

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD MAY 9, 2019

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

**Absent:** Matthew Qualls, Scott Strynar

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:34 pm.

2. Review Previous Minutes:

Jon Morse stated that on Page 3 in the 2<sup>nd</sup> paragraph under Section 3.2, he was confused by how the sentence was worded. The sentence reads, “Roger said that it is a Home Occupation/Residential so the Commercial would be the Home Occupation part of it but it is in a Residential area.”. Roger Frechette stated that it is because the applicant is doing a Commercial Home Occupation. If it was all just strictly Commercial, she wouldn’t be able to have a Home Occupation there. Because it is both a Residential and Commercial zone, she is able to do it with as a Conditional Use Permit.

Jon Morse motioned to approve the minutes of April 25, 2019 as written. David Ballard seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

3.1 Planning Board Workshop

Chairman Aleva asked the Board if they had any ideas on where they would like to make some changes to the Zoning Ordinance. He would like to get everyone’s ideas, figure out how they want to present it to the Selectmen and if they approve it, it would go to Town vote. Chairman Aleva said that he would like to know if they have any ideas as to what areas they would like to think about changing the zones. They could then look at the Land Use Tables in these areas to figure out what they want to potentially change.

David Ballard asked Roger Frechette if anyone had come to him that wanted to do something but the Zoning Ordinance wouldn’t allow it. He stated that if someone comes to Roger and he tells them that they can’t do something, the Planning Board doesn’t see these so they don’t know how often it happens. Roger said that it is usually just because of the zone itself. For instance, there

is an issue with the lot next to the cemetery. They have been trying to sell it. It is a Residential zone so they are limited on what they can do there. It is not really ideal for a house. The current owners, as well as quite a few others, have asked him about changing it to a Commercial or Industrial Zone so that other things can go in there.

Chairman Aleva stated that he has always thought about expanding our Commercial and Industrial zones along Route 4, Route 9 and Somersworth Road. There is public water running up Route 4. He stated that they don't have sewer up there and doesn't think they ever will but it would be nice if they could because that could potentially open things up more. He stated that they should not get rid of the Residential opportunities but should add some Commercial ones.

Roger Frechette told the Board that they should look at the Ordinance for those zones because when you butt up against a Residential zone it starts to get a little funky. For example, we have a house with residents living there and a commercial business wants to come next door. That setback is different because it is a commercial property. They have to be further away when it is in a Commercial zone instead of in a Residential zone. He stated that Route 4 is a Residential II so for a residence the side setback would be 30 feet and for a commercial they need to be 35 feet.

Annette Hume stated that she lives on Route 4 in the Cape Cod house diagonally across from Johnson's Seafood. She said that she has been told that it is Commercial. She stated that it is very tight because it is so old. She said that if Commercial would have to be that setback it probably wouldn't work. She stated that her property is already grandfathered in regarding the setbacks. She wondered how that would work if a Commercial entity would want to come next door. Roger stated that it is for anything new that would be coming in. It would have to meet all of the setbacks as depicted in the Land Use Table. Ms. Hume stated that she would have no problem with making that area Commercial.

Annette Hume asked where the sewer was located. Chairman Aleva said that it is just like public utilities. Ms. Hume asked why it doesn't go up Route 4. Chairman Aleva stated that he thinks it stops where the school is. Roger stated that the commercial businesses can do their own septic. They don't have to use the Town water or sewer.

Chairman Aleva told the members to look at Table 4-3 regarding the Land Use Tables. Some of the members did not have their books so Chairman Aleva said that they would just talk about Commercial II and Industrial zones. He stated that they can run down and discuss what they think are issues in these areas. In Commercial II and Industrial, the minimum lot size is 40,000 square feet which is a little under an acre. The minimum road frontage of 100 feet is okay. The maximum lot coverage for Non-Residential is 50%. He said that this is very restrictive to try and put up a building and some parking on a 1 acre lot. Chairman Aleva thinks that they should be looking at the limits on lot coverage for the different zones.

Chairman Aleva stated that the side setbacks state 100 feet/20. He said that if he is on Route 4 in this zone and has a residential unit next to him, he would need a 100 foot setback from that

property. If it is a 40,000 square foot lot, they can't really do anything with it. Chairman Aleva showed the Board a sketch as to what it would look like with all the current setbacks. He stated that it is great if they make Route 4 Commercial and Industrial but if someone comes in to look at it, they will find that they can't put what they want there. Chairman Aleva said that these are the limits that they really need to look at. He understands that if a person has a residential place on Route 4, they probably may not want to have a commercial unit next to them. He thinks that there are other things that they can do to protect those properties such as landscape buffers or fencing.

Annette Hume asked what the difference would be between a commercial unit versus an industrial unit in regards to setbacks and other requirements. She stated that she would rather live near a nice business building than she would to live next to a building that looks like a big industry. Anne Whitten stated that it is very difficult to put Commercial in with Residential. She stated that they tried to do it on Route 1 in Arundel. First they tried to make it all commercial and if you sold your house you had to sell it as commercial. If you had land, you had to sell it as commercial as well. This didn't go over very well. She said that when they consider any changes they have to look at all of these things.

Annette Hume stated that a lot of people are working from home now. Jon Morse stated that you don't need to be in a Commercial or Industrial zone to work from home. Ms. Hume said that if it is an office and you want to have people come in, then this would have to be considered Commercial. Jon Morse stated that it would be if they are selling anything out of the office. Ms. Hume said that a lot of these type of businesses just look like residences. She doesn't believe that people are as opposed to mixed uses as they once were. Anne Whitten said that she thinks that people will have a hard time with it. Ms. Hume said that they wouldn't be infringing on the forest or land owners. David Ballard said that the people would be more interested in the bottom line and their property value. He believes that the environmental or forestry aspect is not what the people are going to have a problem with. He said that if he has property listed as Residential and then the town switches it on him, he will wonder what is going on and what will be his potential loss.

Annette Hume said that a person who already owns land can show up at a Planning Board meeting and say that they oppose the business and give their reasons why. David Ballard said that the one property owner can object to the business but the Town can come in and vote on it. Ms. Hume said that if the Town approves it, a potential business still has to notify all of the abutters and it has to be a Conditional Use Permit. That is the process. Anne Whitten said that if it is Commercial, it is Commercial. A commercial unit can come in and we can't tell it that it can't come. We can only put conditions on it. Ms. Hume said that the property owner next door can still object to it. Mrs. Whitten said that they can only object to things such as light flashing into their home, water coming onto their property and excessive noise. However they can't say that they can't come into that area.

Roger Frechette stated that if they plan on extending the Commercial and Industrial in these areas, they will have to talk to DOT. They might have a better chance of approval on the longer stretch on Route 4 than they will on Somersworth Road because it is so curvy and you have to have site distance. Chairman Aleva said that if you have a piece of property that fronts on the road, they have to give you a driveway. They can put restrictions on you.

Chairman Aleva stated that right now, we could not have a Veterinary Clinic on Route 4 but we could put one on Beech Ridge Road next to his house in Farm and Forest. You could also put a Veterinary Clinic in the Residential Districts with a Conditional Use but it is not allowed in the Commercial I, Commercial II and Industrial Districts. If you look at our downtown, it is in the Village A, Village B and Commercial II Districts so it wouldn't be allowed there either.

Chairman Aleva said that he would like the Board to not only look at the Land Use Tables but also look at our Lot Area Uses and our Lot Coverage Tables. They need to start thinking about how we can go about changing some of these things and how it would all work. For example, our Industrial Zone is very small downtown. Those areas are still only 50% lot coverage so it is very restrictive. Anne Whitten asked why they require that a person can only use a certain percentage of their land. Roger Frechette said that if you were to build on every piece of your land and meet your setbacks, that would start jamming everybody up. Chairman Aleva said that it was originally set up so they could better control storm water. He said that they have requirements in place now to help with this. For example, a property that disturbs the soil for a certain amount of area needs to go to the State of Maine for a DEP Stormwater Permit. Roger Frechette stated that if a property is not in the Shoreland Zone, he doesn't see why they have to be limited on lot coverage. Chairman Aleva agreed and said it should be increased to 85%.

Chairman Aleva said that where the Dunkin Donuts is located it is still very tight. He said that this would be considered our urban area. You expect that to be dense so it should be expected to have a higher density for the lot area. It doesn't mean that they would go the whole 85% but the option would be available if they wanted it. He stated that there is not enough parking at the Johnson's Restaurant. He said that any other restaurant that comes into town will have a very large lot area to work from to get to the right lot coverage to have the proper parking.

David Ballard asked if they had access to the DGIS system for North Berwick. Anne Whitten said that it is very expensive to have these systems. Roger stated that he had it on his computer. He said that a retired fireman was doing it but he stopped several years ago and there are a lot of lots that are missing on it. It would need to be updated and maintained. Mrs. Whitten said that they can go on the web page and get a listing of the tax maps. You can put the name in and search for what you want. You don't have to scroll through them all. Once you locate what you want, you can go to the tax maps and look at them that way.

David Ballard asked if there was a cost to the town if we change the zoning areas. He wondered if there would be a cost to us for the water and sewer lines to be added. He said that if the lines were not already out there, would the applicant have to pay to have them added. Roger said that

it would be some serious money to go that far up the road. A business may find it cost prohibitive for them and decide that it is not worth building in that area. He said that if the Town considered adding the lines, the property would sell quickly. Jon Morse said that they don't know how much more capacity the sewer system can take. Roger said that they would have to talk to them to see what could be handled.

Roger said that he has one setback that really bothers him. It is mostly in the Residential and Farm and Forest areas. He said that under Farm and Forest the setbacks for properties that abut a Residential use should be looked at. He said that if someone comes in and buys a lot and there is nobody else around him, he can go 75 feet. The next guy comes in and he can't do 75 feet. He has to stay 100 feet away. He does not think that this makes any sense. Chairman Aleva agreed. He also said that the side setbacks should be 35 feet and not 75 feet in the Farm and Forest zone. Roger said that since it is in Farm and Forest, animals are allowed there. If it is only 35 feet and your neighbor has a pig pen, the neighbor may not want to smell it. Chairman Aleva said that the other thing is that the lot coverage in Farm and Forest is 5%.

David Ballard recommended that when they set this up to be voted on, they separate it into different pieces to vote on and not try to put all of the areas in one vote. Roger said that he thinks that they may have a hard time in reducing side setbacks. Some people will want to sell a chunk as soon as they can and then we will end up with stacks of houses. Chairman Aleva said that we already have stacks of houses because we don't have an area that accommodates breaking out a cluster subdivision, to be able to afford for somebody to build a road and to have enough houses on there to satisfy a road to be able to make money off of selling a lot. This causes us to have all frontage lots.

Anne Whitten asked what the issue was with having cul-de-sacs in town. Chairman Aleva said that it used to be because of fire protection and having a dead end road. Most towns have moved past that and are not limiting it to 600 feet. Some towns are going to 1,200 feet. Roger said that he doesn't understand why this town doesn't allow a hammerhead at the end of a development because a truck can turn around in that. Annette Hume asked if this is something they can change. Chairman Aleva said that it was something they could work on. Roger said that if they allowed a hammerhead, it would open up for more homes spread out away from the road.

Chairman Aleva said that there is a lot to think about regarding this. He said that it will not open up the flood gates for Commercial to come in but it will allow some opportunities.

### 3.2 Other Business:

No other business at this time.

4. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:45 pm. Jon Morse 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

Scott Strynar