

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD APRIL 9, 2009

Present: Chairman Todd R. Hoffman, Julie Fernee, Barry Chase, Mark Cahoon and Lawrence Huntley, CEO.

Absent: Shaun DeWolf

Also Present: Donald Trent, Wendy Nemec, Pamela Olick, Jason Coffin, Kate Coffin and Tom Becancer.

1. Call to Order:

Chairman Todd R. Hoffman opened the Planning Board Meeting at 6:37 p.m.

2. Current Business:

A. Evelyn Stevens--- Public Hearing, Applicant proposes to update an existing Subdivision (Map 3, Lot 120 & 120-5)

At 7:02 Chairman Todd R. Hoffman informed the public that there would be no Public Hearing this evening.

Chairman Todd R. Hoffman explained to the public with a visual of the subdivision map that a line had been changed years ago illegally and the Board will be rectifying what is on record.

The lot had been sold in 1987 and was never recorded. This doesn't change anything physically but what he is doing is changing it in the book in the York County Registry.

Lawrence Huntley, CEO informed the public that that the resident that lives on the corner of 5 corners will be inheriting all the land out back and maybe building a house on that back lot.

B. (moved) Planning Board Workshop: Proposed Ordinance Changes:

Ref: Ordinance Change

Article 4.3f, Notes To Tables in Zoning Ordinance

Article 10.4g in Subdivision Ordinance

Strike f. in Zoning Ordinance

Replace f. in Zoning Ordinance with: All new lots created shall have a maximum lot length to width ratio of not more than five to one. (5 to 1)

Replace the last sentence of 10.4 in the Subdivision Ordinance with f. in the Ordinance.

Lawrence Huntley, CEO explained that Article f. reads: A lot abutting a Town way or an interior street within the proposed site shall have a minimum frontage of 100 feet for a 40,000 square foot lot. For every 10,000 sq. ft. of lot area in excess of 40,000 sq. ft., an additional 10 feet of frontage shall be required.

The things that the Town runs into on this particular Ordinance for example: a gentleman on Bauneg Beg Hill Road has 52 acres with 2,000 feet of frontage and he can't cut off a piece of land to sell because if he did, it would make his lot non-conforming for frontage.

This happens quite frequently.

In subdivision ordinances requires 3 to 1 which means; 100 feet by 300 feet and 300 feet by 900 feet in some zones.

Shoreland General would be 4 to 1.

Shoreland Stream would be 6 to 1.

Limited Commercial would be 4 to 1.

Residential 2 is 4 to 1.

Commercial is 8 to 1.

If you take the required frontage and the square footage; there are 5 zoning districts that do not conform to your Ordinance.

The State Ordinance of spaghetti lots and of what we have decided is what they proposed. And why they proposed this Ordinance in the first place of 3 to 1 and 10 feet for every 10, 000 square feet. The State proposed and has passed 5 to 1 as a spaghetti lot maximum.

I would like to propose is do basically the same thing and eliminate the (f.) and put in 5 to 1 and also in the subdivision were it is needed so that everything is uniformed.

In order for this to be placed in the Table 4.3 Dimensional Requirements:

Under Shoreland Stream Protection is required Under District.

The Tables would have to be changed.

The Village Center and Commercial the frontage has to be changed from 45 feet to 50 feet.

There are 2 lots in the Village Center District or in Commercial District that are less than 50 feet. The whole Ordinance is affected by this situation if this particular Ordinance is not changed.

Chairman Todd R. Hoffman asked the reason behind the States 5 to 1.

Lawrence Huntley, CEO answered it is 500 feet by 100 feet is not a very narrow lot. What they don't want is the 100 feet by 900 feet.

In Farm and Forest it is 300 feet by 1500 feet.

There are a lot of lots in Town that do not conform to this Ordinance.

There are some 3 to 1 lots in Subdivisions because it is written in the Subdivision Ordinance.

Chairman Todd R. Hoffman asked there would be some reason for the overall Town; I can see it. But in a Subdivision would there not be a reason to having a more restrictive; rather than 5-1, 4-1, 3-1 in their planning.

Lawrence Huntley, CEO answered that what I would say in opposition to that is that I'd like to see it uniformed one way or another.

What I'm proposing is to stay with the same thing that is proposing in the Ordinance as far as the District for frontage but you allow 5 times that for the length of the lot.
If you have a lot of 50 acres and 900 feet of frontage you can't cut a piece of lot off.

Chairman Todd R. Hoffman read into the record:

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Article 1- General

1.2 Purposes

j. To accomplish the above objectives with the least possible regulation.

Chairman Todd R. Hoffman asked CEO where the changes were made.

Lawrence Huntley, CEO answered Village Circle and Commercial Zone

Chairman Todd R. Hoffman asked CEO about the column that reads **under district.**

Lawrence Huntley, CEO answered that it use to give frontages; now it is **under district** because it is an overlay.

(See Attachments)

Barry Chase asked why are you changing that to 50.

Lawrence Huntley, CEO answered so that it would conform to that spaghetti lot 5 to 1.

Barry Chase replied that's just to get enough area.

Lawrence Huntley, CEO answered yes.

Chairman Todd R. Hoffman asked CEO how it would work under the rear setback when abutting a resident and it being 10 feet.

Lawrence Huntley, CEO answered minimum yard setbacks that's 10 feet in the front. This is for the building and the rear setback is 10 feet.

Barry Chase moved to hold a Public Hearing, Mark Cahoon seconded a motion. Vote, 4-0

Barry Chase moved to accept changes set forth by Lawrence Huntley, CEO;

REF: Ordinance Change;

Article 4.3f, Notes To Tables in Zoning Ordinance;

Article 10.4g in Subdivision Ordinance;

Strike f. in Zoning Ordinance;

Replace f. in Zoning Ordinance with: All new lots created shall have a maximum lot length to width ratio of not more than five to one. (5 to 1);

Replace the last sentence of 10.4 in the Subdivision Ordinance with f. in the Ordinance,

*Page 4-9F; Table 4.3 Dimensional Requirements: Minimum road frontage in Village Center and Commercial (from 25 feet to **50 feet**);*

*Shoreland Stream Protection requirements; **under district**,*

Mark Cahoon seconded a motion. Vote, 4-0

(See Attachments)

Lawrence Huntley, CEO spoke that Dwayne and I have conversation and he reiterates to me and makes it a point for me to understand that everything we do has to be for the best of the people of this town.

3. Preview next agenda:

4. Other Business:

Chairman Todd R. Hoffman informed the Board that he has been going through the files on all the legal briefs that we have had concerning the cell tower (US Cellular) Conditional Use Permit. Do we want a Communications Tower Ordinance? A student at UNH took that on as a Senior Project and evidently the Ordinance is now being adopted across the State.

Chairman Todd R. Hoffman will provide copies to the Board of the Communications Tower Ordinance.

Have language from Shoreland District Standards transfer to all Districts.

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Article 5 – Performance Standards

5.2.17 Shoreland District Standards

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Performance Standards

i. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists, Where permitted, such structure and

facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

The Board has had 3 Conditional Use Permits now for Essential Services. The Board needs to be up to date dealing with cell towers.

5. Preview Previous Minutes:

Mark Cahoon moved to approve the minutes of March 18, 2009, Barry Chase seconded a motion.
Vote, 3-0

Mark Cahoon moved to approve the minutes of March 26, 2009, Julie Fernie seconded a motion.
Vote, 4-0

6. Adjournment:

Mark Cahoon moved to adjourn at 8:00 pm, Julie Fernee seconded a motion. Vote, 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Shaun DeWolf

Barry Chase

Mark Cahoon

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Shaun DeWolf
Barry Chase
Mark Cahoon
CEO
Town Manager
Selectmen
Christine Dudley
ZBA
File