



PLANNING BOARD MEETING MINUTES

Thursday May 21, 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; Niles Schore

Regular Board Member(s) Absent:

Nichole Fecteau

Alternate Members Present:

Judy Burgess

Staff Members Present:

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

Chair Andreesen appointed Ms. Burgess as a voting member for this evenings meeting.

Public Comment

None Entered

Approval of Minutes

- May 7, 2015

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

Second: Paul Boisvert

VOTED – 5-0 in favor

Motion Passed

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

Opposed: None

Abstain: None

Public Hearing

No Public Hearing

Old Business

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

Mr. Stoll explained that the applicant wanted to remove a right of way, known as Ledge Ln, within the subdivision. Town Staff have reviewed the application and have no concerns as long as the two lots that border Ledge Lane are merged into one lot.

Motion: Mr. Boisvert made a motion to approve the amendment for Nicholas Curtis for map R-15-1 to combine the lots and remove right of way shown on the plan.

Second: Mr. Schore

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

Mr. Stoll introduced the project. The applicants intend to place a removable boat dock for public kayak and canoe access to the river. Mr. Stoll stated that he had noticed all abutting property owners within 200 feet of this project to gather input going forward.

Dennis Dupuis of the Friends of the Berwick Riverfront explained the project. Phase I of this project would be placing a dock in the river. Mr. Dupuis stated that the property had been officially surveyed. The applicants have met with Maine DEP and have applied for a permit by rule. Phase II of this project would place a dock that is ADA (American Disabilities Act) accessible on the river. Boulders will be placed on the lot in order to prevent automobile access to the river. Phase III will place a 14' x 32' structure on the site.

Mr. Boisvert asked the applicant what the City of Somersworth was planning on their lot on the New Hampshire side of the river. Mr. Dupuis stated that Somersworth was planning a walk in boat launch and recreation site. Mr. Boisvert asked who would be responsible for maintenance at this location. Mr. Dupuis answered that the Friends of the Riverfront volunteers would be responsible for maintenance.

Mr. Schore asked what the purpose of the proposed structure was. Mr. Dupuis stated that the building would hold a small office and conservation information and boating safety equipment.

JD Fecteau, Berwick resident, asked if the lot had enough frontage and minimum lot size to complete this project. Mr. Fecteau also pointed out that Phase III of this plan showed a ramp on an abutting property. Mr. Dupuis stated that the surveyor would need to move the ramp on to Town property. Mr. Stoll read from the Berwick Land Use Ordinance addressing the nonconforming lot of record:

“Article 5.2.D.2. Non-Conforming Lots of Record. Built Lots. A non-conforming lot of record that was built upon prior to the enactment or subsequent amendment of the ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this ordinance a variance shall be obtained from the Board of Appeals.”

Vicky Stone, Berwick resident, expressed concern over Phase III of this project. Ms. Stone stated that this project should be approved phase by phase. Ms. Stone was concerned about motorized vehicles on the water and the safety of canoes and kayaks. Ms. Stone was also concerned about potential events at this location and how rules would be enforced in Town.

Mr. Rousselle explained that the applicants have one year from the date of demolition to replace the prior building utilizing the condensed setbacks.

Mr. Stoll stated that he would like to hold a joint fact finding for this project with the public potentially at the next meeting.

David Seluk, an abutting property owner, asked if setbacks had changed recently in this zone. Mr. Seluk asked where the building is legally allowed to be placed. Mr. Stoll stated that the building must be placed in the existing footprint. Mr. Rousselle explained that the applicants are allowed to build along a line of demarcation as close as eight feet from the property line.

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

Mr. Stoll explained this project. The applicants propose expanding their existing building with a 50' x 100' expansion that would meet all existing zoning requirements. There is an existing condition of approval included that states that no building may be placed on the site without additional Planning Board approval. The applicants are required to acquire an amendment from the Planning Board to construct the requested addition.

Mr. Boisvert pointed out that the lot size was wrong for Map R-72, Lot 16. Mr. Stoll stated that the application should be changed to Map R-72, Lot 16A.

Ms. Burgess asked if an amendment to a conditional use required a public hearing. Mr. Stoll stated that an amendment does not require a public hearing and that the Board could approve this request this evening.

Mr. Schore asked if the applicants would hire additional employees. The applicants stated that they would hire additional workers if they could build this structure.

Motion: Mr. Schore made a motion to accept the request for a conditional use amendment to construct a 50' x 100' building expansion.

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: None

Other/Non-Agenda Items

Public Comment

None Entered

Adjournment

Motion: Mr. Schore made a motion to adjourn

Second: Mr. Dow

VOTED – 5-0 in favor

Motion Passed

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

Opposed: None

Abstain: None