

## **NORTH BERWICK, MAINE 03906**

### **MINUTES OF PLANNING BOARD DECEMBER 11, 2014**

**Present:** Chairman Barry Chase, Geoffrey Aleva, Mark Cahoon, Jon Morse, Matthew Qualls, Lawrence Huntley, CEO

**Absent:** Rick Reynolds, Anne Whitten

**Also Present:** Richard Braly, Michael Hodurski, Shirley Barto, Lorinda Hilton, Gregg Drew, Kristen Marchant

#### **1. Call to Order:**

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

Chairman Chase welcomed Matthew Qualls to the Planning Board as the new alternate member. Chairman Chase moved Matthew Qualls up to full voting status for tonight.

#### **2. Review Previous Minutes:**

Jon Morse motioned to accept the minutes of November 13, 2014. Mark Cahoon seconded the motion. VOTE: 4-0 Abstain: 1

#### **3. Current Business:**

Chairman Chase stated that the first item on the Agenda was for the applicant Gregg Drew. He is proposing to raise Chickens and other Poultry for Sustenance and Egg production at 46 Lower Main Street (Map 18, Lot 1).

Gregg Drew stated that he was here to follow the protocol of the Town Ordinance by applying for this permit. He has had chickens for a while but was not aware of the necessity of obtaining a permit for them. He apologized to the Board for not obtaining one initially. Mr. Drew stated that he has quite a few hens now and has also raised turkeys in the past for his own use. He would like this application approved so he can continue to do so.

Jon Morse asked how far down on Main Street that he was located. Mr. Drew stated that he had Bill Bartlett's old place which is right before the Mathews house.

Chairman Chase asked Mr. Drew if he had any roosters. Mr. Drew stated that he did have some but they do not crow. When they do, he gets rid of them. He stated that it is hard to tell what you are getting when they are chicks.

Chairman Chase asked Larry Huntley if he had any issues with it and Mr. Huntley said he did not. Geoffrey Aleva asked Mr. Huntley if he had been over there and Mr. Huntley said that he has been by there many times. Geoffrey Aleva also asked how long he has had the pen set up the way he does in the sketch plan. Mr. Drew stated that it has been about three years. He also stated that he had inquired back then if he needed a permit to build the coop and he was told that he did not. He just recently found out that he needed a permit to have the chickens.

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

Michael Hodurski stated that the permit just said that it was to raise chickens but does not say how many he is allowed to have. He does not want it to become a huge chicken farm. Gregg Drew stated that it was for his own production and he does have a couple of neighbors that buy eggs from him. Chairman Chase asked Mr. Drew how many chickens he currently had. Mr. Drew stated that he currently has 23 chickens. Mr. Hodurski said that since he is selling eggs, does this constitute a business? Larry Huntley stated that he wouldn't call it a business if he is just selling eggs once in a while. Matthew Qualls asked if the application is for the coop or for raising the chickens and Mr. Drew stated that it was for the chickens. He stated that he prefers to call it poultry because he would like to have turkeys again and possibly pheasants.

Mr. Hodurski asked what someone can do if the chickens end up on their property. Mr. Drew stated that he has had a few sneak out sometimes. He was told by police officers about it and he went and rounded them up. He stated that he also clips their wings so they cannot fly.

Chairman Chase closed the Public Hearing at 6:40 pm.

Jon Morse asked Mr. Drew if the chickens and turkeys live together. Mr. Drew stated that they do not. He stated that chickens carry a disease called Black Heart Disease and occasionally a chicken will pass it on to a turkey. He never grows them together because it can kill the turkey.

Mr. Drew stated that he had a request for the Board and for Larry Huntley. He wondered if the application for a conditional use permit could be simplified. He stated that it is very confusing. He felt that for his request it could have been a simple one page application instead of the five page one that he had to fill out. He stated that you check off the Conditional Use part at the top of the page and go down to the bottom to the Conditional Use Checklist. He stated that Mr. Huntley sent out the letter to the abutters, but he was informed by Dwayne Morin that he was supposed to do it. He stated that it gets very costly to obtain a copy of the deed and a plumbing permit. Mr. Drew would like to have it reviewed and simplify it to make it more user friendly. He said that it also does not state anywhere what the cost of a permit is. He asked Mr. Huntley where the cost can be found. Larry stated that it is listed in the bylaws. Mr. Drew stated that it cost him \$50 for this permit plus \$6.48 for each of the letters to the abutters so this cost him almost \$200. He also asked the Board if they could amend the cost for Senior Citizens. Larry Huntley stated that the fees are set by the Board of Selectmen and Mr. Drew stated that he is requesting that the Planning Board ask the Selectmen to review it. Larry stated that he would

discuss it with Dwayne. Also, Larry stated that it is a State law that everybody within 500 feet be notified. However, he stated that it is the Board of Selectmen that request that they be notified by registered mail. Chairman Chase asked Larry who had designed the current application and Larry said that it was done years ago before he started working here. Chairman Chase asked who would be responsible for revamping the form and Larry stated that it would be him. Larry stated that this application is to cover everything that somebody needs a conditional use permit for. Mr. Drew suggested that they have different applications based on what the request is. He stated that in building his chicken coop, he does not need to answer questions such as how many bedrooms, how many stories or information about his septic system. Jon Morse stated that he does not know how you can get a permit for every single application that you could possibly imagine with just the stuff on it that's needed for this approval. He stated that it is better to have a form for the biggest application and just fill out what applies to your particular request. Chairman Chase said that maybe the easiest thing to do is when somebody comes in and picks up an application, Larry can highlight the sections that need to be filled out for their request. Matthew Qualls stated that when he applied for this position on the Board, the application was very generic and asked basic questions like what Board he was applying for. He asked Larry if the current applications provide him with extra value. Larry stated that it provides him with one permit and he doesn't have to thumb through many different permits for different purposes. Mr. Huntley stated that he tells the applicants to just fill out the pertinent information. Chairman Chase told Mr. Drew that it is really not up to the Planning Board but Larry stated that he would look into it. Somebody suggested that they have a different application for livestock versus buildings. Larry stated that they have at least 100 things that a conditional use permit needs to be obtained for so it makes it difficult.

Jon Morse motioned to approve the conditional use permit for Dawn and Gregg Drew at 46 Lower Main Street for chicken coop and fenced in pen. Matthew Qualls seconded the motion. Geoffrey Aleve stated that it is not for the coop but it is to raise chickens and poultry.

Jon Morse amended his motion to approve the conditional use permit for Dawn and Gregg Drew to raise chickens and other poultry for sustenance and egg production at 46 Lower Main Street (Map 18, Lot 1). Geoffrey Aleve seconded the amended motion. VOTE: 5-0

Chairman Chase stated that the next item on the Agenda is a Planning Board Workshop on Zoning Ordinance changes. Larry stated that he needed to make a suggestion before they went any further. He stated that there have been quite a few issues regarding farming and livestock as was discussed at the last Board of Selectmen meeting. He stated that since the Town is establishing an Agricultural committee and it hasn't gotten up to speed yet, he suggests that they table the livestock portion of their changes. This way the new committee can review the Comprehensive Plan and the Planning Board can actually work with them on these issues. Chairman Chase asked if he saw any issues that might come up if they wait. He stated that it was Larry that had brought these issues to the Board to begin with. Larry stated that he did not

see any issues as long as he is able to bring the issues to the Board. Jon Morse asked if they had filled the new Committee yet. Larry stated that he did not think it was completed yet. Matthew Qualls stated that the website says that the applications have to be in by December 31, 2014.

Chairman Chase asked each of the members present what they thought and they all agreed to table the livestock issues.

Larry stated that Dwayne had mentioned that they wanted to add a construction entrance ordinance. He wants add a paragraph to the following section of the Zoning Ordinance:

#### 5.2.7 Timber Harvesting:

4. All logging operations conducted in the Town of North Berwick will be required to install stabilized construction entrance designed pursuant to the Street Design and Construction Standards Ordinance for the duration of the logging operation.

We will also need to add the following section to the Street Design and Construction Standards Ordinance:

#### 2.3 Construction hours and standards; inspections

D. A stabilized construction entrance shall be required for all construction sites and logging operations whenever vehicles are entering or leaving a construction site or logging operation from a public right-of-way and there is a risk of transporting mud or sediment onto the paved roads.

The Stabilized construction entrance shall be constructed as follows:

Width: shall be a minimum of 12 feet but not less than the full width of the points where ingress and egress occurs. At sites where traffic volume is high, the entrance should be wide enough for two vehicles to pass safely. Flare the entrance where it meets the existing road with a minimum 15 foot radius.

Length: shall be a minimum length of 50 feet or four (4) times the circumference of the largest construction vehicle tire whichever is greater, except on a single-residence lot where a 30 foot minimum shall apply.

Depth and Aggregate: the minimum depth of the aggregate shall be 8 inches in depth and composed of crushed aggregate greater than 2 inches but smaller than 4 inches (AASHTO #1 Aggregate).

Geo-textile Fabric: It is required that a non-woven geo-textile fabric be installed under the aggregate.

Drainage: Runoff from the entrance shall be drained to a sediment trap or sediment basin and the installation of a temporary culvert may be required depending on the ditching requirement of the street.

Maintenance: The entrance shall be maintained in a condition that prevents the tracking and flow of sediment onto the public right of way. All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains shall be removed immediately. When necessary, vehicle wheels should be cleaned to remove the sediment prior to entrance onto the public right-of-way.

Trapped sediment shall be removed from the site or stabilized onsite and prevented from entering storm drains, ditches or waterways. Disturbed soil area resulting from the removal shall be permanently stabilized. The entrance may be removed after final site stabilization is achieved.

Matthew Qualls asked what the difference was between a woven geo-textile fabric and a non-woven geo-textile fabric. Geoffrey Aleva stated that they are both weaved together and they are both structural. He stated that what can happen with a woven geo-textile fabric is that the fines from the soil that get knocked off by the trucks can collect in that layer and create a barrier and just holds mud. A non-woven fabric will allow water to flow through it.

Chairman Chase asked if this was just for logging operations. Geoffrey Aleva stated that it was for all construction sites also. Chairman Chase asked if this would also apply to somebody just building a house. He feels that this would put an undue cost on some temporary thing. Larry stated that it was just being added under Timber Harvesting so he doesn't think that it applies to home construction. Mr. Aleva stated that it does specify under Length "except on a single-residence lot where a 30 foot minimum shall apply".

Geoffrey Aleva motioned to bring forward to a public hearing the proposed change to the Street Design and Construction Standards Ordinance with respect to Timber Harvesting for requirement of a stabilized construction entrance. Jon Morse seconded the motion. VOTE: 5-0

Larry stated that the next item is to have a definition of an externally lit sign and an internally lit sign. It will read as follows:

#### Article 3.2 Definitions

Sign, Illuminated – a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign. Illuminated signs shall be classified as follows:

A. Externally Illuminated sign – A sign illuminated by a separate light fixture that casts light directly on the face of the sign.

B. Internally Illuminated sign – A sign illuminated directly or indirectly by a light fixture located within the sign structure. Internal illumination includes illumination designed to project light against the surface behind the sign lettering or graphic, commonly referred to as backlit channel lettering or halo lighting. This shall also include LED signs and neon signs.

Matthew Qualls asked Geoffrey Aleva to explain a little more about the difference. Mr. Aleva said that, currently in the town, you cannot have a sign with the lights inside the sign like Dunkin Donuts. He stated that it has to have a light that shines onto it like Dollar General has set up. Mr. Aleva stated that there is now a need to define what an internally lit sign and the major difference is where it talks about LED and neon signs being considered internally lit signs. Mark Cahoon asked if they could have an internally lit sign in the display windows and Larry stated that there is no particular ordinance for those kind of signs. Chairman Chase stated that he didn't have a problem with the definitions.

Matthew Qualls asked why they had to define it. Larry said that when somebody comes into his office and asks what is considered an externally lit or internally lit sign, he can show them what it states in our Ordinance. He stated that it does not have to be Webster's definition but it has to be what is stated in the Ordinance. Mr. Qualls asked why we can't just leave it as is and if something comes up about it, it can be handled through the legal system. Larry stated that it would be too costly for the town. Chairman Chase said that these definitions and Ordinances are set up to prevent any legal issues. Larry said that when there is something in the Ordinance that is vague it is best to try and pinpoint it to be more accurate so it is black and white for people to understand. Chairman Chase asked the Board if they could put the definitions in the Ordinance. The Board agreed that they could.

Geoffrey Aleva motioned to move forward to Public Hearing the definitions for Article 3.2 for externally illuminated signs and internally illuminated signs. Mark Cahoon seconded the motion. VOTE: 5-0

Chairman Chase stated that he has talked to some people and has been giving a lot of thought regarding the Sign Ordinance issue. He stated that the biggest issue he sees with externally lit signs is that at some point they can get knocked out of whack so that the light will no longer be shining on the sign. An internally lit sign is not usually very bright but they do glow. Mark Cahoon stated that he understands why they do not want to have internally lit signs to keep the town looking like a village. Although he feels that there needs to be some modernization. Chairman Chase stated that they should probably let it go for now and keep an eye on the externally lit signs and see what they are going to look like in a year or so. He stated that he thinks that the idea was that people would put up wooden signs and have lights shine on them.

Unfortunately they are putting up plastic signs and instead of putting the lights inside they are putting them outside. Matthew Qualls stated that he likes the idea of waiting to see what will happen with the signs that are going up now. The Board all agreed.

Larry said that the other issue is in regards to the requirement for all curbing to be granite. Larry stated that the Article 5.2.21.E.4 currently reads:

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

They are proposing it to read:

All curbing that extends into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

All curbing within the development, not extending into the public way, shall be made of granite, monolithic or slip-form concrete. Bituminous curbing and pre-cast concrete curbing shall be prohibited.

Jon Morse asked how they determine where the public way starts and stops. Geoffrey Aleva stated that he would change it to say:

All curbing that extends from the property line into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick.

Mr. Aleva would also like to remove the whole second paragraph. He feels that this is on private property so the property owners should dictate what they want for materials on their property. Jon Morse stated that if somebody wanted bituminous curbing they should be able to do so. If there is some damage to it they should repair it. Larry stated that not everyone will do that and it doesn't make the town look nice. Matthew Qualls asked if the purpose of the granite was for the aesthetic look or for the durability of the snow plow and maintenance by the Town. Geoffrey Aleva stated that it is the most durable but it is also the most expensive. Geoffrey Aleva stated that right now if a business comes in and they are going to use curbing to help control traffic or rain water on their own private property, they need to use granite curbing. Mr. Qualls asked if the Town would be responsible for plowing that. Mr. Aleva stated that we would not because it is private property. Larry stated that he thinks that the slip-form concrete would be fine. Chairman Chase stated that if they leave that paragraph off, when the Planning Board is doing their site review can look at those situations on individual basis.

Geoffrey Aleva motioned to revise and move forward to a Public Hearing Article 5.2.21.E.4 for the proposed to read be as follows:

All curbing that extends from property line into the public way shall be made of granite in keeping with the curbing maintained by the Town of North Berwick. He also proposed to strike the second paragraph. Mark Cahoon seconded the motion. VOTE: 5-0

4. Other Business:

Chairman Chase asked Larry to add holding elections to the next meeting's Agenda on January 8, 2015. Geoffrey Aleve stated that he will not be at that meeting.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:28 pm. Matthew Qualls 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

Matthew Qualls