

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD APRIL 28, 2016

Present: Chairman Geoffrey Aleva, Rick Reynold, Jon Morse, Matthew Qualls, Barry Chase, James Allaire, CEO

Absent: Anne Whitten

Also Present: Lee Jay Feldman, Deborah Novack, Robert Novack, Shirley Barto, Harry Osgood, Aaron Wiswell, John Hutchin, Debra Bodwell, Ryan McCarthy

1. Call To Order:

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

Dwayne Morin introduced the new Code Enforcement Officer, James Allaire to the Planning Board.

2. Review of Previous Minutes:

There were minutes from the last two meetings to review tonight.

Rich Reynolds motioned to approve the minutes of March 24, 2016 as written. Barry Chase seconded the motion. VOTE: 4-0 Abstain: 1

Jon Morse motioned to approve the minutes of April 14, 2016 as written. Barry Chase seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

3.1 Public Hearing on Conditional Use Permit – The applicant is proposing an Aroma Joe’s Coffee Shop and 2 Bay Car Wash located at 19 Main Street. Planning Board to hold Public Hearing. (Tax Map 22 Lot 74-1)

John Hutchin stepped forward to discuss the project. He stated that they had just done a site walk with the Planning Board members to show them how it was going to be set up. He went over the site plan to show that it will be an Aroma Joe’s coffee shop with a two bay car wash attached. The Aroma Joe’s will have a drive thru. The entrance will be located on the northern side of the property. He stated that there would be 2 lanes. One would be a bypass lane and one would be a drive thru lane. They will have vacuum stations. Employee parking is located in the back of the building and there are a few more spaces for customer parking. There is a walk up

window as well as a patio section for people to use during nice weather. They will also be putting in a sidewalk in the front of the property. Mr. Hutchin also showed the members the new building design. They added some dormers on both sides of the building to break up the roof line. Mr. Hutchin showed a design of what the sign will look like. He stated that it would be externally lit.

Chairman Aleva asked Dwayne Morin or James Allaire if they had any comments regarding the project. Dwayne stated that, for the most part, they don't have any big issues going on. The only thing that they are working on is in regards to the drainage. He stated that they have been working with Underwood Engineering and Ryan McCarthy on the issue. He stated that the building meets our commercial building standards, especially since they have added the dormers and changed the roof pitch. They have brick face on all the car wash areas so it is not block construction. The colors are muted to meet our standards. Dwayne stated that they have no other issues. He said that our engineer from Underwood Engineering is on vacation this week so they will meet again when he gets back. Dwayne said that it should be resolved before the next Planning Board meeting. He stated that if the Board wanted to grant a conditional use permit tonight based on everything they heard, they could definitely do that.

Dwayne asked the applicant if there were going to be any outside trash receptacles. John Hutchin stated that they would have one in the patio area. Dwayne stated that one of the big concerns when Dunkin Donuts came into town was the abundance of cups that would be blowing around town. He stated that the Aroma Joe's was even more downtown and they use styrofoam cups so there is a concern for littering in the area. He stated that if there was a receptacle as the cars are going through the drive thru to get rid of any trash as well as one for the walk up window, this would ensure that we control litter in this area. Aaron Wiswell stated that they typically have one at the walk up window but not usually at the drive thru. He said that if it is needed, they can add one. Dwayne said that it could be located on the outer edge of the patio area.

Chairman Aleva opened the Public Hearing at 6:43 pm.

Debra Bodwell asked if there was going to be any indoor seating. Mr. Wiswell stated that there would be none.

Chairman Aleva closed the Public Hearing at 6:44 pm.

Rick Reynolds wanted to know what the issue was with the drainage. Dwayne said that their site currently drains into our town drainage system because the Town actually installed the drainage pipe from the back wetlands on the property into our catch basin. He stated that the applicant will utilize the same drainage system in order to capture all of the water that is coming down from the wetlands on the back property plus capture the water that will come off of the existing property. Dwayne showed everyone on the map on the projector where all the catch basins and drain pipes were located. He stated that we have a 12 inch drain line that goes down the street

that connects all of the catch basins. There is a 12 inch that comes across the island to an 18 inch across the Mill Field to a 24 inch that crosses Canal Street and then goes out to the river. Dwayne said that the problem is the 60 feet of 12 inch pipe. The concern is having it at overcapacity in a 100 year flood storm. In a 2 year storm, the amount of water that is produced by the property is actually a negative number at .02. In a 100 year storm it is at .05, which is still very negligible but it is still an increase. The concern that Underwood Engineering had was the overcapacity of the 12 inch line to handle all of the water. This is the only issue that they are working on at this time. He said that they are just looking to make sure that the effects of the new site will not have a significant impact to the town's drainage system.

Dwayne stated that our engineers were also concerned about our off-site flow and the influence it has on the system as well. He stated that one of the ideas that they had was to create a detention pond with something that meters the water in. He said that because of the way the pipe is, it is already going to back the water up so there will already be a natural detention pond because of the wetlands that exist. He said that if there is a surcharge, the water will just back up into those wetlands. Dwayne stated that these issues are definitely attainable but they have not been able to all sit down and work these things out yet.

Ryan McCarthy stated that they are sensitive to the fact that they are out letting their drainage into the town's drainage system and that they are constricted by the 12 inch pipe that runs across the road. He stated that the basis of their analysis is "how much runoff do they have coming off the site right now and going into the town system". They design their system to make sure that they will not put in any more than what happens currently. As Dwayne said, the analysis showed a .05 CFS increase in the 100 year storm. Mr. McCarthy stated that there are ways that they can tweak the outlet sizes and different storage capacities of the basins so that they don't have the .05 increase. They can probably have it show a decrease in the post conditions which he believes will satisfy many of the concerns that the town and Underwood Engineering have.

Rick Reynolds noticed that they are going to be taking trees down and relandscaping and adding fill so he is assuming that there will be detention areas. Dwayne stated that there will be two detention ponds on the site. They will actually be dry ponds so during non-storm events they will be dry and green. Dwayne stated that the town does not want brown ponds so that they would have water sitting there. They have also added under drain in the pond to allow the water to get out of there faster and not sit there.

Matthew Qualls asked about the location of the windows. He stated that this one has the two windows on one side. He has seen others where they have windows on both sides and service cars on both sides. He asked if the one that they are proposing will be slower at processing people's orders. Aaron Wiswell stated that this one will be the same design as the others. There will be the two windows under the roof. They just mirrored them on the other side of the building just for the aesthetics. The back one on the walk up side will have no functionality and is just for looks.

Jon Morse asked Dwayne why they were so concerned now with the drainage because we have had some major storms and have not had issues with that catch basin filling up. Dwayne stated that they are adding a lot more roof and more impervious area and they have to meet these requirements under our Ordinance.

Matthew Qualls asked if increasing the roof pitch had made the back of the building higher. John Hutchin stated that it did but they increased the front of the building from a 10 to a 12 pitch so the two roof lines would match.

Dwayne stated that they had talked to the applicant about them doing either concrete or pavement on the sidewalk on their facility. The applicant stated that they wanted to do concrete. Dwayne said that the plan currently states pavement so they will want to add an amendment stating that it will be concrete.

Jon Morse asked if the sign is attached to the post and has no space in between the post and the sign, is the post part of the square footage. Dwayne said that it was not part of the square footage. Rick Reynolds asked where the lights for the sign will be located. Ryan McCarthy stated that there will be strip lights under the canopy that will shine down.

Chairman Aleva asked if there was going to be an attendant for the car wash. He also wanted to know how and who was going to take care of the trash from the vacuum cleaners. Aaron Wiswell stated that they will have somebody that will come around on a regular basis. The people that are working at Aroma Joe's will also be cautious of the area so that if there are any issues, they can take care of it.

Chairman Aleva stated that they had talked before about having a note on the site plan as to where the boundary information comes from and what that plan reference was, but he doesn't see it on the current plan. He stated that he is asking for that because they have a situation where they are going to be saw cutting off pavement at the line. He thinks that it would be good to have on the approved site plan a plan or deed reference. John Hutchin stated that Notes 1 and 2 on the plan do reference this. He stated that they also supplied a Boundary Plan that does reference this as well.

Chairman Aleva asked the applicant if they had the Underwood Engineering letter dated April 19th and Mr. McCarthy stated that they did. Chairman Aleva asked if they had responded back to them yet. Mr. McCarthy stated that they have a response drafted but have not sent it yet. They are waiting for the engineer to come back from vacation. Lee Jay Feldman stated that in his recommendations he does state that the project should have the following condition:

The plans be revised for the town's records based on agreement with all of the changes addressed to the satisfaction of Underwood Engineering prior to the issuance of a Building Permit.

This would require the sign off by Underwood Engineering prior to the Code Enforcement Officer issuing a building permit for the site. Lee Jay stated that he will also add this to his Findings of Fact.

Chairman Aleva asked if there were any DEP permits that are needed for this project. Ryan McCarthy stated that none were needed for this project because they are under an acre.

Chairman Aleva asked what the hours of operation would be for both of the uses. Aaron Wiswell stated that it would be 5:15 am to 9:00 pm for the Aroma Joe's 7 days a week. The car wash is usually a 24 hour business because it is a self-service business.

Chairman Aleva asked about screening for head lights at night for vehicles that come around the building and might shine into some of the residential areas. Ryan McCarthy stated that they are not proposing any screening because it is a big distance to get to the residential homes across the field. The topography also shows that they are up higher than where the headlights would actually shine.

Chairman Aleva asked Jim Allaire if this would require a State Fire Marshall permit. Jim said that it would.

Rick Reynolds stated that they should probably wait to approve anything until everything has been looked at especially with the engineering for the drainage issue. Aaron Wiswell stated that they can do a conditional approval listing the issues that still need to be addressed because they will need to take care of these issues before a permit is actually issued anyways. Barry Chase agreed and said that they can sign off on it and list the conditions. Jon Morse agreed.

Chairman Aleva asked which plan was going to be the site plan. Ryan McCarthy stated that Plan C-1 will be the one to use. Chairman Aleva stated that they want to make sure to add any missing notes to it and that the plan be sealed by the civil engineer.

Ryan McCarthy stated that they are currently stating 5:15 – 9:00 for the hours of operation but if they decided to change it to 4:00 – 9:00, would they have to come back before the Planning Board to get approval. Chairman Aleva said that they would have to so if they think that there is a possibility that they may change it they should put it as 4:00 – 9:00 now.

Lee Jay Feldman asked what other conditions that they need to list on the conditional use permit other than what he stated before regarding getting Underwood Engineering's approval. He added that the Site Plan will be C-1 and will include the Civil Engineer's stamp.

Barry Chase motioned to accept the conditional use application for Aaron Wiswell of Rockwell Homes with the following conditions:

1. The plans be revised for the towns records based on agreement with all of the changes addressed to the satisfaction of Underwood Engineering prior to the issuance of a Building Permit.

2. Site plan to be used will be C-1 and will include the Civil Engineer's seal with all other plans.

Jon Morse seconded the motion.

Chairman Aleva moved Matthew Qualls to full voting status.

VOTE: 5-0

3.2 Other Business:

Dwayne Morin stated that they have received additional plans for the mobile home park and they will be at the next meeting. They will have to establish an escrow and set up a site walk. Dwayne said that the Planning Board had approved a sketch plan of the park but that the preliminary has changed a little bit from that original sketch.

4. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:17 pm. Jon Morse seconded the meeting.

VOTE: 5-0

James Allaire
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls