

## **NORTH BERWICK, MAINE 03906**

### **MINUTES OF PLANNING BOARD JANUARY 9, 2014**

**Present:** Chairman Barry Chase, Shaun DeWolf, Rick Reynolds, Jon Morse, Geoffrey Aleva, Lawrence Huntley, CEO

**Absent:** Anne Whitten, Mark Cahoon

**Also Present:** Kianna Tucker, Lisa Laurion, John Marth of Cumberland Farms, Simon Plona of Cumberland Farms, Robert Landrigan, Ivan Weatherly, Lionel Ewers, Pamela Ewers

1. Call to Order:

Chairman Chase opened the Planning Board meeting at 6:30 pm.

Chairman Chase moved Jon Morse up to full voting status.

2. Review Previous Minutes:

Rick Reynolds motioned to accept the minutes of December 12, 2013 as written. Geoffrey Aleva seconded the motion. VOTE: 4-0 1 Abstain

3. Current Business:

Chairman Chase stated that the item on the Agenda for tonight was for applicant Cumberland Farms, Inc. The applicant is proposing to reconstruct an existing retail Sales building and add a 216 s/f walk-in freezer addition. (Map 18, Lots 84 & 85) at 34 Main Street. John Marth stepped forward to represent Cumberland Farms. He is the Project Manager. Mr. Marth stated that the Cumberland Farms in Maine, New Hampshire and most of the regional area have undergone a bit of a remodel with most of its existing locations and with their new stores. He stated that the one in Rollinsford, NH was one that was close by that they have remodeled. He stated that the store in North Berwick is one that they have identified as one of the stores that they would like to reimage. As part of the reimage program, they typically come in and do a lot of what they consider deferred maintenance items on the buildings that have been well used over the years. As part of the reimage and remodel of the interior of the store they look to do things such as bring sidewalks up to ABA compliance, install new full cutoff light fixtures and other things of that nature that help to improve the overall site while also incorporating our new business operations. Mr. Marth went on to explain each of the sheets of the site plan that they gave to each Board member.

He stated that the first sheet was a boundary and topo survey of the existing property that was done last year. The building is approximately 3,000 square feet. There are four existing fueling dispensers with eight fueling positions total. It is paved on all four sides and the traffic situation is between two streets that pass through on both sides.

The next sheet shows the proposed site plan. With the exception of the 216 square foot addition on the back of the building, which is a freezer and a dry storage addition to store supplies for the operation of the store, there is nothing else really being changed. There is no gas island changes or tank work being done. The addition is approximately 71/2 feet off the existing building by 27 feet long behind the back of the building. They would also be installing new handicap accessible sidewalks and ramps. They would also have a delivery ramp to the back so that if they would have to put things into the addition, it would be easily assessable from the outside. They are also proposing to have some decorative steel bollards that are driven into the sidewalk. This is a corporate policy that they have instituted mostly for the protection of the pedestrians and customers.

He stated that at the dispenser islands, they would be taking out the existing gas pumps and putting in a newer model pump. There would also be some slight modifications to the parking. Based on the ramps, there would be a new handicap accessible spot. They are also planning to sealcoat and restripe the parking lot.

Mr. Marth went on to discuss the look of the islands. He stated that they understand and appreciate that there is a bit of history with this site and why there is no striping or signage. They are basically looking at keeping it as it is. He said that they typically have green stripes and signs on the canopy but they are not looking to do any of that here. The canopy itself would stay the same.

Mr. Marth stated that as part of the program, they do LED retrofits of most of the site lighting on the property. Today's new LED lighting is a much lower energy use and it acts as a much lower photometric footprint than the old style lights that we see on buildings. They would remove the old lights and install an LED wall pack that shines straight down on the sidewalk. The lights that are on the canopy would also be replaced the same way. As far as the ID sign goes, they were proposing to put in an LED price sign as it was their understanding that it was allowable. The sign will not alternate or flash. The only time that there would be any movement is when the price needs to change. He stated that the reason that they look to do an LED light is for employee or manager to be able to change the price electronically without having to go out into a snow bank or bad weather to change it manually. The other feature that the LED does offer is that the price signs do have settings that set the brightness from 1 to 10. He said that the digits come pre-programmed at a 7 but they can turn the intensity down. The other portion of the sign they want to change is just swapping out the old Cumberland Farms logo for the new one. It would be an identical swap out with no additional features or square footage.

Mr. Marth stated that they are keeping the existing four walls of the store and it will be an interior remodel only. He stated that there will be a slight elevation shift in the store front at the

entrances. It will still be white framed glass. The opening itself may shift and it will be a double entry door. He went on to show the Board the proposed floor plan. He stated that in the new Cumberland Farms they have more of a food centric program such as hot dog roller grill items. He stated that there was not actual food preparation done on site. It is all prepackaged and brought in. The only thing that they do on site, is to heat up some of the food. There's an area for long food products such as pastries and doughnuts. These come in frozen on trays, get thawed out and are put out in the morning to sell.

Mr. Marth stated that this site is in front of the State Fire Marshall's office for the Barrier Free and Construction Permit Review. He spoke with Richard Nason at the State Fire Marshall's office yesterday and he is working on it and is expecting to turn this around by next week for final approval or comments.

Mr. Marth stated that the final set of plans are the final elevation after the demo work has been completed. The one thing that they are asking the Board to consider that is not on the site today is to have a Cumberland Farms sign above the doorway. It would not protrude above the roof line. It would be even with the top of the existing fascia. It would be a Cumberland Farms logo and approximately 18 square feet total.

Mr. Marth went on to say that they are generally improving the location. They will hopefully improve some of the lighting splash that is there today. They are not looking for anything other than the sign over the doorway and the LED Price logo at the street.

Chairman Chase asked Larry Huntley if he had looked into the issue with the signage. Larry stated that the reason that the sign is not on there today, is because when they presented it back in 1998 or 1999 the same sign ordinance was in effect which states that no more than 60 square feet of signs can be displayed by one entity on one property. He stated that since the gas sign is 30 square feet, they had not put a sign on the building because they wanted to put more signage in the windows. Larry stated that if you put a sign on the building than you are losing that extra that you can change now and then. Larry told Mr. Marth that since the same sign ordinance is in effect today so they would have to make that decision. Mr. Marth stated that he would rather have a building sign but he will have to go back to his operations people and tell them that they can have the building sign or the window signs.

Chairman Chase asked Larry if they could do like Hannaford with their signage because they are actually a convenience store and gas station. Larry stated that with Hannaford the redemption center is actually a separate building and the Pharmacy actually operates within that building as a different entity.

Rick Reynolds stated that he noticed that they are closing off the entrance on the side of the building so that will leave a blank wall.

Shaun DeWolf asked Larry how they would make the determination of how bright the LED lighting on the Price sign should be. Shaun stated that someone could say that a brightness of 7 would be too bright and some could say that the 3 was too bright. Who would make the final decision on this? Larry stated that he would have to do so.

Chairman Chase opened the meeting for public comment at 6:53 pm.

Lisa Laurion stated that she lives out behind the store and she is concerned about the how there are no road changes and stop signs or one-way signs in the plan. She also stated that it is a good idea to lessen the light.

Lionel Ewers stated that he is not opposed to the LED sign as long as it is not too bright. The other reservation he has about it is that once you start putting LED's in, any business that wants to put an LED in will be able to and that would take away from the look of our town. He feels that what is there now is fine and there has been no problems with it. Mr. Ewers also had some concerns regarding parking. He wondered if, on the side of the store by the 30 Main Street residence, there was going to be anything done about the parking. He stated that when they originally put the building in, there wasn't going to be any parking on that side. He stated that every time that there has been a meeting for changes to the property or store, he was always told that they would put no parking signs up. They put some on the fence where people can't see them. This area is supposed to be a path for emergency vehicles to come through. He said that for all these years, cars and trucks have been parking there. The other issue that he has is that the garbage is being picked up anywhere between 1 to 3 o'clock in the morning and it is very loud.

Pamela Ewers asked if painting the white picket fence the company had put up, was going to be part of their maintenance repairs. Mr. Marth stated that they could include it in the work.

Mr. Ewers stated that they have their house for sale and that the realtor told them that the reason they are having a hard time selling their house is because of the parking by the fence. Jon Morse said that Cumberland Farms should be concerned about the parking situation also. He stated that the people that are parked in the legal parking spaces could have a hard time getting out if there are vehicles parked by the fence. Mr. Morse wondered how this could be enforced. He said that the employees can't leave the store to ask these people to move their vehicles. Mr. Ewers stated that if they put the No Parking sign up along the road instead of on the fence, it would probably help. Also, Mr. Ewers said that the delivery trucks should be told not to park there.

Mr. Ewers did ask if the sign above the door was going to also be LED. Mr. Marth asked Chairman Chase if interior lighting signs were allowed. Chairman Chase stated that they were allowed. Mr. Marth stated that they would prefer to have interior lighting. He stated that the only part of the sign that is lit at night is the actual Cumberland Farms logo.

Chairman Chase closed the meeting for public comment at 7:03pm.

Chairman Chase asked Mr. Marth how much of sign would be covered by the canopy in front of it. Mr. Marth stated that the canopy is 14 feet to the back of the canopy and the sign is 9 feet from the bottom.

Jon Morse asked Mr. Marth if they would be putting some No Parking signs up by the fence area. Mr. Marth said that they are here to do the right thing. If there is something that they can do to make things better, he has no problems with adding it to the plan. He also stated that they can control their trucks and tell them to not park there. He cannot enforce that with other vendors that deliver to them. The vendors just find it easier because they just walk in through the side door which they are not supposed to do. Geoffrey Aleva stated that removing that side entrance may cut down on this problem. Jon Morse asked how many of the vendors will be using the back for the deliveries. Mr. Marth stated that when they remodel the stores, they tell the Managers and the clerks to drive the vendors to the new delivery area.

Shaun DeWolf asked where they were going to be parking the delivery trucks after the remodel. Mr. Marth stated that he was not sure at this point because they don't have a dedicated loading zone on this property. Shaun asked if they could make the recommendation that all the delivery trucks need to park in the back. Mr. Marth stated that if the Board puts it in as a condition, than they can do it. Mr. DeWolf also asked Mr. Marth if he could verify the times that the garbage was being picked up. Mr. Marth stated that he would like it if the Board put it in their conditions that no deliveries or garbage pickups before 7 am. Mr. DeWolf asked about the traffic arrows. He asked if they were going to be realigning those with the actual traffic patterns or are they just going to repaint over them where they are now? Mr. Marth stated that it is planned to be just a sealcoat, restripe and then paint everything in place the way it is. He stated that if the Board wanted something done differently they could take a look at it. Mr. DeWolf asked that they look at that because the arrows do not match up with the traffic patterns. Mr. DeWolf asked the other Board members if they could put a painted island in the wide area in the back to show a way in and out and use as a visual deterrent. Mr. Marth stated that they would have no issue with this. Mr. DeWolf also suggested that they put in a 6 ft. high fence. Mr. Marth stated that he is not sure why this fence is only 3 feet because they usually put up a 6 ft. stockade fence. Jon Morse stated that their driveway is quite a bit lower than the parking lot so it is about 6 feet with the fence. Shaun DeWolf suggested that they at least paint it and Mr. Marth stated they would do so.

Chairman Chase wondered about the façade of the building on side where they are getting rid of the side entrance. He stated that they are looking to not have just a long flat solid wall without some kind of architectural design or detail. Mr. Marth stated that for all intents and purposes they are working with an existing building which is a brick box. Larry Huntley stated that the Board is just talking about something like a fake column to break it up. Mr. Marth stated that they could do something for this.

Chairman Chase asked what the cooler was going to be constructed of. Mr. Marth stated that it is a prefabricated styrofoam panel with metal exterior. The inside is an unfinished sort of rust stainless look that is pebbled. The outside is a white pebbled so it will actually match the fascia and the column pieces.

Chairman Chase went through the list of the items that need to be added as notes on the plan.

1. Repair, paint and continually maintain the fence.
2. The LED lights will be set at 3 with the final setting to be determined by Code Enforcement Officer.
3. Deliveries to be done in the back of the store and use the designated delivery door
4. Garbage pickup cannot be done between the hours of 11 pm to 6 am
5. No Parking signs along the northern fence line.
6. Add some kind of decorative detail on the right and left side of the building.

Geoffrey Aleva asked what the time frame was on the project. Mr. Marth stated that he would like to ask the Board to approve this tonight with conditions so they could start the project next month. Shaun DeWolf asked what the downtime was going to be and Mr. Marth said it would be about 21 days. They are talking about putting in a little kiosk at the gas pumps so people could still get gas while the renovations are being done inside.

Rick Reynolds motioned to accept the plan with conditions from Cumberland Farms, Inc. for the existing retail Sales building reconstruction and adding a 216 s/f walk-in freezer addition (Map 18, Lots 84 & 85) at 34 Main Street with the following conditions:

1. An updated plan with all notes that Planning Board wanted added to the site plan.
2. Fire Marshall Permit needs to be given to Code Enforcement Officer.

Shaun DeWolf seconded the motion. VOTE: 5-0

#### 4. Other Business:

Chairman Chase stated that the Board of Selectmen have given them back the Proposed Zoning Change Questions. There will be a Public Hearing regarding these questions on Thursday, January 23, 2013. Chairman Chase stated that the first two questions were the ones that the Planning Board had submitted. The third question is what Chairman Charles Galemme from the Board of Selectman had discussed with them at the last meeting. It looks like the Selectmen did change a few things that the Planning Board had changed. He said that under 5.2.21 Construction Standards for Commercial Use Buildings, Section C, number 2, the Board had changed it to read: "Display windows shall be rectangular or square". The Selectman added that it shall be either vertical or horizontal in orientation.

The Selectmen are putting the question about the signs and billboards forward. The Planning Board had voted against this change.

The next question is in regards to Conditions Attached to Conditional Use. The Selectmen have added a new #5. It reads: "Engineering studies necessary to determine that the proposed use complies with the provisions of this Ordinance and other pertinent Town Ordinances (i.e. Street Design and Construction Standards Ordinance). If the Planning Board requires any engineering to be performed as part of the conditional use review, the engineering study shall be reviewed by the Town's Engineer for compliance with the Town's ordinances prior to Planning Board approval. "

The final question is in regards to minimum access standards for properties for which a building permit is issued. The Planning Board had voted against this with a vote of 1-4.

Larry Huntley stated that they need to review the information so they can answer any questions at the Public Hearing.

Chairman Chase asked Larry how they handle the situation when the Selectmen want a proposed change but the Planning Board is against it like the issue with the Sign Ordinance. Larry stated that they just need to state that they are not recommending that change and let them know that the Board of Selectmen have their Public Hearing on these issues on February 3<sup>rd</sup>.

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:45 pm. Shaun DeWolf seconded the motion.

VOTE: 5-0

Lawrence Huntley, CEO  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten