



PLANNING BOARD MEETING MINUTES

Thursday September 3, 2020
Burgess Meeting Room, Berwick Town Hall
6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Nichole Fecteau; Frank Underwood; Michael LaRue

Regular Member Absent: *Sean Winston*

Alternate Member Present: *David Ross-Lyons (voting member)*

Staff Members Present: *James Bellissimo, Director of Community Development & Planning; Jenifer McCabe, Code Enforcement Officer; Mary Costigan, Town Attorney*

Approval of Minutes

- August 20, 2020

Motion: Dave Andreesen motioned to approve the minutes as presented.

Second: David Ross-Lyons

VOTED – 3-0 in favor
Motion Passed

In favor: Dave Andreesen; David Ross-Lyons; Nichole Fecteau

Opposed: None

Abstain: None

Public Hearing

- Site Plan Amendment & Expansion. Medical Marijuana Storefront & Adult Use Marijuana Production Facility. 357 Portland Street (R70 12-1 & 12-2). Paper Birch Property.

Dave Andreesen recused himself. Nichole Fecteau was recognized as Chair.

Paul Amatucci of 12 Perrys Way said a particular issue in the area is water. Mr. Amatucci said several wet areas in the neighborhood have dried up. Mr. Amatucci asked the Board to

especially consider water resources in the area ongoing for any use and testing may be required at some point to determine the aquifer's capacity.

Old Business

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

- Planner Memo

James Bellissimo read his memo which summarized the issues to date ([Page 7 in Packet](#)). Within the memo, Mr. Bellissimo read the proposed Conditions of Approval.

- Town Attorney

Mary Costigan discussed the Planning Board' role in making a decision. Ms. Costigan said the decision is easier when it is made based on objective criterion. Ms. Costigan spoke to the issue of whether the project conformed to the Comprehensive Plan and she said it does because it is a permissible use in the zone. Ms. Costigan said the solution is to rezone the area and not to deny the application.

Ms. Costigan also addressed the easement issue as it relates to right, title and interest. There is a recent case which was references that is not applicable to the project.

- Board Deliberation & Applicant Response

Frank Underwood summarized the project to date. Mr. Underwood asked several questions on the application regarding the ascetics, drainage, the septic, how the building will be built.

Mike Sievert said the barn will be stick built and the heat will be electric and comes from the lights. Mr. Sievert said test pits were dug for the septic and the pond is now lined which meets the third-party review suggested amendment. The new septic system has been designed and approved by the Code Enforcement Office. The floor drains will go into the holding tank. Mr. Underwood said there should be considerations for a hydrogeologic survey. Jenifer McCabe, Code Enforcement Officer, confirmed the septic has been approved.

Frank Underwood highlighted the changes to the site plan since the beginning to show how the plan has changed based on all the feedback.

The Board reviewed each Finding of Fact.

After Board deliberation the fence will be changed from a 4' fence with barbed wire to an electric 4' fence.

Frank Underwood asked for the applicant to remove the proposed expansion building so the Board is only dealing with one building. The Board agreed it would be

removed from the plan and would be considered a Phase II but be required to come back to Planning Board when the easement issues were resolved.

Mr. Underwood asked about licensing and if the State imposing addition conditions, would the Planning Board have an opportunity to further review. James Bellissimo said the Select Board can impose conditions and the recommendations can come from the Planning Department.

Jennifer McCabe suggested the fence be a paddock style fence with electric instead of a barbed wire fence. David Ayer said he would cooperate on the type of fence.

Mary Costigan recommended that the Board member state they reviewed all materials before voting. Michael LaRue, Frank Underwood, David Ross-Lyons and Nichole Fecteau said they reviewed the material.

Motion: Michael LaRue motioned to approve the Findings of Fact as amended.

Second: David Ross-Lyons

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

The Board reviewed and amended Conditions of Approval.

Frank Underwood asked if the Board should require a hydrogeological study because in the case of well contamination it would be a way to know whether or not the contaminants came from the cultivation. Mr. Underwood asked for the future expansion building to be taken off due to the existing easement issues.

James Bellissimo said the Select Board will hold a Public Hearing on each license and can impose restrictions and can revoke licenses and the State of Maine Office of Marijuana Policy is requiring a local license before they grant any licenses.

Motion: Michael LaRue motioned to approve the Conditions of Approval as amended.

Second: David Ross-Lyons

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Michael LaRue motioned to approve the application.

Second: Frank Underwood

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

- Site Plan Amendment & Expansion. Medical Marijuana Storefront & Adult Use Marijuana Production Facility. 357 & 359 Portland Street (R70 12-1 & 12-2). Paper Birch Property.

Geoff Aleva introduced himself as the representative of Paper Birch Properties. Mr. Aleva said the DOT permit has been updated and approved based on the new uses. The Storefront is proposed to be Phase I and the Adult Use Production Facility be Phase II. Mr. Aleva addressed the South Berwick Water District's comments and said their project is 3,500 feet from the well and 1,200' from their recharge area. Mr. Aleva said the water usage would be equal to the amount of usage of eight single-family households.

Motion: David Ross-Lyons motioned to approve the Findings of Fact as amended.

Second: Michael LaRue

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to approve the Conditions of Approval as amended.

Second: David Ross-Lyons

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to approve the application.

Second: Michael LaRue

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

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

New Business

- Subdivision Amendment (Lot line adjustment). Pleasant Drive (R32 17-3 & 21). R2 Zone. Civil Consultants on behalf of Timothy George.

Dave Andreesen re-joined the Planning Board

James Bellissimo explained the lot line adjustment would make one lot more conforming while keeping another lot conforming. The amendment would put a barn on the correct property and will meet all applicable setbacks.

Motion: Nichole Fecteau motioned to approve the application with the Findings of Fact.

Second: Frank Underwood.

**VOTED – 5-0 in favor
Motion Passed**

In favor: David Ross-Lyons; Nichole Fecteau; Michael LaRue; Frank Underwood; Dave Andreesen

Opposed: None

Abstain: None

Public Comment

Heidi Leveille asked what the regulations are on alarm systems. Ms. Leveille played a clip of an alarm playing at 357 Portland Street.

Informational Items

Adjournment

Motion: Nichole Fecteau

Second: David Ross-Lyons

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; David Ross-Lyons; Nichole Fecteau

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:
