

SOUTH BERWICK PLANNING BOARD
Regular Meeting Minutes
Date: February 1, 2023

PLEDGE OF ALLEGIANCE

REGULAR MEETING

Mr. Zinser opened the regular Planning Board Meeting at 7:00pm.

ROLL CALL:

In-Person: Planning Board Members; Greg Zinser, Hershey Hirschkop, Bill Cole, Zachariah Nobel, Alternate Christine Prunier; Jenifer McCabe, CEO & Town Planner; Amy Aiguier, Administrative Assistant
Via Zoom: None. Absent: Planning Board Member Burnell Bailey

PUBLIC AUDIENCE:

In-Person: Town Manager Tim Pellerin, Sam Flinkstrom and Roxanne Poulin, Applicants; Gregory P. Braun, Esq. Representing MSP-22-007
Via Zoom: Town Council Member Jessica Cyr & Jeff Minihan, Alison Liberty, I Phone Jen, SB0528, Sam Blauvelt, Jessie Hardie, Eflin, Keith Rovinelli, Rick P, Deb G, Lisa M

BOARD COMMENTS: None

PUBLIC COMMENTS: None

MEETING MINUTES APPROVED:

Mr. Cole motioned to accept the 1/18/2022 Planning Board meeting minutes as presented. Mr. Nobel seconded the motion.

VOTE: 3-0-2 APPROVED

Approve: Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier

NEW BUSINESS:

Ordinance Amendment/Discussion on Site Plan Submission – continue to be tabled

OLD BUSINESS:

SMSWG Kristie Rabasca RE: Letter, MS4 Changes in Ordinances – Schedule Public Hearing Date

Hershey Hirschkop makes a motion to schedule a Public Hearing on Wednesday February 15, 2023, to review the MS4 Changes in the South Berwick Ordinance. Bill Cole seconded the motion.

VOTE: 5-0-0 APPROVED

Approve: Greg Zinser, Hershey Hirschkop, Bill Cole, Zachariah Nobel, Christine Prunier

Deny: None, **Abstain:** None

MSP #22-007 Caponera LLC, 406 Main St Change in Use, New Restaurant & Beer Garden

Planning Board Members Hershey Hirschkop and Christine Prunier recused themselves from any business with MSP 22-007 Caponera LLC.

Mr. Zinser stated the Planning Board will continue forward with determining the approval and denial of the requested waivers by the applicants.

51 Mr. Braun, Esq. Representing MSP-22-007 stated the applicants are looking for determination of the waiver
52 request for the parking waiver to move forward. As well as updates as they relate to the allegations of Shore
53 Land Zoning violations and what is needed to do for the property to come into compliance as it relates to this.
54 Also, as it relates to the Flood Plain issue.

55
56 Mr. Zinser stated the waiver requests in front of the Planning Board will be discussed and everyone will be
57 giving an opportunity for questions and comments.

58
59 Waiver Request #1 South Berwick Code 140-77 D. (1) (j) The location of the erosion and sediment control
60 measures.

61 Mr. Cole makes a motion to deny Waiver Request #1. Mr. Nobel second the motion.

62 **VOTE: 3-0-2 APPROVED**

63 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
64

65 Waiver Request #2 South Berwick Code 140-7 7D. (1) (k) The location of all buffers and setbacks in the
66 Shoreland/Slope Protection and Resource Protection Districts or as required by the Subdivision Ordinance.
67 Mr. Nobel makes a motion to deny Waiver Request #2. Mr. Cole second the motion.

68 **VOTE: 3-0-2 APPROVED**

69 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
70

71 Waiver Request #3 South Berwick Code 140-77 D. (2) (b) A stormwater management plan, prepared by an
72 engineer licensed in the State of Maine. Any site plan triggering Maine DEP Chapter 500, Stormwater
73 Management Rules, shall conform to those regulations. The applicant shall obtain all necessary Maine DEP
74 permits before the Planning Board grants site plan review approval, unless the Planning Board grants such
75 approval with conditions.

76 Mr. Nobel makes a motion to approve Waiver Request #3. Mr. Cole second the motion.

77 **VOTE: 3-0-2 APPROVED**

78 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
79

80 Waiver Request #4 South Berwick Code 140-77 D. (2) (c) An erosion and sedimentation control plan.

81 Mr. Nobel makes a motion to deny Waiver request #4. Mr. Cole seconds the motion.

82 **VOTE: 3-0-2 APPROVED**

83 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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85 Waiver Request #5 South Berwick Code 140-77 D. (2) (d) Existing and proposed topography at a minimum of
86 five-foot contours. The Board may require two-foot contours if conditions warrant such mappings. The location
87 of anyone-hundred-year floodplain shall also be shown and base flood elevations given. Indicate areas within
88 the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and give
89 its approximate volume in cubic yards. A soils map based on the York County Soils Survey shall also be
90 provided. The Board may require a high-intensity soils map, prepared by a soils scientist licensed in the State of
91 Maine, if conditions warrant.

92 Mr. Zinser makes a motion to deny Waiver Request #5 with, in addition granting a specific part of this waiver
93 condition to the applicant supplying an elevation survey and meet all associated dimensional requirements
94 within the Zoning District of this property. Mr. Nobel second the motion.

95 **VOTE: 3-0-2 APPROVED**

96 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
97

98 Waiver Request #6 South Berwick Code 140-77 D. (2) (e) A landscape plan, prepared by a registered landscape
99 architect, showing all existing natural land features, trees, forest cover and water sources and all proposed

100 changes to these features, including size and type of plant material. Water sources will include ponds, streams,
101 lakes, brooks, wetlands, and drainage retention areas.

102

103 Mr. Cole makes a motion to waive the provision as it pertains to a document from a Registered Landscape
104 Architect and to deny the remaining part of the waiver request #6. Mr. Nobel second the motion.

105 **VOTE: 1-2-2 NOT APPROVED**

106 **Approve:** Bill Cole, **Deny:** Greg Zinser, Zachariah Nobel, **Abstain:** Hershey Hirschkop, Christine Prunier
107 Mr. Zinser makes a motion to deny Waiver Request #6. Mr. Nobel seconds the motion.

108 **VOTE: 3-0-2 APPROVED**

109 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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111

111 Waiver Request #7 South Berwick Code 140-77 D. (2) (g) Traffic flow patterns within the site, entrances and
112 exits, loading and unloading area, curb cuts on the site and within 100 feet of the site. The Planning Board may
113 require a detailed traffic study, prepared by a professional engineer, to include, but not be limited to:

114 1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak-hour traffic
115 levels.

116 2. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be
117 affected by the proposed use of the site.

118 3. The impact of this traffic upon existing abutting public and private ways in relation to existing road
119 capacities. Existing and proposed daily and peak-hour traffic levels as well as road capacity levels shall be
120 given.

121 4. Any impacts on pedestrian movements in areas adjacent to the site.

122 Mr. Nobel makes a motion to deny Waiver Request #7. Mr. Zinser second the motion.

123 **VOTE: 3-0-2 APPROVED**

124 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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126

126 Waiver Request #8 Location of all present and proposed septic tanks and leach fields.

127 Mr. Cole makes a motion to accept Waiver Request #8 due to Public Sewer and Water supply to this property.

128 Mr. Nobel second the motion.

129 **VOTE: 3-0-2 APPROVED**

130 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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132 Waiver Request #9 Location of storm drainage system existing and proposed.

133 Mr. Nobel makes a motion to deny Waiver Request #9. Mr. Cole second the motion.

134 **VOTE: 3-0-2 APPROVED**

135 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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137 Waiver Request #10 Application check box under Step 6. Applications for Major Site Plan Review must
138 include the above information plus sections 140-77 D. (2) (l-r)

139 Mr. Zinser makes a motion to accept Waiver Request #10. Mr. Nobel second the motion.

140 **VOTE: 3-0-2 APPROVED**

141 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier
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143

143 Waiver Request #11 South Berwick Code 140-24 (H) Off Street Parking and Loading (nonresidential)

144 Mr. Zinser stated the original request by the applicant indicated a request for variance by the Planning Board,
145 with a previous Planning Board Meeting discussion on January 18, 2023 as to the Planning Board's authority in
146 waiving this specific request as a waiver and not a variance. It was determined by legal counsel that the

147 Planning Board does have the authority to grant or deny this request, as a waiver. With that, the request was re-
148 worded. The applicant is no longer requesting a variance.

149 Mr. Nobel makes a motion to deny Waiver Request #11. Mr. Cole second the motion

150 **VOTE: 3-0-2 APPROVED**

151 **Approve:** Greg Zinser, Bill Cole, Zach Nobel **Deny:** None, **Abstain:** Hershey Hirschkop, Christine Prunier

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153 **PUBLIC COMMENTS:** None

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155 **BOARD MEMBER COMMENTS:** None

156

157 **ADJOURNMENT:**

158 Mr. Cole moved to adjourn the meeting at 8:52pm. Mr. Nobel seconded the motion.

159 **VOTE: 5-0-0. APPROVED**

160 **Approve:** Greg Zinser, Bill Cole, Zachariah Nobel, Hershey Hirschkop, Christine Prunier

161 **Deny:** None **Abstain:** None

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167 Attested By: _____