



PLANNING BOARD MEETING MINUTES

Thursday June 4, 2015
Town Hall Meeting Room
6:30 p.m.

Call to Order

Chair Dave Andreesen called the meeting to order

Pledge of Allegiance

Introduction of Board Members

Regular Board Members Present:

Dave Andreesen; Paul Boisvert; David Dow; Nichole Fecteau; Niles Schore

Regular Board Member(s) Absent:

None

Alternate Members Present:

Judy Burgess

Staff Members Present:

Joe Rousselle, Code Enforcement Officer; John Stoll, Town Planner

Public Comment

Approval of Minutes

- May 21, 2015

Motion: Mr. Schore made a motion to approve the minutes as written

Second: Mr. Boisvert

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Paul Boisvert; David Dow; Niles Schore; Judy Burgess

Opposed: None

Abstain: Nichole Fecteau

Public Hearing

- Proposed Conditional Use-**Canoe/Kayak launch** – Friends of the Berwick Riverfront
 - 111 Rochester Street (Map U-5, Lot 20)

Chair Andreesen opened the public hearing at 6:35 p.m.

Dave Sharples, Planning Director of Somersworth, NH spoke on behalf of the City of Somersworth. Mr. Sharples requested that the City of Somersworth be included on the application as an abutting property owner. Mr. Sharples stated that he had previously expressed the City of Somersworth's concern over the proposed kayak launch in January 2014. Mr. Sharples stated that their concern was centered primarily on the proposed boat launches proximity to the City of Somersworth's water intake.

Mr. Sharples submitted a letter from Michael Abbot of Maine DEP addressed to Patrick Venne, Town Manager of Berwick. The letter from Mr. Abbot expresses concerns over close proximity to drinking water intakes as well as advice if the Town of Berwick chooses to move forward at this location.

At this time Ms. Fecteau recused herself due to a conflict of interest. Ms. Fecteau is a co-chair of the Friends of the Berwick Riverfront, and addressed the Planning Board at this time. Ms. Fecteau stated that her committee had been working on this project for the past two years and had engaged a number of stakeholders throughout the process. Ms. Fecteau stated that the letter from Michael Abbot has been used by her group to create their plan. Ms. Fecteau said that this proposed dock would be a "no-touch" entry into the river. Several low impact design (LID) elements have been included with this plan such as rain gardens and limited mowing near the river.

Eileen Dumont of 1 Hubbard Road spoke at this time. Ms. Dumont asked how parking will be enforced specifically along Rochester Street. Ms. Dumont expressed concerns over garbage; excess signage; and illegal activities taking place as a result of this proposed dock. Ms. Dumont asked who would be responsible for enforcement at this location.

Vicky Stone of 133 Rochester Street spoke at this time. Ms. Stone if this project would be reviewed individually or if it would be a phased project. Chair Andreesen said that the question regarding phasing would be answered during the joint fact finding session.

Mr. Stoll read aloud an email from David Seluk an abutting property owner. Those concerns include: water supply; setbacks; porta-potty; trash collection/litter; funding; recourse if project abandoned; is a gate considered; life guards; survey work ongoing; destabilization of an oak tree.

Chair Andreesen closed the public hearing at 6:49 p.m.

New Business

The new business concerning a conditional use amendment for David Springer was moved to this position on the agenda in order to accommodate that applicant in the interest of time.

- Workshop Proposed Conditional Use Amendment – David Springer-**Moved Up**
 - STK Self Storage, Building Addition-424 School Street (Map R-54, 15-8)

Ms. Fecteau rejoined the Board as a voting member for this item.

Mr. Stoll introduced the proposed amendment. Mr. Stoll stated that David Springer would like permission to construct a new 20 x 70 foot building to his existing commercial mini-storage business at 424 School Street. Mr. Stoll stated that Mr. Springer had already gained approval from the Berwick Fire Department for this proposed amendment and that Staff had no further concerns.

Ms. Burgess asked if there was a variance granted on one of the buildings for a variance. Mr. Springer stated that there was a setback variance granted for a building at this location.

Ms. Fecteau if any new paving would take place. Mr. Springer stated that there would be no new paving.

Mr. Stoll advised the Board that it could approve this application as an amendment at this meeting.

Motion: Ms. Fecteau made a motion to approve the requested amendment

Second: Mr. Schore

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Paul Boisvert; David Dow; Niles Schore; Nichole Fecteau

Opposed: None

Abstain: None

Old Business

- Fact Finding – Proposed Conditional Use-**Canoe/Kayak dock** – Friends of the Berwick Riverfront
 - 111 Rochester Street (Map U-5, Lot 20)

Dennis Dupuis of the Friends of the Berwick Riverfront summarized the project.

Chair Andreesen asked if the Friends of the Berwick Riverfront had approached the Town of Berwick about placing No Parking signs along Rochester Street. Mr. Dupuis stated that they had not done so at this time.

Mr. Stoll asked if the applicants would agree to a condition of approval stating that for any large event held at this location the applicants would seek selectmen approval. Mr. Stoll stated that the Police Chief would need to weigh in on enforcement of no parking at this location.

Eileen Dumont asked about the size and number of parking spaces. Ms. Fecteau stated that the parking spaces would probably be around 9 feet wide and 9 parking spaces.

Concerns were raised over the Berwick Police Department's ability to enforce rules at this location. Mr. Stoll stated that he had requested the applicants meet with the Police Chief in order to address these specific issues.

Chair Andreesen asked again if approval would consist of all three proposed phases or the entire project. Mr. Dupuis stated that he would prefer to see approval of all three phases.

Ms. Stone asked if the proposed building would have to be placed in the existing footprint of the previous building in order to avoid district setback requirements. Joe Rousselle, Berwick CEO, stated that the building could be no closer but did not have to be in the original footprint.

Frank Underwood explained that Phase I of this project did not require a DEP permit because the dock was temporary. Phase II includes an ADA compliant permanent dock and would require a permit. Chair Andreesen asked if it was required by ordinance for DEP to approve this prior to Planning Board approval. Mr. Stoll stated that a condition of approval could be added to ensure DEP approval is properly granted.

Chair Andreesen began to cover the questions presented initially by David Seluk:
The water supply for this proposed use would come from the Berwick Water Department and the bill would be paid by the Friends of the Berwick Riverfront.

One Porta Potty would be used until connection with the Berwick Sewer District. The Bill would be paid for by the Friends of the Berwick Riverfront.

Trash would be disposed of at this site by volunteers from Friends of the Berwick Riverfront.

No gate would be used at this location. Large boulders are being placed to prevent unauthorized access to the site.

Mr. Stoll began discussing all applicable performance standards one by one at this time:

7.1 Air Emissions: This proposed use does not include anything that would create air emissions: not applicable

7.2 Buffer Areas: The applicant has included vegetative screening on the Western side of the proposed structure. There is an existing vegetative buffer along the Eastern side.

7.3 Explosive Materials: No explosive materials: not applicable.

7.4 Glare: No lighting has been proposed for this project. The hours at this location will be limited to from Dawn to Dusk.

7.5 Landscaping: Existing landscaping will be retained in its current state. Applicants were advised that parking lots need to be shown on the plan and landscaping must be included to screen. There was discussion of removal of invasive plant species along the riverfront in the future. There was also discussion of courtesy boat inspections being performed at this location.

7.6 Noise: This use will be limited to a maximum allowable sound pressure level of 60 dB(A) from 7 a.m. to 10 p.m. and 50 dB(A) from 10 p.m. to 7 a.m. District guidelines will be followed.

7.7 Off-Street Parking and Loading: Parking areas must be clearly shown on the plan. Isiah Plante spoke at this time: wheel stops will be included to identify parking spaces. Mr. Stoll stated that his concern was focused on the number of vehicles and the maintenance of the lot. There are no minimum parking requirements for a municipal facility.

7.8 Refuse Disposal: Refuse will be disposed of via volunteers

7.9 Traffic: Access/Egress is available from one entrance along Rochester Street

7.10 Sanitary Provisions: Phase 1 of this project calls for the use of a porta-potty. Phase 3 of this project proposes a town sewer hookup.

7.11 Setbacks & Screening: No exposed storage areas, machinery, or sand and gravel operations have been included with this project. Is there a safety hazard to children? Ms. Dumont stated that she believed that children could wander into the site with a dock in place. Mr. Underwood mentioned that handrails or some sort of closure could be included when the dock is purchased. Ms. Dumont asked who would be liable if someone was hurt at this location. Chair Andreesen stated that the site would be covered under the Town's insurance policy.

7.12 Signs: No street signs have been proposed

7.13 Soil: Planner will include soil data

7.14: Erosion and Sedimentation Control: Any construction will utilize silt fences as erosion control to be inspected for suitability by the Code Enforcement Officer.

7.15 Storage: There will be no external storage included with this proposed use.

7.16 Storm Water Management: This project will not disturb an acre or more of earth. Rain gardens have been proposed as a component of this project. Improvements have been included which will help to filter storm water run-off from this use.

7.17 Toxic & Noxious Discharges. This use will not create any toxic or noxious discharges.

7.18 Water Quality: rain gardens and grass left to grow will act as filters for storm water running off of the site into the Salmon Falls River.

7.19 Water Supply: No water will be provided for this use during Phase 1. Phase 3 of this proposed use will utilize public water.

7.20 Access to Lots: This use will not create any new lots and is not applicable.

7.21 Non-Storm water Discharge: This use will not disturb an acre or more of earth.

7.22 Post-Construction Storm water Management Article: This use will not disturb an acre or more of earth.

9.8.I(1)a. Conformance with comprehensive Plan: Berwick Downtown Vision & Implementation Report (2014 Addendum to the Comprehensive Plan)- Recreation & Open Space Policy 2: Provide for an encourage outdoor recreation in the village center and on/along the Salmon Falls River. Action Item: Provide a boat launch for non-motorized boats.

b. Preserve & Enhance Landscape: Existing landscaping will be retained in its current state. Parking areas must be screened from abutting properties and the right of way.

c. Relationships of proposed buildings to the environment: The applicant proposes a 14 x 32 conservation building.

d. Vehicular Access: This site has access and egress from one entrance along Rochester Street.

e. Parking & Circulation: The applicant will provide a parking plan.

f. Surface water drainage: Surface drainage slopes towards the Salmon Falls River. A rain garden has been proposed by the applicant to limit potential drainage impact.

g. Existing Utilities: The Berwick Water Department has reviewed this application and has no concerns with impact to water lines. This proposed use would not utilize any storm drains. The applicant will be required to consult with the Berwick Sewer District prior to any service provided at this location.

h. Advertising Features: No signs proposed along public right of way.

i. Special features of the development: No external storage areas have been proposed with this use; this item is not applicable.

j. Exterior Lighting: No exterior lighting has been proposed. Any lighting included with this use will be standard household lighting.

k. Emergency Vehicle Access: The Berwick Fire Department and Police Department have reviewed this application and have no concerns with emergency vehicle access at this location. A Knox Box would be required for the conservation building proposed in Phase 3.

l. Municipal Services: Public Works has concerns over future maintenance of a parking lot at this location; dock weight and storage; and potential flooding at this location. The Berwick Police Department entered the following comments: "This could potentially create additional calls for service for numerous reasons; however, I do not feel that this will be excessive and can be handled with our current staffing."

m. Will not result in water or air pollution: The Berwick Water Dept. has stated: “As planned, the project does not pose a risk to the Water Dept’s operations, or the Town’s water supply. Although heavier human presence on the river tends to increase the risk of contamination, the increase is not considered significant.” A letter was submitted on 2/14/14 addressed to Patrick Venne, then Town Manager stating concerns from Michael Abbott a hydro geologist from Maine CDC Drinking Water Program.

n. Sufficient Water: Phase 3 of this proposed use would utilize public water.

o. Will provide for adequate sewerage waste disposal: Phase 3 of this proposed use will utilize public sewer.

p. Will not have adverse-effects on the scenic or natural beauty of the area: Pictures of the lot have been included and a painting by a local artist depicting the dock in place.

q. financial capacity: The Friends of the Berwick Riverfront have raised \$11,200 in private donations for this proposed use.

r. 250 feet of shore quality of water: Letter Michael Abbott & Note from Chris Weisman referenced. Ms. Fecteau stated that local water monitoring group will utilize this site in the future so the impact at this location can be evaluated.

s. Low Impact Design: The applicant has proposed a rain garden as well as no mowing techniques as low impact design inclusions for this project.

To Do List: 1. Parking lot with defined parking spaces will be included on the plan; 2. City of Somersworth must be included on the application; 3. Meet with Police & Fire Chief; 4. Parking Lot Design included on plan

Ms. Stone asked about the use of the proposed building at this location and what would be allowed. Mr. Dupuis said that canoe and kayaks would be stored for your recreational activities at this location. Mr. Stoll stated that acceptable uses would be those included on the plan, in the narrative, or ancillary to the primary use.

Scott Richardson stated that a source water protection plan draft was created within the last year and Mr. Richardson suggested that the plan be reviewed.

A site walk was scheduled for June 18th at 5 pm.

Ms. Burgess asked if phasing could be addressed. It was agreed upon that approval would be granted for what was included on the plan and any deviation from that plan would require Planning Board approval through a plan amendment.

Mr. Schore stated that application was being brought forth by the Town of Berwick and uses at this location should be controlled through the recreation department.

Chair Andreesen called for a 5 minute recess at this time.

- Decision Letter Approval **Subdivision Amendment**-Nicholas Curtis
 - Ledge Lane off of Old Sanford Road (Map R-41, Lots 15-1 & 15-2)

Motion: Niles Schore made a motion to approve the letter as amended

Second: Paul Boisvert

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Paul Boisvert; David Dow; Niles Schore;

Opposed: None

Abstain: Nichole Fecteau

- Decision Letter Approval – Proposed Conditional Use Amendment – **Building Addition**
– Gary Collins Sr
 - 510 Portland Street (Map R-72, Lot 16)

Motion: Niles Schore made a motion to approve the letter as amended

Second: Judy Burgess

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Paul Boisvert; David Dow; Niles Schore; Judy Burgess

Opposed: None

Abstain: None

New Business

- ~~• Workshop Proposed Conditional Use Amendment – David Springer **Moved Up**
○ **STK Self Storage, Building Addition** 424 School Street (Map R-54, 15-8)~~

Other/Non-Agenda Items

Public Comment

Adjournment

Motion: Nichole Fecteau

Second: David Dow

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Paul Boisvert; David Dow; Niles Schore; Nichole Fecteau

Opposed: None

Abstain: None

The Board adjourned at approximately 9:10 pm.

Minutes prepared by Town Planner John Stoll, for consideration at the Berwick Planning Board's June 18, 2015 meeting

Signed as Approved by the Board:

Dave Andreesen, Chair

Date