

**NORTH BERWICK SELECT BOARD MINUTES  
MARCH 19, 2024**

**Present:** Chairperson Galemmo, Selectperson Cowan, Selectperson Hall, Selectperson Johnson, Sr.

**Absent:** Selectperson Johnson, Jr.

**Also Present:** Dwayne Morin, Rebecca Reed, Mark Reed, Richard Anderson, Dave Southard, Jim Ianello, Bret Little, Tim Wheeler, Cory Ricker, Corey Blais, Ann Stewart, Susan Jackson

**1. PLEDGE OF ALLEGIANCE**

**2. PUBLIC HEARING – 6:35 P.M. – REFERENDUM QUESTIONS**

Chairperson Galemmo opened the Public Meeting and read into the record the following:

*Legal Notice  
TOWN OF NORTH BERWICK  
PUBLIC HEARING  
TUESDAY, MARCH 19, 2024 6:35 P.M. Room 212  
Town Hall Referendum Questions For Annual Town Meeting*

*The North Berwick Select Board will hold a Public Hearing on Tuesday March 19, 2024 at 6:35 p.m. in the Town Hall Conference Room #212 pursuant to 30-A MRSA 2528 (5) on the proposed Zoning Ordinance Amendments, and Floodplain Management Ordinance located at 21 Main Street on the proposed Referendum Questions for the 2024 Annual Town Meeting. The questions to be presented to voters are:*

*Town Meeting Referendum Questions*

*Question #1: “Shall portions of an ordinance entitled “Proposed Zoning Ordinance Amendments to Comply with New State Housing Law” be enacted?*

*Question #2: Shall portions of an ordinance entitled “Proposed Zoning Ordinance Amendments” be enacted as set forth in the proposed ordinance in Section 3.1: Definition, Solar Energy System?*

*Question #3: Shall an Ordinance entitled “Floodplain Management Ordinance” be enacted?*

*The Select Board encourages all interested persons to attend this Public Hearing.*

Dwayne stated this is an informational hearing and he will explain each question.

Regarding Question #1, this is to comply with the new state law. LD2003 was passed two years ago which requires towns to adopt new housing sections in the ordinance which includes four sections requiring change. The state's law overrules home rule which means we have to adopt it and if we do not adopt it, we are in violation of state law and we will be sued if someone was to challenge us on the changes.

The first change is related to Affordable Housing. This requires the creation of affordable housing in all areas where they allow housing. Currently the town does have an affordable housing district that is called Village C Overlay District that would not currently comply with the state law. We will need to eliminate the Village C Overlay District and the new requirement would need to be met would be the following:

- At least 51% of the development must be restricted affordable housing units which is defined at follows: For rentals, a household with an income at no more than 80% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in the development. That means that rent and certain other housing expenses will not require more than 30% of the household's income. For homeownership projects, a household with an income at no more than 120% of the area median income for the community, as defined by the U.S. Department of Housing & Urban Development, must be able to afford more than half of the units in the development. That means that mortgage payments (including mortgage insurance) and certain other housing expenses will not require more than 30% of the household's income.
- Be in a growth area which in North Berwick would be the Village A, Village B, Village Center, Commercial, Commercial II and Residential 1 Districts, or other areas served by water and sewer
- Be in an area in which multifamily dwellings are allowed
- Meet shoreland zoning requirements, meet minimum lot sizes if using subsurface waste disposal, and verify that water and sewer capacity is adequate for the development
- To take advantage of the 2.5 density bonus, a development must qualify as "affordable". If eligible, the affordable housing development qualifies for the following exceptions to the zoning requirements in the community: 1. The number of units allowed will be 2.5 times the number allowed for a development not designated affordable 2. The off-street parking requirements may not exceed two spaces for every three units.
- The units that will be affordable at these levels must be restricted through a restrictive covenant that is enforceable by a party acceptable to the municipality (which could be the municipality) for at least 30 years, and that states that the units must be restricted in rent or sales prices accordingly.

The next section is Residential Housing: This section requires municipalities to allow multiple dwelling units on parcels where housing is allowed, provided evidence of sufficient water and wastewater capacity exists, beginning on July 1, 2024. The Town of North Berwick Zoning Ordinance, article 4.2.a, currently allows for more than one principal structure to be built on a single lot provided all dimensional requirements, minimum lot size and subdivision requirements are met. The Town is proposing to keep the Town's current ordinance in effect and not adopt the confusing matrix created by the State law. North Berwick's ordinance is more permissive, which is allowed under State of Maine Law.

Dave Southard stated he has one house on his lot and how could he have two houses. Dwayne stated he would have to have twice the acreage and twice the road frontage.

Dwayne stated that the third section is Accessory Dwelling Unit and that is the biggest section that was changed. The state is now requiring that any place where you can have a single-family house, the towns must allow an ADU. The states did allow the towns to cap the maximum size of ADU and North Berwick caps the size as 650 square feet. They did require a minimum which is 190 square feet for an ADU. In order to comply with the new State Law, North Berwick has to amend it's In-Law Apartment Standard and adopt the new ADU requirement as follows:

- ADUs are allowed with a permit in the zoning districts so designated in Table 4.2.
- No more than one (1) ADU shall be permitted on any lot containing one (1) or more single-family dwelling units, except that no ADU shall be permitted on a lot developed with an in-law accessory apartment.
- The ADU may be constructed within or attached to a single-family dwelling or accessory structure, or a separate accessory structure on the lot.
- If the ADU is within or attached to a single-family dwelling unit or an accessory structure, the ADU must meet the applicable minimum yard dimensions (front, side, and rear setbacks) contained in Table 4.3. If the ADU is a separate accessory structure or attached to an accessory structure, the ADU must meet the minimum setback requirements for accessory structures in Section 4.2.b.
- The floor area of the ADU shall not exceed 650 square feet and shall not be less than 190 square feet.
- The sanitation and potable water standards in Section 5.1.17 shall apply to the ADU.
- Notwithstanding any provision of this zoning ordinance to the contrary, the ADU is not subject to additional motor vehicle parking requirements beyond those applicable to the single-family dwelling units on the lot.
- Nothing in this Section 5.2.20 exempts an ADU from any other requirements of this zoning ordinance, including without limitation, any shoreland zoning requirements.

Jim Ianello asked about ADU's and asked if there could be more than one. Dwayne stated there can only be one. If there is an ADU within your building and wanted to put a separate unit, you would need twice the density and road frontage. There could be a house with an ADU but the separate unit would not be considered an ADU but would be considered a dwelling unit. All setbacks have to be met. Dave Southard asked about whether an accessory dwelling was a toolshed, a garage, barn, shed and they can be 10 feet from the dwelling in any zone. He feels

barns being 10 feet away in farm and forest but a living unit should be 75 feet away and could that be changed. Dwayne stated that would need to be reviewed by legal.

The question was asked if someone has already created an in-law apartment in their home using the old ordinance, are they disqualified from putting in another ADU. Dwayne indicated they were because the in-law apartment now has become the ADU. The ADU's cannot now be reviewed by the Planning Board. The question was asked if ADU's can be rentals and can they be short-term rentals. Dwayne indicated that North Berwick currently has no short-term rental standards but could do that in the future. The question was then asked if the state coordinated with lenders and Dwayne stated no and that pretty much every municipality was against this law. He does not know of one municipality that was in agreement with LD2003.

Dave Southard asked what Wells was going to do in regards to this and Dwayne's understanding is that Wells was opting not to adopt this.

The question was asked what happens if the Town does not adopt these changes. Dwayne stated that the Town would not be compliant with State Law and would be subject to various legal liabilities which the town could not defend itself. Basically, the Town would be open to lawsuits that the Town could not defend itself and we would probably lose those lawsuits as the Town is not in compliance with the State Law. If the Ordinance changes are not adopted, the Select Board and Planning Board will continue to bring them back to the Town for approval so that the Town becomes compliant with the State Law. Dwayne stated if the town does not vote in favor of this, he will propose to put it back in front of the Town in November and if it did not pass in November, he would ask that it put before the Town at the next Town Meeting. Dwayne stated that if the Town does not adopt these changes, the Town would face lawsuits that would be financially devastating. The State Law is very clear, that if towns do not adopt this, they will be subject to unlimited liability.

Dwayne indicated that in addition to these changes, there are a 9 new definitions and 4 definitions that need to be amended. The Zoning Map requires the elimination of the Village C overlay district and the land use tables are amended to meet all the requirements of the language changes.

Regarding Question #2, Dwayne indicated that it is an amendment to the solar energy systems definitions that we adopted last year. It is a change that came from the Board of Selectman. If there is a solar system, one could now share those solar credits with up to 10 and if up to 10 individual residences wanted to get together and share a small commercial solar array, that is included. The commercial solar system was also changed to add people who lived within the town. This is simply just amending the solar ordinance.

Regarding Question #3, is a recent change regarding FEMA floodplain maps and have finalized the maps and is requiring all towns to update the Floodplain Ordinance and only made two minor changes to protect neighbors in floodplains to obtain flood insurance. There are 24 maps related to North Berwick.

Chairperson Galemмо closed the Public Hearing at 7:29 p.m.

**3. REVIEW AND APPROVE MINUTES OF MARCH 5, 2024**

N/A

**4. PUBLIC INPUT**

N/A

**5. UNFINISHED BUSINESS:**

**A. BUDGET FY25: Continued Discussion on FY25 Budget**

Dwayne indicated that the Budget Committee finished two Wednesdays ago and the last thing that was not complete was the ambulance bonding article and that warrant has now been article. The budget is up \$402,000 increase over last year. There will be a 15 cent increase on our mil rate. The current mil rate is \$10.90 and it will go up fifteen cents.

Selectperson Hall asked about the school budget. Dwayne indicated that \$500,000 would be about 50 cents give or take.

**B. RESCUE: Ambulance Contract**

Dwayne stated Specialty Vehicles has agreed to give us until April 19 to make our payment which allows us to get through Town Meeting and they are still working on the bond and will provide us bond until we make payment in April.

**C. TRANSFER STATION: TRANSFER STATION STICKERS**

Dwayne stated that a significant amount of people are upset about the adherence of a sticker being placed on their vehicles. They have asked Dwayne to talk to the Board for discussion about this.

Chairperson Galemme indicated that someone had mentioned being a woman who is trying to escape a domestic violence situation and having a North Berwick sticker on their vehicle could be a problem. He felt there may be legitimate reasons and we may need to think about redesigning sticker design so that the license plate number is more visible and only placing it on windshield when at Transfer Station. Dwayne stated the concern is that if we do that for one person in a domestic violence situation, we would need to do it for all. Selectperson Hall asked what the percentage is for non-compliance. Dwayne stated up until a week ago, the majority of people who entered the Transfer Station did not have a sticker. Richard Anderson stated he handed out 200 stickers this week alone and had 190 people thank him. In the last month, Richard stated maybe 15 to 20 people have complained and most of the complaints are that they

do not want to affix a sticker to brand new vehicles. Selectperson Hall mentioned having someone who will not comply, fill out a form indicating their reasoning and have it reviewed by the Town. Chairperson Cowan felt that opens it up to having everything negotiable and does not feel we should go down that road. Dwayne stated at the very least we would have to amend the ordinance because our ordinance now states that a current dump sticker must be affixed to a vehicle. Dwayne stated almost every town requires stickers. There are one day stickers that are offered as well. Selectperson Hall felt a domestic abuse situation was valid and should not be discredited. Selectperson Johnson, Sr. stated there are other ways to get rid of your trash other than the transfer station such as hiring someone to pick up their trash or renting a dumpster. Dwayne stated there have been a significant number of people who have stated they flat out refuse to put a dump sticker on their vehicle and Selectperson Cowan feels the regulations need to be enforced. Selectperson Cowan felt this topic should be tabled until the Board has time to look into this further. Dwayne stated he and Richard could sit down and discuss ideas. Dwayne's goal is to avoid confrontation at the transfer station if at all possible. Chairperson Galemme also thought it may be a good idea for de-escalation training for town employees and referenced a grant that would cover the cost. Dwayne stated that the town office employees have received training. Dwayne indicated he would get back to the Board with some ideas regarding the stickers.

**Reminders: Next Select Board's Meeting – April 2, 2024, 2024 – 6:30 P.M.-Room 212**

**6. NEW BUSINESS:**

**A. TOWN MEETING FY25: Sign Warrants, Referendum Questions and Ballot Clerks**

Dwayne stated that the Board needs to vote to sign the Warrants and adopt the warrant and approve the ballot clerks for town meeting.

Selectperson Hall motioned to approve the warrants as presented. Selectperson Cowan seconded the motion. VOTE: 4-0

Selectperson Cowan motioned to approve Susan Caler, Linda Pedersen, Nancy Dennet, Debra Bodwell and Shirley Patstone as ballot clerks. Selectperson Hall seconded the motion. VOTE: 4-0

**B. SANITARY DISTRICT: Letter OD Support for Congressional Spending Request**

Dwayne stated that the Sanitary District is seeking some congressional direct spending for a couple projects and asking the Town to issue a letter of support for that application.

Selectperson Hall motioned that the North Berwick Select Board approve the Chairperson to sign the approval letter relating to congressional direct spending.

**C. SANTIARY DISTRICT: Rate Increase**

Dwayne stated that the Sanitary District rate will increase to \$32.48 per year for minimum charges.

**7. OTHER BUSINESS - EXECUTIVE SESSION -POVERTY ABATEMENT**

Selectperson Cowan motioned to go into Executive Session at 8:00 p.m. and come out of Executive Session at 8:10.

**8. REVIEW AND APPROVE WARRANTS AND CORRESPONDENCE:**

Warrant:	March 12, 2024	- \$ 17,613.33
Warrant:	March 19, 2024	- \$ 737,479.54

Selectperson Hall motioned to approve the warrant for March 12, 2024 in the amount of \$17,613.33 and the warrant for March 19, 2024 in the amount of \$737,479.54. Selectperson Cowan seconded the motion. VOTE: 5-0

**8. ADJOURNMENT:**

Selectperson Cowan motioned to adjourn the meeting at 8:10 pm. Selectperson Hall seconded the motion. VOTE: 5-0

Respectively Submitted,

Jennifer Berard, Stenographer

Original to Town Clerk

Chairperson: Charles Galemmo

Selectperson: Jonathan Hall

Selectperson: Michael Johnson, Jr.

Selectperson: Wendy Cowan

Selectperson: Michael Johnson, Sr.