

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD DECEMBER 12, 2013

Present: Chairman Barry Chase, Mark Cahoon, Rick Reynolds, Shaun DeWolf, Geoffrey Aleva, Lawrence Huntley, CEO

Absent: Jon Morse, Anne Whitten

Also Present: Charles Galemmo

1. Call to order:

Chairman Chase opened the Planning Board meeting at 6:31 pm.

2. Review Previous Minutes:

Rick Reynolds motioned to accept the minutes of November 14, 2013. Mark Cahoon seconded the motion. VOTE: 4-0

3. Current Business:

Chairman Chase stated that the item on the Agenda for tonight was a Planning Board Workshop regarding proposed zoning ordinance changes. Lawrence Huntley introduced Charles Galemmo, Chairman of the Board of Selectman to discuss some proposed zoning ordinance changes. Mr. Galemmo stated that with the Hannaford coming into town, there has been some interest in development in the town. He would like to see a little more specificity to our zoning laws. He stated that our Comprehensive Plan talks about keeping the New England character of our Town and that's what the objective of these proposed changes are about. They want to keep the store fronts looking like a New England storefront as much as possible. He stated that the Dunkin Donuts strip mall looks pretty good and they would like to keep things looking up to that level. He feels that it will make everyone's job easier because companies coming in will see what the ordinances are and know what they need to do. He also stated that by protecting the image it will also protect the property values in the Commercial Districts and help us keep our tax base. He said that he looked a lot at Freeport and Cape Elizabeth for ideas.

Shaun DeWolf asked about the landscaping requirement that states that chain link fences are prohibited. He stated that if there is a detention pond, sometimes chain link fences are used for safety purposes. This landscaping requirement will not allow this for detention ponds. Shaun stated that he understands what Mr. Galemmo is trying to say but he doesn't think it should state that chain link fences are prohibited because they could be allowed in some situations. Mr.

Galemmo asked if there was some other type of fence that could be used instead and Mr. DeWolf stated that it would be more costly. Mr. Galemmo stated that they could work on this requirement. Mr. DeWolf stated he is mainly concerned around something like a detention pond. Rick Reynolds stated that they could say that they are prohibited except for security and safety purposes. Geoffrey Aleva agreed with this statement and he also mentioned that the Board would have discretion over it anyway.

Geoffrey Aleva asked Larry Huntley about the statement B.1 which reads: "Recess and/or project portions of the facade for the entire height of the building, up to two feet from the build-to line." He wanted to know what the build-to line was. Larry stated that it was the setback. Chairman Chase stated that they don't want it to be 50 feet straight across. Mr. Galemmo stated that they could use something like awnings. Mr. Aleva stated that it was a little confusing because there is no indication of what the recess can be. He stated that to build a building in straight lines is cheaper and trying to then pad out or build a transition can be done with architectural details. Mr. Aleva also had a question from Section C, number # which states: "Display windows shall have bulkheads extending from grade to between twelve (12") and twenty-four (24") inches above grade, and the glass shall extend from the top of the bulkhead to no more than eight (8) feet above grade.". Mr. Aleva asked if this meant that all store fronts would have a bay window. Mr. Huntley stated that it means that you can't have glass from floor to ceiling. Mr. Aleva thinks that this statement could be written a little differently. He states that when he reads a bulkhead, he doesn't read that as a portion of the wall. He reads it as a bump out or some sort of extension of the building. Mr. Aleva stated that it should read more like, "Display windows shall extend no less than twelve (12") above finished floor or more than ninety-six (96") above the finished floor.".

Shaun DeWolf asked about #5 which reads: "All windows shall be detailed with sills, frames, trim and other architectural features appropriate to traditional storefront design.". Geoffrey Aleva stated that this is trying to get rid of any aluminum storefront windows. Rick Reynolds asked if they needed definitions for such things as "traditional storefront designs". Larry stated that this statement was describing it.

Chairman Chase stated that they should start from the beginning of the proposed ordinance and go through each statement. Mr. Huntley stated that it should be 5.2.21 and not 5.2.20 as it currently reads. Chairman Chase read on as follows:

5.2.21 Construction Standards for Commercial Use Buildings

The purpose of this section is to maintain the small New England village character of the town. The requirements of this section are in addition to those requirements in other sections of this ordinance. This section is to cover the construction of new structures and expansion of existing structures intended for commercial use within the commercial districts (e.g. Commercial, Commercial II, Village Center, Village A and Village B Zones). Existing commercial use

buildings will be required to meet the standards of this section if they are renovated to increase square footage by One thousand (1000) square feet or more.

Professional offices may comply with this section by meeting the standards of this section or building to resemble a New England home consistent in appearance with neighboring residences. All other commercial use buildings must comply with the following sections.

A. Exterior Appearance – The exterior appearance of commercial use buildings shall be made to look like a New England Storefront.

1. Exterior walls shall be of traditional siding materials such as clapboard siding, wood shingles, red brick or red brick veneer. Contemporary materials that have the same visual characteristics (e.g. cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding, highly reflective or processed materials (e.g., metal or plastic panels, brushed aluminum, bronzed glass, concrete block, T-1-11, untreated plywood, etc.) is not permitted.

2. Siding color shall be neutral or pastel, no primary colors are permitted. There was some discussion among the Board regarding this statement. Rick Reynolds asked if there was a pastel red. Shaun DeWolf asked what was considered the primary colors. Mr. Galemmo answered that it was red, blue and yellow. Chairman Chase stated that it should be traditional New England colors. They agreed to have the statement read:

2. Siding color shall be traditional New England colors to be approved by the Planning Board.

B. Buildings with facades that exceed fifty (50) feet in width shall include features that modulate the façade walls in increments of thirty (30) feet or less, in order to create variety and interest along the public way. These features may include:

1. Recess and/or project portions of the façade, for the entire height of the building, up to two feet from the build-to line.

There was some discussion among the Board regarding this statement. Chairman Chase asked why we state up to two feet. Mr. Galemmo stated that they are trying to make it like Dunkin Donuts did where things come out at the peaks and make it look good. Geoffrey Aleva stated that he would get rid of the part that states, “up to two feet from the build-to line” because that is creating another setback. Chairman Chase said he thinks they are trying to say that the build-to line is where they are building out to whether it is the setback or not. Chairman Chase said that it should probably state no less than 2 feet instead. He stated that if you are going to break up a façade with a gable end on the side of the building, rather than just sticking trim on the building, let’s make it stick out two feet so it actually has some character. Mr. Aleva stated that he thinks it should be no less than 12 inches. They agreed to have the statement read:

1. Recess and/or project portions of the façade for no less than 12 inches for the entire height of the building.

2. In combination with #1, increase or decrease the height of portions of the façade.

3. If appropriate for the building use(s), recess storefronts or entrances from the overall front of the building.

4. Provide canopies or awnings at sidewalk level.

5. Use different but compatible materials on different portions of the façade; for example, alternate wood clapboard and wood shingles.

6. Use different but harmonious colors on different portions of the façade.

7. Use a small number of different details and/or door and window arrangements, shapes and/or sizes along the façade.

8. Use horizontal or vertical trim bands to relieve long facades.

9. Use a minimal number of these features judiciously so that a larger building shall present a human-scaled appearance while remaining a unified design composition. The intent of this standard is to encourage buildings with architectural relief and interest. There was some discussion among the Board regarding this statement. Chairman Chase wondered if it should be a separate bullet point or if it should be part of the B paragraph. The other members agreed. This statement was removed as the #9 bullet and added to the B paragraph which will now read:

B. Buildings with facades that exceed fifty (50) feet in width shall include features that modulate the façade walls in increments of thirty (30) feet or less, in order to create variety and interest along the public way. Use a minimal number of these features judiciously so that a larger building shall present a human-scaled appearance while remaining a unified design composition. The intent of this standard is to encourage buildings with architectural relief and interest. These features may include:

C. Commercial facades shall be designed to reflect a traditional storefront design using the following design standards for display windows;

1. Storefronts of commercial facades shall have display windows comprising not more than sixty (60%) percent of the storefront surface area nor less than twenty (20%) percent. Facades shall be designed to avoid large areas of blank wall space.

There was some discussion among the Board regarding this statement. Shaun DeWolf asked if you had a long space, you can only have 60% of windows on the front. If you go 80 or 90 feet

back, what needs to be done with that area? Larry stated that they would have to put in some kind of window. Larry stated that if you had a 100 foot wall, 20% of it would have to be glass. Mr. Aleva asked if, when considering the storefront, is the intention for the whole street side elevation or just the first storefront side? He stated that most buildings would be mixed use buildings with the first floor being commercial or retail and the upper floors being office or residential. Is the storefront just for the first floor storefront? Mr. Galemme stated it was. Mr. Aleva stated that if this was the case, than this provision of 60 percent is going to drastically change the New England appearance. Rick Reynolds asked if they should change the 60 percent to 80 percent. The other members agreed. This statement will now read:

1. Storefronts of commercial facades shall have display windows comprising not more than eighty (80%) percent of the storefront surface area nor less than twenty (20%) percent. Facades shall be designed to avoid large areas of blank wall space.

2. Windows shall be vertical in orientation, or square.
There was some discussion among the Board regarding this statement. Shaun DeWolf stated that this meant that you couldn't have any triangle windows. Chairman Chase has an issue with the "vertical in orientation" part of the statement. Chairman Chase stated that this meant that you couldn't have a transom window over your door because it is not vertical in orientation. Rick Reynolds stated that some of the large plate windows are horizontal. Chairman Chase stated that they could say that there is no triangular glazing. Geoffrey Aleva stated that they could say that the windows shall be rectangular in orientation. The members agreed. This statement will now read:

2. Display windows shall be rectangular or square.

3. Display windows shall have bulkheads extending from grade to between twelve (12") and twenty-four (24") inches above the grade, and the glass shall extend from the top of the bulkhead to no more than eight (8) feet above grade.

The Board had discussed this statement earlier in the meeting and agreed that it should read:

3. Display windows shall extend no less than twelve (12") or more than ninety-six (96") above the finished floor.

4. Mirrored or reflective glazing materials are prohibited.

5. All windows shall be detailed with sills, frames, trim and other architectural features appropriate to traditional storefront design.

D. Building Height, Roofs and Rooflines – Commercial use buildings shall not be more than two (2) stories in height, with the exception of such height required to provide for a roofline. In no case shall a building exceed thirty-five (35) feet in height pursuant to section 4.2.f.

There was some discussion among the Board regarding this statement. Mr. Aleva asked why

only two stories in height. Chairman Chase stated that if you could get three stories in 35 feet, it should be allowed. Mr. Glemmo asked if this would be possible. Rick Reynolds stated that it could be done if you do 8 foot ceilings instead of 10 foot ones. Mr. Glemmo stated that they could just leave the two stories out and leave the 35 feet. The members agreed. This statement will now read:

D. Building Height, Roof and Rooflines – In no case shall a building exceed thirty-five (35) feet in height pursuant to section 4.2.f.

1. Rooflines shall be of a gabled or mansard design. This roofline may be a façade used to hide roof-top equipment or a traditional roof. Gabled roofs shall be no less than a 5/12 pitch. There was some discussion among the Board regarding this statement. Mr. DeWolf said that it had to be a gabled or mansard to they couldn't have a hip roof. Mr. Aleva stated that it should not state gabled. It should just say sloped roofs. Chairman Chase stated that they are probably trying to avoid a modern one-sided sloped roof. He stated that they could just add a couple of words such as hip and gambrel to cover the types of roofs. The members agreed. This statement will now read:

1. Rooflines shall be of a gabled, gambrel, hip or mansard designs. This roofline may be a façade used to hide roof-top equipment or a traditional roof. Roofs shall be no less than a 5/12 pitch.

2. Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled or mansard roof. Chairman Chase stated that they need to add gambrel and hip to this statement also. The members agreed. This statement will now read:

2. Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof.

3. Roof colors shall include neutral shades such as earth tones, greys and black. Bright or primary colors are prohibited. There was some discussion among the members regarding this statement. Chairman Chase stated that if somebody wanted to put on a traditional green roof, which is a traditional New England color, they would not be able to do so. Shaun DeWolf asked if a traditional green would be considered an earth tone. Mr. Glemmo stated that a darker green would be. Geoffrey Aleva stated that they should just get rid of the second sentence. The members agreed. This statement will now read:

3. Roof colors shall include neutral shades such as earth tones, greys and black.

E. Additional Landscaping Requirements – The following landscaping requirements are mandatory for commercial use buildings;

1. Chain link fences are prohibited.

There was some discussion among the members regarding this statement. Mark Cahoon stated that it they should add something about emergency and safety reasons. Mr. Galemme agreed that they should include something about safety. The members agreed. This statement will now read:

1. Chain link fences are prohibited except for safety purposes.

2. All ground level equipment and trash dumpsters shall be enclosed and hidden from view with fences or hedges.

There was some discussion among the members regarding this statement. Rick Reynolds stated that recycling dumpsters are different because they are not trash. Mark Cahoon stated that you would still want the recycling dumpsters enclosed. Geoffrey Aleva asked if this meant they would have to landscape around an A/C compressor and Larry stated that those would be considered ground level equipment. Rick Reynolds asked about propane tanks and Larry said that those are also ground level equipment. Shaun DeWolf asked if this applied to equipment a certain distance from the building or equipment right next to the building. Larry stated that it was all equipment. Shaun DeWolf stated that he agreed with the dumpsters but had an issue with something like the propane tanks. He stated that the propane tanks are usually 20 to 30 feet or more away from the buildings or something like a meter pit from a pumping station would have to be surrounded with trees or fencing with this ordinance. This can't be done for safety reasons and you need to be able to see it. Mr. Galemme stated that maybe they could add an exception for safety issues. Chairman Chase stated that the important thing was that it was hidden from view. With the propane tanks, you could probably just put a fence on the one side and have the other sides open. Mr. Aleva stated that they should get rid of the word "all". He also stated that they should probably split this statement into two bullets instead – one regarding the trash dumpsters and one regarding other ground level equipment. He stated that it should be a minimum of 6 feet high solid fence for the trash dumpsters. The members agreed. This statement will now read:

2. Trash and recycling dumpsters shall be enclosed and hidden from view with a minimum 6 foot high solid fence or hedges.

They will now add the second part of this statement as #3 and the current #3 will become #4. It will read:

3. Other ground level equipment shall be screened from the public way.

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

There was some discussion among the members regarding this statement. Shaun DeWolf stated that the only thing that he disagreed with regarding this statement is with the front of the store where you can have your monolithic concrete curb with your sidewalk. He doesn't mind curbing out on the site being that or in the parking lot. He stated that up against the building where you have your sidewalk and curb together it is usually a monolithic pour because the granite separates from the sidewalk and then you have other issues. Mr. DeWolf stated that all curbing that is maintained by the Town should be granite. The members agreed. This statement will now read:

4. All curbing intended to be maintained by the Town of North Berwick shall be made of granite.

Intent: The intent of these proposed changes are to implement Land Use Policy #1 Action #3 of the Town of North Berwick Comprehensive Plan adopted on April 4, 2009 which states "Explore the requirement to have any in-town development to retain the architectural ingredients of New England villages, with particular attention to building materials, height restrictions and roof designs center. (This "in-town area" includes the commercial, limited commercial (now Commercial II), the historical and affordable housing overlay districts, and those parts of Village A that are bounded by Madison Street, Rt. 4 and the commercial zone, and Rt. 9, both sides of Portland Street, the Great Works River and the industrial zone)."

Geoffrey Aleva motioned to accept the changes of the Board of Selectmen's proposal for the addition of Section 5.2.21 Construction Standards for Commercial Use Buildings. Shaun DeWolf seconded the motion. VOTE: 5-0.

The next ordinance amendment is regarding signs and billboards. Chairman Chase read the ordinance. It currently reads:

5.2.6 Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Plastic signs which are internally lit shall be allowed. When signs are to be externally illuminated, they may be any color. No sign shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

They are proposing it to read:

5.2.6 Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Signs which are internally lit are prohibited. When signs are to be externally illuminated, they may be any color. No sign

shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

Intent: To minimize the effect of internally lit signs on abutting properties, reduce glare and distractions to drivers and to comply with having commercial establishments have architectural ingredients of a New England Village pursuant to the Town's adopted Comprehensive Plan.

Most of the members disagreed with this change. Rick Reynolds stated that there are signs now that are using LED's lit from the inside to keep the glare down. Mr. Galemme stated that there signs like the one above the Subway that is bright and kind of obnoxious. He states that the Hannaford in York has an externally lit sign and it looks nice and it is in keeping with the New England character. Shaun DeWolf stated that he thinks it is a little strict for someone that is coming into this community. Mr. Aleva stated that he feels it precludes new technology.

Rick Reynolds motioned to adopt the Board of Selectmen's proposal of 5.2.6 Signs and Billboard change. Geoffrey Aleva seconded the motion. VOTE: 0-5 Against

The next item on the Agenda is regarding the proposed zoning changes 2014. Chairman Chase asked Larry Huntley where the definitions came from. He stated that he had looked in several places and put together something that he thought would meet what the Board was looking for.

Chairman Chase read the definitions:

1. Recycling – The collection, separation, recovery and sale or reuse of materials that should otherwise be disposed of or processed as waste or the mechanical separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as fuel for any purpose or as landfill. This term does not include the processing or handling of construction and demolition debris for any purpose nor does it include activities related to redemption centers.

Mark Cahoon motioned to accept the Recycling definition. Rick Reynolds seconded the motion. VOTE: 5-0

2. Recycling Facility – Land and buildings used for the recycling of solid or liquid waste. "Recycling facility" does not include a redemption center.

Mark Cahoon motioned to accept the Recycling Facility definition. Rick Reynolds seconded the motion. VOTE: 5-0

3. Redemption Center – Facilities used primarily for the processing of bottles, cans, and other similar items returned for deposit.

Mark Cahoon motioned to accept the Redemption Center definition. Rick Reynolds seconded the motion. VOTE: 5-0

4. Accessory Apartment – An apartment contained or attached to a single-family dwelling or accessory structure which meets the standards of Article 5.2.20.

Larry stated to review the Article 5.2.20 first before voting on the definition.

Article 5.2.20 Accessory Apartment standards

An apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of article 4.11F. Accessory apartments shall be permitted in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and bulk standards of article 4.11F.

1. The apartment shall be accessory to the use of the premises as a single-family detached dwelling and only one apartment shall be created accessory to the single-family dwelling.
2. The Accessory apartment shall be created within or attached to a single-family detached dwelling or accessory structure.
3. The creation of the accessory apartment shall not alter the single-family character of the property.
4. Provisions for one (1) additional parking space shall be made in conformance with article 3.
5. The habitable area of the accessory apartment shall not exceed 650 square feet and shall not contain more than one bedroom.
6. One of the units must be occupied by the property owner.

Geoffrey Aleva asked if there was a Use Table that needed to be changed for this and Larry stated that there would need to be a change. It would be basically wherever a single family dwelling is allowed. Shaun DeWolf asked if they would have to revisit their septic issues. Larry stated that this is something that he would look at as the Code Enforcement Officer.

Mark Cahoon motioned to accept the definition for the Accessory Apartment. Rick Reynolds seconded the motion. VOTE: 5-0

Rick Reynolds motioned to add Article 5.2.20 Accessory Apartment Standards. Mark Cahoon seconded the motion. VOTE: 5-0

The next item is to add Article 4.3F which reads:

All lots created prior to March 11, 1978 shall provide access from (1) a public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance, prior to the issuance of a Growth Management Permit.

Shaun DeWolf asked what this was about because he was not at last meeting where Dwayne Morin discussed this issue. Larry Huntley stated that as long as the lot stays undeveloped and it is only being used for hunting or getting wood off of it, you do not need to build a road. If you get a building permit to put a single family dwelling on it, you need to upgrade that road at least to the lot and it has to be up to private road standards. Geoffrey Aleva asked if they needed the 1 and the 2 in the statement. Larry stated that it made it legal and it is in the Ordinance in another spot. Chairman Chase asked if there was any way to add something in there about sharing the cost of the road. Larry stated that it would be impossible to monitor.

Rick Reynolds motioned to add Article 4.3F to the proposed zoning changes. Geoffrey Aleva seconded the motion. VOTE: 1-4 Against

4. Other Business:

Larry stated that Cumberland Farms may be at the next meeting to discuss some changes they would like to do.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:40 pm. Rick Reynolds 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