

Signed

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JANUARY 25, 2024

Present: David Ballard, Jack Olea, Mark Reed, Mark Cahoon, Justin Perry, Jason Smith

Absent: Anne Whitten

Also Present: Dwayne Morin, Matt LeConte, Rebecca Reed

1. Call to Order:

Vice-Chair David Ballard called the meeting to order at 6:30 pm.

2. Review Previous Minutes: N/A

3. Current Business:
Public Hearing

David Ballard read the Legal Notice as follows and opened the public hearing:

*Legal Notice
TOWN OF NORTH BERWICK
PUBLIC HEARING THURSDAY, January 25, 2024 - 6:30 P.M.
TOWN HALL ROOM 212
Planning Board
Proposed Zoning Ordinance Amendments
Public Hearing*

The Planning Board will hold a Public Hearing in the Town Hall Room 212 room, pursuant to 1.5.3 of the North Berwick Zoning Ordinance Amendments. The Public Hearing will be held on the following Proposed Amendments to Zoning Ordinance:

Proposed Zoning Amendments to include;

1. Proposed Zoning Ordinance Amendments to Comply with New State Housing Law to the following sections:

- *Table of Contents*
- *Article 1.2 - Purposes*

- *Article 1.4.3 - General*
- *Article 1.5.2 – Effective Date*
- *Article 2.1 – Zoning Districts*
- *Article 2.2 – Locations of Districts*
- *Article 3.2 – Definitions*
- *Article 4.1.8 – Village C Overlay District*
- *Article 4.2.a – Principal Building*
- *Land Use Table*
- *Dimensional Requirements Table 4.3*
- *Article 5.1.17 – Sanitation and Potable Water Standards*
- *Article 5.2.8 – Animal Husbandry*
- *Article 5.2.16 – Affordable Housing Standards*
- *Article 5.2.20 – Accessory Dwelling Unit Standards*
- *Article 6.3.9 – Specific Limitation on Growth Management Permits*

2. *Zoning Maps 2. Article 3 – Definitions. Amend the ordinance Solar Energy System; Residential, Commercial and Utility definition to clarify that a Commercial Solar system is for use of properties located with the boundaries of North Berwick and to add to the list of acceptable uses a collaborative of 2-10 single family dwellings to be consistent with Maine PUC rules and regulations. The amendment also limits commercial Solar Energy systems to no more than 1 acre of surface area with Planning Board review and approval.*

Dwayne indicated that about two years ago, the State of Maine passed a piece of legislature called LD2023 and now have an amendment called LD1706. He stated that there are three categories, to wit: Affordable Housing, Reduced Density and Accessory Dwelling Units (ADU's). He stated that the law requires that towns adopt this law and language by July 1, 2024. There is a guidance document that was provided by the State. He indicated that if the Town does not comply with this, the town will become a legal challenge and the town will lose. Dwayne stated that can use some of the guidance document's language and put it into our own ordinance.

Regarding Affordable Housing, the State has stated that we have to create an affordable housing zone within our ordinance. We currently have one that is the Village C overlay where there are three sections of the town that it is currently allowed: Somersworth Road, near Hannaford's; Lebanon Road from about Route 4 to the Water Tower and on Lower Main Street. Dwayne stated that this has been in the ordinance since 1996 and to date, no one has taken advantage of it. The State is now saying that affordable housing has to in any zone that is a growth zone. In our town, the non-growth zone is farm & forest and every other zone, with the exception of industrial is considered a growth zone. There is a 30-year limit and the density is 2.5%. Dwayne does not believe anybody will take advantage of this but the State says that we need to put it into our ordinance. This will need to also comply with shoreland zoning if applicable.

North Berwick's current zoning allows Affordable Housing in only Village C Overlay Zone and Commercial District and to comply we will need to either limit multifamily dwellings to specific zones or expand to all designated growth areas and areas with public water and sewer (Village A, Village B, Village Center, Commercial, Commercial II and Residential I.)

The affordability for Rental will be 80% of median income without spending more than 30% of household monthly income. For Ownership it will be 120% of median income without spending more than 30% of household monthly income. North Berwick's current zoning is: Village C Overlay Zone - Requires 80% of median household income without spending more than 28% of monthly income for both rental and ownership. To comply: Need to increase ownership requirement to 120% and change monthly income requirement to 30% for both rental and ownership for all zones in the designated growth areas and areas served by public water and sewer (Village A, Village B, Village Center, Commercial, Commercial II and Residential I).

Regarding Density, it requires 2.5 times density of Zoning District, no more than 2 off-street parking spots for every 3 units, be in a designated growth area or served by public, special district or centralized water and sewer system. North Berwick's Current Zoning: Village C Overlay Zone and Commercial Zone – Multi-family units: Reduced to 2,500 sq. ft. per dwelling unit with water and sewer and 5,000 without water and sewer. Ownership (single family) reduced to 10,000 sq. ft. with public water and sewer and 20,000 without public water or sewer. Requires a minimum of 1 parking space per unit. To comply we will need to eliminate Village C Overlay Zone. Would need to rewrite Affordable standards for multifamily for zones that currently do not have affordable standards (Village A, Village B, Village Center, Commercial, Commercial II and Residential I) to have 2.5 density bonus for each Zone: (Village A – 8,000 sq. ft.; Village B – 12,000 sq. ft.; Village Center – 8,000 sq. ft. without water and sewer and 4,000 sq. ft. with water and sewer; Commercial- 8,000 sq. ft. without water and sewer and 4,000 sq. ft. with water and sewer; Commercial II - 16,000 sq. ft; Residential I – 16,000 sq. ft.). Require that there be 2 parking spaces for every 3 units.

Regarding long term Affordability: Requires 30-year restrictive covenant, before granting final approval including but not limited to issuing an occupancy permits (LD 1706), prior to Occupancy : Rental 80% of median income at time of initial occupancy; Ownership 120% of median income at time of initial occupancy. North Berwick Current Zoning: In Village C Overlay Zone and Commercial requires deed restriction for 30 years from initial date at 80% of median income. To comply: Would need to extend the deed restriction covenant to all designated growth areas (Village A, Village B, Village Center, Commercial, Commercial II and Residential I). Water and wastewater: Provide proof of water and wastewater availability for lot. North Berwick's Current Zoning: Already required – Nothing to implement to comply. Subdivision: Cannot exempt subdivision law for division of tract or parcel of land (silent on division of building which also is required under subdivision law). North Berwick Current Zoning: Already required for land and building– Need clarification from State on building divisions.

Dwayne stated the next topic is Residential Housing. The State has indicated that for all residential areas that allows houses to be built, which is everywhere in our Town, with the exception of industrial, we must allow on a vacant parcel of land, in a designated growth area – four units. If it is outside a growth area, there will be two units allowed. On land that already has

a house on it, up to two additional units can be put on that lot. One could be attached or non-attached. On land that has two units, all dimensional requirements need to be met. Our ordinance already allowed for this and you are already allowed to build more than one house on a lot as long as dimensional requirements are met. Dwayne stated that this new language would not change our ordinance. The only change to our ordinance would be changing the language.

Dwayne stated the biggest change is going to be on the topic of ADU's. Currently our town's ordinance, there are seven criteria that a person needs to meet in order to put in an ADU. One of the primary criteria is that it has to initially be for an in-law. That will now go away and an ADU will not be counted as an additional unit which means that if someone has a house and wants to put in an ADU, they can do without additional land, frontage or parking space and the planning board will not be allowed to review it. Dwayne stated that what will be required is the correct amount of sewerage and water. ADU's can also be a separate unit and does not have to be attached to the house. The State did create size requirements in that the minimum must be at least 190 square feet and allows towns to set the maximum. Dwayne stated that our current maximum size requirement is 650 square feet and he is recommending that we stay at that maximum size. Dwayne also stated that the new legislation states that there can be additional units on a lot or an ADU, but a person cannot do both. The other big change is that if someone built an ADU on their property, and they did not obtain permits and violated the zoning requirements but if you did apply, you could have been granted a permit, you can keep the ADU and no fines will be assessed.

Dwayne indicated that there are about several definitions that needed to be added to our ordinance and we needed to change our land use tables, eliminate all mention of Village C zone and add affordable housing standards under our dimensional requirement chart. The map will also need to be changed eliminating the hatched area. He stated that there will be about several pages of changes to our ordinance to make it all work.

Dwayne indicated that all of this will be summarized in the Town's newsletter and there will be three referendum questions. One question that relates to all aspects of the housing laws and there will be another question regarding solar and a third regarding flood plain management.

David Ballard closed the Public Hearing at 7:30 p.m.

Mark Cahoon motioned to approve the Proposed Zoning Ordinance Amendments. Justin Perry seconded the motion. VOTE: 4-0

4. Other Business:

Matt indicated that there were two subdivisions (Riverside Village -Prospect Street – Map 22 Lot 41) and (Sand Ridge Farm Subdivision - 692 Morrell's Mill Road, Map 008, Lot 78) that the Board needs to accept the Sketch Plans following the Public Hearing tonight so they can continue with their review so long as they bring in the voted upon escrow.

Dwayne stated that since none of the Board Members have been through a subdivision and they are a little different in the way that they work, he wanted to explain more. He stated there are basically three phases. The first phase is the pre-application phase or sketch plan phase. The second phase is the preliminary phase and the third phase is the final plan phase. Dwayne stated that in the sketch plan phase, they come in with a concept idea. As part of that pre-application phase, the Board has to do three things: accept the sketch plan, set an escrow and schedule a site walk. Dwayne stated that the Board recently set the escrow and scheduled the site walk but did not accept the sketch plan. He says that the Board cannot accept the sketch plan until the Board has physically done a site walk and the escrow is paid.

Mark Cahoon motioned to accept the Sketch Plan for Riverside Village, Prospect Street – Map 22 Lot 41 so they can continue with the review process as long as the \$21,000 escrow is paid. Jack Olea seconded the motion. VOTE: 4-0

David Ballard now brought up Mark Reed to voting status.

Justin Perry motioned to accept the Sketch Plan for Sand Ridge Farm Subdivision 692 Morrell's Mill Road, Map 008, Lot 78 so they can continue with the review process as long as the escrow is paid. Mark Reed seconded the motion. VOTE: 5-0

Reminders: Next Planning Board Meeting – February 8, 2024 - 6:30 P.M.

Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:45. Justin Perry seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chair - Anne Whitten

Vice Chair - David Ballard

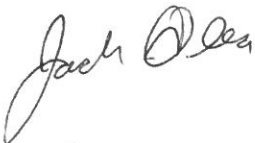
Mark Cahoon



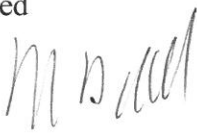
Justin Perry



Jack Olea



Mark Reed



Jason Smith

