



PLANNING BOARD MEETING MINUTES

Thursday September 4, 2014
Town Hall Meeting Room
6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Regular Board Members Present:

John Higgins; Niles Schore; Judy Burgess; Paul Boisvert; David Dow

Regular Board Member(s) Absent:

None

Alternate Members Present:

Dave Andreesen

Alternate Members Absent:

None

Staff Members Present:

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

Approval of Minutes

- August 21, 2014

Mr. Boisvert pointed out an error which refers to a site walk “held earlier that evening” which should be “August 7, 2014.”

Chair Higgins made a motion to accept the minutes as amended; on a second from Mr. Schore:

VOTED – 4-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Niles Schore; David Dow

Opposed: None
Abstain: Judy Burgess
Alternate: Dave Andreesen
Absent: None

Old Business

- Conditional Use Application – Bottle Redemption Center
 - (Map R-54, Lot 15-2) 9 Commercial Drive – Daniel & David Mitchell – **Decision Letter**

Chair Higgins made a motion to accept the letter as written, on a second from Mr. Schore:

VOTED – 5-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Judy Burgess; Niles Schore; David Dow
Opposed: None
Abstain: None
Alternate: Dave Andreesen
Absent: None

- Conditional Use Amendment – Subway Restaurant
 - (Map U-4, Lot 2) 10 Sullivan Street – Maine Subs-**Decision Letter**

Chair Higgins made a motion to accept the letter as written; on a second from Ms. Burgess:

VOTED – 5-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Judy Burgess; Niles Schore; David Dow
Opposed: None
Abstain: None
Alternate: Dave Andreesen
Absent: None

- Conditional Use Amendment – Add additional storage building
 - Old Route 4 Storage, LLC-565 Portland Street-**Decision Letter**

Chair Higgins made a motion to accept the letter as written; on a second from Mr. Schore:

VOTED – 4-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Niles Schore; David Dow

Opposed: None

Abstain: Judy Burgess

Alternate: Dave Andreesen

Absent: None

- Proposed 7 lot Major Subdivision Preliminary Application– Wedgewood Commons, LLC
 - (Map U-3, Lot 9) Sullivan Street & Logan Street – **Final Action**

Mr. Stoll read a letter from an abutting property owner, Luisa Sheldon; into the record (This letter is available in the Wedgewood Commons file in the Planning Office). This letter concerns storm drainage issues near the proposed subdivision on Sullivan Street.

John Hutchins of Corner Post Land Surveying represented this application. Mr. Hutchins stated that they had no intentions of routing any storm drainage into the Town’s system. Storm water will continue to drain into the wetlands along the back side of this lot.

Chair Higgins asked if the applicant had any discussions with the Berwick Historical Society. Mr. Goodrich explained that they had met with representatives from the Historic Society and walked the property with them. Pat Boisvert read a letter explaining the meeting between the Historic Society and the applicants. The letter stated that the builders would contact the Historic Society if any relevant discoveries were made during excavation. Concern was expressed over cutting of large trees on the site. Ms. Burgess stated that the developer should make a good effort to retain trees on the site. Mr. Boisvert stated that the subdivision regulations require the developer to preserve as many trees as possible with a circumference over 24”. Mr. Stoll suggested that a condition be included on the plan stating: “The applicant shall make a good faith effort to preserve as many trees as possible within this subdivision.”

Mr. Boisvert pointed out that there could potentially be running water flowing along the back of the parcel that drains into a culvert. Mr. Boisvert stated that the Town should maintain that culvert and prepare it so that storm water drains appropriately at that location.

Frank Underwood asked about the timeline for construction of the houses on the proposed subdivision. Ms. Burgess stated that the homes are not spec and would be built to order on site. Mr. Underwood noted that runoff from Sullivan St. has diverted on to the Prime Tanning lot and flowed into the building at times.

Chair Higgins made a motion to accept the findings of fact & conclusions of law and approve the application for a 7-lot major subdivision; on a second from Mr. Schore:

VOTED – 5-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Judy Burgess; Niles Schore; David Dow

Opposed: None

Abstain: None

Alternate: Dave Andreesen

Absent: None

New Business

- Sketch Plan- proposed 4 lot minor subdivision - Fund of Jupiter
 - (Map U-4, Lot 146) 20 Sullivan Street – Prime Tanning Building

Scott Anderson a land use attorney from Portland represented Fund of Jupiter before the Board. Mr. Anderson explained that the parcel would eventually come out of bankruptcy and be owned by Fund of Jupiter. Mr. Anderson stated that the first step in this process would be to subdivide the property. The second step would be to apply for an EPA Brownfields grant in order to clean up any environmental contamination on the site. Step three will be the actual environmental remediation. Step four would be marketing and redevelopment of the site where the applicant would return to the Planning Board with a more detailed plan.

Chair Higgins explained that the Planning Board was proposing new land use ordinance and Subdivision regulations. Chair Higgins stated that setback and dimensional requirements would be changing in the Urban Overlay zone.

Mr. Anderson stated that Fund of Jupiter would be submitting a very basic subdivision with no development proposed on the plan at this time.

Rip Patton an environmental engineer from Credere Associates addressed the Board. Mr. Patton explained that his company worked with municipalities to identify and clean up Brownfields sites. Mr. Patton stated that Credere Associates does not work for the Town or for Fund of Jupiter. Mr. Patton explained a proposed development plan at this time. One lot would be a “quick serve” development along School Street (quick serve refers to businesses such as convenience stores; pharmacies; drive through restaurants, etc.). Mr. Patton stated that a new road could be created through the center of the lot. One section of the proposed development could be mixed use with retail on the lower floors and professional offices or residential on the upper floors. Another section of the plan would include light industrial uses. Mr. Patton explained that each parcel created through subdivision could be a source of additional Brownfields funding.

Chair Higgins stated that the Board would favor a more historic development that is pedestrian oriented and geared towards small business.

Dave Andreesen asked what the applicant would consider light industrial. Mr. Patterson stated that he couldn't completely answer that question, but it could be technology or small manufacturing. Mr. Andreesen asked what type of business would find Berwick attractive. Mr. Patterson stated that it wouldn't be a Target or a large box store like that, but they had no concrete information on potential residents.

Mr. Boisvert stated that the Board had approved subdivisions with no uses included before, and that it has worked out well being able to review.

Mr. Stoll stated that proposed land use ordinance amendments wouldn't eliminate uses in this district, but would regulate the form of the building. (The building form would include things like parking locations and screening as well as eliminating setbacks and creating build to lines.)

Mr. Anderson stated that Fund of Jupiter was interested in balancing economic opportunity with the Town's vision for the lot.

Ms. Burgess asked if the reason for the "blank" subdivision was to apply for Brownfields funds. Ms. Burgess stated that it was important for everyone to realize that this subdivision was a necessary component to apply for those funds. Ms. Burgess asked who would actually be applying for this subdivision. Mr. Anderson stated that Fund of Jupiter would be the applicant for this subdivision. Ms. Burgess asked if it was necessary for a municipality or non-profit to be the applicant for Brownfields funds. Mr. Patton stated that this was a requirement, and that a private company could not apply for Brownfields funds. Ms. Burgess stated that there was precedent for this in Southern Maine pointing to North Berwick as an example where ownership was transferred to a non-profit in order to apply for Brownfields funds. Mr. Patton stated that a good example of a similar process to Berwick took place in Sanford where the City took a mill property by eminent domain in order to apply for Brownfields funds and then transferred the rights back to a private entity.

Mr. Schore stated that he understood that in order to apply for Brownfields funds a use was necessary. Mr. Schore asked how they planned to proceed if no use would be identified. Mr. Patton stated that under DEP approval all non-residential uses would be evaluated the same, but if the applicant wanted to include residential uses it would require more detail. Mr. Schore asked for clarification as to whether this was a four or six lot subdivision request. Mr. Anderson stated that they are still working on finalizing the number of lots, but it would be between 4 and 6 lots. Ms. Burgess reminded the applicant that 5 lots would trigger a major subdivision.

Mr. Anderson stated that there was a critical timing issue that had a November filing deadline for the Brownfields grants. Mr. Patton stated that the Town would apply for grants in November and if awarded would not be able to spend the funds until at least August so if that deadline was missed this could delay redevelopment another year.

Mr. Stoll asked the applicant if it was true that the maximum number of lots that could receive a grant was 3 or 4 with a waiver. Mr. Patton stated he would have to double check that. Mr. Stoll stated that the current proposal would not meet the Land Use Ordinance dimensional requirements and would require a note on the plan that no permits/development could take place

until the applicants returned to the board with a plan that was in compliance with the Land Use Ordinance.

Chair Higgins pointed out to the applicants that there would be significant changes to the land use ordinance and many of those changes would apply to the area that the applicant's property was located in.

Mr. Andreesen asked if this plan is possible within the two month time frame. Mr. Stoll stated that it was completely possible, but everyone needs to be on the same page.

Mr. Boisvert asked if there was any other reason for asking for 6 lots vs 4 lots in a subdivision besides getting more money from Brownfields grants. Mr. Anderson stated that there would be no other reason to consider at this time.

Joann St. Pierre stated that they do not know who Fund of Jupiter is and wanted to know if they were an English company. Mr. Anderson stated that they were a Florida company. Ms. St. Pierre asked if they were affiliated with Jupiter Asset Management. Mr. Anderson stated that they did not know. Ms. St. Pierre asked what would happen if only two of the four potential lots received funding what would happen to the unfunded lots. Mr. Patton stated that if funds weren't received for one specific area that there are funds available to make up the difference. Ms. St. Pierre asked how much money the Town would need to match for the grant. Mr. Patton stated that it would be a 20% match so \$40,000 per lot. Ms. St. Pierre asked why the Town wouldn't foreclose on the property and handle the redevelopment themselves. Ms. Burgess stated that the question would be appropriate for the Board of Selectmen.

Ms. Burgess asked Rip Patton how long the process took for the Sanford Mill project. Mr. Patton stated that he wasn't sure but estimated around seven years.

Dennis Dupuis owner of Deb & Duke Monogram, asked for clarification of the area that would be included for this project. Mr. Patton stated that this specific project would only include the primary parcel bounded by Wilson, Sullivan, and School Street (U4, 146).

Frank Underwood stated that the Berwick Vision Committee had created a list of frequently asked questions and that they would like to prepare another FAQ to handle this project as well.

Kevin Gray stated that Mr. Kehaya or Fund of Jupiter has personally been in Berwick on several occasions to meet with various committee members. Mr. Gray stated that he did not believe that this was any shell corporation, but a real person who has shown considerable personal interest in this project.

Other

Public Comment

Adjournment

Chair Higgins made a motion to adjourn: Ms. Burgess seconded

VOTED – 5-0 in favor

Motion Passed

In favor: John Higgins; Paul Boisvert; Judy Burgess; Niles Schore; David Dow

Opposed: None

Abstain: None

Alternate: Dave Andreesen

Absent: None

The Board adjourned at approximately 9:15 p.m.

Minutes prepared by Town Planner John Stoll, for consideration at the Berwick Planning Board's September 18, 2014 meeting

Signed as Approved by the Board:

John Higgins

Date