

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD SEPTEMBER 24, 2015

Present: Chairman Geoffrey Aleva, Rick Reynolds, Mark Cahoon, Jon Morse, Anne Whitten, Matthew Qualls

Absent: Barry Chase, Jim Marchese, CEO

Also Present: Gerald Casella

1. Call to Order:

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

2. Review Previous Minutes:

Mark Cahoon stated that he is not listed as being absent from the 9/10/15 meeting.

Rick Reynolds motioned to approve the minutes from September 10, 2015 as amended. Anne Whitten seconded the motion. VOTE: 3-0 Abstain: 3

Chairman Aleva moved Anne Whitten up to full voting status.

3. Current Business:

Chairman Aleva stated that the Agenda item for tonight was a public hearing for the applicant Gerald Cassella at 74 West 4th Street. The project is to construct a 24' x 24' garage within the Shoreland Limited District.

Gerald Cassella stated that he has owned the property for 4 years and pretty much lives there year round. He has been using a portable garage but would like to have a permanent garage. He stated that everyone else on the road has a garage.

Chairman Aleva opened the meeting for public comment at 7:35 pm. There was no public comment.

Chairman Aleva closed the meeting for public comment at 7:35 pm.

Rick Reynolds stated that it looks like the garage is even further away from the pond than the house is so he really doesn't see a problem with the project. Anne Whitten stated that it does

meet all of the setbacks. Rick Reynolds stated that they should review the footings because they haven't set those yet. Chairman Aleva said that it is not up to the Planning Board to review. That needs to go through the Code Enforcement Officer to enforce. Chairman Aleva stated that they are only here to review the position of the structure and if it warrants a conditional use because it is located in the Shoreland Limited District.

Anne Whitten stated that she lives on the same lake but she is not an abutter, does not know Mr. Casella and is not involved in the building of this project. She just wanted to make sure that this was on the record.

Jon Morse asked if there was going to be any plumbing in the building. Mr. Casella stated there would be none.

Chairman Aleva stated that Jim Marchese, the Code Enforcement Officer, had left a letter with his comments regarding the project. There were three items that he wanted to bring up for discussion. Chairman Aleva stated that the first thing was in regards to storm water runoff. Based on the distance from the shore it is not anticipated that additional storm water runoff will occur due to the size of the proposed structure. Chairman Aleva stated that he agreed. He does not feel that the garage will create a storm water impact on the pond.

The second item is regarding Erosion and Sedimentation Control. Temporary erosion control measures will need to be installed and maintained until the site is stabilized. An individual certified by the DEP in Erosion Control Practices shall be responsible for all on-site activities. Chairman Aleva stated that this is required because they are working within 250 feet of the resource. He stated that most of the contractors around have the DEP certification and Jim Marchese will be checking on this. He stated that it looks like it is relatively flat in the area where the applicant is building. He may need some silt fence or hay bales to prevent any kind of water with sediment to get to the pond.

There is one more thing that the Code Enforcement Officer mentions in his memo. Based on the plan an existing artesian well will be located 1-2' away from the face of the proposed structure. Research for a separation requirement for structures to a well has not been found. It is recommended that the board consider a condition of approval requiring a minimum 3 foot separation to allow for maintenance and repairs of the well system. Chairman Aleva asked the applicant if it was a steel cased well. Mr. Casella said that it was. Mr. Casella stated that it shows on the plan that it is 1 ½ foot away from the base of the building. He checked with his well driller and he was not aware of any requirements for this. Jon Morse said that he doesn't believe that there is a requirement. He thinks it was more out of concern for the applicant and having enough room in case something happened to the well. Mr. Casella said that the way it is laid out on the plan, the surveyor showed the eaves in the setback, so he does have room to set it back. He said that he can maintain the 3 feet with no problem. Chairman Aleva thinks that it would be a good idea to do the 3 feet. He stated that it does not need to be a condition of approval but it may make it easier for the applicant in the future.

Rick Reynolds asked if they need to make a motion on any conditions. Chairman Aleva stated that the only condition that they would need to consider is in regards to the well's location being 3 or more feet away from the building. Anne Whitten asked why it was our business. If something happens and he needs to do a new well and he can't get to it, then that it is his problem. He would just need to dig a well somewhere else. Chairman Aleva agreed but Jim Marchese listed it as a condition. Chairman Aleva asked the Board members if any of them feel that this application needs a condition. Rick Reynolds feels that they should have the condition that the CEO recommended.

Rick Reynolds motioned to approve the application for Gerald Casella to construct a garage in the Shoreland Limited District with the condition that the well is located 3 or more feet from the proposed building.

Chairman Aleva asked for a second. There was no second for the motion so the motion failed.

Rick Reynolds motioned to approve the conditional use application for Gerald Casella to construct a garage at 74 West 4th Street, North Berwick, Map 12, Lot 21. Jon Morse seconded the motion. VOTE: 5-0

4. Other Business:

Chairman Aleva stated that since Mr. Marchese was not here, he did not know about any upcoming issues that will be coming before the Board.

Mark Cahoon asked if the Mountain View Estates proposal had been approved. Chairman Aleva stated that there was no word on that yet.

Matthew Qualls stated that he has not been at the last two meetings. He was wondering what was going on with the sign issue that was discussed. Chairman Aleva stated that they had tabled the discussions about the signs so they could review the proposal further.

Matthew Qualls asked if they had approved a new permit application. Chairman Aleva said that Jim had worked on one of them and presented it at the last meeting. The Board made some recommendations and Jim was going to make the changes and present to the Board again for final approval.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 6:50 pm. Mark Cahoon seconded the motion. VOTE: 5-0

James Marchese
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls