

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD JANUARY 10, 2013

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

Absent: Shaun DeWolf

Also Present: Rick Stambaugh, Charles Barto, Shirley Barto, Lucinda Hilton, Laurienne Missud Martin, Victoria MacKenzie, Evan MacKenzie, J.M. Lord, Tyler Sterling, Gregg Drew and Brian Martin.

1. Call to Order:

Chairman Barry Chase opened the Planning Board Meeting at 6:34 p.m.

Chairman Chase moved Geoffrey Alewa to permanent board member and Mark Cahoon up to voting status.

2. Current Business:

Chairman Chase introduced Town Manager, Dwayne Morin. Mr. Morin is here to discuss another proposal for the Zoning Ordinance Changes. He states that since the last planning board meeting he has had many people in town voice their concerns regarding the new proposed zoning to him.

He also suggested that due to the magnitude of the zoning changes, that a second public hearing be offered on February 14, 2013 might be a good idea. It would allow as much public input as possible before final proposal is submitted. He stated that they have secured the Community Center for that date in case the Board decides to have the additional hearing.

The main concern that people have is the proposal of going from 3 districts to 1 district. He said that he understands that board wants to create a greater tax base and have more land for more businesses to come in to town.

Mr. Morin went on to state that he had some suggestions for the Board to consider and also wants to discuss some of the land uses.

Mr. Morin's recommendations include keeping the 3 zones instead of going to 1 and just expanding the existing zones. (Please see handout that Mr. Morin passed out for more detail on exact proposed changes he is recommending.)

Mr. Morin also included some suggested Map Zoning Questions for the people to vote on.

He also stated that some language changes should be done in reference to the different land uses. There 6 different businesses that language should be changed to limit where these businesses can go. These are Adult Businesses, Medical Marijuana dispensaries, Allowance of Affordable

Housing, Drive-thru franchises, Large Scale Box Stores and Drinking Establishments. This should be done regardless of staying at 3 zones or going to 1 zone.

Mr. Morin also suggested that we develop a Statement of Intent for the proposed changes. Board should do this regardless of whether it stays at 3 zones or changes to 1 zone. He did work with the Code Enforcement Officer and has submitted an example for the Board to consider.

This was followed by some discussion by the various Board members.

Larry Huntley commented that Dwayne did work very diligently on this proposal and feels that is a very good mixture because we don't have to change a lot of land use table things because most of those are taken care of in each of the 3 zones and just expanding a little bit on those. He stated that it would be easier for people to understand.

Geoffrey Aleva stated that he does like the idea of keeping the 3 zones instead of converting to 1. He wishes that the plan would have been done earlier but knows that there was a time issue.

Dwayne Morin stated that essentially his proposal has 3 changes from what the Board's other proposal states. He says that the Route 9 area becomes more commercial, the Village Overlay area becomes both residential and commercial and would like to expand the industrial area.

Chairman Chase asked Larry Huntley, CEO if it changes anything of what they accomplished up to this point. Larry stated that he did not think so. It accomplishes a lot of what people want to see in those zones. He states that Mr. Morin's proposal basically leaves things alone with some minor expansion.

Rick Reynolds stated that this proposal basically encompasses what the Comprehensive plan is.

There was some discussion as to which proposal to bring to the public hearing. Rick Reynolds said that both proposals should be presented at the hearing. He states that Dwayne Morin should present his proposal to the public.

Jon Morse stated that he definitely feels that we need to hear from the people. He stated that we bring original proposal and have Dwayne discuss his so public can hear everything.

Rick Reynolds stated that town lawyer should go through this new proposal. Dwayne Morin stated that he has already discussed everything except the 4 zoning questions with the attorney.

Chairman Chase opened the meeting to questions from the audience at 7:33.

Rick Stambaugh asked what difference was from Commercial 2 and Limited Commercial in Dwayne's plan. Dwayne stated that they are just changing the name of it from Limited Commercial to Commercial 2.

Charles Barto asked if the area of the triangle was going to be Commercial 2 or just Commercial. Dwayne stated that he recommended Commercial 2 because it would be larger lots and gives a better planning tool for the town.

Some of the discussion from the audience included questions as to what difference was from Commercial 2 and Limited Commercial and more specifics as to why some areas were going to be Commercial 2 instead of Commercial. They also wanted to know about some of the properties on Madison that were to be removed. There was also some concern about the

commercial area being so close to the historical area. They stated that it takes away from the local feel.

Chairman Chase closed the meeting from public comments at 8:03.

There was further discussion regarding bringing 1 or both proposals to public hearing. Dwayne indicated that the 1st proposal should be included because it has already been discussed in previous meetings.

Rick Reynolds stated that both should be brought to hearing so public can hear all options. He also suggested having another board meeting to discuss proposal before the 2nd public hearing. Mark Cahoon agreed with this.

Geoffrey Aleva suggested presenting this 2nd proposal at public hearing.

Chairman Chase questioned why a 2nd public hearing was necessary. Dwayne stated that more people could get the information because not everyone can make the first hearing.

There was some discussion as to who should present the proposal at the public hearing because Chairman Chase will not be there. Geoffrey Aleva feels that it should be an old member who has been part of the previous discussions.

Mark Cahoon made a motion to have Rick Reynolds present the Board's initial Comprehensive Plan.

Jon Morse seconded the motion.

Vote: 5-0

Geoffrey Aleva made a motion that the Board entertain a second proposal to look at modifying the Commercial zones based on the presentation made by the Town Manager, Dwayne Morin, where we are looking at expanding the Village Center and Commercial zone along with the Limited Commercial zone being renamed the Commercial 2 zone for ease of interpretation and working off the map presented this evening for the zoning changes.

Rick Reynolds seconded the motion.

Vote: 5-0

Jon Morse motioned that if the map changes are approved then the map zoning questions 1, 2, 3 & 4 will be accepted as the zoning questions.

Geoffrey Aleva seconded the motion.

Vote 5-0

Rick Reynolds made a motion to accept the Statement of Intent which reads as follows:
The Commercial Zones in the Town of North Berwick are proposed to be expanded to allow for additional commercial opportunities, enhance the local tax base and increase the availability of local employment opportunities within the Town of North Berwick. This is being accomplished pursuant to Economic Policies #1 Action 5 of the Comprehensive Plan. The Economic Policies Action stated that expansions of the commercial zones should remain close to the village on routes 4 and 9 north and east of the village closest to interstate highway, but upon further review, this does not allow for larger scale development due to the lack of available land and the current residential uses that exist upon these land areas. The Planning Board has also proposed expanding the commercial zones north and east of the current boundaries to provide additional land for commercial growth opportunities.

Geoffrey Aleva seconded the motion.
Vote: 5-0

Rick Reynolds motioned to make the language change to the Adult Businesses to 5.2.18 c 1 a on Limited Commercial assigned to this language to read: In any zoning district other than the Commercial II District between the intersections of Route 4 and 9 and Route 4, 9 and Madison Street as depicted in the Limited Commercial Zone as of July 1, 2012. (If Commercial Zone proposal is created eliminate the II.)
Mark Cahoon seconded the motion.
Vote: 5-0

Geoffrey Aleva motioned to add a limitation to 5.2.1 to the proposed language 5.2.1.b Registered dispensaries must be located in Village Center Overlay District as defined on July 1, 2012 or area defined as Village Overlay District as of July 1, 2013 with a minimum of 200 feet from any public or private school, public library, playground or public park and a minimum of 200 feet from any church, chapel, parish house, other place of worship, daycare measured by straight line from the dispensary property line to the property line of the protected location. With the intent to keep the Adult Business land use within the same confines as the current Zoning allows and not into other areas for the expanded Zone.

Rick Reynolds seconded the motion.
Vote 5-0.

Geoffrey Aleva motioned to modify the Allowable Housing Standards to make Affordable Housing a YES in the Commercial Zone and add the proposed language to 5.2.16 Affordable Housing Standards (Village C Overlay District and Commercial District)
A single-family unit in the Village C Overlay District and Commercial District shall be deemed affordable if all the following standards are met with a revision to f

f. The siting and appearance of affordable housing will be similar to other houses in the area.
The Statement of Intent: To allow for Affordable Housing opportunities within the Commercial Zone as proposed in the Comprehensive Plan Housing Policy #1 Action #1 and Policy #2 Action #7

Jon Morse seconded the motion.
Vote: 5-0

Rick Reynolds motioned to prohibit drive-thru franchises and restrict drive-thru restaurants. Land Use Policy #1 Action 1.
To make Drive-in or Take out eating establishments a NO in all zones and add the exemption "except drive-in theaters, Auto Service stations and financial institutions".
Statement of Intent: To restrict drive-thru facilities within the Town as proposed in the Comprehensive Plan Land Use Policy #1 Action 1.
Mark Cahoon seconded the motion.
Vote: 4-1

Rick Reynolds motioned to add definition to our Ordinance book.
Definition: Large Scale Box Stores: Any retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings at the same location, and any expansion or renovation of an existing building or buildings that results in a retail business establishment's

having a gross floor area of 75,000 square feet or move in one or more buildings except when the expansion of an existing retail business establishment is less than 20,000 square feet. Other retail business establishments on the same site as the large scale retail business establishment are not included in this definition unless they share a common check stand management, controlling ownership or storage areas.

This land use to be a NO in all zones.

Statement of Intent: To prohibit Large Scale Box Stores within the Town as proposed in the Comprehensive Plan Land Use Policy #1 Action 2.

Jon Morse seconded the motion.

Vote: 5-0

Rick Reynolds motioned to make Drinking Establishments a NO in all Zones since Town of North Berwick liquor laws do not allow for taverns/bars.

The Town's approved liquor laws only allow for the onsite consumption of alcohol in Class A Restaurants, Hotels and clubs as defined by the State of Maine. (See Town Liquor Laws).

Statement of Intent: To make the Zoning Ordinance consistent with the currently approved Liquor Laws of the Town of North Berwick.

Geoffrey Aleva seconded motion.

Vote: 1-4 Defeated

3. Preview Next Agenda: The next meeting will be on January 24, 2013 at the North Berwick Community Center at 6:30.

4. Other Business: Need to decide whether there will be a 2nd public hearing held on February 14, 2013.

Rick Reynolds motioned to hold a public hearing on February 14, 2013 at 6:30 at the North Berwick Community Center.

Mark Cahoon seconded the motion.

Vote: 3-2

5. Review Previous Minutes:

Minutes of the 12/6/12 meeting needs to be amended. Geoffrey Aleva was present at this meeting.

Rick Reynolds motioned to accept the December 6, 2012 minutes as revised.

Mark Cahoon seconded motion.

Vote: 4-0

Rick Reynolds motioned to approve the December 20, 2012 minutes as written.

Jon Morse seconded the motion.

Vote: 4-0

6. Adjournment:

Mark Cahoon moved to adjourn at 8:53 p.m.

Geoffrey Aleva seconded the motion.

Vote: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse