

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD DECEMBER 8, 2022

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

Also Present: Matt LeConte, Jason Day, Tiffany Chase, Dana Libby

1. Call to Order:

Chairman Morse called the meeting to order at 6:32 pm.

Chairman Morse moved Scott Carpenter to full voting status for tonight's meeting.

2. Review Previous Minutes:

Anne Whitten motioned to table the previous minutes until next meeting. Mark Cahoon seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Public Meeting:

Jason Day on behalf of Austin Day

Company Woods Road Map 001-005 & 006

Proposed Zoning Map Change from Industrial to Residential

Chairman Morse indicated that it is his hope that Jason Day has all the documents and information of all his intent with the request to change the zone so there will be no confusion. He stated that the battery storage unit was not brought up at the last meeting he attended and the Board did not have any knowledge of that. Jason Day indicated he did not bring it up because it may not even happen and he was unaware that it could not be done if it was not industrial.

Jason Day stated he sat down with Matt LeConte and Dwayne Morin and provided an outline of what he wants to make Residential 1 and he marked what he wanted to keep Industrial which is 12.5 acres. Jason indicated that Lot 5 is his son's lot and the power line is the border between Lots 5 and 6. Chairman Morse clarified that in regards to Lot 6, Jason wanted to keep everything to the right of that property in Industrial. Chairman Morse asked Matt if a survey was required and Matt indicated that we did not. Matt indicated that the distance is required but he sees on the map that it is 700 feet and he will obtain further dimensions as needed. Matt indicated that the biggest reason for the rezoning of the portion to residential is because his home is currently deemed non-conforming. Chairman Morse's concern was how to differentiate the two lots due to lack of measurements on the map they are referencing. Anne Whitten stated that as Matt stated earlier, he can get further dimensions from the electronic tax maps to get

everything to scale. Matt stated that the question before the Planning Board is if this request is a feasible zone map change request. If the Planning Board accepts this request, it will go to the Board of Selectman, and then eventually to the Town for voting. Justin Perry asked if the access to the 005 Lot will be on Company Woods Road or Gould's Bridge Road. Jason indicated that it will be on Company Woods Road.

Anne Whitten motioned that we forward this zone request change to the Board of Selectman for their consideration. Scott Strynar seconded the motion. VOTE: 5-0

Reminders: Next Planning Board Meeting – January 10, 2022 - 6:30 P.M.

3.2 Public Meeting:

The Patterson Companies, LLC.

Butler Road, Map 004 Lot 06-13

Amend existing subdivision dividing the remaining lots into two lots.

Dana Libby, from Corner Post Land Surveying, reminded the Board that the last time this came before them, they gave this project a conditional approval subject to them sending in a revised packet that removed all information regarding solar and supply the letter from DEP that proved they had viewed the vernal pools and accepted that they were not significant. Dana stated he is now providing everything that was asked of them. Chairman Morse confirmed that this is the subdivision on the south side of Valley Road and the west side of Oak Woods Road. Dana confirmed that.

Anne Whitten referenced the September 8, 2022 Minutes and read excerpts from them as follows:

"Anne Whitten inquired about the two divided lots and how nothing was on either lot. Dana stated that was correct and that there was a subdivision all around it. Matt LeConte indicated that this is all subdivision and this is one more piece of the subdivision making a total of 13 which is indicated on the paperwork. Dana stated it would be a total of 10 lots. David Ballard stated the paperwork states "it will make this a 13th lot". Dana stated the remaining lot is Lot 13 for the tax map and they are calling it 13A and 13B but the original subdivision had eight lots on one side and this will make a total of ten. It is Lot 6-13.

David Ballard inquired about the sidenotes and the rear set back is indicated as 25 feet and believes it is supposed to be 30 feet and side setback is supposed to be 35 feet and it is indicated as having 30 feet. David Ballard also stated there is a comment in G which talks about splitting the zone, which he stated is being done in farm/forest and Village B, and the note talks about 100-foot abutting side setbacks and that should be annotated in the sidenotes if all the other setbacks are being noted there. David stated that in paragraph G of the zoning ordinance, there is a 100-foot setback for abutting properties when the zones are being mixed. Dana asked if this was building setback and David stated it was and that has to be abided by on all the lines all the way around because they are all abutting properties. David stated he would like to see that noted in the sidenotes. Dana asked if it was a 100-foot setback from all of the residential homes and David indicated it does state that in paragraph G of the zoning ordinance, page 4-14.

Dana indicated he could certainly add that setback into the notes. Matt confirmed that it would make sense to capture that on the notes and David Ballard stated that if all the other setbacks are included on the notes, just include the last setback to be consistent."

Matt indicated that we are not talking about the use of the property at all and that the notes on the plan are more general notes than anything that applies. In the event that an application comes in for residential use, residential would apply. If commercial, then the certainly commercial use and the higher setback would apply. The Planning Board would ensure that and before a permit was issued, it would be ensured. Anne Whitten wanted to be clear that the setbacks on the plan now are the correct setbacks for residential, which Matt confirmed. Matt stated that the review of the application before the Board had nothing to do with current or future use. There is no use proposed right now, it is only a land division.

Chairman Morse confirmed that 13-A and 13-B is one lot currently and they want it to be two lots. Dana stated that is correct.

Justin Perry questioned if the 20-foot easement coming off of Oak Woods Road was shown on the other maps as well. Dana stated it was not shown on the other map because it was deeded after the approval of the other subdivision. It was deeded by the people who own the other lots. Right now it is an access easement for the benefit of this lot. Justin also asked if the abutters had been notified. Matt stated they had and there was a public hearing already held.

Anne Whitten motioned to approve the Patterson Companies, LLC The Patterson Companies, LLC., Butler Road, Map 004 Lot 06-13 to amend existing subdivision dividing the remaining lots (13-A and 13-B) into two lots as proposed in their Subdivision Amendment Application. Scott Strynar seconded the motion. VOTE: 5-0

4. Other Business:

4.1 Chairman Morse gave an update on the Board of Selectman he and a few other Board members attended on Tuesday night (December 6) and stated that the Board of Selectman went over the potential changes to the Town's Ordinances that were presented to them and basically agreed with almost everything. They were as follows:

- Amend Subdivision submittals to eliminate mylars and state a format acceptable to the York County Registry of Deeds.
- Possible Amendment to the Zoning Ordinance on the use of RVs as housing – possible permit so that the 120-day criteria can be tracked. (Chairman Morse reported that there will be a \$5.00 permit and it can be from May through September).
- Possible amendment for Solar Projects. (Chairman Morse reported that regarding the residential projects, the Board wanted it to be from 1 – 100 kw and commercial from 100 on as they felt 100 kw would not handle a residential property).
- Amend shoreland setback from 100' to 75' to be consistent with State DEP Laws.
- Amend the Buffer Language in Article 5.18 – Performance Standards (Anne Whitten stated they would provide more language into this Ordinance and basically tabled that)

- Change the Zoning District in the Company Woods Road Area from Industrial to Residential I. (Chairman Morse stated that was brought up tonight and will go in front of them at next meeting).
- Amendments to bring the Town in compliance with LD2003 – New Maine Housing Law. (Anne Whitten stated they have to bring it to the Town so it will be moved to 2024).

5. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:15 p.m. Scott Strynar seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

Anne Whitten

David Ballard

Scott Strynar

Mark Cahoon

Scott Carpenter

Justin Perry