has something to back him up if he tells the construction people that they need to stabilize the entrance site. He stated that if you eliminate single-residences completely, than you don't have that back up. Chairman Chase stated that he knows how Larry would interpret that way but when a new Code Enforcement Officer may not interpret it the same way. Larry stated that you need to have something to protect the town's roads. Chairman Chase stated that it says that if "there is a risk of transporting mud...". So if there is no risk, they would not need to have a stabilized entrance.

The Board discussed it further and they decided to keep the proposed Ordinance as it was originally read into the minutes.

Jon Morse motioned to add Paragraph D under Section 2.3 Construction hours and standards; inspections as previously read in the minutes to the Street Design and Construction Standards Ordinance. Mark Cahoon seconded the motion. VOTE: 5-0

Chairman Chase went on to read the next proposed zoning change into the minutes.

#### Article 3.2 Definitions

Sign, Illuminated – a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. Illuminated signs shall be classified as follows:

A. Externally Illuminated sign – A sign illuminated by a separate light fixture that casts light directly on the face of the sign.

B. Internally Illuminated sign – A sign illuminated directly or indirectly by a light fixture located within the sign structure. Internal illumination includes illumination designed to project light against the surface behind the sign lettering or graphic, commonly referred to as backlit channel lettering or halo lighting. This shall also include LED signs and neon signs.

Chairman Chase opened the Public Hearing for public comments at 6:57 pm. There were no comments.

Chairman Chase closed the Public hearing at 6:57 pm.

Rick Reynolds stated that they make LED signs where he works and they are lit by the edge and not inside. Jon Morse asked if they were inside of the lettering or outside the lettering. Mr. Reynolds stated they are outside the lettering and nothing is shining on the outside. He stated that there is a flat sheet and it is getting lit from the side on the thickness edge. Larry stated that this would be considered internally lit.

Rick Reynolds motioned to accept the Article 3.2 Definitions regarding illuminated signs as read above. Jon Morse seconded the motion. VOTE: 5-0

Chairman Chase stated that there were two options for the next zoning change for Article 5.2.21 Construction Standards for Commercial Use Buildings. He stated that the first one that he will read is the one that was presented to them by the Board of Selectmen. He read it into the minutes.

#### 5.2.21.E.4

Currently reads:

All curbing associated with the development shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

Proposed to Read:

All curbing that extends into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

All curbing within the development, not extending into the public way, shall be made of granite, monolithic or slip-form concrete. Bituminous curbing and pre-cast concrete curbing shall be prohibited.

The second proposal on this Article is as follows:

5.2.21.E.4

Currently reads:

All curbing associated with the development shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

Proposed to Read:

All curbing that extends into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

Chairman Chase stated that the Selectmen had discussed this at one of their meetings and they were not happy about allowing bituminous and pre-cast concrete curbing. Larry stated that the main reason is that the slip form curbing directs water run-off into drainage retention ponds. If it's not there, it won't do the job correctly. Chairman Chase asked why pre-cast concrete curbing wouldn't do the same thing. Larry stated that the pre-cast concrete curbing is just blocks that are only six foot wide and are nailed to the ground with spikes. Chairman Chase stated that he feels that is a stop not a curb. Mr. Huntley also stated that bituminous curbing can easily be damaged and pushed out of the way. He stated that there was also discussion as to who would maintain it. Larry said that the Planning Board, in his opinion, should consider that the curbing is in place for a reason and that is to direct water flow off of the parking lots. Chairman Chase stated that he has been to some parking lots and there are gouges in the curbing, but they are still there. Jon Morse stated that most businesses that care about what their building and parking lots look like are going to take care of it.

Larry asked the Board what their reasoning was for wanting the bituminous or pre-cast curbing. Jon Morse stated that it was the cost. Larry stated the cost of concrete curbing over bituminous curbing is very minimal. Mark Cahoon stated that he feels that everyone should be able to use what they want on their property. He also feels that the Planning Board can cover some of this by having a condition that states that the applicant will maintain their curbing.

Chairman Chase stated that he feels that if they put forth their version of this change, it will not go anywhere. The Board of Selectmen will not approve for the change to go forward to a vote and this would mean that it would stay as is which states they can only use granite curbing. If they at least remove the part about the bituminous curbing and pre-cast concrete curbing, they would at least still have the choice of monolithic or slip-form concrete as well as the granite. Matthew Qualls said that he agrees with this because at least it is a step forward.

Rick Reynolds motioned to accept Article 5.2.21.E.4 Construction Standards for Commercial Use Buildings which currently reads:

All curbing associated with the development shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

Proposed to Read:

All curbing that extends into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

All curbing within the development, not extending into the public way, shall be made of granite, monolithic or slip-form concrete. Bituminous curbing and pre-cast concrete curbing shall be prohibited.

Mark Cahoon seconded the motion. VOTE: 5-0

4. Other Business:

Mark Cahoon asked Larry when the Dollar General was planning on opening. Larry said that they are hoping for 2/15/15.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:21 pm. Rick Reynolds seconded the motion. VOTE: 5-0

Lawrence Huntley, CEO  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls