

NORTH BERWICK, MAINE 2014

MINUTES OF PLANNING BOARD JULY 10, 2014

Present: Chairman Barry Chase, Jon Morse, Rick Reynolds, Mark Cahoon, Geoffrey Aleva, Lawrence Huntley, CEO

Absent: Anne Whitten

1. Call to Order:

Chairman Chase called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Jon Morse stated that on Page 2 in the 4th paragraph, the last sentence currently reads, “She said that everyone has that lives there has 3 to 4 acres.”. It should read, “She said that everyone that lives there has 3 to 4 acres.”.

Rick Reynolds motioned to accept the minutes of June 26, 2014 as revised. Mark Cahoon seconded the motion. VOTE: 5-0

3. Current Business:

Chairman Chase stated that the item on the Agenda for tonight was a Planning Board Workshop to discuss the Town of North Berwick Growth Ordinance.

Geoffrey Aleva asked if they had anything to review or if they were just going to have an open discussion. There was nothing to review. He also asked Larry Huntley if whatever change they would want to make would need to go to a Town vote. Larry said it would need to be voted in. Jon Morse said that somebody had mentioned something at the last meeting about how the permits for subdivisions are given out. He said that if after a certain amount of time, if there are still outstanding permits to give out, than subdivision contractors could come back and request more. Larry asked him what date they would use to open it up to the contractors. He stated that our fiscal year goes from July 1st to June 30th so at what juncture in that year would the Board recommend to open it up for subdivisions. Chairman Chase and Geoffrey Aleva asked why they couldn't give them the permits that were left over. Mr. Aleva asked how many permits are given out. Larry stated that they are allowed 39 and subdivisions are allowed 6 per year. Larry said what if they get to May and have 20 permits left and a subdivision contractor has already built

his allotted 6 buildings, are you going to make them wait until June 30th to get more? Chairman Chase asked how many permits were given out last year and Larry said there was about 11 given out. Jon Morse asked if there were any active subdivisions in town right now and Larry said that he didn't think so.

Chairman Chase stated that if the Board approves a subdivision than the Town has basically given them the approval for 30 homes. When they come before the Board for their approval, it can be decided at this time how many permits to be used and the timeframe for the contractor to build it. Larry stated that this would be fine but the way it is written now, they can only get the six. Geoffrey Aleva stated that they need to revise the Ordinance to allow a carryover in case there are times when somebody comes in for a subdivision and needs the additional permits. Chairman Chase stated that he feels that the only time that they need a growth ordinance is for subdivisions. He does not feel that people who own individual lots throughout the town should be thrown into this growth cap. Larry states that people think they should be included because they add to the infrastructure of the town and cost the town money. He stated that if someone moves in with kids, we are paying for the kids to go to school. Larry stated that he doesn't see a difference between a house in a subdivision or an individual dwelling. Rick Reynolds stated that having the single family dwellings different from the subdivisions growth cap defeats the purpose of the growth ordinance. Chairman Chase stated that he wants it to state in the subdivision ordinance that the Planning Board and the developer will come to an agreement on the phasing of the subdivision. Rick Reynolds asked if there was a State mandate for growth ordinances and Geoffrey Aleva stated that there were none. Larry stated that the State Planning Office has a suggestion but there is no requirement. Mark Cahoon said that he thinks that they should give the developer of a subdivision the original six lots but they should have the option to come back before the end of the year to see if there are any remaining permits. Larry stated that he likes the idea that the Planning Board can come back and review individual situation and offer the developer more lots. Larry stated that the Board can change the policy but they need to make sure that it is fair and enforceable.

Chairman Chase also mentioned that the Comprehensive Plan is to promote growth in the residential zones and not in Farm and Forest. He asked Larry when the last time was that the Town hit the growth cap. Larry said it has been 8 years. Geoffrey Aleva asked what was going on at that time that caused them to hit the growth cap. Larry said that they had several subdivisions going on and a lot of individual lots being developed.

The Board also discussed how they would determine who would get the additional permits. Would they do first come first serve or do some kind of lottery? Chairman Chase stated that they haven't met the growth cap in 8 years so he doesn't see why they need to keep the cap. Mark Cahoon stated that they need to keep it in place just in case it is ever needed in the future. Larry stated that they can say that they reviewed for this year and don't feel that any changes are needed this year. The Board could always review it again next year.

Chairman Chase suggested that they take the leftover permits from previous year and roll it over into the current year. He said you would only consider the ones leftover from the previous year. Larry doesn't agree with this suggestion because they could end up with too many in one year. It also makes it hard on the Town because they don't budget for this kind of situation. He said that the whole idea of a cap is so the Town won't get financially strapped. Rick Reynolds stated that they have to keep it to even it out and not have spikes and valleys.

Geoffrey Aleva asked how they came up with the number six for the subdivisions. Larry stated that Southern Maine Planning used some kind of formula to figure it out. Chairman Chase stated that at the last meeting, they asked to have Lee Jay Feldman come in to review this with the Board. Larry said that he had not talked to him yet. Chairman Chase stated that he would like Lee Jay to attend one of the meetings so they can discuss it with him. Larry stated that he would call him and set something up for him to come to a future meeting.

4. Other Business:

Mark Cahoon stated that they also need to make a change in regards to the issue that they had at the previous meeting with the applicant that wanted an additional horse. Chairman Chase asked the Board how they felt about that situation. Mark Cahoon stated that after doing the site walk, he was ready to tell her that she needed to get rid of the one horse that she already had. Geoffrey Aleva stated that he felt it was too small of an area for an animal that big. Jon Morse stated that they need to look out for the neighbors as well. He said that the manure up there is going to stink and she is not doing anything to cover it up. He does not feel that it is a good place for a horse. Rick Reynolds said that the one thing he agrees with is that a horse needs a companion. He also mentioned that the other thing to consider is that when a horse dies now, you need to bury it. You cannot take it away anymore so you have to bury it on your property. Mr. Reynolds stated that it is also difficult to just say a horse because there are so many different kinds of horses. Mark Cahoon said that he noticed that there is no quality grazing there either.

Jon Morse said that he would like to see it changed where the Board has some authority to allow or disallow according to where it is. Geoffrey Aleva stated that this was in the Use Tables but Larry said that right now it is a CEO permit. Mr. Morse said that it should be a conditional use permit so they would have to come before the Board every time. Larry stated that he will bring these issues to the Board from now on but there should be something in the Ordinance about it. Larry said that they could just say something like, "All horse requests shall be reviewed by the Planning Board." Jon Morse stated that they could just make Animal Breeding and Care a Conditional Use in all zones except in the Industrial District. Larry said that they can do this but then they need to have something that gives a reason why it could be denied. Chairman Chase stated that they could state that no horses be allowed on lots under two acres. Mark Cahoon said that it should specify that it should be cleared lots. Larry stated that they need to make sure that they have a reason for whatever they decide to say. It all needs to be defensible. Mark Cahoon stated that they could also state that there needs to be so many feet in between properties.

Chairman Chase stated that they should have Lee Jay review other town ordinances to see what they do. Larry will speak to him about it.

Mark motioned to table the North Berwick Growth Ordinance until they hear back from Lee Jay Feldman. Rick Reynolds seconded the motion. VOTE: 5-0

5. Adjournment:

Mark motioned to adjourn the meeting at 7:12 pm. Jon Morse seconded the motion. VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten