

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD JANUARY 25, 2018

**Present:** Chairman Geoffrey Aleva, Anne Whitten, Jon Morse, Matthew Qualls, David Ballard, Annette Hume, Roger Frechette, CEO

**Also Present:** Dwayne Morin

1. Call To Order:

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

2. Review Previous Minutes:

Anne Whitten stated that on Page 3, under the #2 statement, the second sentence reads, “Pere Dwayne, he has completed this.”. It should read “Per Dwayne, he has completed this.”.

Anne Whitten motioned to approve the minutes of December 28, 2017 as amended. Jon Morse seconded the motion. VOTE: 3-0 Abstain: 3

Chairman Aleva moved David Ballard to full member because Barry Chase has resigned from the Board.

3. Current Business:

3.1 Public Hearing – Proposed Zoning/Subdivision Changes for 2018 Town Meeting

Public Hearing on proposed changes to the Subdivision Ordinance in regard to establishing escrow accounts for major and minor subdivisions. Public Hearing on proposed to Zoning Ordinance in regard to the requirements of the growth management permits and the definition of kennels.

Legal Notice

Town of North Berwick Public Hearing

Thursday, January 25, 2018 6:30 P.M.

Town Hall Room 212 Conference Room

Planning Board

Proposed Zoning and Subdivision Ordinance Amendments for 2018

The Planning Board will hold a Public Hearing in the Town Hall 2<sup>nd</sup> floor conference room, pursuant to Article 1.5.3 of the North Berwick Zoning Ordinance and Article 14.6 of the Subdivision Ordinance. The Public Hearing will be held on the following Proposed Amendments to Zoning Ordinance & Subdivision:

Zoning Amendments to include:

1. Article 3.1 Definitions – To amend the Town of North Berwick Kenned definition of the number of dogs that determine a kennel from three dogs to five dogs to align with the State of Maine kennel definition.

2. Article 6.3.9 – Specific Limitation of Growth Management Permits – To amend the Growth Management Permit limitations to allocate a greater number of growth management permits per year for subdivisions located within designated growth areas and to place limitations on the number of growth management permits per year to be issued for subdivisions located within rural residential areas and for approved apartment buildings located in any zoning district. The proposed amendment also places a total cap on the number of growth management permits issued per year for subdivision dwelling units, and allows that cap to be reduced further in the event that the total number of growth management permits issued for non-subdivision lots, on a first come, first serve basis, exceeds 45% of the total number of growth management permits to be issued in a single fiscal year, as determined pursuant to section 6.3.4. (As of July 1, 2017, the total number of growth management permits allowed per year is 45 permits.)

Subdivision Amendments:

1. Articles 5.1, 5.4, 5.5, 5.6, 6.2, 7.1 and 8.1 – To amend the Subdivision Ordinance to fully describe the establishment of the Escrow Account and how to determine the escrow cost.

Copies of the proposed amendments can be viewed in the Code Enforcement Officer’s office during regular scheduled hours.

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

Chairman Aleva read the first question to review:

Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Kennels” be enacted?

Chairman Aleva opened the meeting for public comment. There was no public comment. Chairman Aleva closed the Public Hearing at 6:35 pm for public comment.

Jon Morse motioned to approve Question #1: Shall an ordinance entitled, “An Ordinance Amending Section 3.2 of the Zoning Ordinance to define Kennels” be enacted? Anne Whitten seconded the motion. VOTE: 5-0

Chairman Aleva read the next question:

Question #2: Shall an ordinance entitled, “An Ordinance Amending Section 6.3.9 of the Zoning Ordinance to state specific limitations on Growth Management Permits” be enacted?

Chairman Aleva read what the change was from the Legal Notice:

Article 6.3.9 - Specific Limitation of Growth Management Permits – To amend the Growth Management Permit limitations to allocate a greater number of growth management permits per year for subdivisions located within designated growth areas and to place limitations on the number of growth management permits per year to be issued for subdivisions located within rural residential areas and for approved apartment buildings located in any zoning district. The proposed amendment also places a total cap on the number of growth management permits issued per year for subdivision dwelling units, and allows that cap to be reduced further in the event that the total number of growth management permits issued for non-subdivision lots, on a first come, first serve basis, exceeds 45% of the total number of growth management permits to be issued in a single fiscal year, as determined pursuant to section 6.3.4. (As of July 1, 2017, the total number of growth management permits allowed per year is 45 permits.)

Chairman Aleva opened the Public Hearing for comment at 6:37 pm. There were no comments. Chairman Aleva closed the Public Hearing at 6:37 pm.

Matthew Qualls stated that it would be a good idea to explain the numbers and percentages. He stated that there were 45 units as of 7/1/17 and this new Article will be putting in percentages in certain growth areas. Dwayne Morin stated that our Growth Ordinance allows for 45 dwelling units to be built but only 6 in a subdivision. This is really a stagnation for having subdivisions come into town. What happens now is that developers come in to build subdivisions, they just take the road frontage and divide it. If we continue to have a 6 unit limitation, it puts a stranglehold on a subdivider to put any kind of infrastructure in place. If they are going to build a road, install water and install sewer, building just 6 units does not allow them to recapture their capital. The original idea was to go with 12 at one time. It was then decided to do 12 or 60% of whatever the number of lots is in the subdivision. This will allow them to recoup their capital and expand. This will be limited to 25 lots per year to be in this pool. We changed it from actual numbers to percentages because of the way our Growth Management Ordinance works. The number changes every 2 years. If we put numbers in it, we would have to change the Article every 2 years. By using the percentages of 45% and 55%, right now that comes out to 20 and 25. As the growth permits grow every 2 years, the percentages will grow simultaneously. With the 45 units we now have, 25 of them will be allocated for subdivisions and 20 of them will be for single family dwellings. If the number of single family dwellings grows and we need more than 20, we can take some of the permits from the 25. However, the subdivisions cannot take from the single family number. Dwayne stated that the whole idea is to encourage growth of subdivisions instead of just carving out road frontage. He stated that we are very quickly

eliminating all of our road frontages. This will cause problems down the road in terms of trying to build infrastructures. It will be very expensive because we will need to build roads beyond existing house lots.

Dwayne stated that this is limited to growth areas because our Comprehensive Plan says that we need to grow in the growth areas. The growth areas are basically anything south of Valley Road. Valley Road and Governor Goodwin Road is the Farm and Forest line. In Farm and Forest and Shoreland Residential, the 6 permit limit still applies. All apartment buildings will continue to have a 6 permit limitation per year.

Chairman Aleva asked Roger Frechette how many single family homes we did last year. He said that 22 permits were issued last year.

Anne Whitten motioned to approve Question #2: Shall an ordinance entitled, “An Ordinance Amending Section 6.3.9 of the Zoning Ordinance to state specific limitations on Growth Management Permits” be enacted? David Ballard seconded the motion. VOTE: 5-0

Chairman Aleva read the next question:

Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 5.1, 5.4, 5.5, 5.6, 6.2, 7.1, and 8.1 of the Subdivision Ordinance to fully describe the establishment of the Escrow Account and how to determine the escrow cost.” be enacted?

Chairman Aleva said that this is to make a clear discussion or description for the applicants and the Board to determine what they need to put in for a fee to cover review costs, publications, notices and other items needed for the process.

Chairman Aleva opened the Public Hearing for comment at 6:50 pm. There were no comments. Chairman Aleva closed the Public Hearing at 6:50 pm. VOTE: 5-0

Anne Whitten motioned to approve Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 5.1, 5.4, 5.5, 5.6, 6.2, 7.1, and 8.1 of the Subdivision Ordinance to fully describe the establishment of the Escrow Account and how to determine the escrow cost.” be enacted? David Ballard seconded the motion. VOTE: 5-0

4. Adjournment:

Jon Morse motioned to adjourn the meeting at 6:53 pm. Anne Whitten seconded the motion. VOTE: 5-0

Roger Frechette  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume