

## NORTH BERWICK PLANNING BOARD

### MINUTES OF PLANNING BOARD OCTOBER 27, 2022

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

**Absent:** Scott Strynar,

**Also Present:** Jason Day, Kelley Day, Austin Day

1. Call to Order:

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

2. Review Previous Minutes: October 13, 2022

Anne Whitten motioned to approve the minutes of October 13, 2022 as written. Mark Cahoon seconded the motion. VOTE: 6-0

3. Current Business:

3.1 Workshop

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

Following up from the last workshop, the Board members have done some research on what other towns are doing as far as solar farms are concerned. Chairman Morse stated he had information from Gray and Mark Cahoon has information from Sanford. He indicated that the only thing he could see regarding the Town of Gray was that they rezoned the town to have a solar farm zone and he believes all of the rules and regulations that they had before is still in effect. He does not know how this would benefit North Berwick as far as rezoning the entire town. He also indicated that Sanford also has them abide by all of the rules and regulations for standard building, setbacks, heights, wiring, etc. and the only difference is that solar farms cannot be put on farm land and in forest land without further approval. Mark Cahoon stated that Wells is adhering to a case-by-case basis and basically using the unbuildable/unusable land to put solar farms on such as old gravel pits or dumps. Anne Whitten stated that from her review in Kennebunkport, there is no zoning regarding solar farms if all codes are met. She also found this in Biddeford as well. Scott Carpenter stated that Arundel also has no specific zoning regarding solar farms. Justin Perry indicated that Lyman had no zoning regarding solar farms either. Justin stated that Waterboro did have a 180 day moratorium which was in August of 2021 but did not have anything after that stating that the moratorium was lifted. Justin indicated that he did

receive information from the Maine Department of Agriculture regarding solar siting and farm land, solar development and will forward the numerous articles he has to the Board members. Anne Whitten indicated that something that was brought to her attention was that if a solar farm is brought in, they have to be able to hook up to CMP and CMP will only hook up to so many and she believes North Berwick is at capacity. She is unaware if that is a Maine law or a requirement from CMP but feels if the town does include an ordinance regarding CMP, that could be something that could be incorporated. Justin Perry stated that if we did something like that, we would have to have the same provisions as Sanford, whereas if the solar farm was not producing electricity on a commercial basis for twelve months, then it would need to be removed. Sanford had a clause in their ordinance indicating that if it went more than twelve consecutive months of producing electricity or putting it back in the grid, then it had to be dismantled. Mark Cahoon stated he talked to the code enforcement officer from Sanford, and he forwarded Mark some information from their ordinance. David Ballard believed between Sanford and Gray, that we could come up with something to draft although he did not specifically agree with Gray's tables. The Board agreed to look at some of these requirements and ordinances from other towns and write up something to discuss and adopt. Anne Whitten stated that we should refer to the table regarding setbacks when looking into solar farms.

Anne Whitten stated that she had talked with Dwayne and Matt, and they were interested in changing our current subdivision reading, specifically where it states that mylars be provided when building subdivisions. She stated that Dwayne indicated that mylars cannot be bought anymore and the Registry of Deeds would not accept mylars any longer. Given all of that, the wording should be changed to "a reproducible plan to be acceptable with the Registry of Deeds".

Another issue that Anne discussed with Dwayne was the wording regarding campers. She indicated that most Maine towns limit living in a camper to 120 days maximum. Dwayne felt that it would be a good idea to have somewhere in our ordinance, that if someone wanted to live in a camper, then they would need to acquire a permit from the Town. This would be a way to police people who are living in campers for extended periods of time.

Anne Whitten indicated that the Board of Selectman would like to meet with the Planning Board at the Tuesday, December 6, 2022, meeting to discuss potential ordinance changes. Anne indicated that this meeting will be where we can bring all the ordinance changes that we believe need to be changed.

Justin Perry stated that one of his concerns was in the farm and forest district and the 100-foot setback for any additional footprint even on an existing structure. He did not know if maybe that should be looked at and rephrased to where an addition or any changes to the footprint could happen within that 100 feet, but it could not bring the structure any closer to the right-of-way. He referred to some houses on Oak Woods Road, where the houses are 60 feet from the road, and someone wants to put a deck on the back of the house, but they cannot due to the wording of this current setback. David Ballard indicated maybe that is something we could ask Matt about and if this is an issue being presented by the people of the town.

4. Other Business: 52 Company Woods Road

Chairman Morse stated that Jason Day, along with his wife and son were present to follow up from last meeting regarding trying to get his property and his son's property changed from industrial to residential. The property is located at 52 Company Woods Road. Anne Whitten stated that the Board had asked him to provide information and asked Jason to present those at this time and if the Board agrees that a change should be made then it can be brought to the Board of Selectman at their next meeting.

Jason Day stated that he could find nothing stating when these properties changed from residential to industrial. He stated that his grandparents obtained the property in 1971 and it was considered a wood lot at that time. In 1979/1980, Jason stated that his father built a house on the property so there is already an existing house on 52 Company Woods Road. He stated that it has always been two parcels and when the telegraph lines came in around 1980, that put a separation line between them. He presented all of the deeds that he could obtain and provided each Board member with a set of copies. Jason indicated that the deeds start in 1856 up through the present. Anne Whitten stated that she believes it was changed to industrial sometime in the late 1980's. Jason indicated that his feeling is that this may have been switched when the sewer district became industrial, and this parcel got attached to that by mistake. Anne Whitten asked Jason if he owned any other land other than then the two parcels that are in question now. Jason stated he did but it was sold. He stated it some of his property is already residential and some of it is labeled industrial. The parcels around these two pieces belong to the Sewer District and there are easements as well. One of the easements is for the power line. Jason stated he would like everything belonging him that is in the industrial district to be changed back over to residential.

Anne Whitten motioned that the issue concerning 52 Company Woods Road raised by Jason Day regarding switching from industrial back to residential be presented to the Board of Selectman and hopefully be on the April ballot. Mark Cahoon seconded the motion. VOTE: 5-0

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:32 p.m. David Ballard 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