

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD JANUARY 10, 2019

**Present:** Jon Morse, Anne Whitten, Matthew Qualls, David Ballard, Annette Hume, Scott Strynar, Roger Frechette, CEO

**Absent:** Chairman Geoffrey Aleva

**Also Present:** Clark Lee McDermith, Chris Mende from Civil Consultants

Vice Chairman Jon Morse will be Acting Chairman tonight.

1. Call To Order:

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

2. Review Previous Minutes:

David Ballard said that on Page 4, the 4<sup>th</sup> sentence in the 2<sup>nd</sup> paragraph reads, “He said that the do state that all...”. It should read, “He said that they do state that all...”. Also in the last paragraph of Page 4, the 10<sup>th</sup> sentence reads, “Dwayne believes that the Selectmen are weary of large growth facilities.”. It should read, “Dwayne believes that the Selectmen are wary of large growth facilities.”. Mr. Ballard said that on Page 5 in the 1<sup>st</sup> paragraph, the 8<sup>th</sup> sentence reads, “...these type of people ruin it.”. It should read, “...these type of people not ruin it.”.

Matthew Qualls stated that on Page 4 in the 7<sup>th</sup> sentence of the last paragraph, his name was not spelled correctly. Need to change Quall to Qualls.

Anne Whitten motioned to approve the minutes of December 13, 2018 as amended. Annette Hume seconded the motion. VOTE: 3-0 Abstain: 3

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

3 Current Business:

3.1 Clark L. McDermith, 217 Wells Street, Tax Map 002 Lot 059

The applicant proposes to change their conditional use permit from a Home Occupation/Residential to Administrative Office/Residential

Acting Chairman Morse asked Roger Frechette if he had any issues or comments to make regarding the application. Roger said that he has gone through everything and it looks fine.

Chris Mende from Civil Consultants stepped forward to discuss the project and also introduced the applicant, Clark McDermith. Chris Mende stated that, in the outline that he submitted to Roger, he mentioned that there are 2 lots that make up this parcel. They were in common ownership with Clark and his wife. They divorced and she delivered the deed to Clark but in this deed they only conveyed one of the parcels and separated them. Mr. Mende said that he now has the deed that combines them and they are all owned by Mr. McDermith.

Mr. Mende said that, on the last page of the list of abutters, he had omitted one abutter. He gave Roger a revised list of abutters. Mr. McDermith had also given him a bunch of letters before the meeting from various neighbors who are in favor of the proposed change to be added to the record.

Mr. Mende said that they have a piece of property that is located on Route 9. There is a home where Mr. McDermith lives and an adjacent old barn where he has a business. The business has been in operation there for about 20 years and have had a good relationship with the neighbors. Mr. Mende said that they are not suggesting a change of use. It will be the same business in the building and will still be a residence next door. As a Home Occupation classification, Mr. McDermith has to live in the house and work in the building. At some point in time, Mr. McDermith may want to sell the building or he may not want to live in the house and rent it. They are trying to change the residential use on the property and an administrative use on the property. Mr. Mende stated that the residential use is allowed in the zone and the administrative office is allowed as a Conditional Use. Mr. Mende stated that, in going through the Ordinance, it was not clear to him as to whether an administrative office is a commercial use or not. He said that the Ordinance states that the Planning Board has the option to hold a Public Hearing if they wish or they can waive it if it is not a commercial use.

Mr. Mende showed the Board members where the business was located on the plan. He stated that the business is in the barn and the residence is in the house. They share a common well and septic system. He stated that there is more than adequate parking for the business. There is also more than adequate parking for the house with the garage and driveway. They meet all of the density requirements, the double frontage requirements, lot area and all of the other provisions in the Ordinance. The signage and lighting will remain unchanged. Mr. Mende said that the only deviation from zoning is that the barn is too close to the road. It has been there since 1849 so it is grandfathered.

Acting Chairman Morse said that there are 2 floors plus the attic and basement. He asked Mr. Mende to briefly describe how they are utilizing all of these spaces. Mr. Mende said that he will read from the narrative for the application that he submitted. It reads as follows:

The applicant and owner, Clark McDermith, resides at the subject property and operates East Coast Bio, Inc. from the same location. The property has an existing ancient barn and house which service as office and residence. The present use is a legal nonconforming use pursuant to

sections 1.4.4 and 5.2.3 of the North Berwick Zoning Ordinance. Mr. McDermith's use of the property is presently characterized as a "Home Occupation".

The applicant wishes to obtain a conditional use permit to change the use of the property from a home occupation to two uses on a single property – a) a residential use in the home and b) an administrative office use in the barn building. This change of use, though not an actual change in operation for the business or the type of occupation in the two buildings, will permit greater flexibility with regard to rental of the house separate from operation of the business. The proposed use of the barn as an administrative office for East Coast Biological, Inc. requires approval as a conditional use in the Residential 1 Zone. The single family residential use to be continued in the home is an allowed use in the Zone.

East Coast Bio, Inc. is a manufacturer's representative for various small producers of high-quality reagents for the in vitro diagnostic (IVD) manufacturing industry worldwide. Our primary activities at the North Berwick, ME operation are the administrative office support of the sales of these products as well as the technical support associated with them. East Coast Bio has been operating as a home occupation administrative office in this location for the last 20 years in North Berwick and the day-to-day activities will not change.

Mr. McDermith has explained to Mr. Mende that they have other offices and production facilities in other locations. Shipping takes place from these other locations. This location is primarily the administrative office where people call to place orders and ask questions.

Annette Hume just wanted to clarify what the applicant was here for. She asked if it was because he wanted to rent the house out. Mr. Mende stated that, under the present regulation, if you are permitted for Home Occupation under the Ordinance, you are allowed to operate a business from your home but you are not allowed to rent the home to somebody else and still run the business.

Roger Frechette stated that it is considered commercial so they will have to schedule a Public Hearing. He stated that they will also have to schedule a site walk.

David Ballard asked if the power for the business was separate from the house. Mr. McDermith stated that they each have their own meter. Mr. Ballard asked if the solar power set up on the property goes to just the business or to the residence as well. Mr. McDermith said that it is just for the office. Mr. Ballard asked if there was any hydrant nearby. Mr. Mende said there was one in both directions and if needed, he can add that to the plan.

Anne Whitten motioned to accept the application for Clark McDermith at 217 Wells Street, Tax Map 002 Lot 059 as complete. Matthew Qualls seconded the motion. VOTE: 5-0

The Board agreed to have a site walk prior to the 1/24/19 meeting at 5:45 pm. Acting Chairman Morse stated that an escrow of \$1,000 will be needed. The Public Hearing will also be held at the 1/24/19 meeting.

4. Other Business:

Roger Frechette stated that he gave the members a copy of the Legal Notice for the Public Hearing they are having on 1/24/19. He stated that the only difference was that the Selectmen opted to have the setback for parks and playgrounds at 300 feet instead of the 250 feet that the Planning Board had discussed. He stated that the Selectman had looked at the map to see what the difference would be from 250 feet to 300 feet in the zones where these uses would be allowed and where the parks and playgrounds were in relation to the buildings. He said that it really only affected 1 building so it was not a big difference.

Matthew Qualls asked what the decision was regarding colocation. Roger said that the Selectmen did not want to allow it in Farm and Forest but they don't mind having it in the Commercial or other allowed zones.

5. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:00 pm. Annette Hume seconded the motion.  
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