



PLANNING BOARD MEETING MINUTES

Thursday December 6, 2018

Town Hall Meeting Room

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

David Andreesen; Paul Boisvert; Niles Schore; Sean Winston

Regular Members Absent:

Nichole Fecteau

Alternate Members Present:

Michael LaRue

Staff Members Present:

Lee Jay Feldman, Town Planner; Dan Vincent, Code Enforcement Officer

Public Comment

Approval of Minutes

1. November 1, 2018

Motion: Niles Schore motioned to adopt the minutes as presented.

Second: Paul Boisvert

VOTED – 4-0 in favor

Motion Passed

In favor: Paul Boisvert; Niles Schore; Sean Winston; Michael LaRue

Opposed: None

Abstain: David Andreesen

New Business

- 2. Conditional Use Application, Industrial Use. 6 Industry Drive, Aquifer Protection Zone. Northeast Redi Mix.**

Lee Jay Feldman stated he considers the use as Industrial Use, and within the Aquifer Protection District, that use is not allowed. Mr. Feldman stated there is missing stormwater information and to move forward, the applicant would either need to provide the information or ask for a waiver. The *Beginning with Habitat* Map shows black racers habitat within the area. Lee Jay Feldman stated the subject matter at hand is more complicated than just Industrial Use within the Aquifer Protection District.

In the Land Use Ordinance Mineral Industrial is in the Land Use Ordinance, which is allowed in the Aquifer Protection District. There is no definition of Mineral Industry in the Land Use Ordinance. Mr. Feldman explained that the Redi Mix project across the street was classified as an Industrial Use.

Brad Morin, attorney of Northeast Redi Mix, said that whether or not the project is in the Aquifer Protection District is not relevant because Mineral Industry would be allowed in either district.

The co-owner of Northeast Redi-Mix said material is trucked in. Mr. Morin said he would argue it would be processing. Mr. Morin said a Mineral Industry definition does not appear in the Land Use Ordinance. Mr. Morin references Section 8.10 in the Land Use Ordinance and the Use Table, which allows Mineral Industry under a Conditional Use.

Code Enforcement Officer, Dan Vincent, read a definition of Mining Industrial from Standard Industrial Classifications. Mr. Morin said this definition does not shine light on the issue at hand.

Lee Jay Feldman said for everyone's benefit, the next appropriate step would be to speak with the Town's attorney.

There was a discussion on how the use should be defined.

- 3. Sketch Plan – Norman Court. R2 Zone. Paul Hollis, NC Berwick LLC.**

Lee Jay Feldman stated that because time has passed, the project has lapsed back to Sketch Plan Subdivision.

Paul Hollis said the engineering has been completed for the subdivision. Town Water & Sewer still need to comment on the project. Mr. Hollis said he intends to be back in the given timeframe to move the project forward to Preliminary Subdivision.

Information Items

Public Comment

Manley Gove, an abutter to Industry Drive, spoke about issues at his property and spoke to the Aquifer Protection District. Mr. Gove said that Mick Construction brought in fill, which according to Mr. Gove is causing draining issues on Mr. Gove’s property. Mr. Gove said the water issues should be addressed before any Conditional Use permits are issued. Mr. Gove said a cul-de-sac was on a plan that was not built.

Lee Jay Feldman discussed the storm water issues and also a landscaping plan that was found that does not appear to be followed.

The co-owner of Mick Construction said they took the berm out which had \$30,000 worth of trees on it, they took the berm and trees out because they needed the sand and they said it was approved by the Code Enforcement Officer.

An unidentified man said that Manley Gove over dug his property.

The Planning Board requested that the Code Enforcement Officer investigate the area further.

Adjournment

Motion: Michael LaRue

Second: Sean Winston

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; Paul Boisvert; Niles Schore; Sean Winston; Michael LaRue

Opposed: None

Abstain: None

Minutes prepared by Town Planning Technician James Bellissimo, for consideration at the Berwick Planning Board’s November 15, 2018 meeting.

Signed as Approved by the Board:
