

North Berwick Board of Selectmen's Minutes: February 4, 2014

**NORTH BERWICK BOARD OF SELECTMEN MINUTES FEBRUARY 4,
2014**

Present: Chairman Galemmo, Selectman Drew, Selectman Folsom, Selectman Cowan

Absent: Selectman Danforth

Also Present: Dwayne Morin, Stephen C. Peasley, David Bentley, Robert Landrigan, Ivan Weatherly, Catherine Weatherly

Chairman Galemmo opened the Board of Selectmen's meeting at 6:30 pm.

1. Pledge of Allegiance

2. Review and Approve Minutes of January 21, 2014

Selectman Drew stated that on Page 9, there was a misspelled person's name. He stated that Jackie Oland should be Jackie Alwin. Selectman Cowan stated that on Page 4, in the second paragraph, Dwayne Morin's name was misspelled. It was listed as Dwayn Morin and should be Dwayne Morin.

Selectman Drew motioned to accept the minutes of January 21, 2014 as amended. Selectman Cowan seconded the motion. VOTE: 3-0 Abstain: 1

3. Public Input

Robert Landrigan stated that he attended the Public Hearing on the proposed Zoning Ordinance changes, particularly of interest is Question #6 and the two reasons for the proposed change as described by Mr. Morin at the hearing. Those concerns were "Public Safety and Fairness". Mr.

Landrigan stated we discussed these at length but I would like to address these concerns here and ask a few questions.

Safety: If there is indeed a public safety concern, it affects only the people in town that have homes build along these private roads. The condition exists today and will continue to exist even if the proposed change is accepted by the voters. Certainly the intent is not to require these folks to update the road or leave their homes. There are so few lots that are still exempt from the ordinance that it is just not something that requires a change. Private roads are kept opened and passable by the property owners so this benefits the town's emergency services if access is required. The town is not liable for the inability of emergency services to access these homes in the event of a fire or medical emergency.

Fairness: Fairness is not addressed by this change. Properties on these private roads pay the same tax rate as others but are responsible for the road repairs and snow removal, etc using their own labor and equipment. This is a benefit to the taxpayers in town and seems to me that it should be encouraged. How fair is it that people living on these roads would have to complete road repairs after being granted a building permit, however folks living on roads that are maintained at taxpayer expense would not? The current language of the amendment could have the effect of eroding people's property values due to inhibiting their ability to get a permit for upgrades, additions, major repairs, etc. The wording could be interpreted to mean that a permit request for a wood shed or chicken coop on an already occupied lot would trigger costly road upgrades. If these properties are left to deteriorate it could result in the remaining tax payers in town carrying more of the tax burden. Again currently the town is collecting the property tax but not incurring the expense of road services for these private roads.

Additionally this change seems incompatible with the town's comprehensive plan's goals of supporting agriculture and home based businesses as it would make it cost prohibitive to reclaim pasture land to support livestock, or engage in small scale wood processing, etc. if barns and other outbuilding construction triggers costly private road improvements. Requiring improvement of these roads could have the unintended consequences of promoting further development in the rural areas because once a road is brought to town standards it will allow and encourage a flurry of development on the lots that are not currently exempt from the road ordinance. This is incompatible with the towns desire to limit growth in the rural areas and will encourage, if not necessitate the formation of road associations to share the cost of upgrades and maintenance which will promote even further development in these areas. Currently there is no incentive for the folks that are exempt to participate in a road association so roads remain as is but if adopted it will become necessary to participate to preserve the value of one's property. The language could also be interpreted to include already existing driveways on town owned roads, potentially requiring driveway entrances to be moved or driveways upgraded if a building permit is granted for any work on any property in town.

Mr. Landrigan went on to state that he had read through both the Planning Board and Select Board meeting minutes regarding this proposed ordinance change and see that this issue was brought to the Planning Board by Mr. Huntley in November and was subsequently voted down. I have not seen anything in the Select Board meeting minutes regarding this subject so I have

questions as to (1) how this issue came to the select board, who initiated it, when and why was it taken up by the Select Board after being voted down by the Planning Board?

Dwayne Morin stated that the original change was brought to the Planning Board by the Code Enforcement Officer. Dwayne stated that he attended a Planning Board meeting subsequent to the Code Enforcement Office submitting the change. At that time the Planning Board actually approved the change but they reversed their decision at a subsequent meeting. He stated that the Board of Selectmen had discussed it with him prior to his attending the Planning Board meeting. He discussed it again with the Selectmen after the Planning Board had rejected it and they decided to bring it forward.

Mr. Landrigan went on to ask if the board had completed any research into how many lots may still be exempt and how many folks already live on these roads to get a feel for what impact this may have on the community? Dwayne Morin answered no.

Mr. Landrigan asked where and when were the public notices of the public hearing published? Mr. Morin stated that it was published in Foster's Daily Democrat twice according to State law and it is posted here in the building.

Mr. Landrigan asked when the review by the Town's Counsel was completed. Dwayne stated that it has been a continuing ongoing discussion with the Town's Counsel and it is still in review. Mr. Landrigan asked if there was going to be another public hearing and Dwayne said that there would be a referendum hearing in March. Mr. Landrigan thought that the Public Hearing couldn't take place until after the Selectmen notified the Planning Board that the Town's Counsel had completed their review. Dwayne stated that this was not the case. Mr. Landrigan asked about part in Section 1.5.3 in the Town Ordinance which reads, "In all other cases the Planning Board, once notified by the Selectmen that the Town Counsel's review is complete, shall within forty-five(45) days of initial receipt of a proposed amendment schedule a public hearing.". Mr. Morin stated that this was for a petition change.

Mr. Landrigan stated that he has spoken to the public safety aspect of the amendment and fairness is not addressed in the comprehensive plan so what part of the comprehensive plan supports such a change? Dwayne stated that it was indicated in sections that addressed providing adequate access and safety.

Mr. Landrigan asked if the language of any proposed question changes, will another public hearing be held. Dwayne stated that there would be a public meeting at the last Board of Selectmen meeting in March.

Ivan Weatherly asked if they were now going to have to upgrade the roads to town standards. Dwayne Morin stated that this change is purely to provide adequate access to those people that are building on these roads. Mr. Weatherly would not have to do anything to the road because he is grandfather in. Mr. Weatherly stated that he had a lot next door that he is building on for his son and was wondering what was going to be done with that. Dwayne asked him if he already had his permit. Mr. Weatherly said yes and Dwayne stated that he would be all set because he would be grandfathered. Dwayne stated that he will also be suggesting to the Selectmen later about changing the wording from building permit to growth permit so it would not effect if

people wanted to add barns, sheds or chicken coops. Dwayne stated that as our Ordinance currently sits, every lot in the Town of North Berwick has to have frontage on a town road or private road or road that is designated in our road standards. If you are creating a new lot, you not only have to have frontage but you also have to have improved access. The idea is for anyone that is building will have improved access to their property. Dwayne explained to Mr. Landrigan that if he was to split off the lot that he owns and sell it to Dwayne than the way the Ordinance reads now, Dwayne would have to rebuild the road to create access. So there is a fairness issue as it relates to this. Mr. Landrigan stated that the people that are buying these properties know this going in so how is this unfair. Dwayne stated that if there is an Ordinance in place and somebody decides to do it later on, they know going into it that they are going to have to do that.

Mr. Landrigan stated that this will be a costly for him because he doesn't own the land. His neighbor owns the right of way so he would have to purchase it from them. Dwayne stated that there is an existing right of way on Beech Ridge Road. Everybody that owns property on either side of Beech Ridge Road has access to improve that road to gain access to their property.

Dwayne informed Mr. Landrigan that this proposed change will have no effect whatsoever for him. Everything that has happened before the Town votes on the changes is considered nonconforming or grandfathered. Everything after the Town vote would have to conform to the new provisions.

Mr. Landrigan brought up the public safety. Dwayne stated that we are obligated to get to all the citizens in that town no matter what the access is. Mr. Landrigan stated that he knows the risks involved and does not expect the town to do this. Dwayne stated that he may understand and have no expectations but others may not. If the town gets sued and has to spend money defending ourselves, then that will bring up the taxes in the town.

Chairman Galemme suggested that they move ahead to the computer item since the Chief was here to discuss it.

5. New Business:

B. Police: Computer Update Due to Expiration of Windows XP

Dwayne stated that about a month ago Microsoft announced that they are doing away with servicing Microsoft XP operating systems. This means that we need to migrate our system to Windows 7 or Windows 8 operating systems. All of the police computers operate on XP so if we stay with XP, they will no longer do any maintenance on them. He stated that he looked to see if they could just upgrade the software to Windows 7 but unfortunately, the computers are not robust enough to run Windows 7 or Windows 8. This means we need to replace all of the computers except one. There are 8 PC's and we are going to replace one of the PC's with a laptop which will be more beneficial for the Lieutenant to use. The SRO officer at the High School also uses a laptop. He stated that the majority of the costs will be to replace the cruiser laptops. They are very expensive because they are semi-rugged laptops. He stated that we currently run rugged laptops in the cruisers which run about \$4,000 to \$5,000 to replace. They

are looking instead at the semi-rugged laptops that are running at about \$2,000. The other issue is that we need to replace the current docking systems that are in the cruisers because our current docking station will not accept the new computer systems.

Selectman Cowan asked what the difference was between the rugged and semi-rugged laptops. Dwayne stated that when they initially bought laptops for the cruisers they bought just regular ones. He said that because of the vibrations, the hinges just snapped. So about 8 years ago, they began replacing all of their laptops and went to a Panasonic Toughbook which were very tough. They have had no issues with these at all. He said that when they started looking into replacing the laptops they looked at semi-rugged vs rugged. He said that the semi-rugged would survive a 3 foot drop versus the rugged that would survive a 10 foot drop. He stated that their computer consultants stat that the semi-rugged would be more than sufficient to meet our needs and that most of the police in the country use the semi-rugged laptops. They are looking to switch from Panasonic to Getac. They looked into getting Panasonic again because they are very good laptops but you pay for the name. Dwayne stated that one other thing that is coming down the road either next year or the year after is a new security control. Police officers will have to log into their computers with their thumbprint. This would be an add-on for these laptops. The way that Panasonic would do it is as an integrated option, which means that you can't just buy it and add it to the laptop. You need to buy a laptop that has this feature on it. This increases the costs of the Panasonic laptop from about \$2,000 to about \$3,000. Getac has come up with the S400 which comes standard with the thumbprint security module. Selectman Cowan asked if it was just as reliable. Dwayne stated that they are a newer company but all indications are that they as reliable as the Panasonic.

Selectman Cowan stated that they had talked about pooling resources with area towns. Dwayne stated that they were going with the Getac. Selectman Cowan asked if there was any way that they could get a price break if they went in with other towns. Dwayne stated that they tried that and can't do it. He also said that they are getting about the best pricing that they can get on these computers. He stated that our consultants were quoting about \$2,100. He did some research and got quotes from other companies and one company offered them for \$1,950. He said that the Getac also comes with a lighted keyboard which they need for the police officers because they work a lot in the dark environment.

Selectman Cowan asked what they had for warranties. Dwayne stated that they had 3 year warranties. Selectman Cowan asked about maintenance and Dwayne stated that our computer consultants would be able to take care of it because they are an authorized dealer.

Chairman Galemme asked about how much for everything. Dwayne stated that the total cost would be about \$20,500.00 and it is not in the budget. Stephen Peasley has gone out and received a \$3,000 Technology Grant from Pratt & Whitney to use toward this purchase. There is \$1,400 in SRO account that they can use which will basically buy his laptop and all the service that is required. Dwayne stated that we also need to buy new Microsoft Office because 2000 doesn't work with Windows 7 or 8. He stated that instead of going with the specific Getac docking station, they are going to go with the universal docking station. They will use the existing brackets in the car. Selectman Cowan asked if we would need to get new equipment if we decide to change to a new car. Dwayne stated that one of the reasons that they are going to

the universal docking stations is because they are universal. Dwayne stated that they are looking to spend about \$12,500 in unanticipated funds. He stated that there is \$40,000 in that account and we are not spending anything this year.

Selectman Drew motioned that they use \$12,500 from unanticipated funds to take care of the computer update. Selectman Folsom seconded the motion. VOTE: 4-0

4. Unfinished Business:

Chairman Galemme suggested that they go on to Planning Board discussion since there was still some public there for this reason.

E. Planning Board: Discussion on Proposed Zoning Amendments

Dwayne stated that the Planning Board held their Public Hearing on the six proposed changes. Four of them proposed by the Selectmen and two of them by the Planning Board. He stated that Question #1 will be going back to the Planning Board because they forgot a piece of it. There is one word that is different and they forgot to change the land use tables. It should read:

Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Solid Waste Recycling and Redemption Center, and to Amend the Land Use Table to Allow those Uses as Conditional Uses in Certain Districts,” be enacted?

Section 1. Amend Section 3.2 of the North Berwick Zoning Ordinance by adding the following definitions:

Solid Waste Recycling: The collection, separation, recovery and sale or reuse, excluding incineration, of solid materials that should otherwise be discarded or disposed of as waste. This term does not include the processing or handling of construction and demolition debris, hazardous waste, biomedical waste, septic tank sludge or agricultural waste and does not include activities related to redemption centers.

Redemption Center: Facilities used primarily for the processing of bottles, cans, and other containers returned for deposit.

Sec. 2. Amend the Land Use Table of the North Berwick Zoning Ordinance so that “Solid Waste Recycling” is prohibited (“NO”) in all Districts except Farm/Forest and Industrial, where it is a Conditional Use (“CU”).

Sec. 3. Amend the Land Use Table of the North Berwick Zoning Ordinance so that “Redemption Center” is prohibited (“NO”) in all Districts except Village Center, Commercial and Commercial II Districts, where it is a Conditional Use (“CU”).

Intent: To enact the definition of Solid Waste Recycling Facility and Redemption Center in the Zoning Ordinance and identify the districts in which the uses are permitted.

Dwayne stated that the next question was regarding the In-Law Accessory Apartments. He stated that the last time the Selectmen met with the Planning Board this was changed substantially to go from an Accessory Apartment to an In-Law Accessory Apartment. The Town Attorney has given it the okay. They had to come up with definitions. It reads as follows:

Question #2: Shall an ordinance entitled, "Town of North Berwick In-Law Accessory Apartment Zoning Amendment," be enacted?

In-Law Accessory Apartments Zoning Amendment

Section 1. Amend Section 3.2 of the North Berwick Zoning Ordinance by adding the following definitions:

In-Law: One or more persons who are related by blood or marriage.

In-Law Accessory Apartment: An apartment contained or attached to a single-family dwelling or accessory structure which meets the standards of Article 5.2.20.

Sec. 2: Amend the Land Uses Table of the North Berwick Zoning Ordinance to permit an In-Law Accessory Apartment in the all districts except Industrial and Resource Protection District as a Conditional Use.

Sec. 3: Amend Article 5 – Performance Standards of the North Berwick Zoning Ordinance by adding a new section 5.2.20 to read as follows:

5.2.20 In-Law Accessory Apartment standards.

An apartment meeting the following standards shall be considered to be part of a single family dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of Article 4.3. In-Law Accessory apartments shall be permitted in those Districts where single family dwelling is an allowed use. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and bulk standards contained in Table 4.3.

1. The initial use of the apartment is for the care of in-laws. The apartment can continue to be utilized by the property owner after the care of the in-law has ceased provided all other requirements of this section are met.
2. The apartment shall be accessory to the use of the premises as a single-family dwelling and only one apartment shall be created accessory to the single-family dwelling.
3. The apartment shall be created within or attached to a single-family dwelling or accessory structure.
4. The creation of the apartment shall not alter the single-family character of the property.

5. Provisions for one (1) additional parking space shall be made in conformance with article 3.

6. The habitable area of the apartment shall not exceed 650 square feet, shall not contain more than one bedroom and shall not have an occupancy that exceeds two persons.

7. One of the units must be occupied by the property owner.

Intent: To allow in-law apartments to be constructed as part of a single family dwelling or accessory structure as an accessory use to the dwelling without increased space and bulk requirements provided that the apartment does not exceed 650 sq. ft. and the property owner resides in either the accessory apartment or the single family dwelling.

Then next question is in regards to the Construction Standards for Commercial Use Buildings. It reads:

Question #3: Shall an ordinance entitled, “Town of North Berwick Construction Standards for Commercial Use Buildings Zoning Amendment,” be enacted? (Selectmen Initiated Amendment)

Amend Article 5 – Performance Standards of the North Berwick Zoning Ordinance by adding a new section 5.2.21 to read as follows:

5.2.21 Construction Standards for Commercial Use Buildings

The purpose of this section is to maintain the small New England village character of the town. The requirements of this section are in addition to those requirements in other sections of this ordinance. This section is to cover the construction of new structures and expansion of existing structures intended for commercial use within the commercial districts (e.g. Commercial, Commercial II, Village Center, Village A and Village B Zones). Existing commercial use buildings will be required to meet the standards of this section if they are renovated to increase square footage by One thousand (1000) square feet or more.

Professional offices may comply with this section by meeting the standards of this section or building to resemble a New England home consistent in appearance with neighboring residences. All other commercial use buildings must comply with the following sections.

A. Exterior Appearance – The exterior appearance of commercial use buildings shall be made to look like a New England Storefront.

1. Exterior walls shall be of traditional siding materials such as clapboard siding, wood shingles, red brick or red brick veneer. Contemporary materials that have the same visual characteristics (e.g. cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding, highly reflective or processed materials (e.g., metal or plastic panels, brushed aluminum, bronzed glass, concrete block, T-1-11, untreated plywood, etc.) is not permitted.

2. Siding color shall be traditional New England colors to be approved by the Planning Board.

B. Buildings with facades that exceed fifty (50) feet in width shall include features that modulate the façade walls in increments of thirty (30) feet or less, in order to create variety and interest along the public way. Use a minimal number of these features judiciously so that a larger building shall present a human-scaled appearance while remaining a unified design composition. The intent of this standard is to encourage buildings with architectural relief and interest. These features may include:

1. Recess and/or project portions of the façade for no less than 12 inches for the entire height of the building.

2. In combination with #1, increase or decrease the height of portions of the façade.

3. If appropriate for the building use(s), recess storefronts or entrances from the overall front of the building.

4. Provide canopies or awnings at sidewalk level.

5. Use different but compatible materials on different portions of the façade; for example, alternate wood clapboard and wood shingles.

6. Use different but harmonious colors on different portions of the façade.

7. Use a small number of different details and/or door and window arrangements, shapes and/or sizes along the façade.

8. Use horizontal or vertical trim bands to relieve long facades.

C. Commercial facades shall be designed to reflect a traditional storefront design using the following design standards for display windows;

1. Storefronts of commercial facades under 100 feet in length shall have display windows comprising not more than eighty (80%) percent of the storefront surface area nor less than twenty (20%) percent. Storefronts of commercial facades over 100 feet in length shall have display windows comprising not more than sixty (60%) percent of the storefront surface area nor less than twenty (20%) percent. Facades shall be designed to avoid large areas of blank wall space.

2. Display windows shall be rectangular or square and shall be either vertical or horizontal in orientation.

3. Display windows shall extend no less than twelve (12") or more than ninety-six (96") above the finished floor.

4. Mirrored or reflective glazing materials are prohibited.

5. All windows shall be detailed with sills, frames, trim and other architectural features appropriate to traditional storefront design.

D. Building Height, Roof and Rooflines – In no case shall a building exceed thirty-five (35) feet in height pursuant to section 4.2.f.

1. Rooflines shall be of a gabled, gambrel, hip or mansard design. This roofline may be a façade used to hide roof-top equipment or a traditional roof. Roofs shall be no less than a 5/12 pitch.

2. Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof.

3. Roof colors shall be neutral shades such as earth tones, greys and black.

E. Additional Landscaping Requirements – The following landscaping requirements are mandatory for commercial use buildings;

1. Chain link fences are prohibited except for safety purposes.

2. Trash and recycling dumpsters shall be enclosed and hidden from view with a minimum 6 foot high solid fence or hedges.

3. Other ground level equipment shall be screened from the public way.

4. All curbing associated with the development shall be made of granite, in keeping with the curbing maintained by the Town of North Berwick.

Intent: The intent of these proposed changes are to implement Land Use Policy #1 Action #3 of the Town of North Berwick Comprehensive Plan adopted on April 4, 2009 which states “Explore the requirement to have any in-town development to retain the architectural ingredients of New England villages, with particular attention to building materials, height restrictions and roof designs center. (This “in-town area” includes the commercial, limited commercial (now Commercial II), the historical and affordable housing overlay districts, and those parts of Village A that are bounded by Madison Street, Rt. 4 and the commercial zone, and Rt. 9, both sides of Portland Street, the Great Works River and the industrial zone).”

The Planning Board had one request of the Selectmen. In Section D-2 which states: “Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof.”. The Planning Board would like for the Selectmen to consider eliminating this condition. Selectman Cowan asked why. Dwayne stated that they did state that most of the equipment nowadays is not ugly looking. The other concern

is what is considered public view. Is it immediate or is it a mile away? How would the Board interpret it?

He stated that the Attorney also had some concerns about the term New England storefront. Dwayne stated that he went back and looked at the ordinances that were looked at when writing this proposed change and no one has a definition of this. All they say is traditional. He feels that they way to rectify this is where it says a New England home it should say a traditional New England home and where it says New England storefront, it should say a traditional New England storefront.

Chairman Galemmo stated that in Section A-2, it should probably state neutral or pastel colors instead of traditional New England colors. Dwayne will change it.

Chairman Galemmo and Selectman Cowan said that regarding Section 3-2, they feel that this is common language in other ordinances and should stay. Dwayne stated that it should probably state: "Any equipment mounted on a roof shall be hidden to greatest extent possible from the public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof.". This would allow the Planning Board to have some leeway.

Selectman Cowan stated that she appreciated the Planning Board coming forth and giving them the opportunity to discuss these proposed these changes.

The next question reads:

Question #4: Shall an ordinance entitled, "An Ordinance Amending Section 5.2.6.b.9 of the Zoning Ordinance to state the performance and administration standards and requirements for the installation of signs" be enacted? (Selectmen Initiated Amendment)

Currently reads:

5.2.6.b Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Plastic signs which are internally lit shall be allowed. When signs are to be externally illuminated, they may be any color. No sign shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

Proposed to read:

5.2.6.b Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Signs which are internally lit are prohibited. When signs are to be externally illuminated, they may be any color. No sign shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines

onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

Intent: To minimize the effect of internally lit signs on abutting properties, reduce glare and distractions to drivers and to comply with having commercial establishments have architectural ingredients of a New England Village pursuant to the Town's adopted Comprehensive Plan.

Planning Board recommends not to pass.

Dwayne stated that the Planning Board did not pass Question #4. The Planning Board requested that it stated if the question was a Selectmen initiated proposal. Dwayne stated that the Attorney said they could not do this. The Planning Board would also like to see the recommendations listed for each question. The Attorney stated that it could be done but he recommends that we don't do it. If it is done, it would have to list both Planning Board recommends and Board of Selectmen recommends.

Selectman Cowan motioned to accept the Planning Board request to put both recommendations on the Question. Selectman Folsom seconded the motion. VOTE: 3-1

Selectman Cowan motioned put Question #4 forward. Selectman Folsom seconded the motion. VOTE: 4-0

The next question reads:

Question #5: Shall an ordinance entitled, "An Ordinance Amending Section 6.9.7 of the Zoning Ordinance to require all engineering studies performed as part of the conditional use review is reviewed by the Town's engineer to ensure compliance with all Town ordinances" be enacted?

Currently Reads:

6.9.7 Conditions Attached to Conditional Use

a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, which would mitigate any adverse effects on adjoining or neighboring properties, which might otherwise result from the proposed use. These conditions may include, but are not limited to, specifications for; type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking and signs; type of construction; the establishment of a performance guarantee to ensure compliance with any condition attached by the Planning Board; or any other conditions, restriction, or safeguard that would uphold the spirit and intent of this Ordinance.

b. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

1. A plan showing contours (at intervals to be determined by the Planning Board) showing Mean Sea Level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover;

2. A high density soils report identifying the soils boundaries and names in proposed development, with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification;

3. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping;

4. Plans of buildings, sewage disposal facilities, and water supply systems;

5. Engineering studies necessary to determine that the proposed use complies with the provisions of this Ordinance and other pertinent Town Ordinances (i.e. Street Design and Construction Standards Ordinance). If the Planning Board requires any engineering to be performed as part of the conditional use review, the engineering study shall be reviewed by the Town's Engineer for compliance with the Town's ordinances prior to Planning Board approval.

6. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance;

c. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District, any State or Federal agency or an outside consultant (i.e. engineer, attorney) which can provide technical assistance. Any additional costs for consultation with the above agencies or technical assistance required by the Board, as determined by the Board, for evaluation of an application will be paid by the applicant prior to the granting of the conditional use permit in question. Failure to approve a conditional use permit application will not negate the liability of the applicant for any of the above costs.

Intent: To ensure that any engineering study performed as part of the conditional use review is reviewed by the Town's engineer to ensure compliance with all Town ordinances.

The Planning Board agreed with this one.

The next question reads as follows:

Question #6: Shall an ordinance entitled, "An Ordinance Amending Section 4.3.b of the Zoning Ordinance to require minimum access standards for properties for which a building permit has been issued" be enacted? (Selectmen Initiated Amendment)

Now Reads:

4.3.b All lots hereinafter created shall possess a minimum frontage on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. However in administering the minimum requirement for road frontage, the following provisions shall apply:

Proposed to Read:

4.3.b All lots created after March 11, 1978 shall possess a minimum frontage on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. All lots for which a building permit has been granted, shall provide access on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. However in administering the minimum requirement for road frontage, the following provisions shall apply:

Intent: To require access that meets a minimum criteria to those properties for which a building permit is issued for the safety, health and welfare of current and future residents of the Town.

Planning Board recommends not to pass.

Dwayne stated that in the meeting with the Board of Selectmen and Planning Board, they had asked him and the Attorney look into the requirement for reimbursement language so that if someone built a road, that for a certain amount of time they could be reimbursed if somebody else built onto the road. The Attorney did a search and there is only Washington State and British Columbia that do this. The Attorney stated that it is a very complicated process because we need to establish time frames and a way for whoever builds the road to submit invoices to the town. We would have to figure out the price per foot. The Attorney stated that what people will do is wait until the time frame is up and build then so they do not have to pay. Dwayne stated that they are wanting to change where it says: "All lots for which a building permit..." be changed to "All lots for which a growth management permit..."

Selectman Drew to put Question #6 forward with the change to growth management permit. Selectman Cowan seconded the motion. VOTE: 4-0

Selectman Cowan motioned to accept the Planning Board request to add both recommendations to the Question. Selectman Folsom seconded the motion. VOTE: 4-0

4. Unfinished Business:

A. Canoe Launch: Update on Progress

Dwayne stated that they wanted the Town to indemnify them against everything that they found in the AMEC report which was coal ash, asbestos, lead and the transformers. We told them that they didn't find asbestos or lead. There is a likelihood that there is some coal ash on the property. The way that no one gets impacted by coal ash is you don't dig on the property. He told the Pratt attorneys that they will indemnify on the coal ash but we will require that they don't dig on the property. Pratt had also stated that we couldn't dig on their property, but we will need to dig to make the parking lot. They agreed to let us dig for the parking lot and the path. They also agreed that they wouldn't have to approve any changes on the property unless we build a building. They will be having a telephone conference next week with them to try to iron this out.

B. Police Negotiations: Approve Labor Agreement

Dwayne stated that the Town and the Police Benevolent Association have come to an agreement. Selectman Cowan motioned that we enter into an agreement with the Police Benevolent Association. Selection Folsom seconded the motion. VOTE: 4-0

C. Budget FY15: Review Budget for FY15

Dwayne stated that they had the first Budget Committee meeting last night and he stated that it went very well. They went over the basics and Dwayne explained everything to them. He stated that they have quite a few new members so there was some good discussions and questions. Someone questioned the situation of the Code Enforcement Officer going down to three days. They were wondering if they had been paying for somebody that they didn't need. Dwayne stated that he feels the work can be handled with fewer hours but it is an experiment. They will have to see if it works. Selectman Cowan suggested that they have an orientation for people that are new to Boards so they can get familiar with the terms and the process.

D. Legislation: Update on Maine Legislation

Dwayne stated that yesterday afternoon, the Appropriations Committee, the Democrats voted to restore Revenue Sharing after the Republicans left the room. Dwayne stated that he was told that the Democrats told the Republicans wanted to vote on Revenue Sharing that day and the Republicans stated that they were not ready. The Democrats asked them when they would be ready to vote on it and the Republicans they did not know when they would be ready to vote on it. The Democrats stated that they were going to vote on it today and the Republicans left the room anyway. Dwayne stated that MMA are starting to advertise on TV and publications about Revenue Sharing to let people know what is going on. Dwayne stated that LePage has stated that he is going to veto it so the Democrats are trying to make it a veto free thing. Dwayne stated that all of these people have to go back to their home towns and explain why they voted like they did.

Dwayne stated that the Solid Waste legislation did not pass. They are setting up a Blue Star Committee with the goal to create a hierarchy and incentives and look at the whole solid waste situation. They are going to put restrictions on the State owned landfills and taking trash from other states.

Reminders: Next Board of Selectmen's Meeting – Feb. 18, 2014 – 6:30 pm Municipal Building

Budget Committee – Feb. 10, 2014 – 6:30 pm Municipal Building

5. New Business:

A. Audit: Review of FY13 Audit with Auditor

The auditor did not show up. Dwayne will speak to him and find out when he plans on coming in to meet with them.

6. Other Business:

Selectman Drew stated that a representative from the Rod & Gun Club will probably be calling Dwayne regarding the old folding chairs from the Community Center. They are in need of some additional chairs and Selectman Drew told him to call Dwayne and ask him about it.

Dwayne stated that they ordered 100 chairs for the Community Center and were able to take it out of this year's budget. He said that they are making a few changes at the Community Center. They removed the soda machine. They replaced all of the exit signs. They also need to replace all of the rails and some of the slats on the window treatments.

Selectman Folsom asked how are winter snow removal budget was holding up. Dwayne stated that they had used 31% of the budget as of the end of December.

Dwayne stated that he contacted CMP regarding the transformers at the canoe launch property. They are coming on Monday to see about removing the wires and transformers.

7. Review and Approve Warrants and Correspondence

Warrant: January 28, 2014	- \$ 0.00
Warrant: February 4, 2014	- \$ 46,615.88

Selectman Cowan motioned to accept the Warrant for February 4, 2014 for the amount of \$46,615.88. Selectman Folsom seconded the motion. VOTE: 4-0

8. Adjournment

Selectman Drew motioned to adjourn the meeting at 8:45 pm. Selectman Cowan seconded the motion. VOTE: 4-0

Respectively submitted:
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Charles Galemmo

Selectman: Paul Danforth

Selectman: Elaine Folsom

Selectman: Gregg Drew

Selectman: Wendy Cowan