

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD APRIL 11, 2019

Present: Jon Morse, David Ballard, Annette Hume, Roger Frechette, CEO

Absent: Chairman Geoffrey Aleva, Anne Whitten, Matthew Qualls, Scott Strynar

Also Present: Elizabeth Bruns, Dan Kelley, Eugene Kelley, Jonathan Koelker

1. Call To Order:

Vice Chairman Jon Morse will be the Acting Chairman tonight.

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

2. Review Previous Minutes:

David Ballard stated that on Page 1, under the 3.1 section, the first paragraph reads, “Roger stated that there wasn’t anyone here for project because they are sick.”. It should read, “Roger stated that there wasn’t anyone here for the project because they are sick.”. Also on Page 2, the 4th sentence in the 2nd paragraph currently reads, “...so it will capture 10% from whatever the max is in the tank.”. It should read, “...so it will capture 10% over whatever the max is in the tank.”. Also under Other Business, the 2nd sentence in the 2nd paragraph currently reads, “...State regulate all of the Shoreland forestry.” It should read, “...State regulate all of the Shoreland forestries.”. The final correction is on the last sentence of the same paragraph. It currently reads, “DEP told Dwayne to give him the letter and he can give us an amendment to it stating that the State will still take over. It should read, “DEP told Dwayne to give them a letter stating that the State will still take over.”.

David Ballard motioned to approve the minutes of March 14, 2019 as amended. Annette Hume seconded the motion. VOTE: 3-0

3. Current Business:

3.1 Application review submitted by Scott Dombrowski of 50 Elm Street. The application is for Dan Kelley to operate a Tattoo Studio/Art Gallery on the property.

Acting Chairman Morse asked Roger Frechette if he had any issues with the application. Roger said that they are fine to do what they want to do. He said that the only issue that they are having with the Dombrowski’s is how many uses they are allowed. He stated that Dan is looking to take

over the back unit where East Coast Roots was before and along the side, there is another spot for the Art Gallery. Roger stated that they are only allowed 4 commercial uses and 2 residential uses. Mr. Kelley is taking 2 of the commercial uses. Roger stated that because the other 2 people for East Coast Roots never came in to pick up their conditional use and have now sold the business, Mr. Dombrowski is down to only 1 more use after this. Acting Chairman Morse asked what uses he currently had. Roger stated that he has a barbershop and an apartment. He stated that East Coast Roots still have the front but they are not going to be utilizing 2 uses. The new owner just wants to sell CBD products in the front space where the video store used to be. Roger stated that the new owner still has to come before the Planning Board to get approved for this. He said that if Dan Kelley gets approved then he will be all set because he will be using 2 uses.

Dan Kelley said that he has 2 of the units rented but there was a door that separated them and he has removed that door so they are going to be one area. He stated that there will be tattooing done in both spaces, but the larger longer space is more of an open concept so it can be used as an art gallery. He stated that the lobby section of that area will always be like a rotating gallery that will feature items from a local artist every month. They want to keep art in the eye of the public as well as promote local artists. When people come in for appointments, it will be there for them to see. Mr. Kelley also stated that he would like to do events at the beginning of the month that the artist will be featured. It will be like an art show or showcase. He stated that there will also be original artwork hanging everywhere for people to see. He said that the whole place is like a gallery. The people are being tattooed while sitting in the middle of an art gallery. He stated that the back area is more of a private tattooing area. He said that he would use this to tattoo people who have made appointments but people can also walk into the other area and be tattooed in that space.

David Ballard asked if Mr. Kelley was going to be the only artist or were there going to be other artists working there. Mr. Kelley stated that it would be him and Elizabeth Bruns to start. He doesn't know where the business will go from there. He stated that he would probably need more space if he was to have another artist there. Mr. Ballard asked Roger if the permit needs to specify the number of people working there. Roger said that it did not. He stated that he spoke with the attorney and she said that they have to be separate. He said that they can combine the businesses together but they have to go for 2 uses because it is 2 separate things. Mr. Kelley said that when going through the State of Maine Health Inspection, they have certain requirements that need to be met. They require that you have a certain amount of space to have a certain amount of people doing this in the same unit.

Annette Hume asked if he was required to have a license. Mr. Kelley said that he was required to do so. He has been licensed in the State of Maine since 2010. Once he goes through this whole process with the town, he will then get an establishment license. He will need to get a hold of the Health Department and they will send out a Health Inspector. They will review everything to make sure he meets the requirements. If he meets all of the requirements, they will then license Mr. Kelley at this specific location. Every tattoo studio in the State of Maine, by

law, are supposed to be licensed in that specific location where they are doing business. Just because he has a tattoo license he cannot tattoo wherever he wants to. It is location specific. Annette Hume asked if he has to wait for the State inspection before he can start working in this location. He said that he would need to wait for the inspection before working out of this location.

David Ballard asked if there were any hazardous chemicals that would be kept on the premises. Mr. Kelley said that everything that he has is going into people's skin so it is not hazardous. He said that he will have hospital grade germicide that everything is splashed with on a daily basis. He stated that he is dealing with human blood but he has blood borne pathogen certification which is required by the State of Maine. One of the things that the State inspects is not only making sure that he is doing the procedure properly but also that they are doing the setup, sterility and disposal of everything properly.

Acting Chairman Morse asked what kind of art he would be displaying. Mr. Kelley said that they will have anything that is handmade such as drawings, paintings or sculptures. Elizabeth Bruns stated that when people typically think about a tattoo shop where there are pictures on the wall where people can pick out their tattoo. She stated that they are going a different route and putting fine art on the walls. Acting Chairman Morse asked if people would have to go through a book to pick out what they wanted. Ms. Bruns said that she hopes that if somebody is going to get a tattoo, they know what they want. She stated that they do everything custom. They are trying to inspire people to have something that is unique for them. Mr. Kelley said that the tattoo is looped in more with fine art and is a conservatively higher level of tattoo work.

Acting Chairman Morse asked if the artwork that will be displayed was going to be for sale. Mr. Kelley said that some of it would be. A lot of it would be more for gallery display to look at that will permanently be there. Ms. Bruns stated that they also decorate their stations with art that they have collected from other artists as well as some of their own.

Annette Hume stated that if they wanted to have an open house, are they allowed to serve food and alcohol. Roger stated that they would need to get a gathering permit from Dwayne Morin. She asked if the permit would be good for just a certain date or if he planned on having them monthly, could he get one that was good for several months. Roger said that they were going to have a gallery so people would be coming in and out all of the time. If they were planning on a function that was going to have a lot of people, he doesn't believe that they are allowed to have alcohol. He stated that they are in a Residential zone so he does not think they would be allowed to serve alcohol there. Mr. Kelley said that it is a good idea for him to find out what is allowed and not allowed to be done. He has done art shows in the past and he has had alcohol at them. Roger stated that he didn't mention that in the application, so he didn't look into it ahead of the meeting. Mr. Kelley asked if in the future, he wanted to check and see if something like that would be allowed at a show, would he have to come back to the Board to reevaluate the permit. Roger said that he would have to come back. Mr. Kelley asked if there was a limit on the number of people that could be in the building at one time. Roger stated that the Fire Department would

be able to tell him that. Mr. Kelley stated that he would have no idea how many people would come at once. It would depend on the event. He stated that when he officially opens the studio, he wants to have some sort of opening so there is the potential to have quite a bit of people show up. He said that he has done this for almost a decade in this area so he does have a lot of clientele that follow him. Roger asked him about how many people he was thinking about. Mr. Kelley said that he has done shows in the past and over the course of 6 hours he has had about 80 to 100 people show up. Roger stated that they are not all in there at one time. Mr. Kelley said that within any given time, there could be about 20 or so people. He stated that they like to do charity events and usually get a lot of people for them. For example, he has done \$50 to \$100 tattoos during the course of 8 hours. So they would probably do about 30 of them and donate the money to a charity. He said that there could potentially be a line of people but he tries to keep these organized. Roger stated that they could probably have a bunch a people but they all can't be in the building at the same time. He said that he would have to speak to the Fire Department and figure out their ingress and egress to see how many people can get in and out of the area safely.

Acting Chairman Morse asked the applicant if he was going to have any security cameras in the studio. Mr. Kelley said that he would. Annette Hume said that if she was having a tattoo done in a semi-private place, she would be worried about having cameras around. Mr. Kelley said that they would be located more in the gallery area where they have valuable items.

Acting Chairman Morse moved Annette Hume up to full voting status.

David Ballard motioned to accept the application for Scott Dombrowski of 50 Elm Street for Dan Kelly to operate a Tattoo Studio/Art Gallery on the property. Annette Hume seconded the motion. VOTE: 3-0

The Board agreed to have a site walk at 6:00 pm before the meeting on 4/25/19.

David Ballard motioned to establish an escrow of \$1,200. Annette Hume seconded the motion. VOTE: 3-0

David Ballard motioned to have the Public Hearing on 4/25/19. Annette Hume seconded the motion. VOTE: 3-0

3.2 Other Business:

Roger stated that there were a few things that were going to come before them. One of them was Country Estates. He wants to expand a couple of lots and make them bigger to have a bigger house. There is also a women that wants to start a sewing business in her home.

4. Adjournment:

David Ballard motioned to adjourn the meeting at 7:09 pm. Annette Hume seconded the motion.

VOTE: 3-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume

Scott Strynar