

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD APRIL 25, 2019

**Present:** Chairman Geoffrey Aleva, Jon Morse, Matthew Qualls, David Ballard, Scott Strynar, Anne Whitten, Roger Frechette, CEO

**Absent:** Annette Hume

**Also Present:** Dan Kelley, Marc Robertson, Melissa Wentworth, Eugene Kelley, Glenn Thompson, Joe Carr, Elizabeth Bruns

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 April 11, 2019 as written. David Ballard seconded the motion. VOTE: 5-0 Abstain: 1

3. Current Business:

3.1 Continued 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.

Chairman Aleva asked Roger Frechette if there were any issues. Roger said that there are issues with the parking. He and Dwayne Morin went to the site to check the parking spots to see what is currently being used and what was going to be left over. Roger said that the 2 apartments need each 1. The barbershop needs 3 and the other shop that is not opened yet will need 3. There are a total of 16 spots. Roger said that they can probably add 3 spots in the back of the building but the way they are lined up, he can't do it. Chairman Aleva stated that, per our Ordinance there are 8 required for the other uses and 7 are required for this use. Roger said that there were more than that. He said that there are 7 at the top for the apartments, barbershop and the other unit. There will be 15 spots left over for them to utilize. There are plenty of spaces. It is calculated that there are 5 people per spot.

Roger stated that the way the doors are configured in the place, they are not all 3-0 doors so they may have to put an occupancy door to allow so many people to be in the building at one time. The front door is a little bit bigger than a 3-0 and the back door is a 3-0. Roger is still waiting for the Fire Chief to give him some more answers on what they could do. Roger said that the

applicant stated that there could be up to 30 people there at one time so the Planning Board may want to put an occupancy limit. If they want to change the interior door to a 3-0 door or bigger this would allow more people to come in.

Roger stated that the other issue they have is with the bathroom. If they are going to have events, there has to be an ADA compliant bathroom. Roger said that they can use the one in the back which is the bigger bathroom to change into an ADA bathroom. Roger said that they can also combine the 2 bathrooms that are in the front and make that into 1 ADA bathroom. Roger told the applicant that they will not be able to have any events until one of the bathrooms becomes ADA compliant. Roger stated that he believes that it would be easier to make the one in the back the ADA bathroom because there would be less for them to do to it.

Chairman Aleva asked how many events they were planning on having. Dan Kelley said that it would probably be 1 art gallery showing per month at the most. It would not be all of the time. He usually features a fairly well known artist a few times a year.

Chairman Aleva stated that the one potential condition would be that they would have an occupancy limit based on the Fire Chief recommendation for meeting the current building code. Anne Whitten stated that they should also state that there would be no events until an ADA bathroom is done. She stated that they should also get town approval before any events if they are going to have more than 50 people. Roger stated that they would need to get a Mass Gathering Permit. Chairman Aleva said that if Mr. Kelley was going to have any events he could always rent an ADA port-a-potty to be brought in just for the event. Roger said that he will have to get the permit from Dwayne each time. Chairman Aleva stated that no other art galleries in town have to have this permit so why does this applicant have to. Roger said that the other galleries do not have events. Matthew Qualls does not feel that this should be part of the review of their application.

Anne Whitten asked Roger if he had to have copies of all of the applicant's licenses prior to giving them their occupancy permit. Roger said that he does not need them. The applicant deals directly with the State for those. Anne Whitten asked how the town knows if they are compliant to everything. Dan Kelley stated that the State as well as the Fire Department will not let him open without them. Mrs. Whitten asked Mr. Kelley to provide a copy of the licenses to Roger to put in the file. Mr. Kelley agreed.

Chairman Aleva stated that the conditions should be:

1. They would allow an occupancy limit of 35 until we get the Fire Chief's review.
2. All parking will be on-site.
3. No on road parking.

Chairman Aleva opened the Public Hearing at 6:52 pm. There was no public comment. Chairman Aleva closed the Public Hearing at 6:52 pm.

Jon Morse motioned to approve the application submitted by Scott Dombrowski of 50 Elm Street for Dan Kelley to operate a Tattoo Studio/Art Gallery with the following conditions:

1. There will an occupancy limit of 35 people until we get the Fire Chief's review.
2. An ADA bathroom will be added prior to any events being done.

Matthew Qualls seconded the motion.

Anne Whitten asked about the condition for the parking. Chairman Aleva stated that it would be handled with the event gathering permit.

VOTE: 5-0

3.2 Home Occupation application submitted by Melissa Wentworth located at 170 Beech Ridge Rd. Map 003 Lot 057-1. Applicant proposes to open a sewing, embroidering, crafting, and custom framing business.

Chairman Aleva asked Roger if they needed to do a Public Hearing for this application. Roger said that it is a Home Occupation/Residential so the Commercial would be the Home Occupation part of it but it is in a Residential area. Roger stated that it was up to the Planning Board as to whether they want to do a Public Hearing or not. He doesn't feel that they need to have a Public Hearing for it but it was up to the Board. Chairman Aleva said that the application states that there is not going to be an open business at the residence. It will just be online sales, craft fairs and consignment shops.

Melissa Wentworth stepped forward to discuss her application. She said that she does sewing, embroidery and custom framing. She has been doing it as a hobby but she would like to now do it as a business. She will be doing business on Etsy, Facebook, Instagram, Shopify and other online services. She will also be selling through consignment shops and at craft fairs.

Chairman Aleva asked the Board if they needed a Public Hearing. The Board agreed that they will not have a Public Hearing for this application.

Jon Morse asked what the size of her home was. Ms. Wentworth said that the home is about 26 x 50 and there is a 26 x 26 bump out that she uses as her crafting space. Matthew Qualls asked if she used any hazardous materials and she said she did not.

Jon Morse motioned to approve the Home Occupation application for Melissa Wentworth located at 170 Beech Ridge Rd. Map 003 Lot 057-1 to open a sewing, embroidering, crafting and custom framing business. Anne Whitten seconded the motion. VOTE: 5-0

3.3 Conditional Use amendment to Country Estates. Applicant proposes to widen lots 1 and 4 to allow placement of a longer structure on these lots.

Roger Frechette stated that they have since added a lot. They now want to widen lots 1, 4 and 11.

Chairman Aleva recused himself from this application. Vice Chairman Morse is now the Acting Chairman for this application review.

Acting Chairman Morse asked Joe Carr where they were getting the land to widen the lots. Mr. Carr said that they are getting it from the existing subdivision. Acting Chairman Morse asked how much they were widening the lots. Mr. Carr said that they are all different dimensions. Matthew Qualls showed Acting Chairman Morse the sheet from the plan that showed this. Matthew Qualls asked the applicant if this would change anything with the water system. Mr. Carr said that it would not.

David Ballard asked why they wanted to widen them. Mr. Carr said they want to put longer units on it. They have had quite a few people say that they want 64 and 68 foot long units.

Acting Chairman Morse stated that the applicant will have to complete a new application to show the additional lot #11 that he wants widened. Acting Chairman Morse asked Roger if he had any issues with the request. Roger said that he did not.

Acting Chairman Morse suggested that when they make a motion they add a condition that a new application will be submitted to Roger with all of the lot numbers to be widened on it. Matthew Qualls said that they would have to specify in the motion exactly which lots they are approving. He would rather approve an application that is given to him rather than an application that he will fill out. Acting Chairman Morse said that when they do the motion, they would state exactly which lots they are approving. He stated that nothing will become effective until Roger gets the new signed application. This will just save the applicant from having to come back in 2 weeks.

Acting Chairman Morse moved Scott Strynar up to full voting status.

Anne Whitten motioned to approve for Country Estates to widen Lots 1, 4 and 11 as shown on the plan with the following condition:

1. The applicant will bring in a new application to the CEO that shows the three lots that are being widened and have it signed.

Scott Strynar seconded the motion. VOTE: 5-0

4. Other Business:

Roger stated that they need to start thinking about having workshops to discuss the Ordinance and Comprehensive Plan. He is getting a lot of requests to turn Route 4 to Commercial. They

also wanted to talk about setback requirements in the Residential zones. Chairman Aleva told the members to review the Ordinance and the Commercial/Industrial zones that we have. They should also look at the Residential setbacks. He stated that, as they move forward, they should think about the densities and the amount of usage that so we can have the Tables updated.

Chairman Aleva stated that they have to vote for the Officers for the new year.

Jon Morse nominated Geoffrey Aleva for Chairman. Matthew Qualls stated that he would be willing to be Vice Chairman.

Jon Morse motioned to approve Geoffrey Aleva to be Chairman and Matthew Qualls to be Vice Chairman. Anne Whitten seconded the motion. VOTE: 5-0

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:22 pm. Matthew Qualls 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