

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD NOVEMBER 12, 2015

Present: Chairman Geoffrey Aleva, Rick Reynolds, Barry Chase, Jon Morse, Matthew Qualls, Jim Marchese, CEO

Absent: Mark Cahoon, Anne Whitten

Also Present: Lee Jay Feldman from SMPDC, Mitzi Coran, William Coran, Steven Spence, Julie Alexander, Debra Dearborn, Donna Calef, Chris Mende, Bob Pease, Kathy Pease, Les Bodwell, Mike Barker, Ron Mello, Megan Bodwell, Harley Regonini, Rachel D.

1. Call To Order:

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

2. Review Previous Minutes:

Rick Reynolds motioned to approve the minutes of October 22, 2015. Barry Chase seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

Chairman Aleva moved Matthew Qualls up to a full voting member for tonight.

3.1 Conditional use Permit Application for Stanley Welch

Chairman Aleva stated that the first item on the Agenda was for a conditional use permit for Stanley Welch, 515 High Street, Tax Map 4 Lot 76. The applicant is proposing the construction of an In-Law Accessory Apartment (See our zoning section, Article 5.2.20 In-Law Accessory Apartments Standards. Chairman Aleva asked Jim Marchese if he had any comments regarding the project. Jim Marchese said that his only concern was that the applicant provide the town with a subsurface disposal application. He stated that the applicant has done this and has a design for a system that incorporates the additional use.

Mitzi Coran stepped forward to state that she is just looking to add an in-law apartment so she can take care of her elderly parents.

Chairman Aleve asked if there was anyone that had any comments about the project. There was no public comment. He asked the Board members if they had any questions. Rick Reynolds asked if it was in Farm and Forest and Jim Marchese said that it was.

Rick Reynolds motioned to approve the construction of an in-law apartment as a conditional use permit for Stanley Welch at 515 High Street, Map 4, Lot 76. Jon Morse seconded the motion.
VOTE: 5-0

3.2 Continued review of the Bodwell Application

Chairman Aleve stated that the next item on the Agenda was to continue the review of the Bodwell Application, Tax Map 1 Lot 65 for a 6 unit building. Chairman Aleve recused himself from this review process so Vice Chairman Rick Reynolds will be the Acting Chairman for this project review.

Acting Chairman Reynolds stated that they have received the information that the application is complete at this point as well as the comments from SMPDC concerning the proposal for the subdivision. He stated that there has also been a name change to LRB Apartment Complex.

Chris Mende stepped forward to review the information. He stated that they have been before the Board two times now. Once with the sketch plan to get input from the Board and then again with the preliminary application. They are presenting the final plan tonight that incorporates all of the changes and requirements that have been suggested up to this date. He stated that the project is a multifamily home on a lot that previously had a single family dwelling and a second modular home. These homes were not in great shape and they have been torn down. He stated that the project is considered a subdivision because it is 6 units and under Maine State law, it needs to be. He stated that the building that they are planning on constructing basically replaces the main house on the lot. It basically has the same footprint as the previous building but has an additional story. The area that the second home was in will be primarily a parking area.

Mr. Mende stated that they did receive approval from the Department of Transportation for an entrance permit. He said that some comments that were made by SMPDC in regards to drainage at the road were addressed. He stated that the changes were made to accommodate input by the State of Maine. He stated that they are not increasing the drainage in any way in that area. They had proposed a catch basin at the end of the road to catch the drainage coming through that path. DEP did not want a catch basin there in the right of way. They decided they would rather have a culvert. In order to get adequate cover over the culvert, they had to change the grading in that area a little bit to get it down in the ground.

Chris Mende went on to review the comments in the letter from SMPDC. He stated in the third paragraph, Lee Jay Feldman talks about the storm water design and regrading and resloping. He said that this was just addressed by him. In the second part of the paragraph, Mr. Feldman wrote: "As part of the erosion control, I would suggest that a silt sock be added to the catch basin

located between the building and the parking area at elevation 153'". Mr. Mende stated that he spoke with the drainage engineer at the office regarding this and they did reflect a change to the plan. He said that instead of using a silt sock they are proposing to use hay bales. The reason they like hay bales better than a silk sock is because the silk sock takes quite a bit of maintenance. He said that if there is a large amount of sediment going in, a couple things could happen. Either you have to constantly clean it or if it doesn't get cleaned, it overflows and that defeats the purpose of the silk sock. With hay bales, it offers the same function except that they are higher so when the silt accumulates adjacent to them, there is about 16 inches of ponding that can take place before it is not operating anymore. This gives you more time to get around to the maintenance of it. Lee Jay Feldman stated that either way of erosion control works. He stated that the newer way of doing it is with the silt socks, however, in this location there will be a significant amount of silt buildup and hay bales work just as well. Acting Chairman Reynolds asked all the Board members if they had any problems with the use of hay bales. The Board members were all fine with it.

Chris stated that they did have a site visit with some of the Board members. There were no significant comments or concerns at that time.

Chris stated that at the last meeting, they had discussed having a formal erosion control plan and study. He had expressed at the last meeting that they take a look at the amount of development on the site. He didn't feel that the amount of discharge from the site to be substantial given the size of the site and the landowner's land's capacity to absorb what was going on internally. He also spoke with the Board members at the site visit about this and they seemed to be comfortable with it. He also asked their drainage engineer to address that and he put together a letter for the record. The drainage engineer states that the only possible anticipated increase in water levels coming off the site were at the 1/8 of an inch level. They studied it with a number of different size storms and the peak runoff in cubic feet for all of the storm events was 0.00 cubic feet. The fact that some of the changes to the site with regards to lawns, pavement and so forth, it will ultimately have no impact to what was coming off the site and going into neighboring properties.

Acting Chairman Reynolds asked about the well. They claim that it would satisfy the needs at 9 gallons per minute but they are suggesting a variable speed pump on the well. If everyone is using the water, it doesn't look like the gallons per minute would be adequate. He stated that the yield is 12 gallons per minute and they have 9 gallons per minute. He asked if it was a standard artesian well. Mr. Mende said that it was an 8 inch steel casing artesian well.

Acting Chairman Rick Reynolds opened the Public Hearing at 6:55 pm.

Bob Pease lives on Brewer Road. He asked if the water quality had been checked to see if it was drinkable. Les Bodwell stated that he assumed it was because they drilled it and people have been using it. Jon Morse said that they usually test the water after it has been used for a while. Mr. Pease asked how they figure out how many gallons are adequate. Acting Chairman Reynolds stated that they have calculations that say how much you need for 3 people in a 2

bedroom residence. Mr. Pease stated that the area is pretty swampy along the road. He noticed that the septic area is a little above the swampy road and he was wondering if there was any concern about that. Acting Chairman Reynolds stated that they have provided soil testing and bed size. Barry Chase stated that it was designed by a licensed soil scientist. Chris Mende said that the septic system is designed in accordance with all of the State regulations for setbacks from streams and wetlands. It's sized based on the soils types. He said that the separations that they have proposed are all in compliance with the State regulations.

Donna Calef asked how far away the septic system was from the property line. Chris Mende pointed it out on the map. It is about 75 feet from the power line and they are 200 feet or more from any other property. Barry Chase asked what the minimum distance it could be from the property line. Chris said that from the foot of the slope of the septic system, he believes that the minimum distance is 10 feet.

Chris Mende told the public that the two buildings that were there were really not in good shape and the new building that they are putting in will be a big improvement. The footprint of the building that is being proposed is pretty much the same footprint that is currently there. It will be one story taller but it won't be out of harmony with other things in the neighborhood. The second building that has been removed will now be parking. The grading on the site will not change very much except at the entrance. The property owner has removed 240 cubic yards of trash from that property, not including any demolition or anything in the buildings.

Acting Chairman Reynolds closed the Public Hearing at 7:10 pm.

Acting Chairman Reynolds asked Jim Marchese if he had any questions or comments. Jim stated that there is nothing in the Ordinance that dictates the size of a driveway easement to the abutting property. They are proposing a 15 foot easement to abutting properties but he would like to see a 20 foot easement. Chris Mende stated he has no problem with that but he stated that the owner is anxious to start on the project. He was wondering if the Board could still approve the plan tonight with the condition that they will do the 20 foot easement. Acting Chairman Reynolds stated that they could do that.

Jim also stated that the approval of the structure is contingent upon the approval by the Fire Marshall because it is considered a commercial building. He also spoke with the Fire Chief, Brian Gosselin, today and he is requesting that a knox box be installed on the front of the building. He would also like there to be an external connection to the sprinkler system. This would allow them to replenish the water in the water tanks for the sprinkler system to continue to work.

Acting Chairman Reynolds stated that there is a shed on the property which would be considered a structure. He asked if this was going to be removed. Les Bodwell said that it would be and Chris stated that it does state this on Sheet C-2 of the plan.

Barry Chase motioned that to accept the subdivision plan for LRB Leasing with the following conditions:

1. Knox box needs to be installed on front of building.
2. Need external connection to sprinkler system.
3. Future driveway will be 20 feet wide.
4. Structure will need Fire Marshall approval.
5. All written material & oral statements presented on the project will be part of the review.

Jon Morse seconded the motion. VOTE: 4-0

Lee Jay Feldman stated that he will complete the Findings of Facts and send them to Jim for the Board to review and sign at their next meeting. Chris Mende asked if the Board wanted the conditions of approval listed on the plan. Lee Jay Feldman stated that since it is a subdivision, it is State Law to be on the recorded plan.

Chairman Aleva took over the running of the meeting.

3.3 Continued review of an Ordinance revision as requested by Julianne Alexander, 5 Burma Road.

Chairman Aleva asked Jim what the thoughts were regarding this proposal. Jim stated that based on the comments at the last meeting, he revised the Table of Land Uses to reflect those changes. He added a line under the Business/Commercial/Industrial section that says "Banks and Pharmacies" and how they are applicable to the different districts. He also added Banks and Pharmacies in the section that talks about Drive-in or Take-out eating establishments. He stated that for the line that he added, "Banks and Pharmacies", the uses would be as follows: Village Center, Commercial District and Industrial District would be "CU". All other districts would be "NO". He stated that rather than change the district boundaries, we are changing the allowed uses within those boundaries. Barry Chase stated that they should have Commercial II be "CU" as well. The Board reviewed the zoning districts on the map.

Barry Chase stated that right now, the way he reads it is that you can have a drive-in theater and auto service station in any zone. Jim said no and that they are only allowed in the Commercial District and Industrial District. Chairman Aleva thinks that they should just add the one line, "Banks and Pharmacies with/without drive-thrus. The Board members reviewed and discussed these changes further.

Barry Chase motioned that they add in the Article 4 Land Uses Tables the line Banks and Pharmacies w/wo drive thrus as Village Center-CU, Shoreland General-CU, Commercial District-CU, Commercial II-CU, Industrial District-CU and all other zones would be a NO. Also

where it states Drive-in or Take-out eating establishments we will remove the exceptions of drive-in theaters and Auto Service stations and Commercial II to a CU.

Rick Reynolds seconded the motion. VOTE: 5-0

Chairman Aleve stated that we will need to have a Public Hearing soon to get this moving so it can be on the Warrant. He stated that they are only scheduled to have one meeting this month and one in December so he thinks that they should have the hearing at the first meeting in December. Barry Chase said that they can change the weeks of the meeting to the 1st and 3rd Thursday of the month.

Barry Chase motioned to move the meetings for next month to December 3rd and December 17th. Matthew Qualls seconded the motion. VOTE: 5-0

4. Other Business:

Barry Chase stated that the members should all exchange phone numbers so they could all keep in touch.

Jim stated that he has a couple items for the Board to review for future discussion. He has done some changes to the District Boundary Exemption that was discussed at a previous meeting. He included a map that shows how the surrounding municipalities are zoned. It appears as though all the other communities are Rural Residential against our Rural zones.

Rick Reynolds motioned to propose to add the following under Section 4.2 General Requirements:

j. Uses Bordering Town Lines: The Planning Board shall be authorized to allow for the expansion of use of a bordering property into North Berwick not currently permitted in the North Berwick Zoning District through the conditional use process as long as the following conditions are met:

1. The use cannot expand more than 250' along the existing roadway frontage.
2. The use cannot expand by more than 50%.
3. The use must have a 100' vegetated buffer.
4. The use cannot be closer than 250' from an existing residence.

Matthew Qualls asked how it works with the other towns if a business from North Berwick would like to cross over into their town. They were not sure how this would be handled. Barry Chase stated that they could probably remove the third item requiring a 100' vegetated buffer and leave it to the Planning Board's discretion as to whether it is appropriate or not.

Chairman Aleve said that they should table this for further discussion at the next meeting. The other Board members agreed.

Jim stated that back in August they had approved a conditional use permit for 29 ducks, geese and chickens on the property on Morrell's Mills Road in the Shoreland Limited Zone. Last Thursday, he received a building permit application. He told the people that they have to come back before the Board to get a conditional use permit. They had assumed that, because they got the conditional use permit, the Board knew that there was going to be a Residential use on the property and that the information supplied to the Board indicated a building envelope. Jim asked the Board if they believed that there was an implied residential use to be on the property or did they agree that a residential use on the property requires a conditional use by the Board that would require them coming back for a Public Hearing before the Board. Rick Reynolds said that yes they should come back. He stated that if they knew they were going to do this, they should have brought it up then. The other members agreed.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 8:24 pm. Rick Reynolds 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