

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD MARCH 14, 2013

Present: Lawrence Huntley, CEO, Mark Cahoon, Rick Reynolds, Geoffrey Aleva

Absent: Chairman Barry Chase, Shaun DeWolf, Anne Whitten, Jon Morse

Rick Reynolds is acting Chair for tonight's meeting.

1. Call to Order:

Rick Reynolds opened the Planning Board meeting at 6:32 pm.

2. Review Previous Minutes:

Rick Reynolds suggested that we move a paragraph on Page 2. Paragraph 7 which states: "Chairman Chase stated that we need to get definitions for a small business park and strip development from our town attorney." He states it should be moved to the 2nd paragraph at the top of the page before the following: "Rick Reynolds motioned that we have the Town Attorney supply a definition for a strip development and a small business park."

Mark Cahoon motioned to accept the minutes of the Planning Board from February 28, 2013 with the change of moving Paragraph 7 to Paragraph 2 on Page 2.

Geoffrey Alevan seconded the motion.

Vote: 3-0

3. Current Business:

Rick Reynolds stated that they would work with Medium Priority policies for tonight. He would like to have more members present to discuss the items that the Board had questions about at the last meeting, especially regarding the back lots. Geoffrey Aleva asked Larry Huntley whether the town attorney had gotten back to him regarding the definitions that the Board asked about at the last meeting. Mr. Huntley stated that he had not heard back yet.

Rick Reynolds and Lawrence Huntley both suggested that they go through their

Comprehensive Planning Books and find the Medium Priority Planning Board issues. Rick Reynolds stated that it looked like it started on Page 24 under Population Implementation Strategies. Policy 1 Action 2 which states: “Design guidelines in public investments in the downtown and growth areas to make them more livable with additions such as attractive, walkable neighborhoods, street trees, sidewalks and green spaces that should take place in the in-town area that includes Commercial, Limited Commercial, Historic and Affordable Housing Overlay District as well as the growth districts.” He states that they should wait if the zoning changes passes and then some of these changes can be done.

Rick Reynolds read the next policy on Page 26 which states: “Explore the creation of a development transfer Overlay District which allows for increased density within the growth areas connected to public water. For every unit above the allowed density, a fee will be charged which will be put into an account to go toward purchasing land or development rights, conservation or recreation.” He mentioned that he thought this was already being done for subdivisions. Larry Huntley stated that the impact fee for the subdivisions is a different fee than what is being proposed with this Action.. There was further discussion among the members regarding what exactly is meant by density. Mark Cahoon stated that we can’t increase density in the downtown area anyway because of the sewer. The Board explored this Action and they had a problem with creating another District and also the density for public water does not include the sewer issues.

The next issue is on Page 47, Economic Policy #1 Action 5 which states: “Review present boundaries of the Commercial and Industrial Zoning Districts to determine whether those areas could be expanded to accommodate business growth. The design should remain close to the Village on Routes 4 or 9, North and East to the Village with the closest highway access.” The Board agreed that this has already been covered.

The next issue is on Page 50, Policy #4 which states: “Support home occupations provided they do not cause nuisances in the neighborhoods or alter character of neighborhoods.” Lawrence Huntley stated that this was already part of our Ordinance.

Next issues is on Page 68, under Housing Policy #2 Encourage the development of Affordable Housing Action #5 states: “Explore the development of an Ordinance providing a bonus density to developers who include Affordable housing as part of their development in the town’s designated growth areas beyond the requirements of the Town’s Ordinances. The amount of the bonus to be determinate in proportion to the amount of the Affordable Housing planned.

Rick Reynolds stated that the next Action #6 was about the same as #5 so he read it into the record. It states: “While pursuing Affordable housing objectives, small ranches and

townhouses, along with manufactured housing are preferred over trailers due to the durability of the long term.”

Lawrence Huntley stated that this is covered in certain zones where we allow trailers but we also allow double-wide in any zone.

Rick Reynolds stated that he doesn’t think that we need an ordinance change to what we already have existing. The Board all agreed that no action needs to be taken on this one.

The next issue is under Transportation on Page 95, Policy #3 Make access management a priority, especially on Routes 4, 9 and Lebanon Road, Action #3 which states:

“Encourage and increase shared driveways and shared entrances between abutting parcels to development review and driveway permit process.”

Lawrence Huntley stated that he thought that it was already part of the driveway permit process.

Lawrence Huntley stated that he was looking at Action #2 which states: “Explore opportunities to improve non-conforming driveways and the driveway permit process.”

There was some discussion among the Board members about how you can change a non-conforming driveway.

The Board agreed that there is no action needed at this time on both Action #2 and Action #3.

The next issue on Page 99, Policy #8 which reads “Encourage walking and biking to the greatest extent possible and ensure safety for people of all ages. In particular, create a safe and accessible network of bike paths and pedestrian ways that are separated from vehicular traffic. Both of these modes of transportation reduce vehicle traffic, air pollution and contribute to a healthy lifestyle.”

Action #7 states: “Encourage the State to waive plumbing fixture fees for businesses that install showers for their employees, since the lack of showers at work has been cited as major disincentive for employees biking to work.”

The Board agrees that no action needed.

The next issue is Public Facilities and Fiscal Capacity, Page 154 under Healthcare section, Policy #1, In-town healthcare for lower income and fixed income residents should be encouraged. Rick Reynolds stated that this is taken care of because we have the York Hospital office and Dr. Hintermeister in town.

Rick Reynolds stated that Action #1 is related to this also. It states: “The areas zoned Commercial or Limited Commercial should also allow health clinics and the zoning should include incentives for those health clinics meeting low income or Senior Citizen needs including dental, doctors and walk-in clinics.”

Geoffrey Aleva and Mark Cahoon both stated that it is covered already in our zoning. The Board all agreed that no action at this time.

The next issue is Water Resources and Critical Natural Resources, Policy #1 states:

“Enhance the town’s programs for protecting sensitive natural resources, including our scenic areas and views through regulatory and non-regulatory mechanisms.” The Action

on Page 202, the second one for the Planning Board, Land, Parks and Recreation states: "To review requirements for open space protection in subdivisions and the amount the Town is currently setting aside for acquisition of open spaces and parks. To make sure that the requirements are in line with current impacts due to increased population growth."

The Board all agreed that this was already covered in subdivisions.

The next paragraph reads: "Review wording of the Impact Fee Ordinance to clarify that the fees can be used to buy conservation easements, as well as, owning land outright. The wording should allow the fee to be used as credit backing for bonds to buy open space."

Rick Reynolds stated that we should probably table this so the Impact Fee Ordinance can be reviewed.

Mark Cahoon motioned to table this Action as stated above until next meeting.

Geoffrey Aleva seconded the motion.

Vote: 3-0

The next issue is under Ground Water, Policy #1 which reads: "To protect our water resources our town needs, to work with the North Berwick Water District, State and other towns to ensure long-term protections."

Action #1 states: "Continue and expand efforts to protect local water resources through the Planning Board review process."

The Board feels that this has already been covered so no action at this time.

Next is Action #2 under Policy #1 which states: "Continue to work with the North Berwick Water District to maintain reasonable regulations to protect the quantity and quality of the ground water within the recharge zones of the district's wells South of Bauneg Beg Pond."

Lawrence Huntley states that he is currently working on this issue.

The Board agreed that this is in the process of being resolved.

Next is Action #3 under Policy #1 which states: "The current well head provisions of the Zoning Ordinance should be reviewed to determine if they are consistent with State guidelines and if not, should be revised to comply."

Lawrence Huntley states that he is currently working on this issue also.

The Board agreed that this is in the process of being resolved.

Next is Action #5 under Policy #1 which states: "Maintain the current buffer around surface water bodies and wetlands in the Land Use Ordinance to prohibit septic systems and other uses with the potential to contaminate both the ground water and ground water surface interface."

Lawrence Huntley stated that this is a State requirement and has to be done.

Rick Reynolds stated that is already being taken care of so we will move on.

Next issue is under Surface Water, Policy #1 which states: "To protect our surface water, the Town needs to manage point and non-point source pollution including storm water discharge, working with our own Planning Boards, surrounding communities and the State to ensure our water resources are protected."

Action #8 under Policy #1 states: "Maintain and periodically review the standards for new development in the water sheds of ponds or lakes with threatened water quality, which includes Bauneg Beg Pond. These standards should continue to limit the export of phosphorus to these water bodies and to minimize erosion and sedimentation."

Mark Cahoon stated that this was already covered in our Ordinances.

This is already being taken care of at this time so no action needed at this time.

The next issue is on Page 208 under Wildlife Habitat, Policy #1 which states: "Ensure the long term protection and enhancement of valuable wildlife habitats and fisheries through the use of regulatory strategies and outreach to governmental and non-profit organizations involved with Natural Resource protection management."

Action #4 under Policy #1 states: "The Conservation Commission will work with the Planning Board to revise zoning ordinances in order to ensure the land with higher resource value, including scenic open space is preserved in development process."

Rick Reynolds stated that there is no Conservation Commission at this time.

Lawrence Huntley stated that this is already being covered at this time.

Action #5 under Policy #1 states: "The town Conservation Commission will work with the Planning Board and adjacent communities to jointly review projects that impact habitats crossing town boundaries."

The Board all agreed that this is already being covered so no action at this time.

The next issues is in Agriculture & Forestry, Policy #1 which states: "Support farming and farm related businesses in low impact forestry and other businesses that enhance and protect the rural setting of our town., animal husbandry, horticulture businesses, etc."

The Board agreed that already being done so no action at this time.

Policy #2 states: "Protect open space, prime agricultural soils and forested lands from development by zoning, protective ordinances and pro-active measures such as purchase of conservation easements."

Action #3 under Policy #2 states: "Standards should be developed in the rural residential and the critical rural areas to ensure that the level and type of development in rural areas shall be compatible with the rural character and shall not encourage strip development along roads."

The Board all agreed that no action to be taken at this time.

Action #4 under Policy #2 states: "Support the viability of forestry and agricultural industries including all sorts of farm related businesses, including animal husbandry, horse farms and horticulture, not just food crops."

The Board agreed that no action to be taken at this time.

Action #5 under Policy #2 states: "Research the implementation of ordinances that support local agricultural and local renewable wood product industries. Do so in a way that protects the ecology as well."

The Board agreed that this is more of a state priority. No action to be taken at this time.

The next issue is on Page 225 under Cultural Historical and Archaeological, Policy #1 which states: "Continue to support the documentation and protection of historic resources town wide."

Action #4 under Policy #1 states: "Explore the adoption of an antiquities ordinance that would help protect stone walls, old dams and bridges, old roads and scenic vistas, including requiring a demolition permit before destroying one of these assets and timber and logging permits that require protection of identified antiquities."

Mark Cahoon made a motion to table Action #4 under Policy #1 as stated above for further discussion.

Geoffrey Aleva seconded the motion.

Lawrence Huntley wanted further discussion. He stated that the State Forest Service issue all of the permits for timber harvesting so it will be difficult to include in our process. He stated that we need to put something in the Ordinance that states that when harvesting timber and if you come across an antiquity, you are required to report it.

Vote: 3-0

Action #7 under Policy #1 states: "Explore the development of ordinances to protect archaeological sites at Bauneg Beg Pond and on Maple Street that the old Richard Goodwin residence since these are Native American sites."

Mark Cahoon asked if they are already protected. Lawrence Huntley states that it wasn't protected by the town.

Mark motioned to table Action #7 under Policy #1 as stated above for further discussion at the next meeting.

Geoffrey Aleva seconded the motion.

Vote: 3-0

Next is Policy #2 which states: "Support the historic rehabilitation and retention of historic structures and sites in town."

Action #1 under Policy #2 states: "Provide positive incentives through design standards to preserve the facades of historic homes and buildings of all types."

Mark Cahoon motioned to table Action #1 under Policy #2 for further discussion.

Geoffrey Aleva modified the motion to table Action #1 and Action #2. Action #2 reads as follows: "For buildings nationally registered in the in-town area consider waiving density requirements and parking requirements."

Mark Cahoon seconded the amended motion.

Vote: 3-0

Next is Policy #3 which reads: “Require new buildings in the village to be built in the architectural style of the historic village.”

Action #1 under Policy #3 states: “Review and alter as needed applicable planning and zoning ordinances to ensure that this policy takes place. Permissible building materials, height restrictions and roof designs should be included in this review and alterations.

Geoffrey Aleva motioned that Action #1 under Policy #3 needs to be tabled for further discussion at a later date.

Mark Cahoon seconded the motion.

Vote: 3-0

Next item is under Land Use Implementation Strategies, Policy #1 reads: “The Village needs to retain its own unique historical New England character rather than looking like Anywhere, USA.”

Action #4 under Policy #1 states: “Review Commercial zoning regulations and revise as necessary, to include historical zoning, overly multi-use allowances and special protections for historical buildings within the Commercial zone.”

Mark Cahoon motioned to table the Land Use Priorities Medium to future date.

Geoffrey Aleva seconded the motion.

Vote: 3-0

4. Other Business:

Lawrence Huntley asked for volunteers for the Selectman’s Public Hearing on March 19th so they can be available to answer questions, if any. Geoffrey Aleva and Rick Reynolds volunteered to be there.

5. Adjournment:

Mark Cahoon made a motion to adjourn the meeting at 7:47 pm

Geoffrey Aleva seconded the motion.

Vote: 3-0

Lawrence Huntley, CEO

Planning Coordinator

Respectively Submitted,

Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten