



PLANNING BOARD MEETING MINUTES

Thursday April 16, 2020
Town Hall Meeting Room
6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

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

Regular Member Absent:

Alternate Member Absent: *David Ross-Lyons*

Staff Members Present: *Lee Jay Feldman, Director of Planning; James Bellissimo, Planner*

Public Comment

Approval of Minutes

1. March 5, 2020

James Bellissimo said the question on the March 5th minutes was if the Pond Road project was found complete, and upon review, the project was found complete by a vote of 5-0.

Motion: Frank Underwood motioned to approve the minutes.

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

April 2, 2020 Minutes

Frank Underwood asked to see the revised Findings of Fact on Silver Therapeutics.

Motion: Frank Underwood motioned to approve the minutes.

Second: Nichole Fecteau

**VOTED – 4-0-1 in favor
Motion Passed**

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

Opposed: None

Abstain: Michael LaRue

Public Hearing

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

One e-mail was sent in for the start of the Public Hearing. John Lapierre of 66 Cemetery Road asked about a potential existing easement on the site.

Geoff Aleva of Civil Consultants introduced himself as the representative of the applicant. Mr. Aleva said the Funeral Home will have two access points on Cemetery Road. Because of the site work required, the project required DEP permitting. Mr. Aleva said a caretaker's apartment will be on site.

John Lapierre of 66 Cemetery Road e-mailed several more comments and questions. Mr. Lapierre said Cemetery Road is not in good shape already and there is no room for on street parking. Mr. Lapierre said the process is unfair due to Governor's Stay at Home Orders.

The Planning Board discussed leaving the Public Hearing opening to ensure the process is fair. There was an extended discussion about process and procedures moving forward. The Board agreed on leaving the hearing open for an additional meeting. Lee Jay Feldman read through the Berwick Land Use Ordinance about needing to act on applications 30 days from the Public Hearing, the Ordinance reads shall and not may.

An additional question came in asking if there is no septic design, how is the application complete.

Frank Underwood asked if the 30-day clock is the first Public Hearing or when the Public Hearing is closed. The Board and Staff agreed to consult with the Town Attorney.

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

Jerry and Alyson Graybill of 10 Pond Road introduced themselves as an abutter to the project. Ms. Graybill said they are in opposition of the proposal. Ms. Graybill asked if everyone had the opportunity to do a site walk. Ms. Graybill read the definition of frontage and read the location restrictions for Marijuana.

Ms. Graybill asked about the well water and how the use would affect the water quality. Ms. Graybill asked about how the wastewater would impact the groundwater.

Dave Andreesen paused the Public Hearing and asked the Board about the process.

Frank Underwood requested that the applicant address each of the three letters point by point. Mr. Underwood said he agreed the meeting should be face-to-face. Nichole Fecteau said with confusion on the Land Use Ordinance it is hard to navigate a hearing and clarifying the Ordinance. Sean Winston said the number of people in the hearing and some of the technological issues makes it challenging to continue.

Dave Andreesen asked if the 30-day requirement refers to the start of the Public Hearing or closing of the Public Hearing. Lee Jay Feldman said he would consult his attorney.

Frank Underwood asked about receiving a letter from The Town of South Berwick.

Old Business

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

Lee Jay Feldman read through his memo and summarized the project to date. Mr. Feldman read one Conditional of Approval to provide the Town with a maintenance plan and log for the constructed stormwater features.

Geoff Aleva said the applicant feels there is enough overflow parking for 99% of services. If a larger service is needed, the service could be moved to another location or there would be a collaboration with the Cemetery to utilize the parking there and the Bibber Home would help people cross Cemetery Road.

Mr. Aleva said due to the size and nature of the use, the Funeral Chapel is allowed in the R2 Zone.

Frank Underwood asked about the covenants on the land acquired. Mr. Underwood reviewed the deed. Mr. Underwood requested any restrictions or covenants should be

carried forward onto the Site Plan. Mr. Underwood suggested a letter from the Cemetery Trustees.

Frank Underwood if there is a SIC number associated with Funeral Homes that the Board receives it to make sure they meet the waste standards.

Geoff Aleva addressed some of the covenant issues. Mr. Aleva said the sale went through the Cemetery Association but he will check to make sure there are no additional covenants restricting the land use.

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

James Bellissimo addressed the frontage requirement. In the RC/I Zone certain Marijuana Establishments are allowed anywhere in the Zone. It is restricted to frontage on Route 9 in the R3 Zone.

Lee Jay Feldman read through his memo. Mr. Feldman pointed out the issues with the septic system easements. Mr. Feldman suggested that with the phasing, the applicant should provide an expected timeline for the phasing.

Michael Sievert of MJS Engineering introduced himself as the representative of the project. Mr. Sievert said a landscape engineer was brought on and the plan now includes a four-foot berm and different species of plants to screen the 13 Pond Road property. The total height for the plants will reach 14'-15' and that is done because the building is planned to have rooftop solar.

Mr. Sievert addressed questions about the septic easement. Mr. Sievert said there is a discrepancy between the recorded deed and recorded plan and can be fixed with a corrective deed.

Frank Underwood said he would weigh heavily on comments from the Fire Chief on access. Mr. Underwood reiterated he would like to see the applicant respond to each question on each letter before he would act on the application.

Two site walks were scheduled:
Tuesday May 5 at 5PM and Thursday May 7 at 5PM

New Business

4. Subdivision Amendment. 569 Portland Street (R72-9) RC/I Zone. Route 4 Self Storage and HP Cycles.

James Bellissimo read through his memo to the Board. The applicant is requesting a Minor Subdivision to a previously approved subdivision plan.

Neil Rapoza of Civil Consultants introduced himself as the representative on the project. Mr. Rapoza said the reason for the request is that several buildings are encroaching upon setbacks. Mr. Rapoza went over the recent history of lot splits and lot line adjustments. Frank Underwood asked why the third lot would need to be created if it is under the same ownership.

Nichole Fecteau and Frank Underwood said this would be a third lot on a private road which is not allowed unless the road is improved. Mr. Underwood suggested to complete the lot line adjustments to fix the setback issues.

Zoning Discussion

Sean Winston said the Board should amend Section 8.25 Marijuana so there is a requirement for frontage on Route 4.

Public Comment

Informational Items

The Board discussed the possibility of meeting in person while also meeting the social distancing guidelines.

Adjournment

Motion: Michael LaRue motioned to adjourn.

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

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

Signed as Approved by the Board:
