

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD OCTOBER 24, 2013

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

Absent: Anne Whitten, Shaun DeWolf

1. Call to Order:

Chairman Barry Chase opened the Planning Board meeting at 6:30 pm

Chairman Chase moved Jon Morse to full voting status.

2. Review of Previous Minutes:

Rick Reynolds stated that on Page 1 in the last paragraph in the third sentence, it states, "The will..." but it should state, "They will...".

Geoffrey Aleva motioned to accept the amended minutes of the October 10, 2013 meeting.

Jon Morse seconded the motion.

VOTE: 4-0

3. Current Business:

Chairman Chase stated that tonight's agenda is a Planning Board Workshop. The first item is regarding any proposed zoning ordinance changes. Lawrence Huntley asked the Board if any of the members had anything to discuss. Rick Reynolds asked if there had been anything yet regarding the definitions that the Board had asked Larry to get from the Attorney. Mark Cahoon stated that he had been working with definitions for in-law apartments. He stated that the definition for a traditional in-law apartment could be: "An addition to a single family dwelling with shared utilities". Larry stated that it would need to be a little bit more than that. He also asked what Mark meant by shared utilities. Mark stated that the Board had previously discussed that you could not have plumbing in the in-law apartment, but Larry told him that this was not the case. You are allowed to have plumbing, but no kitchen. Geoffrey Aleva and Larry Huntley both stated that it is the addition of a kitchen that makes it another dwelling unit. Everything else just makes it an addition to the house. Larry stated that this is why they are trying to allow another dwelling unit within the main building and not make it an apartment so that the homeowner can rent it out to a stranger and not care. Larry stated that the only thing he could come up with is that the access has to be gained from the main structure. The access to the apartment has to be from the primary residence only and no outside access. Larry stated that our Ordinance states that if you are going to build an additional dwelling unit, you need to have an

additional 4 acres of land in Farm and Forest and 2 acres in the other zones. So if you wanted to add an additional dwelling in Farm and Forest, you would need at least 8 acres. Larry stated that they are trying to find a definition that would make it more in-law than apartment.

Jon Morse asked if the ordinance could stipulate that it would need to be a blood relative that utilized the apartment and Larry stated that they could do that. However, Larry asked how this stipulation would be enforced.

Larry stated that the problem is that there is no Ordinance on this so the Planning Board had to come up with one. He said that if the Board wants to allow apartments to be on the same lot as the main dwelling they can do that. The current Ordinance treats it as two dwelling units.

Chairman Chase asked Larry if he could get a recommendation for a definition for an in-law apartment from the Town Attorney and Larry said that he could.

Larry stated that another item that they needed to address was regarding solid waste. He asked the Board to take a look at Section 4.11.d regarding Solid Waste Recycling Facility. He stated that they are allowed in the Village Center Residential District. Larry distributed an article to the Board which describes what is considered solid waste. Larry stated that he was told that this was originally supposed to be returnable bottles recycling facilities or redemption centers. According to the handout, examples of solid waste are waste tires, seepage, scrap metal, latex paints, furniture and toys, discarded appliances and vehicles, uncontaminated used oil and anti-freeze, empty aerosol cans, paint cans and compressed gas cylinders and construction and demolition debris. According to the Ordinance, this would be allowed in the Commercial and Commercial II zone and a conditional use in the Village Center and Residential District. Larry doesn't believe that the Town wants solid waste recycling facilities in these areas. He recommends that they change this to bottle recycling centers. Geoffrey Aleva asked if they would need to change where they were allowed and Larry stated not if it was for bottle recycling. Chairman Chase asked if they should still have solid waste recycling facilities available somewhere in the town. Larry stated that he felt these were covered under Waste Processing Disposal Facilities. Rick Reynolds stated that they should remove the Waste processing and put it as solid waste recycling facilities but make it allowable in the Industrial District. Larry stated that he does not feel that it should be allowed anywhere unless it is a conditional use. Geoffrey Aleva stated that they remove the wording Waste Processing Disposal Facilities and make it Solid Waste Recycling Facility. They should also make it a No in the Village Center and Residential District, a Conditional Use in Farm and Forest, a No in the Commercial District and a Conditional Use in the Industrial District.

Larry stated that they would change to Redemption Center. Larry stated that he would have the Town Attorney write something up for the Board.

Geoffrey asked about changing the size of signs that businesses are allowed to have. Larry stated that they had just changed it a couple of years ago so they should probably leave it alone for a while.

Larry stated that they also had to discuss the Notes to Table 4-3. He stated that there is an issue with roads, road frontages and access to backlots. He stated that there are a lot of roads that have been discontinued in town and there are lots that front on those roads. People are starting to buy these lots and they want to put dwelling units on them, but they can't get to them. It's a dangerous situation in regards to police and fire protection and regarding ambulance service. He stated that they are lots of record so they are allowed to be there, but as soon as you put a dwelling on it, they are supposed to have frontage on a town approved road. We do not currently have an Ordinance for this. He stated that we have an Ordinance that states that any new lots created shall be provided with frontage on a town approved road. Larry stated that he has been talking to Dwayne Morin regarding this and they both feel that these lots should be accessed at least by town approved roads. One road to use as an example is Old Beech Ridge Road. It ends just past Hall Way and then it becomes almost impassable. He states that there are quite a few lots out there with no way to get to them. Chairman Chase stated that if someone built a house out on one of these lots, they are going to have to get there by a vehicle.

Chairman Chase asked if they were still Town roads and Larry stated that they were not. They are considered town right of ways. Mark Cahoon stated that if the Town still owns the right of way, shouldn't the Town make the road passable or relinquish the rights to the right of way. Mr. Huntley stated that the roads are discontinued so it is not the Town's responsibility. Larry stated that there should just be something that states that there has to be some way to get to the lots that is built to some kind of standard to make it passable. Right now the Ordinance does not state that they have to build a backlot road to this kind of standard. It can be 12 inches of gravel and 18 feet wide so that it could support a fire truck or ambulance. Jon Morse stated that he understands that Larry is concerned about safety but he feels that it should be up to the people that are going to live there. They know the chances they are taking with not having proper access to their dwelling. Larry stated that private drives are strictly for safety reasons. We require people that are building new lots or dividing a piece of property and creating new lots provide frontage on a town approved road. This is strictly for safety reasons. We are requiring them to do this. Larry stated that by not making them do the same on these backlots then we are not concerned for safety. It should work both ways.

Chairman Chase stated that they are now discontinued roads but they have not been given up by the Town. Larry stated that the Town does not want to give up the rights because it would cost money. Geoffrey Aleva asked how many lots would be needed for the roads to go back to being Town roads. Larry stated that he spoke with Dwayne Morin about this matter. Dwayne stated that the reason that they discontinue roads is because nobody is using them and it costs the Town money to maintain them. Once people start building out there, then people are going to start

using it. Chairman Chase asked when the Town would step up and start maintaining the roads again. The people that live there are paying taxes so they should have the Town maintain the roads. Larry said he did not know.

Chairman Chase asked who they could check with to see how other towns are handling these situations. Larry said that he did not know but he thinks that Dwayne would probably know.

Chairman Chase asked Larry what Dwayne thought about this issue. Larry said that Dwayne thinks it should be up to town standard. Jon Morse feels that any place that the Town will make money on then the Town should be responsible for it. Mark Cahoon added that they should at least assist the homeowner in some way to make these roads up to standard. Mark also stated that if he is paying taxes on his lot and the Town owns the road then the Town should assist him in bringing the road up to Town standards.

Chairman Chase would like to know how many houses would have to be in a development before the Town would consider making the road a Town road again instead of a discontinued road. Larry stated that he did not know. Jon Morse asked if they could have Dwayne Morin, the Road Commissioner come in to speak with them about this. Larry will check with him.

4. Other Business:

Larry stated that they will probably have a conditional use permit for something on Buffum Road at the next meeting.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:33 pm.

Jon Morse 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

Anne Whitten