

North Berwick Board of Selectmen's Minutes: March 18, 2014

**NORTH BERWICK BOARD OF SELECTMEN MINUTES MARCH 18,
2014**

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

Absent: Selectman Folsom

Also Present: Dwayne Morin, Loretta Burbank, Lorinda Hilton, Shirley Barto, Jennifer
St. Pierre

1. Pledge of Allegiance

3. Review and Approve Minutes of March 4, 2014

Dwayne Morin stated that he had made a couple of changes that were for clarification purposes. Selectman Cowan stated that in Section D the sentence that states, "They did keep the appraisal reporting requirement in for sudden severe..." be changed to read, "They did keep the appraisal reporting requirement in place for sudden severe...".

Selectman Drew motioned to accept the minutes of March 4, 2014 as amended. Selectman Cowan seconded the motion. VOTE: 3-0

4. Public Input

Shirley Barto stated that she read in the previous minutes that the Board had received a letter for the citizens of North Berwick from Governor LePage. She was wondering why, if it was addressed to the citizens, they can't read it somewhere. Chairman Galemmo stated that it was a request that they include it in the Town Report and the Board decided against doing this. Mrs. Barto stated that it should still be made available somewhere for them to see. Otherwise, it looks like the Board is keeping something from them. Dwayne Morin stated that he could give her a copy of it. Mrs. Barto said that would be fine but it should still be made available to anyone else who may want to see it. Chairman Galemmo stated that it is not the Board's responsibility to disseminate the Governor's information. He has plenty of ability to do so. Mrs. Barto stated that it looks like they are trying to keep information from them. Chairman Galemmo stated that the Governor asked for them to put it in their Town report. The Board decided not to spend the money to do this. Mrs. Barto stated that it should have been included in the minutes or somewhere on the website. Mrs. Barto stated that regardless of the opinion held about Governor LePage, he is still the Governor. She stated that it would only be courteous to allow the citizens to read it. Dwayne stated that anyone can come in and read it. All they have to do is go into his office and request it. Mrs. Barto said they can do this only if they know that it is there. Dwayne asked Mrs. Barto if she knew that Representative Eves and Senator Collins had written letters to them. He stated that they get letters from people like them every year at this time. They are addressed to the Board of Selectmen. Shirley Barto stated that it stated in the minutes that it was addressed to the Citizens of North Berwick. Dwayne stated that it came in an envelope addressed to the Board of Selectmen. Chairman Galemmo stated that he sent it to them with a specific request to put it in the Town report and the Board decided not to do it. Selectman Drew stated that if he had wanted it to go to every citizen, he would have mailed it to them. Instead he sent it the Board. Dwayne stated that it is the same letter that he sent to 365 towns.

Paul Danforth arrived at the meeting at 6:35 pm.

2. Public Hearing – 6:35 pm – Town Meeting Referendum Questions

Chairman Galemmo opened the Public Hearing at 6:35 pm.

Chairman Galemmo stated that they would go through each question one at a time.

Chairman Galemmo read through the questions.

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?

Dwayne Morin stated that the intent of this Ordinance is as follows:

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.

Loretta Burbank stated that she had printed off the questions several weeks ago and some are different from these. For this question, her copy does not say Solid Waste. Dwayne stated that some of them had been changed.

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

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.

No public comments for this question.

Question #3: Shall an ordinance entitled, "Town of North Berwick Construction Standards for Commercial Use Buildings Zoning Amendment," be enacted?

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. (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)."

Loretta Burbank stated that she lives at the intersection of Madison Street and Route 4. Her concern is that this is way too restrictive. She stated that for the people living from the Madison Street extension down to where it has been changed to commercial zone, most were not in favor of this change. Since it has been changed to Commercial, both her and her sister, Pat Herrick, who lives next door to her, have been approached by two companies already. Her concern now is that their property has become commercial, but the things that are included in these Construction Standards are so restrictive that it seems like it will be impossible for businesses to come to town. She is concerned that we are trying to promote businesses to come into town, but there are a lot of things that need to be met with these standards. She feels like after the zoning was changed, people started to get worried that there were not enough restrictions and that just about any business could come into town. She feels that when you restrict things like the type of siding they can use, the color of the roof shingles and the color of the exterior having to be approved by the Planning Board, that this is excessive. Dwayne stated that it has to be approved by the Planning Board now. He stated that everything that was included in this ordinance, the Planning Board has had the authority to enforce it. The Board was trying to tighten up some of the commercial concerns on building restrictions. He stated that the current proposal by Dollar General meets these requirements. Loretta Burbank stated that if the Planning Board currently has the ability to restrict all of these things then she doesn't feel that it needs to be in the zoning requirements. She feels that the Planning Board's duty is to oversee the restrictions and they have the ability to make sure that nothing extreme is coming in. She stated that she looked at

South Berwick and Wells Ordinances and they don't have anything like this in their ordinances. She feels that it is so specific that there is no leeway for someone who had something that was decent but didn't meet these criteria, then the Planning Board wouldn't have the ability to approve it. Dwayne stated that there is quite a bit of leeway in these standards. Chairman Galemmo stated that he put a lot of this together and doesn't think that companies will have a hard time with these standards. Mrs. Burbank stated that the hope is to get smaller businesses in town that can go into existing spaces with minimal changes and have them meet the criteria that they need. Dwayne stated that existing spaces do not need to be changed. She stated that she appreciates what they are trying to do but she still feels that it is way too restrictive and that it will hurt us for bringing businesses to town.

Shirley Barto stated that she agrees with the Ordinance. She feels that if the Planning Board had this ordinance before then the Hannaford building would look a lot different. Selectman Danforth stated that this is one of the reasons that they decided to put this together for them to use for future companies. Dwayne stated that Dollar General did not have one concern over any of these requirements.

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?

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.

Dwayne stated that the Planning Board recommends that this does not pass.

Loretta Burbank asked why this came up and if there were some internally lit signs now. Chairman Galemmo said that Dunkin Donuts, Cumberland Farms and the library all had some. She asked if people had complained about them. Chairman Galemmo stated that for him it is an aesthetic thing. Our Comprehensive Plan says to maintain a small town New England style and those type of signs don't really go with that. Lorinda Hilton stated that there are different types of lighting. The one at the library has a glow and it's not too bright, but the one at the storage facility down the road and the ATM in South Berwick have a totally different look. There are some internally lit signs that aren't bad and some that are just horrible. Loretta Burbank said that this ordinance would prohibit all internally lit and Chairman Galemmo said yes. Dwayne stated that those signs that are existing would remain but any future ones would be prohibited.

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?

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.

Question #6: Shall and 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?

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

Dwayne stated that the Planning Board recommends that this not pass.

Loretta Burbank stated that she did not understand what this question was about. Dwayne stated that what happens right now is if you have an existing lot on a discontinued road that the town does not maintain and if you build on it, you do not have to bring the road to any standard whatsoever. However, if someone owns a piece a property and sells a lot off of that property to someone else, that person would have to bring the road to standard. He stated that it is a fairness issue. He said that the other concern is the cost to the town, especially as it relates to our public safety. He gave the following example: If someone builds a house on Estes Hill Road, which is barely passable right now, and there is a fire, our trucks couldn’t get to you. The road is in no shape for them to get there and they could do severe damage to their vehicles while trying to get to it. So they would like to have some sort of standard for a road for anyone who builds on a road like that. Mrs. Burbank asked if it would include any permits that have already been issued and Dwayne stated that it would only be for future permits.

Chairman Galemmo closed the Public Hearing at 7:01 pm.

Chairman Galemmo stated that they would move on to the Parks and Recreation item because the applicant was present.

5. Unfinished Business:

D. Parks and Recreation: Membership Application for Commission – St. Pierre and Missud-Martin

Dwayne introduced Jennifer St. Pierre who has applied to be on the Parks and Recreation Committee. He stated that she has been attending the meetings for the past year and would now like to be a full time member. She stated that Kristi asked her to join the Committee. The Board stated that they just like to basically put a face to the name. Selectman Drew stated that it is a great program.

Selectman Drew motioned to accept Jennifer St. Pierre’s application for Parks and Recreation Committee. Selectman Cowan seconded the motion. VOTE: 4-0

A. Canoe Launch: Update on Progress

Dwayne stated that they are still waiting for Pratt Corporate to sign off on the deal that was struck. He has started to look at docks and as soon as Spring does come they will start with the construction of the parking lot, tree removal and the path down to the water. They are still working with CMP to remove the power lines and transformers from our existing property. This will happen as soon as mud season is over.

B. Budget FY15: Review Budget for FY15

Dwayne stated that the Budget Committee has completed their review of the budget and the recommended budget is down .4% from last year. There is a slight increase coming out of taxation of about \$85,000 because of loss of revenue sharing. He feels that they will make this up with the BETE equipment but he won't know those numbers until April. He stated that from what Pratt has told them and the new purchases that they have made, he thinks that they will make up a good chunk of that anyway. He stated that it is two years in a row now that the budget has been reduced. Dwayne stated that in the packet is a copy of the final warrant which he needs to be approved.

Selectman Danforth motioned to accept the Warrant for Town Meeting for North Berwick for April 5, 2014 as written. Selectman Drew seconded the motion. VOTE: 4-0

Selectman Drew asked Dwayne if there were any concerns from any of the Budget Committee members. Dwayne stated that for the majority of the Articles there were unanimous votes. They did work through the numbers and did change some of them, but when all was said and done, the final numbers that they came up with were unanimously approved. He said that there were a few social service agencies that had split votes. These were Red Cross, Woodfords and Seacoast Aids. The only one that they are recommending that we don't fund is the Eastern Trail. Dwayne stated that they had very good attendance this year.

E. Foreclosures FY12: Sign Land Agreement on Day Property

At the last Board meeting, the Board approved a foreclosure plan for the Day property. Dwayne has the forms for the Board to sign. He stated that Mr. Day has already signed it. It is to purchase back the property (Map 1, Lot 5) by paying \$500 by March 31, 2014 with the remaining balance of \$665.32 plus interest and services fees to be paid by August 31, 2014.

Reminders: Next Board of Selectmen's Meeting – April 1, 2014 – 6:30 pm Municipal Building

6. New Business:

A. Town Meeting: Discussion/Newsletter

Dwayne stated that the newsletter was at the printers now and will be mailed out on Friday. It has all the Questions for the Referendum, all of the Candidates and all the description of the Budget items that we are dealing with. Dwayne also stated that they will be having one more meeting before the Annual Town Meeting, so if there is anything that the Selectmen wish to have for the Town Meeting, we can discuss then.

B. Planning Board: Conditional Use Activity Update

Dwayne wanted to keep the Board up to date with some of the proposals that are before the Planning Board. He stated that they are quite busy right now. There are three proposals before the Planning Board right now with an additional one that they will be reviewing soon. At the last meeting, they approved the expansion for Pratt & Whitney. They are adding an 18,800 square foot addition to the east side of their property. Selectman Drew asked what that would come out to for additional valuation. Dwayne stated that they would not know until it was all built.

The Planning Board is also continuing to review the Dollar General proposal. Dwayne stated that Dollar General has made some significant changes to their building since the last meeting. Dwayne pulled out the plan to show the Selectmen. Chairman Galemme stated that he was at the last Planning Board meeting and he thinks that the changes they made are good. Dwayne stated that one of the major changes that they made was with the roof. It used to be a flat roof with a 3/12 pitch. They changed it to 5/12 pitch and have an exterior lighted sign on the building with the old fashioned lights that are over the sign. They also added an awning in the front. The initial plan had only two windows in the front but they have added two additional ones with a recessed entry way. They also added brick for three feet along the bottom of the building and they changed the color of the roof to a bronze color. Dwayne stated that it is currently being reviewed by the engineers for the issues like storm water. Chairman Galemme said that they also have to move the propane tanks because they need to be 75 feet away from the building and they currently are at about 60 feet. Selectman Cowan asked what the proposed start date was on this project if it was approved. Dwayne stated that they would like to start as soon as it gets approved. Chairman Galemme stated that they still need DOT permits. Dwayne stated that they are working with the Historical Society in regards to the little house on the property which Dollar General is donating to them. Selectman Cowan asked if anyone was living on that property and Dwayne stated that there is someone there and he has lived there for 26 years. The resident needs to be out next month. The Historical Society is working on turning it into a museum. Dollar General is going to provide them with an entrance and some parking spaces for the building itself.

Selectman Cowan stated that she does like the way they have the building set down from where the current opening is. Dwayne stated that this is to maximize site distance. They also wanted to have some parking up front as well as on the side of the building.

Dwayne stated that the Planning Board is still going over the lighting with Dollar General. There is still too much spillover on property lines. It is really just the light by the apartment building and Dwayne stated that they may just need to add some shields on the back side.

Selectman Drew asked if the storm water was going to go right to the river. Dwayne stated that it was going to a rip rap and eventually filter itself down to the river.

Chairman Galemmo stated that the look of it is much better. Dwayne stated that when the Planning Board asked for changes, Dollar General had no problems with them at all.

The other issue that is currently before the Planning Board is Recovery Maine. They are looking to operate a male rehab center in the current Stan Rice property across from Cumberland Farms. Dwayne stated that the Public Hearing for this was next Thursday night, March 27th at the Community Center. Dwayne stated that they did have our legal counsel review it to make sure that it was something that was allowed within our Ordinance and they said that it was allowed. Selectman Cowan asked if this was something that the townspeople would either approve or disapprove. Dwayne stated that it was not the townspeople that would make the decision. It will be up to the Planning Board. He stated that it is actually an allowed use under our Ordinance, so the Planning Board cannot disapprove it unless the applicant does not agree to the conditions that the Planning Board will set forth.

Chairman Galemmo stated that he listened to their presentation and it is not as bad as what he first thought when he heard about it. He said that it is not a methadone clinic. Dwayne stated that it is an abstinence based program. Chairman Galemmo stated that it is a sobriety program where they have to have successfully completed some kind of inpatient hospital sobriety program. They are not coming from the criminal justice system. He said that they are going to have a Resident Manager on site 24/7. The downstairs is going to be clinician's offices. While the treatment services may be covered by insurance the room and board will need to be paid by the residents. They have to sign papers agreeing to the terms of staying there such as having a job, going through the treatment and community service or they will be asked to leave. An exit plan will be in place with each resident which means that if they are asked to leave, there is a family member that will need to come pick them up. They are not just thrown out onto the street.

Dwayne stated that they have a pretty good overall plan and they dispelled some of the concerns that people may have had. There are still going to be people that will be upset about it. Selectman Cowan asked if they had any other facilities in the area and Dwayne said that this was their first one. Dwayne stated that the applicants have lived here in town for a number of years. The husband is an ex-trooper and his wife is a clinical counselor and works in this field.

Selectman Cowan asked what the maximum is that we can accommodate in the building for this. Dwayne stated that this is one of the things that the Planning Board is working through right now. Selectman Cowan stated that she thought that it said in the proposal that they wanted to add a female program to this as well. Dwayne stated that it would not be for residential stay, only for outpatient therapy sessions. Chairman Galemmo stated that the Planning Board did ask for a letter from the Chief of Police to see what his thoughts were. Dwayne stated that the Fire

Chief, Chief of Police and Rescue Chief all went through the house and property today to see if they would have any concerns with it. Chairman Galemme also stated that they will have a back yard and it will have a security fence around it.

Selectman Cowan asked what our recourse was if it does not turn out to be as they described. Dwayne stated that they would be in violation of the Conditional Use Permit and could be shut down. Selectman Cowan asked if any of the Chiefs had voiced any concerns. Dwayne stated that they had not. He stated that the applicants had met with the Chiefs a couple of weeks ago and again today. He said that some of the concerns were if there were going to be some pharmaceuticals on the property or are they court required people instead of non-court required people. Selectman Cowan asked if there was going to be a curfew and Chairman Galemme said that they were going to have one.

Selectman Cowan asked if they were going to put a sign up. Dwayne stated that he assumed they would but not sure if it was going to be on the house itself or not. Chairman Galemme stated that the Planning Board would look at this as well as the parking issue.

The other proposal that will be coming before the Planning Board is a Tai Kwan Do business that would like to go into the brick building down the street. Dwayne stated that he thinks they will be presenting to the Planning Board at the next meeting.

C. County: Notice for the Budget Committee Caucus and Result of Budget Committee Lawsuit with Commissioners

Dwayne stated that next week is the election for the Budget Committee. He said that our district, which is District 1 is 1 public member and 1 elected member. It will be held at the Alfred Town Hall next Wednesday, March 26th at 6:30.

Dwayne stated that Superior Court Justice O'Neil has made an opinion on the lawsuit and found in favor of the Budget Committee. Selectman Cowan asked if the Commissioners were going to appeal the decision. Dwayne stated that they have 21 days to appeal and we have not heard anything yet. He stated that he would be shocked if they appealed this.

7. Other Business:

There is no other business at this time.

8. Review and Approve Warrants and Correspondence

Warrant:	March 11, 2014	- \$ 6,130.70
Warrant:	March 18, 2014	- \$ 524,258.04

Dwayne mentioned that for the March 18th warrant, \$397,000 is for the school payment and \$70,000 was for Winter Highway.

Selectman Cowan asked if anybody had come forward for the School Board position and Dwayne stated Lynn Manley was going to run for the position.

Selectman Cowan motioned to accept the Warrant for March 11, 2014 for the amount of \$6,130.70 and the Warrant for March 18, 2014 for the amount of \$524,258.04. Selectman Drew seconded the motion. VOTE: 4-0

9. Adjournment:

Selectman Danforth motioned to adjourn the meeting at 7:38 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