

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD FEBRUARY 25, 2016

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, S. Shane Ruff, H. Walt Egnew, Dana Libby, Rusty Hayes, Stephen Peasley, Lorinda Hilton, Shirley Barto, Robert Pelletier, Stephanie Camire, Justin Griffin

1. Call to Order:

Chairman Geoffrey Aleva called the meeting to order at 6:32 pm.

2. Review Previous Minutes:

Rick Reynolds stated that on Page 2, the second sentence in the second paragraph now reads, “Dwayne Morin explained this questions.”. He stated that it should read, “Dwayne Morin explained this question.”. Also on Page 5 in the first sentence of the last paragraph, the word “Sign” should read “Signs”. On Page 7 the fifth sentence of the fourth paragraph currently reads, “...when the politicians came around to put their signs.”. It should read, “...when the politicians came around to put up their signs.”. On Page 8, the fifth sentence in the first paragraph should end with a “?” not a “.”.

Rick Reynolds motioned to approve the minutes of February 11, 2016 as amended. Jon Morse seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

3.1 Public Hearing: Application for Final Plan Approval for Minor Subdivision, Mountain View Estates, by Bauneg Beg Land Development LLC, Corner Post Land Surveying Authorized agent – Applicant proposes a 4 lot subdivision on 15.1 acres on Bauneg Beg Road Tax Map 10 lot 1, Farm and Forest District.

Lee Jay Feldman stated that since Chairman Aleva did not participate in the first portion of this application, he asked that Chairman Aleva indicate if he has read all of the material for the project so there is no concern on his ability to act on this matter this evening. Chairman Aleva stated that he had not read all of the materials so he will not be voting on this project.

Chairman Aleva moved Matthew Qualls up to full voting member.

Dana Libby from Corner Post Land Surveying stepped forward to discuss the project. He stated that it is a 4 lot minor subdivision called Mountain View Estates located on Bauneg Beg Road. He stated that the lots need to be about 130,000 square feet which is roughly 3.7 acres after deducting the wetlands. He stated that the wetlands have all been mapped by Mark Hampton Associates. They also did all of the soils mapping for the septic design. Mr. Libby stated that the subdivision will be serviced by overhead utilities along Bauneg Beg Road. He stated that all of the driveway entrances have been located and site distances have been performed. They all have adequate site distances. Mr. Libby stated that, since the last meeting, they have revised Note 17 to reflect the CEO's request for applications for driveway permits. He stated that they also added the Proposed Use as Note 18 which is for Single Family Residences.

Chairman Aleva asked Lee Jay Feldman if he had any comments at this time. Mr. Feldman stated that the Board did not get a memo on this application from him tonight. He stated that nothing has really changed since the preliminary memo that he submitted to the Board. The only thing that has really changed is that the applicant has updated the plan to reflect the issues that were discussed at the previous meeting. He did provide the Board with a draft of the Findings of Fact. If nothing changes during their deliberations tonight, they can use this draft as the final one.

Chairman Aleva asked the Board if any of them had any questions or comments. The Board did not have anything new to add at this time. Chairman Aleva asked if the applicant had worked with the Public Works Department to determine the locations of the proposed driveways. Lee Jay Feldman said that he didn't know but said that the applicant did put the appropriate site distances on the plan and they do meet the requirements under the ITE Standards. Mr. Feldman said that there is also a note on the plan that says that if these locations need to change than they have to be approved by the Code Enforcement Officer prior to the issuance of a permit.

Lee Jay Feldman went over some of the comments that are in the Findings of Fact. He stated that the Findings are based on the plan that is in front of the Board this evening. Mr. Feldman said that the first portion of the Findings of Fact deals with establishing the dates of previous meetings that occurred with the Planning Board, what they were for and what information was provided at those meetings. At the bottom of Page 1, there is a small discussion regarding the waivers that were granted by the Planning Board during the original hearing on the project. He also filled in the blanks for the meeting that is occurring this evening. He left a blank where it will list what the vote was if it is indeed voted on tonight. It also has the condition that lots can only be used for Single Family homes.

Mr. Feldman reviewed some of the Findings from the memo. The first one is a basic finding that says that the project "Will not result in undue water or air pollution. In making this determination, the Board considered the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub-soils and their ability to adequately support waste

disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resource rules and regulations.”. He has further stated, “This application will not impact any of the above noted environmental issues as all precautions under the state and local regulations have been taken into consideration.”.

The second Finding states, “Has sufficient water available for the reasonably foreseeable needs of the subdivision based on the submission of information from a well drilling company.”. This pertains if there is a public water supply so in this case, this is not applicable.

The third Finding states, “Will not cause an unreasonable burden on an existing water supply, as noted above, the site will be on a well located on the property.”. Mr. Feldman further implicated, “The letter from Stone Hill Environmental was provided to the Planning Board at the preliminary review meeting and indicated that there is sufficient water for the site.”.

Finding #4 states, “Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.”. Mr. Feldman’s writes, “The subdivision itself will not cause erosion issues. The proper erosion control will be required by individual home owners at the time of construction.”.

Finding #5 states, “Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.”. Mr. Feldman’s statement reads, “The applicant has provided appropriate site distance information on the plan indicating that they can meet the minimum standards as required in the town’s regulations Street and Storm Drainage Design and Construction Standards Ordinance Article 2 Section 2.2.”.

Finding #6 states, “Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.”. Mr. Feldman’s statement reads, “The site is proposed to have on-site septic and the applicant has already submitted the HHE 200 forms with all of the passing soils on the property.”.

Finding #7 states, “Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.”. Mr. Feldman’s statement reads, “The town operates a Transfer Station. Each single Family Residence will be responsible for making sure their trash is delivered to that facility.”.

Finding #8 reads, “Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual

access to the shoreline.”. The statement reads, “This site is not located in the Shoreland zone and the lots are large and should not pose any threat to the natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife.”.

Finding #9 reads, “Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any.”. The response is “Yes”.

Finding #10 reads, “The sub-divider has adequate financial and technical capacity to meet the above stated standards.”. The statement reads, “The Applicant is not providing the extension of any public Infrastructure other than the Power lines which will require Central Maine Power review and approval.”.

Finding #11 reads, “Surface waters, outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.”. Mr. Feldman stated that this basically pertains to the Shoreland zoning and this is not applicable because there is no Shoreland zoning there.

Finding #12 reads, “Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.”. Mr. Feldman stated that this is not applicable to this project.

Finding #13 reads, “Flood areas. Based on the Federal Emergency Management Agency’s Flood boundary and Flood Way Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it is in such an area, the sub-divide shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plot approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevations.”. The statement reads, “This site is not located in the flood zone. It is found in a Zone “c” which is unregulated.”.

Finding #14 reads, “Storm Water. The proposed subdivision will provide for adequate storm water management.”. Mr. Feldman stated that this is not applicable.

Finding #15 reads, “River, stream or brook. Any river, stream or brook within or abutting the proposed sub division has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9.”. Mr. Feldman stated that this is not applicable. There are is a small brook that is shown on the plan but it doesn’t rise to the level of Title 38, section 480-B.

Finding #16 reads, “Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.” The applicant has avoided the disturbance of any wetlands mapped on the property.

Mr. Feldman’s statement reads, “Based on the information provided and deliberations held by the North Berwick Planning Board the project meets all of the pre-requisite matters for this approval.”.

Chairman Aleva had a question regarding Note #14 that states, “Wetlands/uplands interface line was determined by Mark Hampton Associates. No construction in or filling of wetlands is allowed without review and approval by both the Maine DEP and the North Berwick Planning Board.”. He said that it looks like at least 2 of the lots will have to come back to the Planning Board for review before they are developed. Mr. Feldman stated that this was correct. This was pretty much a self-imposed condition.

Chairman Aleva opened the Public Hearing at 6:48 pm.

There was no public comment. Jim Marchese stated that 13 abutters within a 500 foot radius were notified by certified mail about the Public Hearing. The Public Hearing was also advertised in a local newspaper.

Chairman Aleva closed the Public Hearing at 6:48 pm.

Rick Reynolds motioned to approve the application for a Minor Subdivision at Mountain View Estates by Bauneg Beg Land Development LLC for a 4 lot subdivision on 15.01 acres on Bauneg Beg Road Tax Map 10 Lot 1 with the Findings as stated. Jon Morse seconded the motion.
VOTE: 4-0 Abstain: 1

3.2 Public Hearing: Applicant: Walt Engew & Shane Ruff of 615 Beech Ridge Road, proposes a Home Occupation consisting of Art/Craft/Screen Business. Based on the Town of North Berwick Zoning Ordinance, Article 4.2 Land Uses (table), a Conditional Use Permit shall be obtained for this type of use in the Farm and Forest District.

Rusty Hayes stepped forward and stated that he was the builder on this project. Mr. Hayes stated that the applicants want to add a barn to their house. It is a 40 x 60 foot barn. He stated that this is a sole proprietor and there will be no employees. There will be no signage on the property. There will be no need for additional parking and there will be no exterior lighting required other than what they already have. There will be no patrons coming to the property because it is strictly an on-line mail order business. The work space and storage area will not exceed 2,500 square feet. Deliveries and pickups will all be by US Postal Service or UPS. Mr. Hayes stated that they are going to install a small septic system because there will be a bathroom in the facility. The applicant does wash out his silk screening.

Shane Ruff came forward to discuss the kind of business he will be doing. He is looking to move his business from Eliot to his home in North Berwick. The space that he is currently in is 1,500 square feet which is quite a bit smaller than what they are proposing. He has been in business for 9 years. For the past 5 years, he has seen a 20% growth each year. The business operation does not create any noise pollution and it will be contained within the barn. There are MSDS sheets for all of the inks and screening supplies that he uses. Everything they use is nontoxic so the only thing that really goes down the drain is water.

Mr. Ruff stated that the lower floor of the barn will be used as a typical barn. They store tractors, tools, etc. that they use to support and continue to develop their small sustainable farm. They have already put in a few hundred Christmas trees, an orchard, blueberry and strawberry patches and last year they put in a chicken coop. He is not a manufacturing business or a retail location. All of the business is conducted through mail order or through retail stores around the country, Canada and Europe. He also travels to sell his shirts and other products to vendor fairs around the country. He handprints his own T-shirt designs. He makes dog toys out of recycled denim jeans and recycles T-shirts to make T-shirt yarn. He prints his own wrapping paper, prints fabrics and makes balsam fir pillows. He has also done local printing for businesses like landscaping companies, retail stores like KTP, lighting companies, catering companies, non-profit companies and other regional local businesses. He has always tried to have an eco-friendly approach with the work he does and the things that he makes. He started his business back in 2007 by making furniture out of reclaimed lumber and handtied rugs out of recycled fabric. He had a line of stuffed animals called Earth Friendly Creatures. He has also showed his screen printing work on canvases around New England since 1994. He taught himself to silkscreen back in high school in 1989 and started his first T-shirt printing business. After attending art school in Portland, Maine he has come full circle by coming back to something he has always loved doing.

Matthew Qualls asked about some of the chemicals that he uses. He said that he looked through the paperwork that was provided to them and he didn't see anything that looked like it was cancerous. He wanted to know about the hazards of the chemicals that he uses. Mr. Ruff stated that there are no hazards with the chemicals that he uses. Rick Reynolds stated that one of the MSDS sheets for one of the chemicals that he has listed states that it has carcinogen. Mr. Ruff reviewed the sheet and said that this is a water based ink and he uses these maybe once a year. Matthew Qualls asked how he disposed of his waste. Mr. Ruff said that he uses Plastisol ink and you scrape it off the screen instead of washing it down the drain. He stated that it would be a waste of money to throw it in the trash. The Plastisol only dries at 320 degrees so he keeps it on the screen at all times so it is easy to pull off the screen. Mr. Qualls asked about how much other waste that he would have. Mr. Ruff said that he gets cases of shirts in boxes and these boxes get recycled. Any misprinted shirts are used as fabric that get resold and reused.

Rick Reynolds asked if he had any emissions coming from the business. Mr. Ruff said that they have a ventilation system for any of the minor gases from the ink. Jon Morse asked where the septic system for the main house was located. Mr. Ruff said that it was in the front yard.

Chairman Aleva asked what they were going to have in the bathroom. Mr. Ruff said that he was going to have a big wash basin to use to rinse off the screens. Chairman Aleva asked how often this was going to be used. Mr. Ruff said that he sometimes goes weeks without using it. He stated that it would be the using of the toilet that would account for most of the water usage.

Chairman Aleva opened up the Public Hearing at 7:07 pm.

Robert Pelletier stated that he lives at 571 Beech Ridge Road which is about 700 feet away from this property. He stated that both he and his wife are in support of this business. He said that they keep their property in good condition. They are very people-friendly. They are not worried at all about any kind of pollution or chemicals.

Chairman Aleva closed the Public Hearing at 7:08 pm.

Rick Reynolds would like to know what Jim Marchese thought about the project. Jim stated that he had no issues and that the applicants had done a great job putting together their application.

Jim Marchese stated that 18 abutters within a 500 foot radius were notified of the Public Hearing and it was publicized in the local newspaper.

Barry Chase motioned to approve the Conditional Use Permit for the Home Occupation located at 615 Beech Ridge Road. Rick Reynolds seconded the motion. VOTE: 5-0

4. Other Business:

Jim reminded Chairman Aleva that he needs to file the report for the Planning Board and it needs to be submitted by March 2nd.

Jim said that they have a professional office site plan to review for a conditional use permit at the next meeting. There will also be an in-law accessory apartment application to review. They may also be looking at a commercial site plan review.

Jim also stated that he has submitted his letter of resignation to the Town of North Berwick and his last day will be March 11th.

5. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:14 pm. Barry Chase seconded the meeting. 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