

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD OCTOBER 13, 2022

Present: Chairman Jon Morse, Anne Whitten, Mark Cahoon, Scott Strynar, David Ballard, Justin Perry, Scott Carpenter

Also Present: Matt LeConte, Jason Day

1. Call to Order:

Chairman Morse called the meeting to order at 6:30 pm.

2. Review Previous Minutes: N/A

3. Current Business:

3.1 Workshop

Chairman Morse stated this is a workshop to discuss and make changes, if necessary, to the ordinances in place.

Scott Strynar stated his biggest concern, both for commercial and residential properties, are the landscape buffering, visual barriers, fencing, planted buffers and also street trees, parking lot trees and getting more landscape so there is not so much asphalt. He stated those are the two things he deals with mostly in his profession and those are things that we could benefit from. He also mentioned lighting, parking lot lighting, building lighting and perhaps work in some dark sky compliance. He stated he could look to other towns for their ordinances that contain these landscape standards and pull excerpts to have something to reference as a starting point.

Chairman Morse stated his concerns involved standard apartment complexes such as the distances from other buildings, buffers and whether they should be allowed in all districts. Matt asked what the specific concerns were. Chairman Morse indicated there is just not enough information in our ordinances to go by and how there may be multi-unit apartment complexes in town which we really do not have any idea how many actual apartments there are, how many people are living there and what is happening at these complexes. He stated there should be something in our ordinance to regulate what is perhaps happening at apartment buildings in town. Anne Whitten believes there may be structures that have been erected in town that either there are no permits for, or they do not meet restrictions. Scott Strynar stated we may not be able to retroactively issue violations but when a new permit is pulled, it could be stopped from that date forward. Matt stated that would fall under the enforcement arm of the municipality and that would fall on his shoulders going forward and any violation, if found, can be pursued.

Mark Cahoon stated his concern involves solar farms and how there is nothing specifically in our ordinances related to solar farms and where they are allowed, etc. He would like to perhaps see solar farms limited to abandoned open spaces and to keep them out of farm and forest. Scott Strynar stated that if a solar farm is buffered properly, he doesn't know if we can really restrict that. David Ballard stated regarding farm and forest, it was intended for "farms" and "forests" not solar farms where the forest gets cut down and solar panels are erected and feels maybe they can be limited. Mark stated there is nothing in the comprehensive plan at all regarding solar farms and Anne asked if nothing is referenced than it would not be allowed. Matt stated that his belief is that if it does not expressly allow, then it is not allowed. Mark stated we need to have something solid specific to solar in our plan. Matt stated a definition would need to be created, determine what zones would be allowed and size limitations. Justin wonders at what point a solar farm becomes industrial. Scott Strynar stated that solar farms seem to fall under commercial use and would be another limitation. Anne Whitten inquired about other towns having some type of guideline to go by regarding solar farms and that is something we should research. Matt suggested that each Board member take a municipality and obtain information and bring back restrictions, examples and topics on solar farms to discuss and compare. David Ballard indicated he would look to Kittery and Kennebunk. Scott Carpenter indicated he would look to Arundel and Alfred. Chairman Morse indicated he would look to Wells and Gray. Mark Cahoon indicated he would look to Sanford and Saco. Justin Perry indicated he would look to Lyman and Waterboro. Anne Whitten stated she would look at Biddeford and Kennebunkport.

Anne Whitten stated her concern involved dimensional requirements at 4.3 and shoreland setbacks. She indicated that the State has 75 feet setbacks. Right now the setback is 100 feet in our town and feels it should perhaps be changed to meet the state requirements in the shoreland limited residential zones not resource protection zones. She feels it should match with the state requirements and align with the comprehensive plan. The town will ultimately have to vote on this change.

4. Other Business:

Jason Day stated he lives at 52 Company Woods Road, and he is trying to get his property and his son's property changed from industrial to residential. The two properties are divided by the power line. Anne Whitten asked why he wants the properties out of the industrial zone. He stated that his son wants to build a house on the lot on the other side of the power line and he cannot do that in an industrial zone. He stated that everyone around him is the residential zone except his property. Matt LeConte stated that tonight's meeting is initially a workshop but it is still a public meeting and if the Chairman opens it for public input that the applicant could address the Board and then the applicant can officially come back to request the zoning map amendment at the next meeting with any additional evidence or information needed and then the Board can decide whether this will be passed up the chain. Ultimately this will have to go to the voters. Anne Whitten stated they will have to research why it was first put in the industrial zone and look at the history of the property. Chairman Morse stated that it will have to go to the selectman and then to a town vote so this will not be a quick process. Chairman Morse indicated that if the applicant wants to be on the Agenda for the next meeting, they can go that route, as a decision will not be made tonight. Matt stated he was here tonight basically as an introduction and for the Board to have an understanding of what he was proposing. Mr. Day stated he and his

son will plan to be at the meeting scheduled for October 27th. He stated his family has owned this land since 1959 and will bring any documents he has relative to the history of the property. Matt indicated he should provide the history of the deeds and check with the Clerk's office to find out when the zoning ordinance specifically to this zone was enacted, and also when the CMP corridor came in. Anne Whitten advised him to perhaps meet with Matt and look up what is on file in the Code Enforcement Office regarding the ordinances.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 8:06 p.m. Scott Strynar seconded the motion.
VOTE: 4-0

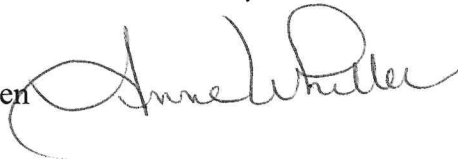
Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse



Anne Whitten



David Ballard

Scott Strynar



Mark Cahoon 

Scott Carpenter

Justin Perry