

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD MARCH 24, 2016

Present: Chairman Geoffrey Aleva, Rick Reynolds, Barry Chase, Anne Whitten, Matthew Qualls, Lee Jay Feldman from SMPDC

Absent: Jon Morse

Also Present: Harry Osgood, Lorinda Hilton, Shirley Barto, John Hutchin, Aaron Wiswell, Ryan McCarthy

1. Call To Order:

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

Chairman Aleva moved Anne Whitten and Matthew Qualls up for full voting status.

2. Review Previous Minutes:

Rick Reynolds motioned to approve the minutes of March 10, 2016 as written. Matthew Qualls seconded the motion. VOTE: 3-0 Abstain: 2

3. Current Business:

3.1 Conditional Use Permit – Preliminary review of project. The Applicant is proposing an Aroma Joe’s Coffee Shop and 2 Bay Car Wash located at 19 Main Street. Planning Board to establish escrow, Public Hearing date and site walk (if necessary). (Tax Map 22 Lot 74-1)

John Hutchin from J. Winslow Hutchins Drafting & Design stepped forward to represent Aaron Wiswell of Rockwell Homes, LLC. Mr. Hutchin stated that the Aroma Joe’s has no inside seating. It will have a drive-thru and a walk up window with some outside patio seating. It will also have a two bay car wash. He stated that the drive-thru will be in-between the Aroma Joe’s part and the car wash bays with a roof over the top. They have developed an entrance that separates the entrance that the town has and where they will be coming in and out of. They are trying to separate them as much as possible to improve the traffic situation. Right now, there is no defined entrance or sidewalk. They are proposing to put in a proper sidewalk with curbing that matches what is already out there.

Mr. Hutchin stated that they have done a drainage plan of the area. Ryan McCarthy from Tidewater Engineering is present in case the Board has any questions about it. Mr. Hutchin said

that he hopes that it will improve the drainage situation that is out there now. They have spoken with the Water and Sewer Districts to make sure that they do what is needed to meet the requirements.

Chairman Aleva stated that the Board members had two memos in front of them. One of them was from Dwayne Morin, the Town Manager. It indicates that the applicant has gone through some of his questions and concerns before this meeting. Chairman Aleva stated that the plan that they have in front of them does not indicate any of these changes that were discussed with Dwayne.

Chairman Aleva stated that they also had a memo from Lee Jay Feldman from the Southern Maine Planning and Development Commission dated 3/22/16. He asked Mr. Hutchin if he had received this memo prior to tonight's meeting. Lee Jay Feldman stated that he just gave it to them tonight.

Lee Jay Feldman stated that most of his memo addresses some of the same issues that Dwayne had brought up in his. Lee Jay stated that the Board's responsibility for tonight is to find the plan that was submitted complete even though it doesn't have all of the changes on it. From a checklist standpoint in going through the plans and what was submitted, they are complete so if the Board approves them as complete tonight, they can set up a Public Hearing and site visit.

Mr. Feldman said that one of the issues of concern is that it meets the Construction Standards for Commercial Use Buildings design standards under Section 5.2.21. He would like to see some additional dormers to break up the roof line in the front of the building. In regards to the layout, the circulation works well. He stated that he would like to see on the updated plans a striped line between the two internal circulation lanes and also marking the outside lane as the bypass lane so it is clearly marked and understood for anyone coming onto the site.

Mr. Feldman stated that because it is a Bio Retention cell that they are proposing on both the front and rear of the property, he would like to see more detail about it. They should show what kind of media will be used and what kind of plantings will be put in to make sure that it will be designed and maintained correctly. Bio Retention cells need long term maintenance with them.

Mr. Feldman stated that the applicant has met with Dwayne Morin to discuss the current alignment or layout of the throat or lack of a throat defined for the town hall entrance. Mr. Morin is asking that this be redesigned on the next plans.

Mr. Feldman stated that they appear to be not proposing any free standing lighting at this time other than the wall mounts that will be on the building. He stated that the Board should get clarification on this. The other issue is regarding the signage. The sign is required to meet a 15 foot setback from the property line. Currently the plan shows it right on the property line and it appears to be encroaching. They will need to relocate the sign to meet the 15 foot setback. Mr. Feldman stated that Underwood Engineering is reviewing the storm water.

Mr. Feldman stated that Dwayne is asking for an escrow account in the sum of \$5,000 to be established.

Anne Whitten motioned that the Conditional Use Permit Application for the Aroma Joe's Coffee Shop and 2 Bay Car Wash to be located at 19 Main Street be deemed complete. Barry Chase seconded the motion. VOTE: 5-0

Matthew Qualls asked about the sign. He stated that Dwayne wants the sign moved but he is wondering if where Dwayne is proposing it will work for them. He was wondering about what the sign would look like. Mr. Hutchin stated that the sign will be similar to what they have at the Dunkin Donuts and will meet all of the square footage requirements. He will provide a detail of what the sign will look like at the next meeting. Mr. Qualls asked if it was going to be a drive-thru only. Aaron Wiswell stated that it would be. There will be no indoor access.

Rick Reynolds stated that most drive-thru places have one window to order and one window to pick up. He only sees one window. Mr. Wiswell stated that there are two windows and they are under the canopy. Mr. Hutchin showed the Board members where they are located on their plans. Chairman Aleva said that they should probably show that on the revised plans. Mr. Hutchin stated that they do have completed floor plans that show this but they were not included in the Board's packet.

Chairman Aleva asked Lee Jay if Underwood Engineering was just looking at drainage or if they were looking at everything in respect to all of our Ordinances. Lee Jay stated that he believes that they are just looking at the drainage. Mr. Feldman stated that he and Dwayne Morin were reviewing the plan to make sure it meets all of the Ordinance requirements.

Rick Reynolds stated that he has seen problems with drive-thrus and not having enough room to park around the building. He is concerned with cars stacking up when they are really busy. Mr. Wiswell stated that they tried to address this issue as best as they could. Mr. Reynolds asked them how many employees they would have working at one time. Mr. McCarthy stated that there would be 2-3 employees on a shift. There will be 3 employees in the morning and will go down to just 1 at night. They designed the parking spaces so that there would be 3 spaces for the Aroma Joe's employees and 1 space for the car wash in case anyone has to come service the car wash. These are located at the top right corner of the property. Mr. Hutchin stated that they do not anticipate a lot of people stopping there so they don't need a lot of parking spaces.

Anne Whitten asked what the hours were going to be. Mr. Wiswell stated that they will be 5:15 am to 9:00 pm. Mrs. Whitten asked if the dumpster in the back was going to have a barrier wall around it. Mr. Wiswell said that it would be fenced in. She asked Lee Jay Feldman if they would need a No Parking sign in front of their building on Main Street to prevent people from parking there. Mr. Feldman stated that he is assuming that if it is not striped, people will know not to park there. He stated that it may be something that they will want to monitor. If it is not a

No Parking area now, the Selectmen would have to dedicate it as one by doing an Ordinance. Mr. McCarthy stated that once the sidewalks are installed, it will shrink up that area quite a bit so there will not be much space for people to park there.

Matthew Qualls stated that he noticed that it would be slip-form concrete on the inside of the project, but wondered if they were going to be granite on the road side. The applicant stated that it would be granite. Mr. Feldman stated that in his comments, he left it wide open so he could question this because the wording in the Ordinance suggests that they would need granite throughout. He had a conversation with Dwayne after his memo was written and he was told that the intent was to only require the granite in public ways and not internal to a parking lot.

Rick Reynolds asked if they used full size trucks for deliveries. Mr. Wiswell said that they are full size trucks.

Anne Whitten asked if the sidewalks were going to be handicap accessible. The applicant stated that the ramps will be designed to be ADA accessible. They will have truncated domes with the detectible warning panels on each end so it warns an individual that they are about to enter into a travel lane. Chairman Aleva asked the applicant to include the existing conditions plan with the revised plan. Mr. Wiswell stated that they do not have one produced right now because they figured that with a conditional use permit, only a site plan was required. He stated that you can see it on the drainage plan but it is just not a formal plan. Mr. Hutchin asked if the Board wanted them to draft one. Chairman Aleva said that he would like it because it shows what is going on along Main Street and also the Bodwell abutter. This would also give them an idea as to how the pavement goes on the town parking lot side. Lee Jay Feldman said that it would be a good idea to have. The applicant stated that they would formalize it.

Chairman Aleva asked if the plan that was done by Line Pro was a boundary plan or an existing conditions plan. The applicant stated that it was an existing conditions plan. Mr. Hutchin stated that this was originally designed as a subdivision so that was the basis of the boundary plan. Line Pro did some research on the boundary of just this lot to confirm that the lines that were on the other plan were accurate. Chairman Aleva asked Lee Jay Feldman if Underwood Engineering had given him a time frame as to when they would be back with their comments. Mr. Feldman stated that he has not communicated with Underwood Engineering at all. Dwayne is the one that has been in touch with them. Ryan McCarthy said that he asked Dwayne to hold off on giving the storm water drainage report to Underwood until they have made the revisions along the driveway because this will increase the impervious areas.

John Hutchin asked the Board if they will require an engineer or survey stamp be on the final site plan. Chairman Aleva said that there will need to be an engineering stamp on the site plan.

Matthew Qualls asked if there was going to be any equipment on top of the roof. The applicant stated that there would be none.

Chairman Aleva asked the applicant if they had gone through the Ordinance section that talks about the requirements for construction standards for commercial use buildings. Mr. Hutchin said that they had. Chairman Aleva asked if they were going to adjust the roof pitch to a 5/12 pitch like the Ordinance indicates. He suggested that the applicant review Section 5.2.21.c that talks about store fronts and commercial facades and what is required. Barry Chase said that they will also need to provide color samples for the Board to see what color the building will be. Mr. Hutchin stated that he originally had 3-D plans and had reviewed them with Dwayne. He did not have time to update them with the changes that Dwayne requested. Mr. Hutchin asked if what was in this section of the Ordinance were just guidelines and if there was any leeway with it. He stated that in regards to the roof pitch, the pitch of the roof over the car wash is governed by the height of the ridge. He stated that they may ask that that this roof be allowed to be slightly less. Chairman Aleva stated that there was no leeway because it is our Ordinance and it has to be followed.

Chairman Aleva stated that there will need to be a maintenance plan presented because of the Bio Retention cell. Mr. McCarthy clarified that it is not actually a Bio Retention cell. They do not have to meet Chapter 500 standards from DEP so they are not trying to treat the storm water here. It is actually a storm water basin that is allowed to fill up during rain events up to a foot deep. Once it fills to a foot it overflows into an overflow grade and flows down into the town's drainage system. They are going to put another drain underneath it so it stays dry and doesn't end up becoming a pond. There will be no specific filter media that will treat the storm water. Lee Jay Feldman stated that he knows that they don't need to meet Chapter 500 standards but it would be nice to have a detail on what type of media they will have and the rack that they will have on top such as a beehive or a flap. Mr. McCarthy stated that it will just be an 8 inch dome grade but they will provide a detail on it. Mr. Hutchin stated that the vegetation that he showed in that area was because they wanted to meet the landscaping requirements. He said that because this is a basin, it will have to be highly water tolerant. Mr. Feldman said that they want to be careful of that. He said that he doesn't review what type of plant they are putting in there, but if they are showing vegetation in there then they need to put vegetation there. It would be a good idea to have more detail on the type of vegetation.

Chairman Aleva asked the Board if they wanted to do a site visit. Ryan McCarthy said that they have spray painted some lines on the pavement. There is orange spray paint that represents where the cut will be for the town's driveway and showing where their project will start. Barry Chase recommended that they do a site walk prior to the next meeting. Chairman Aleva agreed and said they could do the site walk at 6:00 before the meeting. Anne Whitten asked if they would have the existing conditions plan by then. Mr. Hutchin said that he will bring it with him at the site walk.

Chairman Aleva noticed that they had a letter from the Water District but he was wondering if they had received anything from the Sewer District yet. Mr. Hutchin said that he has submitted a revised plan to them but he has not heard anything yet.

Chairman Aleva asked the Board if they wanted to schedule a Public Hearing for the next meeting. Rick Reynolds asked if they should wait for all of the adjustments to be done. Chairman Aleva stated that it would be a Public Hearing but it doesn't mean that they would approve the plan that night. It would at least start the process going. Lee Jay Feldman said that the intent of the Public Hearing is to gain additional information. If that additional information is valuable enough than it may require additional plan changes, it would give them another meeting to readjust the plans.

Ryan McCarthy stated that the town driveway is over the property line and they are really trying to work with the town to make sure that they provide the town a good entrance and shift our entrance to the other side to accommodate both our side and theirs. One thing to consider is the drainage basin. It will also be collecting water sheeting from the town parking lot. They are asking that the town share in the maintenance of the basin. Lee Jay Feldman asked him if he had spoken to Dwayne about this yet. Mr. McCarthy said that he had. Dwayne told him to bring it up to the Board and make them aware because it is a decision that the Board will have to make. Mr. Hutchin said that Dwayne had also brought up a question regarding the property line. Mr. Hutchin stated that there was a line agreement in which the town gave up all rights to everything on the other side of the line. Mr. Hutchin said that once the final design of this project is done, they will be more than happy to come up with a legal document that gives the town the proper rights for access and for the drainage. They will also monument the areas so there is no more ambiguity. Mr. Hutchin said that there was supposedly another line agreement but they couldn't find it and neither could Jim Marchese, the previous CEO. Ryan McCarthy said that he thinks the previous proposed line agreement was for the subdivision plan which never went forward so maybe that is why it was never recorded because the project never formalized. Chairman Aleva asked Lee Jay Feldman if he felt that there should be a boundary plan. Mr. Feldman stated that in light of this information, it would be beneficial for the Planning Board to see a survey. Mr. Hutchin said that there is a boundary survey that was part of the subdivision and this line in question is represented on that survey. The Board would like to see it on the existing conditions plan that Line Pro has done.

Chairman Aleva stated that he didn't have a problem with the wetland delineation and requested fill. He doesn't think that the wetlands have changed so he has no problem using the 2006 delineation of the wetlands. The Board agreed.

Harry Osgood owns the property and wanted to give the board some information regarding the entry way. He said that he owns up to the telephone pole and the School District signed an agreement stating this. However, Dwayne didn't like this so they gave the town 25 feet from the telephone pole. He stated that the Board of Selectmen voted on this agreement and he has a copy of it. Chairman Aleva said that it would be good if he gave a copy to the applicant to have it reflected on the plan.

Barry Chase motioned to require the applicant to submit a \$5,000 escrow account as recommended by the Town Manager. Rick Reynolds seconded the motion.

Chairman Aleva asked Lee Jay Feldman what the fee for the escrow includes. Mr. Feldman said that it includes his time for his portion of the review the project, Underwood Engineering for their time and any other studies that may be required. Dwayne discussed the amount with him and they both feel comfortable that everything will be able to be completed for this amount. The applicant will receive an itemized bill and reimbursed any balance in the account. Anne Whitten said that it also includes the mailings for the Public Hearing. Ryan McCarthy said that he spoke with Dwayne regarding Lee Jay's services. Dwayne told him that these services would be covered by the town because of not having a CEO right now. Lee Jay stated that he didn't know how that was all working out. They would need to speak with Dwayne about that. Anne Whitten did state that Lee Jay is usually here anyway whenever they are reviewing a project, even when they do have a CEO.

Chairman Aleva stated that he finds the amount requested is too high.

VOTE: 4-1

Chairman Aleva said that they now need to decide when to have a site walk. The Board agreed to have it at 6:00 prior to the next meeting that they are on the Agenda. Chairman Aleva told the applicant that they would like to have paint marks to show where the proposed entrance and exit are and the front corners of the building so they can see how that sits in relationship to Main Street. They would also like to see where the new edge of the town driveway will be.

3.2 Other Business:

Chairman Aleva stated that Mark Cahoon had resigned. Anne Whitten was the first Alternate so she will become a full member. The Board of Selectmen will need to approve this.

4. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:40 pm. Barry Chase seconded the motion.

VOTE: 5-0

Lee Jay Feldman, SMPDC
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls