

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD JANUARY 23, 2014

Present: Chairman Barry Chase, Geoffrey Aleva, Jon Morse, Rick Reynolds, Mark Cahoon, Lawrence Huntley, CEO

Absent: Anne Whitten, Shaun DeWolf

Also Present: Lorinda Hilton, Dale Hilton, Ivan Weatherly, Catherine Weatherly, Robert Landrigan, Charles Galemme, Charles Barto, Shirley Barto, Dwayne Morin

1. Call to Order:

Chairman Chase opened the Planning Board meeting at 6:30 pm.

Chairman Chase moved Jon Morse up to full voting status.

2. Review Previous Minutes:

Rick Reynolds stated that he found a couple of changes. On Page 3, in the third paragraph, the first sentence reads: "Mr. Marth stated that the final set of plans are the final elevation for after the demo work has been completed." It should read: "Mr. Marth stated that the final set of plans are the final elevation after the demo work has been completed." We just need to remove the "for" before the word "after".

Also on Page 7, in the fifth paragraph the last sentence reads: "Larry stated that they just need to state that they are not recommending that change and let them know that the Board of Selectmen are have their Public Hearing on these issues on February 3rd." It should read: "Larry stated that they just need to state that they are not recommending that the change and let them know that the Board of Selectmen have their Public Hearing on these issues on February 3rd." We just removed the word "are" before the word "have".

Rick Reynolds motioned to accept the amended January 9, 2014 Planning Board minutes. Geoffrey Aleva seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

Chairman Chase stated that the meeting tonight was a Public Hearing regarding the proposed changed to the Town of North Berwick Zoning Ordinance for year 2014. He stated that they would go through each of the proposed questions one at a time. He stated that they would read one question, open the meeting to public comment, close the meeting to public comment, discuss among the Board members, vote on it and then go on to the next question.

Chairman Chase went on to read the first question:

Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Recycling, recycling Facility and Redemption Center,” be enacted?

Recycling: The collection, separation, recovery and sale or reuse of materials that should otherwise be disposed of or processed as waste or the mechanical separation of waste, other than through combustion, and the creation and recovery of reusable materials other than as fuel for any purpose or as landfill. This term does not include the process or handling of construction and demolition debris for any purpose nor does it include activities related to redemption centers.

Recycling Facility: Land and buildings used for the recycling of solid or liquid waste. “Recycling facility” does not include a redemption center.

Redemption Center: Facilities used primarily for the processing of bottles, cans, and other similar items returned for deposit.

Intent: To clarify the definition of Recycling, Recycling Center and Redemption Center in the Zoning Ordinance.

Chairman Chase opened the public hearing at 6:36 pm. There was no public comment. Chairman Chase closed the public hearing at 6:36 pm.

Rick Reynolds motioned to accept Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Recycling, Recycling Facility and Redemption Center” be enacted? Geoffrey Aleva seconded the motion.

Dwayne Morin asked that they mention in the motion that this acceptance is predicated upon the Attorney reviewing the definitions for legality because he hasn’t completed the review of the actual questions yet.

Rick Reynolds motioned again to accept Question #1 be enacted pending the review of the Town Attorney. Geoffrey Aleva seconded the motion. VOTE: 5-0

Geoffrey Aleva read the next question:

Question #2: Shall an ordinance entitled, “Town of North Berwick In-Law Accessory Apartment Zoning Amendment,” be enacted?

In-Law Accessory Apartments Zoning Amendment

Section 1. Amend Section 3.2 of the North Berwick Zoning Ordinance by adding the following definitions:

In-Law: One or more persons who are related by blood or marriage.

In-Law Accessory Apartment: An apartment contained or attached to a single-family dwelling or accessory structure which meets the standards of Article 5.2.20.

Sec. 2: Amend the Land Uses Table of the North Berwick Zoning Ordinance to permit an In-Law Accessory Apartment in the all Zones except Industrial and Resource Protection District as a Conditional Use.

Sec. 3: Amend Article 5 – Performance Standards of the North Berwick Zoning Ordinance by adding a new section 5.2.20 to read as follows:

5.2.20 In-Law Accessory Apartment standards.

An apartment meeting the following standards shall be considered to be part of a single family dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of Article 4.11F. In-Law Accessory apartments shall be permitted in those districts where single family dwelling is an allowed use. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and bulk standards of article 4.11F.

1. The initial use of the apartment is for the care of in-laws. The apartment can continue to be utilized by the property owner after the care of the in-law has ceased provided all other requirements of this section are met.
2. The apartment shall be accessory to the use of the premises as a single-family dwelling and only one apartment shall be created accessory to the single-family dwelling.
3. The apartment shall be created within or attached to a single-family dwelling or accessory structure.
4. The creation of the apartment shall not alter the single-family character of the property.
5. Provisions for one (1) additional parking space shall be made in conformance with article 3.
6. The habitable area of the apartment shall not exceed 650 square feet, shall not contain more than one bedroom and shall not have an occupancy that exceeds two persons.
7. One of the units must be occupied by the property owner.

Intent: To allow in-law apartments to be constructed as part of a single family dwelling or accessory structure as an accessory use to the dwelling without increased space and bulk

requirements provided that the apartment is less than 650 sq. ft. and the property owner resides in either the accessory apartment or the single family dwelling.

Chairman Chase opened the public hearing at 6:41 pm.

Dwayne Morin stated that when the Planning Board had met with the Selectman last Tuesday, they had asked him to put together some language. He is just hoping that what he put together is satisfactory with the Planning Board members per the discussions that they had. He stated that he did add the part about the occupancy not exceeding two persons. He said that he remembers that they all discussed it but doesn't remember if there was a definitive answer. He said that they can always change the number if the Board wants to change it.

Shirley Barto asked about the entrance. She stated that there had been some discussions about no outside entrance and it had to be an entrance from the within the main house. Chairman Chase said that it had been discussed early on but they decided that they didn't want to punish people who had a detached garage that they could use for the apartment.

Charles Barto said that if it was a case that the husband and wife were still living and they had a disabled child, this type of situation should be considered in the number for occupancy. Chairman Chase that so many scenarios were thought of in the many discussions about this subject. After discussions with the Board of Selectmen, they decided that they really needed to scale back and limit the number of persons. Mr. Barto asked if they could do it as a conditional use and take each situation on an individual basis. Chairman Chase stated that it would be hard to enforce and would probably have to make it a two bedroom for some situations. Larry Huntley stated that in the example of the disabled child, the child could probably live in another area in the main house and the parents live in the apartment. Mark Cahoon stated that in looking at other town's ordinances, none of them address the number of people, only the number of bedrooms and total square footage.

Shirley Barto asked about not being allowed to have a kitchen. Chairman Chase stated that having a kitchen makes it a separate dwelling. Dwayne went on to explain that this ordinance would allow for them to have a kitchen.

Chairman Chase closed the public hearing at 6:47 pm.

Rick Reynolds stated that he liked the terminology.

Geoffrey Alea asked the Board members what they thought about the two people limit. Jon Morse stated that he was in agreement with it.

Mark Cahoon stated that under the intent it should also read that the apartment shall not exceed 650 square feet instead of less than 650 square feet.

Geoffrey Alea motioned to accept Question #2: Shall an ordinance entitled, "Town of North Berwick In-Law Accessory Apartment Zoning Amendment," be enacted pending the approval of the Town Attorney. Mark Cahoon seconded the motion. VOTE: 5-0

Chairman Chase read the next question:

Question #3: Shall an ordinance entitled, “Town of North Berwick Construction Standards for Commercial Use Buildings Zoning Amendment,” be enacted?

Amend Article 5 – Performance Standards of the North Berwick Zoning Ordinance by adding a new section 5.2.21 to read as follows:

5.2.21 Construction Standards for Commercial Use Buildings

The purpose of this section is to maintain the small New England village character of the town. The requirements of this section are in addition to those requirements in other sections of this ordinance. This section is to cover the construction of new structures and expansion of existing structures intended for commercial use within the commercial districts (e.g. Commercial, Commercial II, Village Center, Village A and Village B Zones). Existing commercial use buildings will be required to meet the standards of this section if they are renovated to increase square footage by One thousand (1000) square feet or more.

Professional offices may comply with this section by meeting the standards of this section or building to resemble a New England home consistent in appearance with neighboring residences. All other commercial use buildings must comply with the following sections.

A. Exterior Appearance – The exterior appearance of commercial use buildings shall be made to look like a New England Storefront.

1. Exterior walls shall be of traditional siding materials such as clapboard siding, wood shingles, red brick or red brick veneer. Contemporary materials that have the same visual characteristics (e.g. cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Metal cladding, highly reflective or processed materials (e.g., metal or plastic panels, brushed aluminum, bronzed glass, concrete block, T-1-11, untreated plywood, etc.) is not permitted.

2. Siding color shall be traditional New England colors to be approved by the Planning Board.

B. Buildings with facades that exceed fifty (50) feet in width shall include features that modulate the façade walls in increments of thirty (30) feet or less, in order to create variety and interest along the public way. Use a minimal number of these features judiciously so that a larger building shall present a human-scaled appearance while remaining a unified design composition. The intent of this standard is to encourage buildings with architectural relief and interest. These features may include:

1. Recess and/or project portions of the façade for no less than 12 inches for the entire height of the building.

2. In combination with #1, increase or decrease the height of portions of the façade.

3. If appropriate for the building use(s), recess storefronts or entrances from the overall front of the building.

4. Provide canopies or awnings at sidewalk level.

5. Use different but compatible materials on different portions of the façade; for example, alternate wood clapboard and wood shingles.

6. Use different but harmonious colors on different portions of the façade.

7. Use a small number of different details and/or door and window arrangements, shapes and/or sizes along the façade.

8. Use horizontal or vertical trim bands to relieve long facades.

C. Commercial facades shall be designed to reflect a traditional storefront design using the following design standards for display windows;

1. Storefronts of commercial facades under 100 feet in length shall have display windows comprising not more than eighty (80%) percent of the storefront surface area nor less than twenty (20%) percent. Storefronts of commercial facades over 100 feet in length shall have display windows comprising not more than sixty (60%) percent of the storefront surface area nor less than twenty (20%) percent. Facades shall be designed to avoid large areas of blank wall space.

2. Display windows shall be rectangular or square and shall be either vertical or horizontal in orientation.

3. Display windows shall extend no less than twelve (12") or more than ninety-six (96") above the finished floor.

4. Mirrored or reflective glazing materials are prohibited.

5. All windows shall be detailed with sills, frames, trim and other architectural features appropriate to traditional storefront design.

D. Building Height, Roof and Rooflines – In no case shall a building exceed thirty-five (35) feet in height pursuant to section 4.2.f.

1. Rooflines shall be of a gabled, gambrel, hip or mansard design. This roofline may be a façade used to hide roof-top equipment or a traditional roof. Roofs shall be no less than a 5/12 pitch.

2. Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof.

3. Roof colors shall be neutral shades such as earth tones, greys and black.

E. Additional Landscaping Requirements – The following landscaping requirements are mandatory for commercial use buildings;

1. Chain link fences are prohibited except for safety purposes.

2. Trash and recycling dumpsters shall be enclosed and hidden from view with a minimum 6 foot high solid fence or hedges.

3. Other ground level equipment shall be screened from the public way.

4. All curbing associated with the development shall be made of granite, in keeping with the curbing maintained by the Town of North Berwick.

Intent: The intent of these proposed changes are to implement Land Use Policy #1 Action #3 of the Town of North Berwick Comprehensive Plan adopted on April 4, 2009 which states “Explore the requirement to have any in-town development to retain the architectural ingredients of New England villages, with particular attention to building materials, height restrictions and roof designs center. (This “in-town area” includes the commercial, limited commercial (now Commercial II), the historical and affordable housing overlay districts, and those parts of Village A that are bounded by Madison Street, Rt. 4 and the commercial zone, and Rt. 9, both sides of Portland Street, the Great Works River and the industrial zone).”

Chairman Chase opened the public hearing at 6:59 pm.

Charles Barto stated that he agrees with a lot of the items mentioned but wishes that it was in affect a long time ago. Chairman Chase stated that some of the Planning Board members had been thinking of doing something like this for a long time and the Board of Selectmen brought it to them. He stated that these were always things that the Planning Board could have done but now it will be in black and white and the developers will know ahead of time what to expect.

Charles Barto also asked what exactly a New England color was. Lorinda Hilton stated that they used to be colors like yellow, pink, orange and blue. Chairman Chase stated that it was really going to depend on the architectural design and if the Planning Board agreed to it.

Shirley Barto stated that we have had the Comprehensive Plan for a long time and she said that it wasn't even considered with the Hannaford proposal.

Lorinda Hilton stated that she feels this is going to be difficult for small businesses. She feels that it will be very costly. She also stated that she doesn't really know what a New England look is and thinks it could be very difficult for the Town if someone took them to court. She feels that they are going to have to define what a New England look is. Geoffrey Aleva stated that there are so many different variables. He also stated that he did not think that they could be taken to court over some of the issues. He feels that if a developer comes in, they will look at the neighborhood and design something that will best fit in. Dwayne Morin told Mrs. Hilton that this language is utilized in all design standards in all of New England so it would hold up in court. He said that most of this language came from other town ordinances.

Charles Barto asked about the property where North Berwick Lumber used to be. He asked if a new business came in there, would the Board consider that a New England look. Chairman Chase stated that it is a New England look but may not be necessarily what they want to get.

Chairman Chase closed the public hearing at 7:08 pm.

Jon Morse stated that he did not like D2 which states: "Any equipment mounted on a roof shall be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof." He stated that most of the mechanicals nowadays that go on top of buildings are fairly nice looking so he doesn't feel that we should ask people to spend extra money to put something to cover them. He also was wondering about E 2 which states: "Trash and recycling dumpsters shall be enclosed and hidden from view with a minimum 6 foot high solid fence or hedges.". He was wondering if a chain link fence with plastic inserts was considered a solid fence. Geoffrey Aleva stated that no chain link fence could be used at all even with the plastic inserts. Chairman Chase told Jon that D2 does state that it needs to be hidden from public view so if you have a building that is 35 feet tall you probably wouldn't have to hide it. Jon Morse stated that he is not against covering them up but he does have a problem with the cost involved. Geoffrey Aleva agreed with Jon. There was further discussion as to what is considered public view because it could be next door or up over a hill.

Dwayne Morin stated that this is a Selectman proposed change so the Planning Board cannot change it. They can recommend that the Board of Selectman review it and make the change.

Geoffrey Aleva motioned to accept Question #3: Shall an Ordinance entitled "Town of North Berwick Construction Standards for Commercial Use Buildings Zoning Amendment," be enacted and accepted as written pending review by the Town Attorney with a modification to 5.2.21 D 2 and request that the Board of Selectmen review the requirement to have any equipment that is mounted on a roof be hidden from public view with a parapet designed to resemble a gabled, gambrel, hip or mansard roof be removed from the proposed question. Rick Reynolds seconded the motion. VOTE: 5-0

Geoffrey Aleva read the next question.

Question #4: Shall an ordinance entitled, “An Ordinance Amending Section 5.2.6.9 of the Zoning Ordinance to state the performance and administration standards and requirements for the installation of signs” be enacted?

Currently reads:

5.2.6 Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Plastic signs which are internally lit shall be allowed. When signs are to be externally illuminated, they may be any color. No sign shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

Proposed to read:

5.2.6 Signs and Billboards

9. Steady white light shall be required on signs to be illuminated. Signs which are internally lit are prohibited. When signs are to be externally illuminated, they may be any color. No sign shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto adjacent properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall comply with applicable Federal and State regulations.

Intent: To minimize the effect of internally lit signs on abutting properties, reduce glare and distractions to drivers and to comply with having commercial establishments have architectural ingredients of a New England Village pursuant to the Town’s adopted Comprehensive Plan.

Chairman Chase opened the public hearing at 7:18pm.

Charles Barto stated that he was confused as to the roles of the Planning Board and Board of Selectmen. He thought that the Planning Board actually wrote the Ordinances, not the Selectmen. He thought that there was a separation of powers. Chairman Chase deferred the question to Dwayne Morin. Dwayne stated that if you read the Zoning Ordinance, Section 1.5.3, it states: “This ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town.”. These are the three ways that the ordinances can be amended. Mr. Barto said that the Board of Selectmen are requesting but the Planning Board can

reject it. Dwayne stated that it also states: “The Planning Board shall conduct a public hearing on any proposed amendment.”. He stated that the Selectmen are proposing a proposed amendment so the Planning Board must hold it. He stated that this is how all zoning ordinances are written in the State of Maine. Dwayne stated that the Planning Board does not enact zoning ordinances, the town does at Town Meeting. Geoffrey Aleva stated that the Planning Board has to accept it but they do not have to agree with it. Mark Cahoon stated that they were sending it back to the Selectmen for them to review again. Robert Landrigan said he would caution the Planning Board to send it back accepted upon review, because then there is no guarantee that they have to review it so he feels that it would be best to reject it with comments. Dwayne disagreed.

Charles Galemme stated that the Selectmen feel pretty strongly about this question. He said that these businesses are going to be put in amongst residences and they feel that it will do a lot to maintain the character of the town.

Chairman Chase closed the public hearing at 7:23 pm.

Geoffrey Aleva motioned to accept Question #4: Shall an ordinance entitled, “An Ordinance Amending Section 5.2.6.9 of the Zoning Ordinance to state the performance and administration standards and requirements for the installation of signs” be enacted pending final review by the Town Attorney. Mark Cahoon seconded the motion. VOTE: 0-5

Chairman Chase read the next question:

Question #5: Shall an ordinance entitled, “An Ordinance Amending Section 6.9.7 of the Zoning Ordinance to require all engineering studies performed as part of the conditional use review is reviewed by the Town’s engineer to ensure compliance with all Town ordinances” be enacted?

Currently Reads:

6.9.7 Conditions Attached to Conditional Use

a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, which would mitigate any adverse effects on adjoining or neighboring properties, which might otherwise result from the proposed use. These conditions may include, but are not limited to, specifications for; type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking and signs; type of construction; the establishment of a performance guarantee to ensure compliance with any condition attached by the Planning Board; or any other conditions, restriction, or safeguard that would uphold the spirit and intent of this Ordinance.

b. In order to secure information upon which to base its determination, the Planning Board may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

1. A plan showing contours (at intervals to be determined by the Planning Board) showing Mean Sea Level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover;

2. A high density soils report identifying the soils boundaries and names in proposed development, with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification;

3. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping;

4. Plans of buildings, sewage disposal facilities, and water supply systems;

5. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance;

c. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency which can provide technical assistance. Any additional costs for consultation with the above agencies or technical assistance required by the Board, as determined by the Board, for evaluation of an application will be paid by the applicant prior to the granting of the conditional use permit in question. Failure to approve a conditional use permit application will not negate the liability of the applicant for any of the above costs.

Chairman Chase stated that everything was the same except for an additional bullet. The current number 5 bullet will now be number 6. The new number 5 bullet will read as follows:

5. Engineering studies necessary to determine that the proposed use complies with the provisions of this Ordinance and other pertinent Town Ordinances (i.e. Street Design and Construction Standards Ordinance). If the Planning Board requires any engineering to be performed as part of the conditional use review, the engineering study shall be reviewed by the Town's Engineer for compliance with the Town's ordinances prior to Planning Board approval.

Also section c will now read:

c. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District, any State or Federal agency or an outside consultant (i.e. engineer, attorney) which can provide technical assistance. Any additional costs for consultation with the above agencies or technical assistance

required by the Board, as determined by the Board, for evaluation of an application will be paid by the applicant prior to the granting of the conditional use permit in question. Failure to approve a conditional use permit application will not negate the liability of the applicant for any of the above costs.

Intent: To ensure that any engineering study performed as part of the conditional use review is reviewed by the Town's engineer to ensure compliance with all Town ordinances.

Chairman Chase opened the public hearing at 7:27 pm.

There was no public comment.

Chairman Chase closed the public hearing at 7:28 pm.

Rick Reynolds motioned to accept Question #5: Shall an ordinance entitled, "An Ordinance Amending Section 6.9.7 of the Zoning Ordinance to require all engineering studies performed as part of the conditional use review is reviewed by The Town's engineer to ensure compliance with all Town ordinances" be enacted pending final review by the Town Attorney.

Jon Morse seconded the motion. VOTE: 5-0

Geoffrey Aleva read the next question:

Question #6: Shall an ordinance entitled, "An Ordinance Amending Section 4.3.b of the Zoning Ordinance to require minimum access standards for properties for which a building permit has been issued" be enacted?

Now Reads:

4.3.b All lots hereinafter created shall possess a minimum frontage on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. However in administering the minimum requirement for road frontage, the following provisions shall apply:

Proposed to Read:

4.3.b All lots created after March 11, 1978 shall possess a minimum frontage on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. All lots for which a building permit has been granted, shall provide access on (1) public road, or on (2) a private drive or other thoroughfare or access route which meets the specifications for road construction in the Town of North Berwick Street Design & Construction Standards Ordinance. However in administering the minimum requirement for road frontage, the following provisions shall apply:

Intent: To require access that meets a minimum criteria to those properties for which a building permit is issued for the safety, health and welfare of current and future residents of the Town.

Chairman Chase opened the public hearing at 7:31 pm.

Robert Landrigan stated that he was confused about the language. He doesn't understand the purpose of the first sentence if the newly added sentence seems to take away the purpose of the first sentence. He stated that the way he reads the first sentence is that all lots that were created prior to March 11, 1978 were exempt from the road construction standards. The second sentence says that this is no longer the case. He feels that they contradict each other.

Dwayne explained that there are two classes of property in the town of North Berwick. One is an existing lot that was created prior to March 11, 1978 and the second being the lots created after March 11, 1978. For those lots that were created after March 11, 1978, they would be new lots so if the first sentence of the change was removed it would state that the lot would not need any frontage. This first sentence states needs frontage and the second part of the change states they need access. Any lots that are already existing have to provide some access with a minimum road standard. Mr. Landrigan stated that it wouldn't make sense for someone to build a house somewhere that wouldn't have access because they would have to get concrete, gravel and other things there to build the house. He states that he currently has a building permit to build a house on one of these roads which is about 1.3 miles into the pavement. He states that the road is perfectly passable because he made it that way so that he could get in and out. He states that it does not have the minimum width requirements that are within the current ordinance now and he does not own the 1.3 miles of road. It belongs to his neighbor so he doesn't have the right to widen it out and take trees down.

Ivan Weatherly stated that he has been living on this same road, which is Beech Ridge Road, for 17 years and has not had any issues.

Larry Huntley stated that this change does not take away any exemption that has been issued to this point. If this ordinance passes at Town meeting, it only affects those permits issued after the Town meeting. Mr. Landrigan stated that it says that it is for all lots for which a building permit has been granted so it could be for a house or barn that have been issued. He stated that some people may have permits that were issued 30 years ago. Larry stated that you can't apply an ordinance that was put into effect in 2014 to things that happened in 2013. Mr. Landrigan said that he doesn't feel that this is what it says. He said that he reads it as any lot that a building permit has been issued has to now comply with that ordinance. He said that to him it means that anyone that got a permit and built a home and have been living there for many years will now have to comply with this ordinance. He feels that they should clarify it more or just leave it with the first sentence.

Dwayne Morin stated that under State law, there is a thing called non-conformance. Anything that has been issued prior to an ordinance going into effect is grandfathered. There is no retroactive clause in any ordinance in the State of Maine. This would not apply to anyone who has building permits prior to the enactment of this ordinance. Mr. Landrigan feels that the language should be cleaned up before it goes out to a vote.

Mr. Landrigan asked where the language had come from because this particular language has not shown up anywhere else in regards to previous meetings. He said that the way it was worded before was worded more cleanly. Chairman Chase stated that the last minutes he had on this matter was worded the same way as it currently is. Chairman Chase stated that the Selectmen will be having a public hearing on this also and it would probably be best to discuss with them since they are the ones that are proposing it.

Lorinda Hilton asked what the reason was for this ordinance change. Dwayne stated that there were two reasons. The first one is a fairness issue. Currently, the way that our Ordinance reads you have a lot of record. If you decide to build on that lot of record, you do not have to put any sort of standard into a road to get to your house. However, if you own a lot of record and you sell a piece of lot off of that lot of record and the person that bought it builds a house, they will need to build a road to that minimum standard. So there are two different standards right now. The person with the lot of record doesn't have to do anything right now and the other one has to build to a private road standard.

The second reason and probably the biggest reason for bringing this forward is for a financial issue for the Town. We provide emergency services so if the road is not passable, we cannot provide those services. If we do provide the services, there is a good opportunity that we damage in the process. He stated that the reason that they have private roads in the first place is for public safety.

Mr. Landrigan stated that the Town was under no obligation to provide those services and those people that have built on those roads know the risks when they buy them and understand the financial risk to them. Charles Galemme stated that the Town is actually under obligation to provide services to these areas or they could be sued.

Dwayne stated that the last time the Planning Board met with the Board of Selectmen, they asked if there could be some consideration for the people that need to build the road in regards to some kind of reimbursement situation. He stated that he presented it to the Town Attorney and he is working on language for the Board of Selectmen to allow this to happen. The Attorney stated that whoever wanted to get reimbursed, they would have to submit invoices to the town showing what the costs were. The Town would then figure out a cost per foot. There would also have to be a defined time frame in which reimbursement could happen, typically 5-7 years. He stated that there would be some heavy administrative costs to the Town.

Chairman Chase closed the public hearing at 7:54 pm.

Geoffrey Aleva stated that he would like to make a recommendation to adjust the second sentence to state a date as to when it would be effective.

Mr. Landrigan stated that it states building permit but he believes the intent is for a dwelling unit. He said that if he wants to put up a barn or a chicken coop then it should not require to upgrade the road.

Rick Reynolds motioned to accept Question #6: Shall an ordinance entitled, "An Ordinance Amending Section 4.3.b of the Zoning Ordinance to require minimum access standards for properties for which a building permit has been issued" be enacted pending review by Town Attorney. Jon Morse seconded the motion. VOTE: 0-5

Chairman Chase asked Dwayne if it could indicate on the warrants if the Planning Board had accepted or rejected the question. He also asked if they could indicate which questions were Planning Board initiatives or Board of Selectmen initiatives. Dwayne stated that he would bring it to the Selectmen to vote on.

4. Other Business:

No new business at this time.

5. Adjournment:

Rick Reynolds motioned to close the meeting at 8:00 pm.
Mark Cahoon seconded the motion. VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Shaun DeWolf

Rick Reynolds

Mark Cahoon

Geoffrey Aleva

Jon Morse

Anne Whitten