

**NORTH BERWICK, ME 03906**

**MINUTES OF PLANNING BOARD MARCH 10, 2016**

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

**Absent:** Barry Chase, Mark Cahoon, Anne Whitten

**Also Present:** Norma Dowling, Dalton Richardson, Lorinda Hilton, Shirley Barto, David O’Neil, Melinda Paker

1. Call To Order:

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

2. Review Previous Minutes:

Rick Reynolds stated that on Page 4, in the 3<sup>rd</sup> sentence of the 5<sup>th</sup> paragraph, the word “plat” should read, “plot”. Also on Page 5, the 1<sup>st</sup> paragraph has a couple of changes. The “ that is currently after the word property in the 3<sup>rd</sup> sentence should be moved to the second sentence after the word wetlands. Also the sentence that starts with “Mr. Feldman’s statement...” should be the start of a new paragraph. The other one is on Page 7, in the 2<sup>nd</sup> sentence of the 5<sup>th</sup> paragraph, the word “applicant” should be “applicants”.

Matthew Qualls motioned to approve the minutes of February 25, 2016 as amended. Rick Reynolds seconded the motion. VOTE: 4-0

Chairman Aleva moved Matthew Qualls up to full voting status.

3. Current Business:

3.1 Public Hearing: Applicant proposes a Professional Office located at 9 Maple Street for 2 employees consisting of 652 square feet of office space. 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 Commercial II District. (Tax Map 17 Lot 39)

Norma Dowling stepped forward to discuss the project. She is the owner of Portico Realty. She stated that it is a four unit building and the front unit was formerly a residence but they would like to make it an office space.

Chairman Aleva opened the Public Hearing at 6:36 pm.

Shirley Barto was just wondering how far Commercial II went up Maple Street. Jim Marchese said that he believes it goes up the road about 300 feet. This building is included within the 300 feet.

There were no further comments.

Chairman Aleva closed the Public Hearing at 6:37 pm.

Chairman Aleva asked the Board if they had any comments or questions. Rick Reynolds stated that it will be a hazardous area for the driveway entrance because it is at the intersection. He asked if they had received approval to put the entrance there. Jim Marchese stated that the driveway permit was submitted. It has been reviewed by the Public Works Department and they approved it.

Rick Reynolds asked about the parking. He stated there are 2 employees which takes up 2 parking spots. That only leaves 2 spots for any applicants that will be in there. Jim stated that they have met the minimum requirements. Chairman Aleva asked if the parking spaces were going to be paved. Norma Dowling stated that it will be gravel to start and will be paved eventually. Dalton Richardson stated that he was under the impression that he needed to start with gravel and keep it that way for a year or so before paving it for the best results. Chairman Aleva asked Jim what it said in the application for Public Works. He said that he would think that they would want a paved apron in the front on one side. Jim stated that they didn't tell him that. They only told him that it was approved. Jim stated that he is not sure if they are assuming that the parking lot will be paved or not. Rick Reynolds asked if there was a sidewalk at this location. Norma Dowling stated there was one but it was across the street.

Rick Reynolds asked Jim if their sign met our Sign Ordinance. Jim said that it did meet the Ordinance.

Chairman Aleva asked the Board members what they thought about the parking being gravel. Rick Reynolds stated that this can usually be solved by compaction, but if it is just dirt right now, they will probably have to take it down to at least a subsoil. Chairman Aleva stated that he was concerned with the grades and any kind of washing of the gravel down into Maple Street. Rick Reynolds agreed and said that there is a slight slope and there is nothing in the plans about storm sewers. Chairman Aleva said that he thinks it just flows down the ditch line of the road. Rick Reynolds asked if there were any storm sewers on Maple Street. Chairman Aleva stated that there were none there but there are some on Route 4.

Jon Morse stated that he agreed with the applicant regarding the driveway. He feels that you can put the gravel in, compact it and hot top it the same day, but he personally thinks it does a better job if Mother Nature compacts it.

Matthew Qualls had no issues with the Commercial aspect of it because there were some other businesses across the street.

Rick Reynolds asked if there was any street parking allowed in that area. Chairman Aleva stated that he didn't think that there was anything that said there was not parking allowed.

Jon Morse asked when they planned on starting the project. Norma Dowling stated that they would start it as soon as the roads are no longer posted. Chairman Aleva asked if the big maple tree that is out front was going to stay there. Norma Dowling said that the two trees that were out front were already gone.

Jim Marchese said that he had no problems with the application. He stated that 36 abutters were notified about the Public Hearing.

Rick Reynolds motioned to approve the application for a Professional Office located at 9 Maple Street for 2 employees consisting of 652 square feet of office space in the Commercial II District (Tax Map 17 Lot 39). Jon Morse seconded the motion.

Jim Marchese asked if they wanted to add a condition indicating that the driveway needs to be paved in a year's time. Matthew Qualls asked if this was something that is typically asked of an applicant. Chairman Aleva said that they have done conditions like this before depending on if it becomes an issue. Chairman Aleva said that he has a concern with putting the one year requirement. He thinks that it will bring gravel into the street. He feels that the applicant will want to do at least a paved apron because it will become a maintenance issue. He stated that our Ordinance does not require that they have it paved. He said that if there are problems than there will be complaints to the Road Commissioner about it and it will have to be handled at that time.

Rick Reynolds is rescinding his previous motion. Jon Morse stated that since the applicant has informed us that they are going to pave it in a timely manner after compaction is completed, he thinks that they should do something before frost season of 2016. He said that it will be better for the applicant to have it done before any snowfall.

Jon Morse motioned to approve the Conditional Use Permit for the Maple Street office space with the condition that the driveway and parking area be paved by September 30, 2016.

Matthew Qualls asked the applicant how they felt about this. Dalton Richardson said that he is worried about the cost of doing this in a shorter time period. He said that if he has to do it than he will find a way to pay for it, but he would prefer to have a longer period of time.

Chairman Aleva said that he feels that at least a minimum from the roadway to the right of way should be paved.

Jon Morse rescinded his motion regarding the condition about the paving.

Jon Morse motioned to approve the Conditional Use Permit for the Maple Street office space with the condition that by the end of September, they pave from the existing hot top on Maple Street to the property line. Rick Reynolds seconded the motion. VOTE: 4-0

3.2 Public Hearing: The applicant proposes an In-Law Accessory Apartment located at 54 Deerfield Road consisting of 647 square feet of habitable area. 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 Village B District. (Tax Map 3 Lot 423)

David O'Neil stepped forward to discuss the project. He stated that he was the owner of the property on 54 Deerfield Road and he said that his in-laws would like to move in with them. They are making arrangements in their basement to make a comfortable living space for them. He said that Jim Marchese has been working with them to make sure that they are meeting all of the town codes and zoning requirements.

Chairman Aleva asked Jim Marchese if he had any comments regarding this application. Jim stated that 29 abutters had been notified regarding the Public Hearing. He has no issues with the project.

Chairman Aleva opened the Public Hearing at 6:57 pm.

There were no comments at this time.

Chairman Aleva closed the Public Hearing at 6:57 pm.

Rick Reynolds asked if the stairs had hand rails on them. Jim Marchese said they had them and that hand rails are required but only on one side.

Jon Morse was confused about the square footage. He stated that the two common areas are not part of the apartment on this plan. Mr. O'Neil said that this was correct. Mr. Morse said that the numbers do not match what he has on the plan. He said that there is an area that is 26 x 6 and one that is 15 x 6 and this totals 186 square feet. Matthew Qualls said that there is a maximum of 650 square feet. Jon Morse said that he is not disputing the amount of area that there is but he is disputing the numbers that are on the papers. The 26 x 6 is the width of the house and the 15 x 6 is the width of the room on the end and it does not come out to 186 square feet. Mr. O'Neil stated that the electrical box was taken out of that. Jon Morse said that he did subtract 13 square feet which he is assuming is for the electrical box and the water storage tank. Jim went over all of the dimensions that added up to the 647 square feet.

Rick Reynolds asked if this was a daylight basement and Mr. O'Neil said that it was. Mr. Reynolds also asked if there were stairs that lead to an outside entrance and Mr. O'Neil said that

there was. Mr. Reynolds asked if the egress was an emergency egress. Mr. O'Neil said that it was.

Chairman Aleva wondered if there was any provision in the prior approved subdivision that forbids in-law apartments in the Deerfield subdivision. Jim stated that he did not review any governance for the subdivision. Chairman Aleva asked if the septic system was reviewed for the addition of another bedroom. Jim stated that the owner is going to remove a bedroom from the main portion of the house. Jon Morse asked Mr. O'Neil if he had checked into any of the Covenants. Mr. O'Neil stated that he had checked and that he was actually on the HOA Board for the last 2 years. He ran it through the President and he approved it.

Matthew Qualls motioned to approve the application for the In-Law Accessory Apartment located at 54 Deerfield Road consisting of 647 square feet of habitable area in the Village B District. (Map 3 Lot 423). Rick Reynolds seconded the motion. VOTE: 4-0

4. Other Business:

No other business at this time.

5. Public Comment:

There was no public comment at this time.

6. Adjournment:

Rick Reynolds motioned to adjourn the meeting at 7:06 pm. Jon Morse seconded the meeting. VOTE: 4-0

James Marchese  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls