



BERWICK PLANNING BOARD

MINUTES

June 21, 2012

PRESENT: Kerry Ashburn, Peter Perri, Judy Burgess, Paul Boisvert, Ron Morrell, Niles Schore, Alternate, Ken Poirier, Alternate, Attorney Bryan Dench, Kelton, Taintor & Abbott; Jim Webster, CEO and Joan Michaud, Planning Coordinator

Meeting was called at to order at 6:30 p.m. by Chair, Kerry Ashburn.

UNFINISHED BUSINESS:

- Sullivan School Associates LP / Bateman Partners, 45 School Street (Map U-4, Lot 142) : Proposal to Amend Site Plan – Continued

Present: Nathan & David Bateman, Sullivan School Associates; Jim Fisher & Lee Allen, Northeast Civil Solutions; David Lloyd, Archetype; Attorney Ronald Ward, Drummond Woodsum

Paul Connolly, Principal of Civilworks, in Dover, NH and hired by the Planning Board to do a Peer Review, stated that out of the 10 items that he had noted as outstanding issues on the developers previously submitted documents, all but two had been resolved to his satisfaction. The two outstanding items were related to Storm Water Inspection and Maintenance Check List and Log and the Storm Water Drainage Analysis final review.

He went onto say that the area calculations were checked and they are precise and accurate. The Traffic report was in order and in addition to the spot grading in the parking lot. In response to Dave Rodrigue's letter to the Board regarding adequate paving and turning radius that had been revised to address those issues.

He told the Board that he would need about two week to review and wrap up the Stormwater Management report that had just been submitted by NECS.

Peter Perri asked if Paul had any recommendations regarding the traffic count study that was done. He replied that no impact would be felt for the estimated 10-12 weekday trips every six minutes.

Paul Boisvert asked with the turn radius change, would there be any repercussions? Paul Connolly replied that there was more than adequate space to accommodate large vehicles such as delivery trucks.

Kerry Ashburn noted that the questions that had been sent to Maine State Housing Authority (MSHA) had been answered and asked the Board if they had any comments or questions they wished to discuss. Paul Boisvert mentioned his concern about the worst case scenario impact to the schools. MSHA replied that they did not have any analysis or data in that area. He felt that MSHA should have the data. Judy Burgess responded that she felt the data would be on file with the School District. Kerry Ashburn agreed that studies of the area must be available through the school and the school should be able to supply a formula that they used when contemplating hiring a seventh kindergarten teacher. She felt that the impact to the Vivian Hussey School was her main concern. The Chair directed the Planning Coordinator to contact the school or the School Board Chair to see if they had data that they could share with the Planning Board.

Attorney Dench asked the Chair if the Board was focusing on the population of Special Needs children or the total number of children. The Chair stated that her concern was the impact on the Hussey School. Judy Burgess was very uncomfortable talking about 'a population' but she was very concerned with the school and she felt that two bedrooms would have limited but three bedrooms almost guarantee more children.

Kerry Ashburn quoted a section of the Ordinance which read that the developer will not have a reasonable adverse affect on municipal services. Judy Burgess noted that every department head had submitted a letter stating that they did not feel there would not be any adverse impact to their services with the Sullivan School project with the exception of the School Department.

Ron Morrill stated that in his opinion that there is a circumstance with the project for an influx of children that would be out of the ordinary. The project is subsidized by the municipality, the state and federal government and because it is subsidized brings in a higher percentage of children that is not ordinary. He felt that the project was only economically feasible because it was subsidized by the state, federal and municipal governments. Niles Schore questioned what Ron's comment had to do with the number of children. Ron replied that because they are subsidized, a certain amount of bedrooms is required which brings in a higher number of children. Niles didn't feel that because they were low income units, that there would be an additional amount of children than three bedroom luxury units would bring in. Paul Boisvert said that there was a document provided by MSHA that stated that Section 8 housing brought in significantly more children and Section 8 vouchers would be accepted in the project.

Peter Perri felt that the letters from the Police and Fire Departments were two years old and, at the time they were written, did not include three bedrooms. The Planning Coordinator was asked to contact the department heads for their thoughts if the additional bedrooms would affect the services that they provide to the town.

Attorney Ward, on behalf of the developer, spoke to the process. He felt it was time to make a decision and was frustrated with outstanding issues and new questions that had come up.

He said that in their original application that was approved, the developer estimated that there would be 12-20 children from this project and is still an estimate. Attorney Ward stated that Phoenix Management had reached out to other project managers on what the impact of three bedrooms units would be. The answer that came back was that they are closer to the 20 children but were still within the range of similar and local housing units such as Applegate which is a LIHTC C project with 28 units and currently has 14 children living there; roughly the same ratio that they are reporting to the Board. The data that was collected reflects that three bedroom units are generally harder to rent and not filled up with kids. The third bedroom might be used for an elderly adult or that one of the children was of a different gender and they get to the age that they require a separate bedroom. He felt that the Board could not turn the applicant down just on the school impact with the documents and data that had been provided to the Board and were looking for fair treatment.

Paul Boisvert rebutted that the Planning Board would have liked to have had fair treatment in 2010 – 2011 when two plans, one with a significantly larger footprint, were being submitted simultaneously by the developer.

Niles Schore asked how the addition was built 40 feet longer than the developer had originally told the Board and that the Board had yet to receive an answer for how it happened. Attorney Ward said that the TRO documents in the brief that was submitted to the York County Superior Court have the answer and he suggested that Attorney Dench walk the Board through the documents. He said time was of the essence and that the Board needed to make a decision.

Kerry Ashburn commented that she understood that time was of the essence to the Applicant but that time was not on the Board's side. She apologized for the Berwick Citizens that wanted to make a difference on the Board for taking a little longer to review the submissions and have some questions along the way, but they want to have solid facts to back or not to back the project.

Peter Perri asked the Design Team if they were aware that the Town and the State have a Building Code. David Lloyd replied that the project meets or exceeds all the codes and must under the Maine State Housing Authority guidelines. He stated that he had also met with the Town's CEO and Fire Chief and reviewed all the documents with them.

Judy Burgess asked Jim Webster whether inspections are done by the State for projects like the Sullivan School. Jim replied that the State Fire Marshall (SFM) Inspector reviewed all the plans for the project that were submitted to the SFM's office. The SFM office reviews the Life Safety egress but does not review structural or mechanical components of the project.

Kerry Ashburn read from a document that was submitted dated May 10, 2012 from Phoenix Management to NECS which included an analysis of data collected which stated that, as a general rule, tenants in Section 8 housing typically have more children than in LIHTC housing projects.

Judy Burgess stated that Applegate is a LIHTC project and that figures should be available from the management company. Nathan Bateman stated that Applegate is run by Rural Development and like MSHA requires that both adult and children be reported and that he has a report that lists 14 children currently live in Applegate. Kerry requested a copy of the

report to be forwarded to her.

Kerry Ashburn announced that the discussion on the Sullivan School will be continued to the next scheduled meeting on July 19th.

APPROVAL OF MINUTES

- Minutes – May 17, 2012: Accepted as Amended

COMMENTS

- Ron Long, 423 Pine Hill Road, asked the Chair who set the agenda and why the Police Station, as requested by the Board of Selectmen, was not included on the night's agenda. The Chair stated that the Planning Coordinator sets the Agenda. Joan Michaud then stated that because the last two meetings on the Sullivan School project were so lengthy, that nothing more was added to the Agenda that night.
- Paul Boisvert brought to the Board's attention that it states in the Ordinance that the Board has 30 days from the date of the Public Hearing to make a decision on the Application unless mutually agreed to move the vote out to a later date.

The Planning Coordinator was requested by the Chair to contact the Applicant to see if they would be available for a meeting on July 5th and, if not, if they would agree to move the decision date out to the July 19th scheduled meeting.

There was some further discussion by the Board with their Attorney on a section in the Ordinance that refers to 'unreasonable adverse' impact from a legal perspective. Attorney Dench said that he would try to get something back to the Board with some clarification on that statement.

The meeting adjourned at 7:57 p.m.


Kerry Ashburn, Chair