

**NORTH BERWICK, ME 03906**

**MINUTES OF PLANNING BOARD JUNE 23, 2016**

**Present:** Rick Reynolds, Barry Chase, Anne Whitten, Matthew Qualls, James Allaire, CEO

**Absent:** Chairman Geoffrey Aleva, Jon Morse

**Also Present:** Lee Jay Feldman from SMPDC, Susan Austin, Pat McLaughlin, Mike Buckley, Erik Christiansen from South Coast Construction Corp., Joe Carr, Dennis Brown, Tom Harmon, Alin W. Ott

1. Call to Order:

Vice Chairman Rick Reynolds will be the Acting Chairman for tonight's meeting. He called the meeting to order at 6:36 pm.

Acting Chairman Reynolds moved Matthew Qualls up to a full voting member.

2. Review Previous Minutes:

Acting Chairman Reynolds stated that on Page 1, the last sentence currently reads, "It has been reviewed and approved.". It should read, "It had been reviewed and approved."

Barry Chase motioned to approve the minutes from June 9, 2016 as amended. Matthew Qualls seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Review of new plot plan for Country Estates Mobile Home Park, Map #4, Lots #47, 44, 46 & 44-1.

Tom Harmon stepped forward to discuss the project. He stated that Dennis Brown and Joe Carr were also present. Mr. Harmon stated that due to the decision from the Attorney regarding where to put the septic system, they have redesigned the plan. They have moved the septic systems across the zoning lines so that they are in the same zone as the park. They have also shuffled some drainage around so that it is all within the same zone. Otherwise, it is essentially the same plan as before. The layout is a little different because they had to shuffle one lot to get the septic system moved. He stated that they are looking to move forward by having the Board

accept the application and setting up a site walk. He also distributed some photos of another trailer park to the Planning Board members. He wanted to give them an idea of what they want theirs to look like.

Acting Chairman Reynolds asked Jim Allaire if he had any comments regarding the project. Mr. Allaire stated that everything seems to be in order. They have moved everything that needed to be moved into the correct zones.

Tom Harmon told Lee Jay Feldman that he had not received the final report yet on the hydro. They have gone in and done the work but they have not submitted the final report yet.

Acting Chairman Reynolds opened the meeting for public comment at 6:43 pm. There were no comments. Acting Chairman Reynolds closed the meeting for public comment.

Acting Chairman Reynolds stated that he would now like to go through the process as recommended by Lee Jay Feldman. One of the things that they need to do is to review the application for completeness. Acting Chairman Reynolds read one of the comments that was in the memo: "Remember submission of information does not mean that it address the concerns of the staff or yourself as part of the critical review."

Acting Chairman Reynolds stated that the first thing that they need to do is to review the waiver requests and act on them. There are 5 of them to review. The waivers are as follows:

- #1 Request a waiver of North Berwick Subdivision Ordinance Article 7.2.b.7.c  
Requirement: Provide a Groundwater Impact Assessment as part of the preliminary application submittal.  
Request Relief: That we be permitted to provide this Assessment as part of our Final Application Submittal.  
Rationale: This analysis will be a part of our MeDHS septic system permitting, will be extensively reviewed by that agency and may be modified as part of that process. We would prefer to submit only the final MeDHS accepted version to the town.

Anne Whitten stated that she would rather not waiver them. She would rather add it as a condition.

Anne Whitten motioned that the request of Waiver #1 be denied and be added as a condition of the application and that it be submitted at the time of the final application. Barry Chase seconded the motion. VOTE: 4-0

- #2 Request a waiver of North Berwick Subdivision Ordinance Article 7.2.b.8.a  
Requirement: Provide a written approval of the plans by the water district and approval of fire hydrant location by the Fire Chief.

Request Relief: That we be permitted to provide these approvals as part of our Final Application Submittal.

Rationale: The preliminary plan review process may result in changes to hydrant and water line locations. We want to present only our final layout to the water department and fire chief for their review and approval.

Anne Whitten motioned that the request of Waiver #2 be denied and be added as a condition of the final application. Barry Chase seconded the motion. VOTE: 4-0

#3 Request a waiver of North Berwick Subdivision Ordinance Article 7.2.b.18  
Requirement: Provide a soil erosion and sediment control plan endorsed by the County Soil and Water Conservation District.

Requested Relief: That we be permitted to provide a plan at final submitted that is endorsed by the MeDEP as opposed to the County Soil and Water Conservation District.

Rationale: This project requires an intensive MeDEP Chapter 500 Stormwater permit that includes erosion and sediment control features. We do not believe that a parallel review by the County Soil and Water Conservation District is necessary or warranted.

Anne Whitten asked if this waiver was needed before the final or the preliminary plan. Lee Jay Feldman said that it would be submitted at the time of the final review. His suggestion is that Underwood Engineering would be doing that review on their behalf anyway and they may have additional comments. Tom Harmon stated that the Ordinances were written prior to the Stormwater Law going into effect. Stormwater Law is treated completely different now. The Ordinances have never been revised so this is a typical waiver request.

Barry Chase motioned to grant Waiver #3 for Article 7.2.b.18 with the understanding that it will be reviewed by Underwood Engineering. Matthew Qualls seconded the motion. VOTE: 4-0

#4 Request a waiver of North Berwick Subdivision Ordinance Article 7.2.b.19  
Requirement: Provider a plan for the disposal of surface drainage waters endorsed by the County Soil and Water Conservation District.

Requested Relief: That we be permitted to provide a plan at final submittal that is endorsed by the MeDEP as opposed to the County Soil and Water Conservation District.

Rationale: This project requires an intensive MeDEP Chapter 500 Stormwater permit that includes disposal of surface drainage waters. We do not believe that a parallel review by the County Soil and Water Conservation District is necessary or warranted.

Barry Chase motioned to grant Waiver #4 for Article 7.2.b.19 with the understanding that it will be reviewed by Underwood Engineering. Anne Whitten seconded the motion. VOTE: 4-0

#5 Request a waiver of North Berwick Street Design & Construction Ordinance Article III 3.5 C.1.

Requirement: Aggregate for sub-base shall contain no particles of rock exceeding four inches in any dimension.

Requested Relief: That we be permitted to use material meeting MDOT Specification 703.06(b) as defined by the Maine DOT.

Rationale: The DOT specification states that all material must pass a 6" sieve. The Town of North Berwick has modified the state specification by lowering the maximum stone size to 4" in any direction. Local gravel pits are familiar with the MeDOT specification and might have to reprocess material to meet the modified specification required by the town. This roadway will be private and in our opinion material meeting the state specification is more than adequate for the intended use.

Barry Chase motioned to accept Waiver #5 for Article III 3.5 C.1. Anne Whitten stated that she would like to add a condition stating that if they ever change the road to public they would have to come back before the Board. Lee Jay Feldman stated that he will make sure that it is in their memo for final approval. Anne Whitten seconded the motion. VOTE: 4-0

Barry Chase motioned to find the preliminary plan complete with the conditions and waivers that were set forth. Anne Whitten seconded the motion. VOTE: 4-0

Acting Chairman Reynolds stated that they now needed to set a date for the site walk and a Public Hearing. The Board decided to do the site walk on Monday 7/11/16 at 6:00 pm. The Public Hearing will be at the 7/14 meeting. The preliminary review will be at the 7/28 meeting if all of the paperwork has been completed.

### 3.2 Review of MSAD 60 requesting a Conditional Use Permit to locate the Community Food Pantry to the Mary Hurd Academy, Map #24 Lot #6

Susan Austin, the Assistant Superintendent for MSAD 60 stated that they are hoping to partner with Pat McLaughlin and the rest of the group from the Food Pantry. They would like to relocate the Food Pantry to the Mary Hurd Academy. The students at the school have already been working with the Pantry for the past year or so. Pat McLaughlin stated that the Pantry supports the Backpack Program for students. Mr. McLaughlin stated that they are volunteers that have worked there for a number of years. They are reorganizing for the purpose of starting this program to be known as the North Berwick Food Pantry. Mr. McLaughlin stated that they no longer have any room in the space that they currently work out of. They are serving so many more people now. He feels that it will be a very good partnership and they hope to make it better for the community. They will have twice as much room.

Mike Buckley stated that they started working on this with the Superintendent and he approves of the idea. The School Board also is in agreement with it. Anne Whitten stated that schools are bound by various rules and regulations and wondered if this would be allowed with the deed. Susan Austin stated that she does not believe it is a problem. She said that they just recently had

an inspection with the State Fire Marshall and they had no concerns. She stated that they currently also have a thrift store and they have a room that is dedicated to the Backpack Program.

Barry Chase asked if this was allowed in the zone that the school is located in. Jim Allaire stated that the school is a conditional use and this is a conditional use accessory to a conditional use and is allowed in the Land Use Table. Mr. Chase asked what zoning district the school is located in. Mr. Allaire said that it is in the Village B and C Overlay.

Matthew Qualls thinks that it is a good idea because it will be more centrally located because he doesn't think that everyone knows about the Pantry and where it is located now. Anne Whitten asked if the students will be intermingling with this program at all. Mr. Buckley said that they currently come over to help them during the day. Anne Whitten stated that it is considered to be a condition to the school because the students are involved. Susan Austin stated that one of the School Board members wondered about the public access to the Pantry while the students are in class during the day. The hours are evening hours so it is a different piece. She stated that the students currently help out 1 or 2 days a week but they would now have easier access so they could help out more. Mr. Buckley stated that they are great kids and they love having them around to help. Anne Whitten asked what the hours were going to be. Mr. McLaughlin stated that they are currently open 4-6 on Mondays and they plan to continue that. They also serve people as needed. If they find out that a family is in need, they will meet the family there or deliver to them.

Barry Chase asked what the Mary Hurd Academy was. Susan Austin said that it is a special purpose program for students with relatively significant behavioral or learning disabilities. They house about 25-30 students depending on the need. It is very alternative style learning for the students. They are able to maintain most students who would have been placed out of district at a much higher cost. They are the most significantly needy students in the district. She stated that having the ability to work with people in the community has really helped the students. They are learning good skills. She invited the Board to come over and see the school and the students. Mr. McLaughlin said that if the Board approves this, they are planning on having a Grand Opening for everyone to come and see what they are all about. Susan Austin said that the thrift store is currently open from 3-5 on Tuesdays but they will probably try to coordinate this time with the hours of the Pantry. They will probably open a couple of nights instead of just one night. Mr. Buckley stated that it is only June and they have already given out over 90,000 pounds of food and they are on track for a 200,000 pound food year.

Barry Chase motioned to approve the Conditional Use Permit to allow the Food Pantry to be located at the Mary Hurd Academy on High Street Map 24, Lot 6. Anne Whitten seconded the motion. VOTE: 4-0

### 3.3 Other Business:

The Planning Board needs to sign the plans for South Coast Construction for a lot split and for Aroma Joe's.

4. Adjournment:

Barry Chase motioned to adjourn the meeting at 7:30 pm. Anne Whitten seconded the motion.  
VOTE: 4-0

James Allaire  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls