

BERWICK PLANNING BOARD
MINUTES
May 19, 2011

Present: Kerry Ashburn, Paul Boisvert, Judy Burgess, Peter Perri, Ron Morrell, Tom Wright (Alternate), Mary Gagnon (Alternate), Jim Webster (CEO), and Susie Scott (Planning Coordinator).

PUBLIC HEARING

- **Robert Phillips / Proposed Conditional Use – The Food Faery Concession Trailer, 60 Route 236 (Map R-57, Lot 55)**

Bob Phillips and Clare Morabito were in attendance to propose addition of the mobile concession stand to the site with the existing business, Pitbull Automotive. This proposal will not constitute a mixed use as there are no residential units on site. Applicant hopes to provide food services on-site when not at off-site events. The unit is registered as an automobile, and cannot be fixed in one place as it has to be moved every 2 weeks per State law. Grey water will solely consist of sink water and will be discharged at the Sewer District. Applicant proposes to install a few picnic tables located near mobile unit. The Planning Board will reconvene on June 2 to further review the Conditional Use application.

Sewer District Administrator confirmed that trailers dump grey water directly at the Sewer District.

- **Craig & Cyndie Gardner / Proposed Conditional Use – Owner Occupied Apartment, 21 Stockford Lane (Map U-3, Lot 52B)**

Craig and Cyndie Gardner were present while the Planning Board discussed the proposal for an over-sized garage to be converted into an owner occupied apartment. Residence is on both public sewer and water.

MOTION by Paul Boisvert, SECOND by Ron Morrell to approve the Conditional Use Permit for Craig and Cyndie Gardner for an Owner Occupied Apartment at 21 Stockford Lane subject to Conditions of Approval (Map U-3, Lot 52B), PASSED unanimously 5-0.

APPROVAL OF MINUTES

- Minutes – May 5, 2011: Approved.

NEW BUSINESS

- **Sewage Disposal/Subdivision Regulations: Review/Discuss.**

Planning Coordinator requested clarification as to Sewer District approval of pending Planning Board applications for new and amended subdivision plans. B.S.D. Administrator, Jay Wheeler and

the District Engineer, Valerie Giguere from Underwood Engineers were present to discuss with the Board:

- Subdivision Regulations;
- Distinction between the District's capacity to serve and how proposed sewerage is to be transferred to the District;
- Approval letter to be provided by the District either as a Condition or prior to Planning Board approval.

- **Obscenity Ordinance: Review/Discuss.**

The Board requested the opinion of the Town Attorney as to whether the Town's Obscenity Ordinance in addition to Section 8.14 Adult Business of the Land Use Ordinance provide enough assurances to prohibit strip club type establishments from locating in Berwick. Section 8.14(4)a specifically refers to adult businesses being prohibited "in any zoning district *other than* the Rural Commercial Industrial (RC/I) District located on Route 4." The Board specifically requested an opinion as to whether our ordinances "would hold up in court" if Berwick were to encounter what is currently being experienced in Eliot.

Mrs. Scott will forward request to the Town Manager.

Meeting adjourned at 7:34 pm.



Kerry Ashburn, Chairman