

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD AUGUST 24, 2023

Present: Chairman Jon Morse, Anne Whitten, David Ballard, Mark Cahoon, Jack Olea, Justin Perry

Also Present: Matt LeConte, Kelsey Geer, Andrew Doucette, Mark Reed, Rebecca Reed

1. Call to Order:

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

Chairman Morse moved Jack Olea up to full voting status

2. Review Previous Minutes: N/A

3. Current Business:

4. Public Hearing:

Kelsey Geer & Andrew Doucette

11 Pleasant Street, Map 014 Lot 20

Continued review of Conditional Use application for a home occupation for a family day care for a maximum of 12 children within a portion of the home and in the fenced yard of the single-family property. This property is located in Village A Zoning District.

Chairman Morse provided the Board's apologies for not showing up to the scheduled site walk a couple weeks ago and any inconvenience that it caused and it was not intentional in any way. Andrew Doucette accepted the Board's apologies.

Andrew Doucette provided a quick update as to the proposed family day care and confirmed it was for a maximum of 12 children. They provided a corrected floor plan which excluded the washer/dryer area, which was not part of the day care. Andrew stated that regarding the question as to how they were going to keep the children from going into another part of the home, he has gone ahead and purchased a gate which will be between the hallway and the changing area. They decided to cancel having a nap area on the other side of the home. Kelsey stated they spoke with the Fire Marshall and the Licensing Representative how suggested they keep everything on one side of the home. Chairman Morse inquired about the fenced in yard and Andrew indicated it would be between the house and the garage and a small area in the back but he has not completed that yet. He stated it will be a standard chain link fence.

Chairman Morse asked if Matt had received all the required permits. Matt indicated that they have other than the proposed door which will require a building permit. That however does not need to be a condition of approval. Matt indicated that the State has capped the number of children at 12, so that does not need to be a condition of approval. Matt indicated that perhaps the hours of operation and no expansion could be conditions.

Chairman Morse asked about set hours and the business hours were discussed. Kelsey indicated the hours are going to be 7:00 a.m. – 4:30 p.m. Chairman Morse inquired about what happens when a parent does not arrive exactly at 4:30 and Kelsey stated that a late fee would be assessed. The day care will be open five days per week, Monday through Friday. Matt indicated that there were a few letters from abutters and the Board acknowledges that they have received and read those letters.

David Ballard asked how many abutters there were total within 500 feet and Matt believes it was roughly 30 abutters.

Chairman Morse opened the public hearing at 6:40 p.m. and asked if there were any public comments. There were not. Chairman Morse indicated that the Board received letters recently from Terry Gouette of 58 Lower Main Street, Robert MacDonald of 21 Pleasant Street and Scott Edwards. They also received from letters from Sarah Young, and Karen Knight. Chairman Morse closed the public hearing at 6:42.

David Ballard inquired about signage and stated there were sign requirements. Kelsey indicated they did not plan on putting a sign up. The Board confirmed the square footage at 632.

Anne Whitten motioned that the Board approve the application for a family day care for Kelsey Geer & Andrew Doucette at 11 Pleasant Street, Map 014 Lot 20 for a maximum of 12 children with the hours of operation being from 7:00 a.m. to 4:30 p.m., Monday through Friday, no sign and no expansion of the day care without further approval from the Planning Board. Mark Cahoon seconded the motion. VOTE: 5-0

5. Planning Board Workshop/Public Meeting
Discussion regarding possible zoning amendment to Ordinance Sec 5.2.5 Planned Unit Development, Cluster Development, Motels

Mark Cahoon indicated that the proposed ordinance change affects the farm and forest zone and he believes the ordinance should stay as is and feels that farm and forest should remain as is. He stated within the last two weeks, he has talked to town residents and the feedback is the same. David Ballard stated that the current ordinance reads well enough, it should be left alone. Anne Whitten stated it does not need to be changed and we should keep the town the way it is.

Chairman Morse referenced the wording in the ordinance regarding ten acres. Matt stated that means that if one owns a piece of land that is 9.5 acres, you are not allowed to take

advantage or propose a Planned Unit Development as you would have to have a minimum of 10 acres even if all the other requirements are met. Matt indicated that regarding a PUD, the most stringent zoning requirement, other than a single water source, is that the allowable dwellings is determined by the area of the parcel. That is what caps the number. The residential density is determined by chart in 4.3 and 3.7 acres is divided into the number of square acres. The dimensional requirements are standard and the PUD is an exemption so long as the applicant meets the single water source and the conditions set by the Planning Board and also the one dimensional requirement of the area per dwelling. Matt stated that if the proposed PUD was in Residential 1 which requires 40,000 square feet, that is the only requirement as it pertains to the dimensional requirements. If there was a piece of land that has town water in Residential 1, there is a potential that that be developed, not as a traditional subdivision but as a PUD.

Anne Whitten feels that the Board should not be entertaining the proposed amendment. David Ballard and Mark Cahoon also feel the same way. Chairman Morse feels that the wording reads that the land needs to be protected from suburban development. Anne Whitten gave an example that if someone owns 100 acres and want to put in apartments, that would basically be called a cluster development, also known as PUD and also known as subdivision. The only difference is instead of having those 10 houses scattered on 100 acres, then there are 10 houses on 2 acres and 98 acres of land that can never be touched and she does not have an issue with that. She indicated she does have an issue with taking an ordinance that says a certain water source is required to put in houses and if you do not have that, you cannot put those houses in and if the ordinance is changed, that changes the whole design of the ordinance and feels the ordinance needs to stay the way it reads. David Ballard stated it is minimum 10 acres anywhere, not just farm and forest.

Chairman Morse threw out the example that if one followed the guidelines in farm and forest, they could put 7 houses on 26 acres and if one followed the guidelines of the 5.2.5 Planned Unit Development, they could put 8 apartments on 26 acres because they would need 10 acres to put 4 buildings up. Matt stated that was incorrect. Matt stated that using the example of 26 acres, one acre is 43560 and the amount of square footage is 1,132,560 square feet so if you divide that by 160,000 square feet, you would get 7.785 so no matter where one is in the farm and forest, on that 26 acres, the maximum one could put is 7. Even if you had one water source, one could not put more than that. If it is an apartment building, one is still maxed at 7. Justin Perry stated that one would have to own 10 acres to even bring up the idea of a PUD. Matt stated that in Jon's example, one would meet the threshold of 10 acres because they have 26 and they could apply for a PUD as long as there is one water source so one building could be put up that has 4 dwellings, not one building that has all 7 dwellings. Just because it is a PUD, does not mean that one could have more than 7 in farm and forest using this example. The exemption states that one would have to have 300 feet of frontage for all 7 dwellings.

Mark Reed stated that he heard that the Board was required to preserve the nature of farm and forest and if he was applying to the Board for a PUD, it would have to have 10 acres, a single water source, and therefore the numbers cannot be trumped but the Board would have to preserve farm and forest. Matt stated there is a question there because the Board

has been talking about the farm and forest district and if it was in another district, and use 4.1.9, it is less restrictive in the fact that it is not trying to protect the land from suburban development, it accepts, in a sense, the suburban development, which potentially is a PUD. A PUD is not just a residential dwelling but could also be a motel. Matt stated that maybe an amendment needs to be clarified that a PUD which is an exemption to the dimensional requirements, may not be allowed in the farm and forest because it goes against the intent of the zone. David stated he agrees with that to a point because it is allowable but it would have to get through the Board, whether this Board of members or a future Board of members.

Justin Perry stated the goal of farm and forest is open space and assuming that if a PUD came before the Board where one was just going to be placed in a large field, as a Board they have the ability to state that the PUD checks all the boxes but has the right to not allow it there because it is an agricultural field. Matt stated that the determination that adding a multi-family building or series of multi-family buildings does not meet the purpose and the intent of the farm and forest at all and that is intended for the residential growth areas.

Matt believes that the Board is unanimous that a PUD does not belong in farm and forest. Anne feels they should provide for low density rural housing and provide the definition which is *"single detached dwellings on lots sufficient in size to accommodate a private water well and retain a rural or semi-rural setting"*. Matt stated that is one approach and it is not idea but reminded everyone that proposing an amendment to the ordinance right now is not vital because it will not be potentially voted on until April. The time frame would be after the new year to start putting together such wording for amendments to go before the Select Board and then the Town attorney. Justin Perry asked if the Board preferred not to see PUDs in the farm and forest, would they would need to bring that to the Select Board to change the zoning and if the only written change would be in the tables. David Ballard stated he feels it should be added into the definition. Matt stated nothing actually needs to be decided tonight but could be entertained at a later date after putting together language.

Anne Whitten motioned to not entertain making any change to zoning amendment Ordinance Sec 5.2.5 Planned Unit Development, Cluster Development, Motel. Mark Cahoon seconded the motion. VOTE: 5-0

6. Other Business

Matt stated that the site walk for the Mick Subdivision was to be before the next meeting of September 14th. He indicated that there was not a vote but a suggestion that they not come to the meeting following which it is reasonable that they return to the meeting not necessarily for approval but to bring additional material and for the Board to deem the application complete to start preliminary plan review. Matt's suggestion is that the Board let them return to share their amendments to the plan and to deem if the application is complete. He indicated that they have not applied for the DOT entrance permit yet which is significant as they are waiting for the initial application to be deemed complete.

Matt also thought that the solar project would be coming back as well as Stub Marsh but he has not seen anything on either of those. Regarding the daycare that came before the Board a while back, has put the property up for sale. Matt also reminded the Board that he would not be present at the second meeting in September.

Reminders: Next Planning Board Meeting – September 14, 2023 - 6:30 P.M.

7. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:55 p.m. Mark Cahoon seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

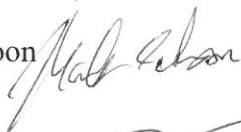
Chairman Jon Morse

Anne Whitten

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