

## NORTH BERWICK, ME 03906

### MINUTES OF PLANNING BOARD DECEMBER 22, 2016

**Present:** Barry Chase, Jon Morse, Anne Whitten, Matthew Qualls, David Ballard, Roger Frechette, CEO

**Absent:** Chairman Geoffrey Aleva

**Also Present:** Chris Mende, Sharon Ross, Anthony Ross, Donna Macaulay, Tim Macaulay, Les Bodwell

1. Call To Order:

Vice Chairperson Anne Whitten will be the Acting Chairperson for tonight's meeting. She called the meeting to order at 6:30 pm.

Acting Chairperson Whitten moved David Ballard up to full voting status.

2. Review Previous Minutes:

Acting Chairperson Whitten stated that they had 2 sets of minutes to review tonight. The first one is the minutes for the October 27, 2016 meeting.

Acting Chairperson Whitten stated that on Page 1 in the paragraph before last the 7<sup>th</sup> sentence currently reads, "He stated that it if they had a warehouse...". It should read, "He stated that if they had a warehouse...". On Page 2, the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> lines currently read, "He stated that one of the problems that they have had in the past with this kind of use is the odor. The new leases do require industry best practices in regards to odor and moisture control. He stated that they do have a caretaker in the building now that has done their buildout appropriately.". It should read, "He stated that one of the problems that they have had in the past, with this kind of use, is the odor. The new leases require industry best practices in regards to odor and moisture control. He stated that they have a caretaker in the building now that has done their building appropriately.". Also on Page 2, in the 3<sup>rd</sup> paragraph, the 4<sup>th</sup> sentence currently reads, "Mr. Adler showed everyone on his design that he had brought where each of the units were located.". It should read, "Mr. Adler showed everyone his design, that he had brought, where each of the units were located.". Also on Page 6, in the 2<sup>nd</sup> paragraph the 3<sup>rd</sup> sentence currently reads, "She stated that if she smokes a cigarette in her care with a child...". It should read, "She stated that if she smokes a cigarette in her car with a child...".

Jon Morse motioned to approve the minutes of October 27, 2016 as amended. Matthew Qualls seconded the motion. VOTE: 3-0 Abstain: 2

The next ones to review are for the December 8, 2016 meeting.

Jon Morse stated that on Page 5, the second line from the top currently reads, "...Berwick don't have a foundation inspection.". It should read, "...Berwick do have a foundation inspection.".

Acting Chairperson stated that on Page 2, the first complete sentence currently reads, "The Selectmen have discussed 2 that they want to talk...". It should read, "The Selectmen have discussed 2 changes that they want to talk...". Also on Page 2, in the 4<sup>th</sup> paragraph, the sentence before last currently reads, "Dwayne stated that there are some things in their proposal that he is not in favor of of such as some of the wording.". It should read, "Dwayne stated that there are some things in their proposal that he is not in favor of of, such as some of the wording.".

Barry Chase motioned to approve the minutes of December 22, 2016 as amended. Jon Morse seconded the motion. VOTE: 5-0

### 3. Current Business:

3.1 Conditional Use Application review submitted by Sharon & Anthony Ross, 23 Morrills Mill Road. Applicant request an amendment to C/U permit dated July 24, 2014. Previous approval had been the care for one horse. The applicant proposes to care for two horses.

Acting Chairperson Whitten stated that Roger Frechette had given the Board members a copy of the Conditional Use permit from July, 2014 as well as the current application proposal. She asked Mr. Frechette if he had any issues or comments regarding this issue. Mr. Frechette stated that, according to the first Conditional Use Permit, they have done everything that they were supposed to do. They have a fence, a barn and enough land to be able to have the second horse.

Jon Morse asked the applicants, Sharon and Anthony Ross, how much fenced in area they had for the one horse. Sharon Ross stated that the back pasture is about 125 to 150 feet wide and about 500 feet long. There is also a separate front paddock that is a little over 100 x 100. There is also a 2 stall barn with a storage area up front with the paddock as well.

Matthew Qualls asked how the permits for these are usually done. Do they specify the number of horses on it? He is just wondering why they had to come back before the Board. Roger Frechette stated that the reason they are back before the Board is because they were originally sent before the Board for the first horse. He believes that the reason the previous CEO, Larry, sent them here is because they are in an Aquifer Protection Zone. He wanted to make sure everyone knew what was going on. Mr. Frechette said that, per the Ordinance for draft horses, they need one acre per horse and they have about 4 acres of land. It needed to come back before the Planning Board because you cannot change the first Conditional Use without coming back before the Planning Board.

Acting Chairperson Whitten asked what they do with the manure. Sharon Ross stated that they have it hauled away. They have a pile for day to day collection and then they pay someone to come take it away. Acting Chairperson Whitten asked how often this was done. Sharon Ross stated that it varies. They usually have them come when there is enough for a truckload.

David Ballard asked if there was any kind of time limitation once a permit is granted. Mr. Frechette stated that there was no time frame associated with it.

Matthew Qualls motioned to approve the Conditional Use Permit submitted by Sharon & Anthony Ross, 23 Morrills Mill Road, to have 2 horses on the property. Jon Morse seconded the motion. VOTE: 5-0

3.2 Preliminary Review of Phase II for LRB Multifamily, LLC located on Somersworth Rd. Map 1 Lot 65-1 the addition of 6 units.

Chris Mende stepped forward to discuss the project. He stated that the property owner, Les Bodwell, bought the property back in either 2013 or 2014. He showed the Board members on the map where the property was located and what the layout looked like. Shortly after buying the property he divided it into two, without subdivision approval, which wasn't required. There were 2 existing buildings on the property. Mr. Bodwell divided a lot out for future development. He wasn't sure if he was going to put a single family home, duplex or something else. Mr. Mende stated that with the first application, this lot was not really part of the consideration, except that it was a lot that had been divided prior within the 5 year period. Mr. Mende stated that the first application was for the demolition of the existing buildings and for the construction of the 6 unit multi-family house along with the associated driveway, parking lot and septic systems. There was already an existing well on the property.

Mr. Mende stated that they are following up today with another application. The owner decided that he liked the 6 unit building so he asked Mr. Mende if they could do another 6 unit building on the other lot. Mr. Mende stated that they have a driveway permit and it does allow for any expansion without having to apply for another one. Mr. Mende stated that they have adequate frontage on Route 9 and access would be through the existing parking lot. He reviewed the site plan with the Board members. He showed them where the building would be, the perimeter of the lot, and the edge of the wetlands. He also showed where the limits for soils that are suitable for development are located. Mr. Mende stated that on the last application, they asked for a waiver for intensive soils mapping and instead they divided the soils into those soils that are usable and good enough quality for development and the soils that are not. They will plan on doing the same for this application. He stated that they can meet all of the setbacks, density requirements, and lot coverage.

Mr. Mende stated that there is a lot on the end of Nowell Street that has a foundation and a mobile home on it that is currently for sale. Mr. Bodwell has a Purchase and Sales Agreement with the owner of this property. The idea is to just replace the current structure with a new home

or duplex if possible. The primary interest in the lot is to be able to come across it and extend the water and sewer at the end of Nowell Street to the new lot.

Mr. Mende was looking to the Planning Board for any suggestions or ideas as to if this project would be possible to do.

Matthew Qualls stated that he likes the duplicating of the other building. It is good for that area and it flows well.

Jon Morse asked if we would be able to see the structure from the road and if they were going to take any trees down. Mr. Bodwell stated that he was not taking any trees down unless they really have to. He stated that right now you may see it from the road but not when Spring comes and the leaves grow. Chris Mende showed where the trees were on the property on the site plan.

Matthew Qualls asked about the water flow and how adding the new structure would affect drainage. Chris Mende stated that they haven't submitted a formal report. This is one of the first things that they wanted to look at as engineers. They wanted to see if they could do it without increasing the water flow. They have done a preliminary study and submitted it to Lee Jay Feldman to review. He said that he is not sure if Mr. Feldman is completely done with it but his indication to Mr. Mende was to go ahead because he was pretty confident that they could do it. Mr. Feldman told him that they may just have to do a little detention pond. Mr. Bodwell stated that this is one of the main reasons that he bought the back lot. By buying the back lot, they don't have to strip out the area.

Jon Morse stated that he is really pleased with how the building looks and how well maintained the property is. The cars are always parked in the lot and the grass is always cut.

Acting Chairperson Whitten stated that they would need to set up an escrow. Roger Frechette stated that when they were here for the last project, they had an escrow set up for \$3,000. He feels that this would be a good amount for this application as well. The Board agreed to the \$3,000.

Acting Chairperson Whitten stated that they would also need to set up a Public Hearing. Chris Mende asked if they had to come in with a preliminary plan before the Public Hearing. The Board stated that they could come in with the preliminary plan and have the Public Hearing at the same time. The Board and the applicant agreed to have the Public Hearing on January 26<sup>th</sup>.

David Ballard asked if it had one entrance to the whole building. Mr. Bodwell stated that it will be townhouse style so they will have their own front and back entrance.

Acting Chairperson Whitten asked the Board if they should do a site walk. The Board decided that they didn't need one.

3.3 Other Business:

Jon Morse asked Roger if he had talked to the people at Portico Realty about paving their driveway. Roger said that he still had not done so yet but would try to do it before the next meeting.

4. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:05 pm. Barry Chase seconded the motion.  
VOTE: 5-0

Roger Frechette  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard