



# PLANNING BOARD MEETING MINUTES

Thursday March 5, 2020  
Town Hall Meeting Room  
6:30 p.m.

## Call to Order

## Pledge of Allegiance

## Introduction of Board Members

*Dave Andreesen; Sean Winston; Michael LaRue; Nichole Fecteau; Frank Underwood*

***Regular Member Absent:***

***Alternate Member Present:***

***Alternate Member Absent:***

*David Ross-Lyons*

***Staff Members Present:***

*Lee Jay Feldman, Director of Planning; Jenifer McCabe, Code Enforcement Officer*

## Public Comment

## Approval of Minutes

1. February 20, 2020

**Motion:** Sean Winston motioned to approve the minutes as presented.

**Second:** Michael LaRue

**VOTED – 3-0-2 in favor**

## Motion Passed

In favor: Dave Andreesen; Sean Winston; Michael LaRue

Opposed: None

Abstain: Nichole Fecteau; Frank Underwood

## Public Hearing

2. Conditional Use Application. Adult Use Marijuana Storefront. 60 Route 236 (R-57 55) RC/I Zone. Silver Therapeutics.

## Old Business

2. Conditional Use Application. Adult Use Marijuana Storefront. 60 Route 236 (R-57 55) RC/I Zone. Silver Therapeutics.

Lee Jay Feldman read his initial memo. Frank Underwood asked if the floor to ceiling height was remaining the same. Josh Silver of Silver Therapeutics confirmed it was remaining the same.

Mr. Underwood asked about the contour plan and the drainage on the site. Mr. Underwood asked about a berm and Mr. Silver said the plan will include a berm. Lee Jay Feldman said a small pond could handle the water. Mr. Underwood said there is plenty of relief to go in the ditch line along Route 236.

Josh Silver clarified that the applicant is Silver Therapeutics of Berwick LLC a Maine registered company with a co-owner who has residency in Maine.

Sean Winston said permeable pavement tends to fail over time due to lack of maintenance. Mr. Winston recommended standard pavement, a berm, drainage and a small detention pond. Nichole Fecteau asked about the existing fence and Mr. Silver confirmed the fence will be heightened and extended and the drainage suggestions from the Board will be implemented.

## New Business

3. Conditional Use Application. Substantial Expansion. 541 Portland Street (R72 7-A) RC/I Zone. Redimix Corporation.

Justin Zdunczyk of Pike said the office expansion is for organizing incoming and outgoing parts, and the activity is already happening on site.

**Motion:** Nichole Fecteau motioned to find the application complete.

**Second:** Sean Winston

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Nichole Fecteau;

Frank Underwood

Opposed: None

Abstain: None

*A Public Hearing was set for March 19<sup>th</sup>*

4. Sketch Plan. Subdivision Amendment. 241 Cranberry Meadow Road (R32-15) R2 Zone. Hersom.

Lee Jay Feldman explained the creation of a new lot constitutes a subdivision amendment to a previously approved subdivision. Chris Mende, representative of the applicant introduced himself. Mr. Mende said the lot has been subdivided twice previously. The swimming pool is encroaching upon the setback according the plan, which Mr. Mende said is based on an aerial view and the distance will be plus or minus five feet. Mr. Mende said there has been a Medium Intensity Soil Survey and asked if a High Intensity would be required.

Nichole Fecteau said the well location could be a problem during appraisal. Frank Underwood asked if the limiting factor of soil should be shown on the plan.

Mr. Mende said there was a waiver granted allowing the well to be 50' to the front property line and asked if the same waiver would apply to this application.

Lee Jay Feldman said the application could be complete in two, rather than three meetings as the next meeting could be Final Plan approval.

5. Site Plan Review. Funeral Home. Cemetery Road (R36-46) R2 Zone. Lang-Bibber Funeral Home

Lee Jay Feldman read his memo to the Board. Geoff Aleva of Civil Consultants introduced himself as the representative of the project. Mr. Aleva said there will be more parking provided than what is prescribed in the ordinance. The project includes a plan for a caretaker apartment. Mr. Aleva said all stormwater discharge is minimal which collects in a wetland. The three discharges amount to 1 CFS during a 100-year storm, Mr. Aleva said the flow would be very small.

Frank Underwood asked about the bodily fluids and the impact they would have on a septic system. Richard Bibber said their operations in Wells and Kennebunk are on tanks and the use has not caused any problems in the many years of operation.

**Motion:** Frank Underwood motioned to find the application complete.

**Second:** Nichole Fecteau

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Nichole Fecteau;

Frank Underwood

Opposed: None

Abstain: None

*Site Walk was scheduled for 5:30PM and Public Hearing set for 6:30 PM for March 19<sup>th</sup>.*

6. Site Plan Review. Adult Use Marijuana Cultivation Facility. 11 Pond Road (R70-16) RC/I Zone. CAF Realty of Maine.

Lee Jay Feldman read the memo to the Board. Part of the lot is in South Berwick and the Town has been notified of the project.

Mike Sievert of MJS Engineering introduced himself as the representative of the project. Mr. Sievert said the first building is larger because it has offices and bathrooms, the buildings in the next phases would not have either. David Ayer, the applicant, is an electrician and intends to put solar panels on the metal roofs.

Frank Underwood asked about security along power lines due to increased ATV and other recreational activity along power lines. Mr. Underwood asked if the applicant would come back to the Planning Board for subsequent phases. Mr. Feldman said a condition could be placed to have the applicant come back and it wouldn't have to be a highly technical review for each phase when they do come back.

Dave Andreesen said primary concerns are screening, lights and a tight odor control plan.

Mr. Sievert said the entire property will be fenced.

Nichole Fecteau said nine plantings are not sufficient.

Lee Jay Feldman said there was a large-scale fire in Eliot and said the applicant will need to do research on the buildings if they have to be sprinkled.

**Motion:** Michael LaRue motioned to find the application complete.

**Second:** Frank Underwood

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Nichole Fecteau; Frank Underwood

Opposed: None

Abstain: None

*Site Walk was scheduled for 5:30PM and Public Hearing set for 6:30 PM for April 2<sup>nd</sup>.*

**Public Comment.**

Heidi Leveille of 11 Perrys Way expressed her concern with the amount of marijuana establishments coming to town. Dave Andreesen said come June, the number of establishments will be capped. Ms. Leveille said there has been an increased amount of traffic down Perrys Way. Nichole Fecteau suggested having a representative from the Berwick Police Department about the increased activity.

Paul Amatucci of 12 Perrys Way said one of the most peaceful neighborhoods will be disrupted by the use. Frank Underwood said the Land Use Ordinance was voted in for the first time in 1986. The entire Route 4 corridor from Day 1 is Rural Commercial/Industrial.

Mr. Massios of 386 Portland Street said he is concerned about well contamination and marijuana waste.

**Informational Items**

Lee Jay Feldman said Tom Reinauer, KACTS Director for 27 years, is moving on to Maine DoT.

Thank you, Tom, for all your hard work and assistance to the Town of Berwick over the years!

**Adjournment**

**Motion:** Sean Winston

**Second:** Frank Underwood

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Sean Winston; Michael LaRue; Nichole Fecteau; Frank Underwood

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:

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