

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD MEETING MARCH 27, 2008

Present: Vice-Chairman Shaun DeWolf, Julie Fernee, Barry Chase, Mark Cahoon, Scott Strynar and Lawrence Huntley CEO.

Absent: Chairman R. Todd Hoffman and Dennis Hartigan

Also Present: John P. Curtis and Richard Lovejoy

1. Call to Order:

Vice-Chairman Shaun DeWolf opened the Planning Board Meeting on March 27 at 6:30 p.m.

Vice-Chairman Shaun DeWolf moved Mark Cahoon and Scott Strynar to voting status.

2. Current Business:

A. John and Peggy Curtis---Conditional Use Permit, Applicant proposes Lot Line Changes to combine two lots in Homested Acres Subdivision. (Map 4, Lots 28 & 28-11) Staples Drive.

John Curtis explained to the Board that he would like to join two abutting pieces of property, Map 4, Lots 28 & 28-11. Prior to 2000 those two pieces of property were deeded as a single piece of property and it was in 2000 when they were separated and sold separately. Since then I have purchased the abutting lot and would like to go back to having it as one piece of property.

Vice-Chairman Shaun DeWolf asked Mr. Curtis why he wanted to join the two pieces of property.

Mr. Curtis replied for tax purposes.

Vice-Chairman Shaun DeWolf asked Lawrence Huntley CEO if he saw any problems with joining the two pieces together.

Lawrence Huntley CEO relied no.

Vice-Chairman Shaun DeWolf opened the hearing to the public at 6:37 p.m.

Vice-Chairman Shaun DeWolf closed the hearing to the public at 6:38 p.m.

Mark Cahoon moved to accept the Conditional Use Permit to combine the lots, Scott Strynar seconded a motion. Vote, 4-0-1

B. Robin Lovejoy---Conditional Use Permit, Applicant proposes changes to an accepted camp expansion at 92 West 2nd Street. (Map 13, Lot 23)

Richard Lovejoy explained to the Board that he came before the Board last September to tear this camp apart. When reconstructing the camp the stairs one side did not fit the height, I will be revising the footage of the camp at 92 West 2nd Street. Map 13, Lot 23 but keeping the volume. This proposed reconstruction of the camp was approved by the DEP.

Vice-Chairman Shaun DeWolf opened the hearing to the public at 6:47 p.m.

Vice-Chairman Shaun DeWolf closed the hearing to the public at 6:48 p.m.

Mark Cahoon moved to accept the Conditional Use Permit with the proposed changes, Barry Chase seconded a motion. Vote, 5-0

Lawrence Huntley CEO explained to the Planning Board that all Municipalities received a proposal from Central Maine Power that they are proposing to the Legislature that would become State Law and they want your option on one of the two proposals Mr. Huntley asked the Board to review the packet and if they agree with Option A: or Option B:.

Maine Power Reliability Program
Draft Statutory Language

An Act to Clarify that Electrical Power Transmission and Distribution Lines and Structures are not Subject to the Dimensional and Use Prohibition of Municipal Land Use Ordinances

Option A:

Section 1. 30-A M.R.S.A. §4352 is amended as follows:

4-A. Electrical Power Transmission and Distribution Lines and Structure. Electrical power transmission and distribution lines and structure, including guy wires and anchors, are not subject to the dimensional standards or any use prohibitions contained in municipal land use ordinances. As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot size, lot area, lot coverage, frontage, setback, and height requirements.

Option B:

Section 1. 30-A M.R.S.A. § 4352 is amended as follows:

4-A. Electrical Power Transmission and Distribution Lines and Structures. Electrical power transmission and distribution lines and structures, including guy wires and anchors, within or

adjacent to existing transmission or distribution corridors are not subject to the dimensional standards or any use prohibitions contained in municipal land use ordinances. As used in this subsection, “dimensional standards” means and is limited to ordinance provisions relating to lot size, lot area, lot coverage, frontage, setback, and height requirements.

Section. 2. 38 M.R.S.A. §439-A (4) is amended as follows:

Notwithstanding and provision in a local ordinance to the contrary, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 must meet the water setback requirements approved by the board, except functionally water-dependent uses no electric power transmission and distribution lines and structures, including guy wires and anchors. For purposes of this subsection, a substantial expansion of a building is an expansion that increases either the volume or floor area by 30% or more. This subsection is not intended to prohibit a less than substantial expansion of a legally existing nonconforming structure, as long as the expansion does not create further nonconformity with the water setback requirement.

Explanatory Statement

This Act provides that electric power transmission and distribution lines and structures, including poles, towers, and appurtenances such as guy wires and anchors are not subject to the dimensional standards or use prohibitions of a municipality’s land use ordinance, as that term is defined in 30-A M.R.S.A. § 4301(8). The Act also clarifies that because electrical power transmission and distribution lines are needed to provide an essential service to multiple communities, because the transmission of electrical power requires linear transmission corridors that consist of multiple parcels of property, and because it is in the public interest to limit the amount of property to be acquired from private landowners for essential services, as well as to optimize utilization of existing transmission line corridors and limit potential environmental impacts, it is appropriate to clarify that electrical power transmission and distribution lines, structure, and appurtenance are not subject to municipal dimensional standards and use prohibitions. The Act will not exempt these lines, structures, and appurtenance from obtaining any other necessary approvals under a municipality’s land use ordinance.

The Planning Board agreed to accept Option B: The Central Maine Power would work with the North Berwick Planning Board.

3. Preview Next Agenda:

Mill View Estates

4. Other Business:

5. Review previous minutes:

Barry Chase moved to accept the Planning Board Minutes of February 28, 2007, Mark Cahoon seconded a motion. Vote, 3-0

The minutes of March 13, 2008 were tabled until next meeting.

6. Adjournment:

Mark Cahoon moved to adjourn at 7:30 p.m., Barry Chase seconded a motion. Vote, 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted:
Anita Lambert, Stenographer

Chairman: R. Todd Hoffman

Julie Fernee

Dennis Hartigan

Shaun DeWolf

Barry Chase

Mark Cahoon

Scott Strynar

Copies:
Chairman R. Todd Hoffman
Julie Fernee
Dennis Hartigan
Shaun DeWolf
Barry Chase
Mark Cahoon
Scott Strynar
CEO
Town Manager
Selectmen
Janet Belmain
ZBA
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