

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD SEPTEMBER 27, 2018

Present: Chairman Geoffrey Aleva, Jon Morse, Anne Whitten, Matthew Qualls, David Ballard, Annette Hume, Roger Frechette, CEO

Absent: Scott Strynar

Also Present: Lee Jay Feldman from SMPDC, Anna Bean, Kathy Hnatow, Michael Archambault, Neil Rapoza, Kevin Moore, Kristen Cole, Don Anderson, Judy Anderson, Marleah Wentworth, Peter Bronder, Eugene Kelley, Cherie Kelley, Sharon Litvinchyk, Larry Litvinchyk, Edmund Ballou, Sr., Tammie Snow, Martha Gallagher, Jones Gallagher, Michael Johnson, Jr., Shawn Douston, Anthony Bourbon, Maryellen Bourbon, Will Conway, Eric Bergendahl

1. Call To Order:

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

2. Review Previous Minutes:

Jon Morse motioned to approve the minutes of September 13, 2018 as written. Matthew Qualls seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Public Hearing review of a Conditional Use Application submitted by Eric Bergendahl located at 42 Main Street. (Map 018 Lot 082). Applicant is proposing to open a retail accessory shop selling non-cannabis herbs vitamins, non-psychoactive CBD products such as salves and lotions, glass pieces, pipes, papers, vaporizers, lighters, grinders, jars, posters, and apparel. Pursuant to The Town of North Berwick Zoning Ordinance, Article 4.2 Land Uses (table), A Change of use Permit shall be obtained for this type of use in the Commercial II District.

Chairman Aleva asked Roger Frechette if he had any comments regarding the project. Roger said that the location used to be a restaurant and now he wants to have an accessory shop and under our Ordinance, the applicant can do that. Eric Bergendahl stated that he wants to open a retail store to sell herbs, vitamins, natural remedies for sicknesses, and CBD products for pain that are approved by law. Tammie Snow, Mr. Bergendahl's attorney, stated that he will also be selling glass products, posters and apparel. He will not be selling any medical or recreational marijuana there.

Chairman Aleva stated that the Board had received a memo from Dwayne Morin and he asked the applicant if they had received it. Both Mr. Bergendahl and Tammy Snow said that they had just received it tonight.

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

Tony Bourbon stated that, just by listening to what the applicant was saying about what he will be selling, he didn't hear anything about the papers and drug paraphernalia that would be on sale there as well. He said that they made it sound really good to pitch to the Board but he didn't hear about any of the other things. He would like to hear more about those other things that will be sold. Chairman Aleva stated that, in the application that was submitted to the town, there is a letter from the applicant's attorney. Chairman Aleva read it to the public.

I am writing on behalf of Eric Bergendahl and his company Nature's Miracle. Mr. Bergendahl is interested in opening an accessory shop at 42 Main Street in North Berwick.

The planned accessory shop will sell non-cannabis herbs, vitamins, non-psychoactive CBD products such as salves and lotions, glass pieces, pipes, papers, vaporizers, lighters, grinders, jars, posters, and apparel. It will obtain a tobacco license as required by state law. Customers will enter the accessory shop through the building's front door on Main Street.

No medical marijuana will be sold in the accessory shop.

If you have any questions or concerns about shop and Mr. Bergendahl's desired usage, please feel free to contact me.

Chairman Aleva stated that this is the list of what he will be selling in the store. Mr. Bourbon stated that he just found it interesting that the applicant didn't mention the papers, pipes and the other paraphernalia. Mr. Bourbon stated that this concerns him.

Chairman Aleva read the memo from Dwayne Morin into the minutes:

Dear Planning Board members:

I am unable to attend the Public Hearing on the proposal by Eric Bergendahl, however, I wanted to make recommendations to the Planning Board in their deliberations on the proposed land use, especially in light of the Town of North Berwick voters approving a moratorium on medical marijuana retail stores that took effect on June 30, 2018.

General: According to the letter from Mr. Bergendahl's attorney to the Code Enforcement Officer dated September 6, 2018, the applicant proposes to sell non-cannabis herbs, vitamins, non-psychoactive CBD products such as salves and lotions, glass pieces, pipes, papers, vaporizers, lighters, grinders, jars, posters and apparel. No medical marijuana will be sold in the accessory shop.

The proposal should be reviewed as a retail store use in the Commercial Zoning District.

Retail Store:

Medical Marijuana: After consultation with the Town's legal counsel, I offer the following recommendations: With the passage of the moratorium, the sale of medical marijuana in a retail setting is not allowed within the Town of North Berwick. The Planning Board should condition any permit issued as follows: "The Permittee shall not use the premises to furnish or sell marijuana, prepared marijuana, or marijuana products to qualifying patients, as those terms are defined in 22 M.R.S. § 2422." This would include display of sales or "off the street" sales of any product meeting the State of Maine Definition.

Non-cannabis herbs, vitamins, glass pieces, pipes, papers, vaporizers, lighters, grinders, jars, posters and apparel: I have no recommendations as this is allowed under the Town's Zoning Ordinance.

CBD products: After consultation with the Town's legal counsel, the Planning Board should condition the permit with the following language as stated previously: "The permittee shall not use the premises to furnish or sell marijuana, prepared marijuana, or marijuana products to qualifying patients, as those terms are defined in 22 M.R.S. § 2422." This would prohibit the sale of CBD products made by the applicant or caregiver as this would fall under the moratorium language approved by the voters. Third party or "commercial" CBD products are not regulated by the Town's moratorium, however, the applicant is responsible for ensuring that any CBD products sold are legal under the State of Maine and Federal laws relating to CBD products.

Due the close proximity of the land use to the North Berwick First Baptist Church (240 feet +/-) the Canal Street Playground (310 feet +/-), and the Mill Field (370 feet +/-), where children traditionally congregate, I would recommend that the Planning Board consider conditioning the retail sale of any legal CBD edibles such as candy for the health, safety and welfare of the children in North Berwick.

Should the Planning Board like any further information or would like to discuss the proposal prior to issuing a conditional use, please feel free to contact me.

Chairman Aleva stated that now that he has read this for all of the public to hear, we can now move on with the Public Hearing.

Marleah Wentworth stated that her question is in relation to the visibility of products that can deliver tobacco since tobacco is a 21 and over product now. She wants to know what is going to be done to protect the children that are in close proximity from being able to walk into the store and see all of these products for tobacco right out in front of them. Will the products be in a separate room or will they be at eye level for children? Anne Whitten stated that the Board just approved one of these stores up on Elm Street. The legal age to go into that store is 21 so she

thinks that they would do the same for any other one. Matthew Qualls asked the applicant how he felt about the age limit being 21 for his store. Tammie Snow stated that because he has to get a tobacco license to sell these things and the Maine law is that they can't sell tobacco to anyone under 21, she would think that this would be fine. Matthew Qualls asked if they would have a problem with displaying a sign stating that a person had to be 21 and the applicant said that this would be fine. Mr. Qualls stated that their intent is to try and protect the kids and make sure they don't get a hold of things that they shouldn't be getting. Tammie Snow stated that she is not clear on whether a minor can come in with a parent. She cannot find it anywhere in the law but she doesn't know why they couldn't come in with their parent. Mr. Bergendahl asked about having these things behind the counter like other stores do. He would rather not prohibit anyone under 21 from coming into the store because he will be selling vitamins, minerals and herbs that are beneficial. He is not promoting this for marijuana at all. Chairman Aleva stated that part of the reason that they did the 21 and older on the other store is because it was so closely associated with the medical marijuana and the counseling service.

Jon Morse stated that a 10 year old can walk into the store next door and there are tobacco items in sight and nobody has any problems with them. He said that this will be regulated so that only people who are 21 will go in the store. Mr. Qualls said that they will be selling other items like vaporizers and pipes that are not illegal but it is what they are going to be using them for. Mr. Bergendahl would not like to limit it to 21. He can keep these things behind the counter or even in a separate room. He wants people to have the ability to come into his store and look at the minerals and vitamins for sale.

Eugene Kelley asked for an explanation on what CBD products. Anne Whitten said she has had long discussions about these with herself and her husband. She stated that she uses CBD oils and has been using it for 5 years for her fibromyalgia. She said that she gets no effects from it other than her pain being gone. Her brain, thoughts or voice are no different. It is a natural pain reliever that you get from marijuana. She does not take marijuana because she doesn't like getting high and likes to be in control. She said that she knows it is very hard to understand because she had a hard time as well. It took her about 2 years before she even dared to try it because it scared her. It is the only thing that she has found to help her with the pain. Annette Hume said that it is legal in all states. Matthew Qualls said that the problem is that cannabis is a federally illegal substance. Because it is illegal, they don't have the research that backs up the chemical makeups and properties of it. Right now, you have products that are on the shelves before the research has been done. CBD is just one aspect of the plant and there are hundreds of these chemicals that make up the product. The research isn't there to know what each one is but they have identified some of the chemical makeups. They extract these out and the CBD products are just one of these products.

David Ballard asked the applicant where he plans on getting his CBD products from and how they will be labeled. Mr. Bergendahl said that he will get them from vendors that have it tested and labeled with the accurate breakdown of what is in the product. Mr. Ballard asked if he was now getting these from a reliable approved source. He asked Mr. Bergendahl how he verifies

that the labeling is accurate. Mr. Bergendahl said that he has his own testing done at a lab and he will verify the products. Chairman Aleva stated that the way our moratorium is written is that if the applicant was his own grower, he cannot make his own oils and sell them at his own shop. They have to be from a third party vendor that has labeled the products. Judy Anderson asked if they had a rating process for the products for things like purity and cleanliness. Mr. Bergendahl stated that the lab testing has their own clarification of how things should be processed. He stated that he is a registered nurse and he doesn't want people putting things in their bodies that would be harmful. Anne Whitten stated that the State of Maine has very strict rules and regulations that need to be followed.

Anna Bean asked what the process was for extracting the chemical from the plant for the CBD products. Her understanding is that CBD comes from a stevia plant, which is basically a hemp plant, and that it carries no THC. She wants to know if they do a heat treatment, butane, cold press or something else for the extraction. Mr. Bergendahl said that he doesn't do the extraction so he doesn't know what his vendors do.

Matthew Qualls stated that it was mentioned at a previous meeting about bringing in an expert or someone that is well educated with the CBD products. He thinks that it would be beneficial to the town to have someone at one of our Public Hearings so they could educate the public. Chairman Aleva stated that the Planning Board has been asked to attend the Board of Selectmen meeting on October 2nd to discuss the medical marijuana situation. He told everyone that if they knew somebody that could do this, then this would be the place to have them attend and discuss it.

Jones Gallagher stated that the agenda says that a change of use permit shall be obtained for this type of use in the Commercial II district. He asked what the existing use is now and would this be allowed in another part of town. He wondered if the applicant could conduct business in another area rather than make a change to this downtown area. Chairman Aleva stated that this is considered a retail facility and it is allowed in the Commercial district. It is a change in the use because the previous use was a restaurant. If the applicant wanted to open a restaurant, he would not have to come before the Board but because he is doing something different, he needed to come. Chairman Aleva said that retail is allowed in other zones as well.

Martha Gallagher asked if someone needed a prescription to get the CBD products. Chairman Aleva said that it is not required. A lot of nature stores and even Hannaford stores sells some CBD products. Roger Frechette said that a caregiver can make CBD products out of the marijuana. The ones that Mr. Bergendahl would be selling are not made that way. They are made from a hemp plant with no THC in it. Mrs. Gallagher asked what other uses besides marijuana were the papers and pipes being used for. Mr. Bergendahl said that they are used with tobacco or herbs. A lot of people use it to roll tobacco for their own cigarettes. Mr. Morse stated that just because the applicant is selling these things, it doesn't mean that it will be used to smoke marijuana. There is nothing illegal about selling these products.

Ed Ballou stated that the age limit of 21 bothers him. He said that they also have to remember that the Recovery House is right there. He feels that having it limited to 21 will cause a problem. He doesn't see how having an age limit because it seems like everything he is selling is natural remedies instead of medicine. Chairman Aleva stated that the Board has not voted yet so they have not decided on whether the age limit will be a condition or not. Tammie Snow stated that she believes that under the new tobacco laws, in order to buy anything considered tobacco paraphernalia you have to be 21. Mr. Bergendahl stated that the stores that sell these products now have them behind the counter and locked up in a glass cabinet. David Ballard stated that the condition on the other store was that a person had to be 21 to even enter the store.

David Ballard asked the applicant about quality control. He wanted to know if he was certified or professionally trained to do the testing. He wondered why he was going to cross check the products. Mr. Bergendahl said that it was his choice to verify the products and he uses a State certified lab.

Eugene Kelley stated that he has a concern about the paraphernalia. He said that they are talking about pipes and glass products which, in his generation, were known as bongs and water pipes. Even though it is not illegal to sell that in the State of Maine, the town needs to decide whether it wants an establishment in our town that would have these items on the shelves. He stated that he does not have a concern regarding the minerals and herbs but he does have an issue with the paraphernalia and what it could do to the town. He has been in this town for over 30 years and there is a reason why he chose to live here.

Mr. Kelley also asked about the approval of another store like this in town. He asked if they were already doing business. He said that if we already have one, why do we need another one? Chairman Aleva said that they cannot restrict someone because we already have another one in town. Mr. Kelley asked how they can say no to someone if we have already said yes to someone else. Matthew Qualls said that he understands that a person may not want a bong shop next to their house. He said that it is really up to the town to decide whether they go shop there and support it. He said that the people in the town will decide if his store is going to sell the stuff or not. Mr. Qualls said that people can go to meetings like this and voice their opinions and concerns. Mr. Qualls said that the Planning Board doesn't really get to decide what kind of item they can sell at the store. If the business is allowed in that zone, the Planning Board cannot deny them but we can set up conditions for them to adhere to such as security, lighting and other standards like that. Tammie Snow stated that if people want this to change, then they would need to go to the Selectmen and let them know what they want to see in the town. Right now, there is nothing on the books that stops this so the town cannot turn it down. The people would have to vote on what they want to see in town.

Anna Bean asked if anyone could remember way back before the town allowed beer to be sold here. People said that if we allowed beer in town, it would ruin us. She stated that the same thing was said about the Recovery House on the corner. People said that there would be so much crime. She said that they are the most wonderful helpful people.

Larry Litvinchyk asked if the building that the applicant wants to have this in empty at this time. Chairman Aleva said that it was a vacant space right now. Mr. Litvinchyk asked if there were a lot more applicants ready to move into this space. Chairman Aleva said that there was not. Mr. Litvinchyk said that if we want to do away with the biggest drug paraphernalia in this town, you will need to shut Kennebunk Savings Bank down. He said that he has seen people snort cocaine through a \$100 bill so that is drug paraphernalia. He stated that if this gentleman wanted to open a legal business in this town and this town wants to stay in existence, we need to start thinking differently. He said that he is favor of it.

Jones Gallagher said that they are looking at a place that used to be a restaurant. People will go to a restaurant, go to Cumberland Farms and go to the bank while they are downtown. There is a lot of activity in the downtown area when you have a business that attracts a greater amount of people rather than cater to a smaller number of people. He is wondering if the town would be better served in that retail area if we would promote businesses that help each other out. It would be great to have something like a hardware store in town. Right now, he has to drive to Somersworth, NH to pick up a washer if his sink has a leak. He does not want to deny anybody from making a buck. He said that we don't take advantage of that downtown area. He feels that if it was promoted in the right way to attract every citizen in this town to walk through the doors, it could be a nice area. He doesn't think that the town is best served by putting this type of business in it. Mr. Gallagher stated that if this business does well, what other type of businesses will it attract to town. If this persons sells bongos then maybe someone else will decide to have a black light store next door. He said that North Berwick would go from being a cute little town with a lot of potential to becoming a district that attracts a different clientele.

Tony Bourbon is asking the Planning Board to consider the age limit of 21 to be established to even enter the premises. He said that we are all trying to work hard to create a community where our kids can grow up and be free of all of this stuff. All we do is try and find ways to keep our kids free of this stuff. He stated that if a person is 21 years and older then they can make the decision on what they want but what can we do to keep our school age kids out of this kind of place.

David Ballard stated that as a Board, they do have the responsibility to stick with the Comprehensive Plan. He sees both sides of the fence in this matter. He stated that the Planning Board have a position to look at what the Selectmen have chosen, what the Comprehensive Plan has put together and state whether it is good for the town. We cannot go against laws, however we do have some say on what comes in. He said that we wouldn't put 12 video stores downtown because it wouldn't be good for the community. Chairman Aleva stated that they cannot stop that from happening. Mr. Ballard said that it is up to the citizens to go to the Selectmen meetings to voice what they want to see changed. Chairman Aleva said that he agrees with what Mr. Ballard said but the Planning Board is bound by the Zoning Ordinance. They keep the Comprehensive Plan in the back of their minds but they are geared by what is in the Zoning Ordinance. That is what controls their decisions.

Marleah Wentworth asked if there was a plant to sell electronic cigarettes. Eric Bergendahl said that he would like to sell electronic cigs and juules. Ms. Wentworth said that these are popular with youths so that is a worry that it would draw people under 21 into the store.

Mr. Bergendahl stated that he has 3 daughters. One is 21, one is 18 and the other is 17. The 21 year old is finishing nursing school, the 18 year old is starting nursing school and the 17 year old wants to be a veterinarian. This product has been around them since they were very young and none of them have any intentions of using it. They do not believe in the medicinal use of it but he does believe in the medicinal use of it. They do believe that the vitamins, minerals and herbs are important to your health. They walk into a store and buy these things so why would he have a store that anybody under 21 can't buy Vitamin C or other such products. If a person is educated about them, they would seek them out.

Chairman Aleva closed the Public Hearing at 7:25 pm.

Chairman Aleva stated that they need to do a site walk. They will do it at 5:30 pm before the next meeting on 10/11.

Jon Morse motioned to table Item 3.1 until the October 11, 2018 meeting. Anne Whitten seconded the motion. VOTE: 5-0

3.2 Public Hearing review of a Conditional Use Amendment Application for Porter Farms Subdivision located on Turkey Street (Map 005 Lot 046-3) the applicant is proposing a change to the preapproved building units.

Will Conway from Sebago Technics stepped forward and introduced Shawn Douston from Porter Land Preservation. They are here to request a final approval on a very slight amendment to the Porter Farm Subdivision. The number of units are not changing and the unit mix isn't changing. It is just a matter of tweaking the building footprints. Of the 10 units that were proposed, 2 of them have been built and the rest of the project has been not marketable. The unit design has been changed to a more marketable unit type. It will be 3 duplexes and one four plex which is what was originally proposed. The buildings are a little smaller. Mr. Conway said that the impervious surface has gone down and the septic system is the same.

Chairman Aleva opened the Public Hearing at 7:31 pm.

Ed Ballou asked if it was just going to stay in the fields and not take up any of the woods. Mr. Conway said that it was just in the fields. Mr. Conway showed the people the plans and explained what the changes on the project were. Mr. Ballou said that right now they have a circular driveway with the two that are already built on the end. He asked if the driveways were going to change to get to the other buildings. Mr. Conway said that the driveways are similar to what they were before. Mr. Ballou asked if the septic system was in the middle of the property. Mr. Douston stated that they were actually in the rear of the property. Mr. Ballou asked why it

was dug up in the middle of the property. Mr. Conway said that it was for stormwater management and a retention pond. Mr. Ballou stated that the paperwork he received states, "The amended plan reduces the amount of impervious areas on the site.". He asked what this meant. Mr. Conway said that it means that it is less pavement than what they originally proposed.

Chairman Aleva closed the Public Hearing at 7:38 pm.

Chairman Aleva asked Lee Jay Feldman if he had any comments about the project. Mr. Feldman stated that his memo lays everything out. It is very straightforward. They are only changing the footprints a little bit and modifying the parking area. There are no changes to the stormwater or septic designs. He has provided the Board with a draft Findings of Fact based on everything that has occurred except for tonight's meeting. He stated that if the Board is comfortable, everything should be ready to go for a vote.

Roger said that he had a question from Sid, the Postmaster. He was wondering if they could cluster the mailboxes instead of having to drive through the whole development. Mr. Douston stated that he would talk to Sid and ask if he wants it in one cluster or have some on each side of entrances. He has no problem with accommodating whatever Sid would like to do.

Anne Whitten motioned that the Board have read and agree to the Findings of Fact. Matthew Qualls seconded the motion. VOTE: 5-0

Anne Whitten motioned that the application for Porter Farms is complete. Jon Morse seconded the motion. VOTE: 5-0

Anne Whitten motioned to approve the Conditional Use Amendment Application for Porter Farm Subdivision. Jon Morse seconded the motion. VOTE: 5-0

3.3. Public Hearing review of a Conditional Use Application submitted by Maine SAD 60 located at 25 Varney Road (Map 021 Lot 51) Applicant proposes to install an Outdoor Amphitheater

Chairman Aleva recused himself from this item because he works for the company that designed the project.

Vice Chairman Jon Morse became the Acting Chairman for this part of the meeting.

Neil Rapoza from Civil Consultants stepped forward to discuss the project. They are proposing an Outdoor Amphitheater to be used during daylight hours for functions associated with the school. It is in the area behind the remote classroom buildings behind the elementary school. It is a sloped area that will be regraded and terraced for a little amphitheater seating. They are also incorporating ADA accessible ramp that will give handicap individuals access around the amphitheater and down to the stage area. The stage area is just lawn and not hardscaped or

platformed. They went to the State Fire Marshall to make sure that they were comfortable with it. They did not feel that they needed to do a full review on it. They also contacted the State Electrical Contractor to make sure that he didn't have to come out to look at it. Since they indicated that it will be just a daylight facility and there would be no lights through the steps required, the Electrical Contractor does not need to come out to approve it. They will have motion sensor security lights on the back of the cottages for safety purposes. The small area of landscaping connects with the existing walkway that goes down through there which is the nature path. Sheet L2 shows how it will be graded out. It will be cinder block risers with benches that just flip over the boards similar to what they have at the baseball fields next door.

Anne Whitten asked Roger what exactly the Board has to look at in regards to an Amphitheater. Roger stated that it is adding a structure to the property so they have to come before the Board. There are no real regulations for it. Mr. Rapoza stated that it is deemed a structure on the town level but not at the State level.

David Ballard asked how many people it is intended to hold. Mr. Rapoza said that they have it sized to hold about 110 people but they didn't really have a set capacity for it. It was just about the land they had available and they just terraced it to the maximum that they could. Mr. Ballard asked if there was a drainage issue with this. Mr. Rapoza said that there is no real drainage change to it. The base is all grass and it will not be graded back too much more than it already is.

Acting Chairman Morse asked if the only seating they were going to have was going to be on the rock wall. Mr. Rapoza said that it was correct. Acting Chairman Morse asked what the dimensions were between the seats. Mr. Rapoza said that it is a 3 foot center to center on the seats.

Acting Chairman Morse asked where they were going to park cars. Mr. Rapoza said that it will be an associated event with the school so they would park in the parking lot. He said that they have looked at the parking and they feel that the spaces that are there will be fine. Matthew Qualls said that it states that the restrooms used will be the ones in the main building during an event. He asked if there was a regulation where you have to have so many restrooms to accommodate so many people. He said that the cottages do not have restrooms. He asked if it was in the school's plan to add more restrooms in the future to go along with the additional buildings and structures. Mr. Rapoza said that the school's master plan does have a plan to expand all of the facilities in SAD 60 to start incorporating more and more of these and allow for more peripheral uses as well. That is at a much larger scale than what they are doing here with this project.

David Ballard asked if they are looking at adding crosswalks. Mr. Rapoza said that there is kind of a gate that directs everybody to come in a particular way. At this point there is no plan to paint a crosswalk. Matthew Qualls asked if there was going to be a lot of dirt that would need to

be removed. Mr. Rapoza said that he did his best to try and keep it so it was evened out with the cut and fill so they could just push that fill to the bottom and fill around the corners. He said that there may be some brought in.

Acting Chairman Morse opened the Public Hearing at 7:56 pm.

Michael Archambault, the Principal at the North Berwick Elementary School stated that the original idea behind the Amphitheater was for student use. During the school day, if there is 110 kids that can sit there, that's a 4th and 5th grade being out there together or a 1st and 2nd. It would be a 2 grade at a time max. They could also have a band and/or chorus concert. He stated that they do have a Building Use form that people fill out because people use the facilities every day. They could look at this and work with maintenance and facilities to figure out what people would use that for.

Kathy Hnatow stated that she is the Chairperson of the PTO at the Elementary School. She said that it was the PTO that came up with the idea for this project as well as the former Principal, Ron Roberts. She said that with the growth that has happened with the schools especially with the repurposing of the Hurd School and having all of the children at the Elementary School, there isn't a great place for gathering big groups of children. The PTO raised the money for this project. The plan right now, is for the PTO to have work days and have volunteers build this and have donations of materials. Anne Whitten asked if it was going to be used only while school was in session. Ms. Hnatow said that she believes that the majority of it would be. It is open to possibilities like the Boy Scouts coming and doing a skit during the parameters of daylight. Anne Whitten asked if it was going to be used during the summer. Ms. Hnatow believes that it would be mostly during the school session. Anne Whitten asked if it was all PTO funded. Ms. Hnatow stated that it is all PTO and community funded. The Kennebunk Savings Bank donated \$3,000. The PTO raised \$10,000 at their walk-a-thon. They have raised about \$17,000 so far. Anne Whitten commended them for the great job.

Annette Hume said that she lives kind of across the street from the school. She said that she was unaware that non-school people cannot be walking on the trails during the school hours. She wondered if they could post a sign stating something about this. Mr. Archambault said that was a good idea.

David Ballard asked if the building where the 4th and 5th graders were was a temporary building or is it more of a permanent structure. Kevin Moore, the Facilities Director for the school, said that they were built to be there long term. It can be moved if it needed to be but they don't know what the long term plan is. The 3 to 5 year plan is to possibly add an addition to the back of the Elementary School building but this could change depending on the need for other buildings within the district.

Acting Chairman Morse closed the Public Hearing at 8:04 pm.

Acting Chairman Morse stated that they need to set up a site walk. The Board agreed to have the site walk at 5:00 pm on October 11, 2018

Anne Whitten motioned to table the Conditional Use Application submitted by Maine SAD 60 located at 25 Varney Road for an outdoor Amphitheater until the October 11, 2018 meeting. Matthew Qualls seconded the motion.

Acting Chairman Morse moved Annette Hume up to a full voting member for this project.

VOTE: 5-0

3.4 Conditional Use Application submitted by DJ Realty LLC locates at 22 Elm Street (Map 021 Lot 041) Applicant proposes to add 8 additional parking spaces to be located in the back right hand side of the property.

Don Anderson stated that the plan is to extend the parking. There is a quarter section of the property that is big enough to extend it for about 8 spaces. The section is about 48 x 48 area in the back. Mr. Anderson showed the Board members the plan.

Chairman Aleva asked Roger if he had room for this. Roger said that he does have the room on the top. He has to stay at least 75 feet away from the wetlands. He had cut down a lot of trees and he had to go back and replant everything. If he does it behind the building, he is out of the Resource. He can put the parking lot up against the property line which is next to Johnson's.

David Ballard asked how they will be able to turn around in that area. Mr. Anderson said that the parking is basically for the people that live there and work there and not the customers. Rogers stated that they will still need to turn around. Judy Anderson stated that there are not 15 people working there at all times. Mr. Anderson said that, right now, they are double parking their vehicles on the lawn in the back. They are trying to come up with something to prevent people from parking on the road.

Chairman Aleva asked what the guidelines were for parking lots. Roger said that he did not have that information with him now but there is a certain width. Chairman Aleva said that the aisle behind the space has to allow enough room to be able to turn around. He stated that it is typically a minimum of 22 feet. Matthew Qualls asked Mr. Anderson how many feet he had for his plan. Chairman Aleva said that the 2 parallel spaces that are on the plan may have to be removed. Mr. Anderson said that would not be an issue.

Matthew Qualls asked what they currently do with the snow removal. Mr. Anderson said that they use the green space out back. Mr. Qualls said that he won't have that green space after the parking lot is done. Mr. Anderson that he will still have some back there.

Roger told Mr. Anderson that he will need to redraw it and then go out and mark it.

Chairman Aleva stated that they will need to schedule a site walk. The Board agreed to do the site walk before the next meeting at 6:00 pm on October 11, 2018.

Chairman Aleva said that they need to set up an escrow account.

Jon Morse motioned to allow Roger Frechette to set the escrow amount for the appropriate value to cover the costs of the Public Hearing for the additional parking spaces at 22 Elm Street. David Ballard seconded the motion. VOTE: 5-0

4. Other Business:

No other business at this time.

5. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 8:25 pm. David Ballard seconded the meeting. VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume

Scott Strynar