

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JANUARY 9, 2020

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

Also Present: Deborah Turcotte from CMP, Bill Walsh, Dan Kelley, Shawn Fahy, Colleen Fahy, Eugene Kelley, Jack Wu from CMP

1. Call To Order:

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

2. Review Previous Minutes:

Jon Morse stated that on page 1, the last sentence currently reads, "Mr. Greer stated that the other thing that the changed was add a note to the drawing and shown a...". It should read, "Mr. Greer stated that the other thing that changed was add a note to the drawing and showing a...". Anne Whitten stated that, also on page 1 in the paragraph before last the 3rd sentence reads, "A couple of the items that they have changed since the last time he was here.". It should read, "A couple of the items that they have changed, since the last time he was here.". She also stated that on page 2, the 4th sentence in the 1st paragraph currently reads, "...so that when there is plowing so there is some snow storage...". It should read, "...so that when there is plowing, there is some snow storage...". Also on Page 2 in the 4th paragraph, the 3rd sentence currently reads, "The building permit is good for 2 years but they can always extend it.". It should read, "The building permit is good for 2 years, but they can always extend it.".

Jon Morse motioned to approve the minutes of December 12, 2019 as amended. Anne Whitten seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Public Hearing adding 4 additional 30-foot by 100-foot Storage Buildings Located at 74 Portland Street owned by Stephen Mansfield (Map 019 Lot 040)

Bill Walsh from Walsh Engineering stepped forward to discuss the project. He stated that they are requesting a Conditional Use Permit for 75 Portland Street for Stephen Mansfield. The property is located across the street from Pratt & Whitney on Route 9 at the intersection of Portland Street and Route 9. They currently have 3 existing storage buildings and a residence on the property right now. He stated that there are a couple of wetlands that exist in one area that they are proposing to fill in.

Mr. Walsh showed the public a site map of where the property is located, where the current storage units are located and where the proposed storage units will be. He stated that they will be 100' x 30' wide storage buildings just like the ones that are currently there. They will use a couple of different treatment things for the stormwater. They did have to get a stormwater permit through the DEP for the project because they are just over an acre in impervious area. They have a vegetated buffer that they will use in some areas to help collect the stormwater. They will put down a level spreader and then it will run down to the corner of the property. The part of the project drains down to a gravel wetland. A gravel wetland is a constructed wetland that treats stormwater. It will move through this and then discharge down again to the corner of the property. He stated that they reduce the peak flow rates when they run it through the gravel wetland so stormwater rates will go down. They are also treating areas that are presently treated.

Mr. Walsh stated that the snow storage will be around the edges along the property. They will have lighting that will be on the buildings itself and it lights downward. There will be no other lighting. They got an NRPA permit for the wetlands. There is a little over 4,000 sf of wetland impact on the site.

Chairman Aleva asked how the project is proposed to be phased. Mr. Walsh stated that it will be 2 buildings at a time. They will build the first 2 buildings and as they fill up, the next 2 buildings will be built. The time frame will depend on how quickly they fill up.

Chairman Aleva opened the Public Hearing at 6:40 pm. There were no comments.

Chairman Aleva closed the Public Hearing at 6:40 pm.

Scott Strynar stated that they had talked about landscaping when they were in last time. The Board had asked for some plantings along the street. Mr. Walsh stated that there was a suggestion to make it similar to what was across the street. He stated that they were going to plant things very similar.

David Ballard asked what the hours of operation were going to be. Mr. Walsh believes that it is a 24/7 operation but he is not sure. It would work the same way that it does now. They have indicated where a fence would go if they decide to put one in. Anne Whitten said that the applicant had talked about adding a fence but he said they have no issues right now on the property. If there ever was an issue, then they will put up a fence.

Chairman Aleva stated that the Town Engineer has a couple of conditions that they would like to add to the plan with respect to the stormwater. The first one states that since it says that they have a DEP Stormwater Permit and they will have a gravel wetland, the town requests copies and documentation of the construction oversight as identified in the specific requirements of the DEP permit. This just means that the town needs copies of these for the construction of the

gravel wetland. Also, all of the permits granted for the project through Army Corps, NRPA and the Stormwater needs to be noted on one of the plans before the Board signs it.

Anne Whitten motioned to approve application to Stephen Mansfield to add 4 additional 30' x 400' storage buildings located at 74 Portland Street Map 19 Lot 10. David Ballard seconded the motion. VOTE: 5-0

3.2 Public Hearing to add additional Lobby, Gallery and Retail space to the existing Skull and Snake Tattoo Studio Art Gallery located at 50 Elm Street (Map 017 Lot 040)

Chairman Aleva asked Roger Frechette if he had any comments regarding this project. Roger stated that Dan Kelley just wants to take the space that was previously there for the Medical Marijuana Counseling Office. Because it was not available when they first moved in with the Tattoo Studio and Art Gallery, it was not included in their original request. The space is now available and they would like to take over the 2 spaces that were the Medical Marijuana Counseling Offices. It is the same use so it really is not a big deal.

Chairman Aleva asked Dan Kelley if he had any comments to make before the Public Hearing. Dan stated that what Roger said was accurate. He just wants to expand his business.

Chairman Aleva opened the Public Hearing at 6:49 pm. There were no comments. Chairman Aleva closed the Public Hearing at 6:49 pm.

Scott Strynar said that, previously, they had talked about making the bathrooms more accessible. He asked if this had been done. Roger stated that they do not have to be because of the building's age. Matthew Qualls asked if they were changing anything inside such as knocking out walls or will they leave it as is. Dan Kelley stated that it was going to stay as is. Jon Morse asked if there were still enough exits available with the additional space that he is requesting. Roger said there was.

Jon Morse motioned to approve the application to add additional Lobby, Gallery and Retail space to the existing Skull and Snake Tattoo Studio Art Gallery located at 50 Elm Street Map 17 Lot 40. Matthew Qualls seconded the motion. VOTE: 5-0

3.3 Conditional Use Application review submitted by Central Maine Power to install a Physical Security Shelter located on Gould's Bridge Road (Map 001 Lot 023)

Chairman Aleva asked Roger for any comments on the project. Roger stated that CMP would like to put this building up for security and whatever else they want to put in there. It is a prefab building and is going to be dropped on concrete.

Deborah Turcotte, Public Outreach and Jack Wu, Environmental Permitting from CMP stepped up to discuss the project. Deborah Turcotte stated that Central Maine Power is owned by

AVANGRID Networks and they have 4 operating companies located in Connecticut, New York and Maine. AVANGRID is purchasing already built fiber optics to connect to top rating companies. It will be connected by putting up security sheds at already existing substations. It is a circular network that goes on through all of the 4 operating companies. All components are housed in the shelter. Ms. Turcotte stated the security system will be going off of the internet and will be housed through the cables in the sheds.

Ms. Turcotte stated that the sheds are 10.5 feet wide by 15 feet long and about 9 feet 3 inches tall at the peak. They are energy efficient. They will be on pre-cast concrete construction with a brown hued pebble finish to blend in. They are mounted on Maine certified concrete slab foundation. They are designed to withstand hurricane winds of 150 mph, insect damage, bullet damage, and mold and mildew. They are powered by our CMP Distribution Engineering. The network will be managed by our Network Monitor Center and provides rapid response to various emergency events at CMP Substations and also at our other service centers. These installations augment their Cyber Infrastructure Protection Program which protects the grids from hackers and malware that could affect the security and safety of their grid.

Ms. Turcotte stated that when they propose these at various town Planning Boards, they get some frequently questions. One of those is, "Why are you putting a security shed outside of the security of the fence of the substation?" She said that the reason is if they put it inside the substation and they needed to do maintenance to it, they would need to call the substation Engineer to come and open the gate. Also, because these sheds are built very strong to protect against a number of different threats, they feel that they are suitable to stand on their own.

Ms. Turcotte stated that they also get asked about lights. She said that they do have a light on it that will be downward facing. They are usually motion activated so if something is in the area, their Emergency Center will see what is there. If any emergency personnel need to be called, they have agreements with towns to have it taken care of. If there is an emergency, such as a major storm that impacts not just the substation and/or the security house, the lights will be on while the lines crew and security crew do their work. The lights will then turn off and go back to being motion activated.

Jack Wu stated that another reason to have the security shed outside of the substation is limited space. It would affect turn space and things like that for the substation area. He stated that they understand that there are setback requirements regarding the placement of the shed and they don't want it to be an eyesore for the town.

Anne Whitten asked Roger if they had a survey for this project because they are needed for sheds. Roger stated that they did not but the Planning Board can ask for one. Chairman Aleva asked if our Ordinance had an exemption for sheds of certain sizes. Roger stated that there was none for the type of shed that they are doing. Chairman Aleva told the applicants that they will need to provide a survey that shows that they will meet the setback requirements. Mr. Wu asked

them if they meant a stamped survey. Jon Morse said that it is like a plot plan. Chairman Aleva stated that it should have a PLS statement that shows that it meets the requirements. Roger Frechette stated that it is not a very elaborate survey. It basically just needs to show where the setbacks are to make sure it meets the requirements.

Chairman Aleva stated that they need to set up an escrow account for the advertising, notification of abutters, and for any review that may be needed. Matthew Qualls asked if the building would be housing anything hazardous. Mr. Wu said that it would not be. He stated that it will all be handled remotely. The only time people will show up is for maintenance purposes. David Ballard asked if that included the note on page 1 that talks about the batteries. It states that if it stores batteries, it will be electrolyte use 50 gallons. He asked if the 50 gallons was being stored inside the building. Mr. Wu believes that whatever is referenced in the plans is what is going to be inside the shed. Chairman Aleva stated that it says that if they are needed then they will need to have an exhaust fan. Matthew Qualls stated that he was asking about the hazardous materials because if there will be any stored there, they will need to have some kind of signs. If the fireman show up for an emergency, they will need to know what is in there. Mr. Wu stated that he was going to confirm this information with the engineer. His understanding is that it will just be a prefab building with shelving, fiber optic cables and things like that.

Chairman Aleva stated that the recommendation for the escrow account is \$1,500. They also need to schedule a site walk. Jon Morse asked if the property had been staked out yet to show where the building was going to be. Mr. Wu said that he believed it was but if not he will make sure that it is done before the site walk. The Board agreed to meet for the site walk at 6:00 pm before the meeting on January 23rd. Chairman Aleva said that they can do the Public Hearing on the same night if they get all the information and escrow to Roger by next Monday.

Anne Whitten motioned to set an escrow at \$1,500. Jon Morse seconded the motion.
VOTE: 5-0

3.4 Conditional Use Application review submitted by Shawn & Colleen Fahy to install an In-Law Apartment over the garage located at 111 Linscott Road (Map 002 Lot 051-1)

Chairman Aleva asked Roger if he had any comments regarding the project. Roger stated that when they built the place, they built it with the intent of the apartment but they never came to the Planning Board for approval. They built everything and have been using it. Shawn Fahy stated that he thought it was all set but they had refi and pulled the tax card. They found out that it didn't match up. It didn't mention an apartment and it said that they had 200 acres. They actually have about 2.9 acres. He is now trying to get these things fixed.

Anne Whitten asked if the drawing they provided was of the 1st floor or 2nd floor. Mr. Fahy stated that it was floor above the garage. Roger stated that once the Board gives the approval, he will go over and inspect everything to make sure that everything is all set. Anne Whitten asked if it was within the 600 square feet. Roger said that it was 507 square feet.

Matthew Qualls asked Roger how he inspects something like this after it has already been built especially things like the electricity. Roger stated that they will have to have an electrician go in to inspect it. Chairman Aleva asked how old the house was and Mr. Fahy said it was 15 years old. Roger said that the inspectors will have to go back to the code that was in place 15 years ago and inspect using those guidelines.

Jon Morse motioned to accept the application submitted by Shawn & Colleen Fahy to install an In-Law apartment over the garage located at 111 Linscott Road Map 2 Lot 51-1. Matthew Qualls seconded the motion. VOTE: 5-0

4. Other Business:

Roger told them that the Public Hearing for the proposed Zoning Ordinance Changes will be at the next meeting on January 23, 2020. Chairman Aleva stated that he will not be there. Roger stated that one of the changes is to enlarge the Industrial Zone. Hussey Seating is requesting to have all of their property be in the Industrial Zone. This will go before the voters at Town Meeting. Roger showed all of the members exactly where the changes would be on the map. Roger said that Hussey would like to expand but they can't right now because that part of their property is in the Residential Zone.

Anne Whitten asked if this is considered to be spot zoning. Chairman Aleva said that this wouldn't be considered spot zoning because it is already connected to an Industrial Zone so it is an expansion.

Roger stated that the other thing they are looking to change has to do with setbacks. If one house is built and the other one comes in they have to be 100 feet instead of 75 feet. They want to make it 75 feet in all Zones except Industrial and Commercial.

Roger stated that they will not be making any changes this time in regards to the barn weddings or events. The State used to let towns spot where you can serve alcohol but now you can't. If they vote to approve the liquor then it opens it up for any kind of business such as bars, taverns or breweries. You can do it in Class A restaurants only. Anne Whitten feels that Dwayne Morin or the Chairman of the Board of Selectmen should be present at this meeting to answer any possible questions.

Roger stated a man came in to see him today and told him that he wanted to have a bait shop. However, retail is not allowed in Farm and Forest so he can't do it. Chairman Aleva said that farm stands are allowed so why not a bait shop. Roger said that it is because it is considered aquaculture not agriculture.

5. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:27 pm. Jon Morse 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

Scott Strynar