

North Berwick Board of Selectmen Minutes November 21, 2017

**NORTH BERWICK BOARD OF SELECTMEN MINUTES
NOVEMBER 21, 2017**

Present: Chairman Hall, Selectman Cowan, Selectman Galemmo, Selectman Johnson, Jr., Selectman Johnson, Sr.

Also Present: Dwayne Morin, Geoffrey Aleva, Barry Chase, Jon Morse, Roger Frechette, Norman Clough, Anne Whitten, Matthew Qualls, Annette Hume

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

1. Pledge of Allegiance

2. Review and Approve Minutes of November 7, 2017

Chairman Hall stated that on Page 7, in the paragraph before last, the first sentence currently reads, "... large buildings with a lot of people in it". It should read, "... large buildings with a lot of people in them". On Page 8, in the first full paragraph, the 5th sentence currently reads, "Chairman Hall said that he doesn't want to see apartment buildings that have more than 6 apartments in them and likes to see it built within a couple of years if more than one building will be done". It should read, Chairman Hall said that he doesn't want to see apartment buildings that have more than 6 apartments in them and would like to see them built within a couple of years if more than one building is built". Also in the next paragraph, the 3rd sentence currently reads, "... the only thing that happens is these people's tax bill continues to grow". It should read, "... the only thing that happens is people's tax bill will grow". Also on Page 8 in the last paragraph, the 11th sentence currently reads, "Dwayne stated that our Comprehensive Plan says that this is what we are intended to do." It should read, "Dwayne stated that our Comprehensive Plan says that this is what we intend to do." On Page 9, in the 2nd paragraph, the last sentence currently reads, "If it is an existing building like the mill, than use the space but don't have it too large for new development". It should read, "If it is an existing building like the mill, than use the space but no new large apartment complexes".

Selectman Galemmo motioned to approve the minutes of November 21, 2017 as amended. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

3. Public Input

There is no public input at this time.

4. Unfinished Business:

D. Board Membership: Norman Clough – ZBA

Dwayne stated that Norman Clough is applying to be on the ZBA. Chairman Hall asked Mr. Clough to tell them about himself and why he is interested in the Zoning Board of Appeals. Mr. Clough stated that he saw the ad for volunteers needed in the town newsletter. He has a little experience in the industry and is new in town so he thought he would lend a hand. Selectman Galemmo asked him where he came from and Mr. Clough said that he came from Sanford. Selectman Cowan asked if he had served on any other town's committees. Mr. Clough state that he had not.

Selectman Galemmo motioned to approve the application of Norman Clough to become a Zoning Board of Appeals member. Selectman Cowan seconded the motion. VOTE: 5-0

5. New Business:

B. Planning Board: Review Potential Changes to Zoning and Subdivision Ordinances for Town Meeting

Chairman Hall asked the Planning Board members if they had any questions that they wanted to ask the Selectmen. Geoffrey Aleva, the Chairman of the Planning Board, asked what changes the Selectmen were proposing. Dwayne gave each of them a copy of the proposed changes for them to review. Dwayne stated that there are 3 changes, 2 of which the Planning Board have already discussed.

Dwayne stated that the first one is a Subdivision Amendment that the Selectmen have been discussing. He stated that, in the past, it has always been the Town's policy to establish an escrow account. We have been doing it but it was never actually put in writing. This amendment puts the policy in place that we have actually been following for the past 15 years. There are 4 changes to the Ordinance as it relates to this issue. The first part found on Page 28 of the packet shows what is currently in place now and on the next page, it shows what we are looking to change. He stated that they noticed another thing when reviewing the policies and procedures for a sketch plan. In the procedure, it states to establish a contour but in the beginning, where it states what to do, it doesn't say this. They are adding this as well.

Under Article 5, section 5.1 Procedure they have added the following:

- d. Establishment of contour interval.
- e. Establishment of Escrow Account.

Dwayne stated that they took the language out of 7.1.b and added it to 5 so it applies to all subdivisions that the town is going to review. It states that it will cover the costs of Public Hearing, advertising, per lot reviews, all engineering, all planning and then adding 10% to that total. Dwayne stated that this is how he has been figuring out the escrow amounts. Geoffrey

Aleva asked if this was for all minor and major subdivisions as well as conditional use permits. Dwayne stated that this was only for subdivisions. Selectman Cowan stated that this will just add some consistency to the process. Dwayne stated that, currently under our Ordinance, the way that a major subdivision escrow is figured out is 2% of development costs which is quite a lot of money. We just try to charge for what will be required to make sure that there is no liability on the Town. Annette Hume said that if the actual owner of the property is the one doing the subdividing, could they just add the escrow amount onto his tax bill. Dwayne said that they could not. He stated that taxes can only be used for taxes alone. Geoffrey Aleva stated that the changes made to Articles 6, 7 & 8 all make sense. It simplifies the process.

The next change is to Section 6.3.9 regarding Growth Management Permits. Chairman Hall stated that there are some concerns regarding growth in our town. He stated that they would like to see more growth and he knows that we have a very limited process because people can only obtain 6 permits. However, they don't want to see crazy growth either. He said that if they give somebody 6 and then if there are extra at the end of the year, they can get up to another 6 permits for a total of 12 in a year. He stated that the original proposal stated that whatever was left one person could take them all. Dwayne stated that there were several options proposed. He stated that the Planning Board had started discussing this at the beginning of the summer. The concern was with limiting subdivisions to 6 permits per year. Dwayne stated that the number 6 had been established because there was an applicant that had proposed a subdivision on Governor Goodwin Road. Our original growth permit limit was 32 and then went up to 39. The idea was that if somebody took 6 out of 32, this was a significant draw on the growth permits. People were concerned that individuals that want to give their children a lot to build on would have no permits available. They didn't want developers to snatch up all of them so they set a limit of 6.

Dwayne stated that the Selectmen have spent hours discussing this matter. One of the things that was mentioned was that at the end of the year, we typically have permits that are available. We have not hit our growth permit number in 12 years. Last year was the closest that we got to the limit with a number of 28. Dwayne stated that the discussion was that, on June 1st, if permits are still available, then people that have approved subdivisions can come in and get additional permits up to 6 which would give them 12 permits for the year. The number still cannot exceed 45 or whatever the established number is that is established by the Board of Selectmen every 2 years per our Ordinance. We are currently are on track to hit about 30 permits this year. Geoffrey Aleva asked where the number 45 came from. Dwayne stated that 45 is actually 2.2% of our dwelling units. Dwayne said that, initially when Growth Ordinances were allowed to be adopted by towns, the State said that they had to have a firm number and not just an arbitrary number. When we first put the Growth Ordinance in place we said that we would allow 32 but the State said that we couldn't do that. In the last Comprehensive Plan update, we established the growth permits be 2.2% growth of our dwelling units. On July 1st of this year, we had 2,067 dwelling units. When you multiply that by 2.2%, it comes out to 45. The Ordinance states that the Board of Selectmen need to do that every 2 years. Geoffrey Aleva stated that, realistically, it will not go below 45 in the future.

Selectman Galemmo stated that when you look at the economics of development, the idea of allowing 6 additional permits meets a sweet spot. If he was a developer he would then want to develop higher value homes. This would bring in more tax revenue which is what we really

want to do. He stated that they want young families moving into town for sure, but in terms of building our tax base, it is the empty nesters that help us out because they don't have children in the schools which raises our liability to the schools. He feels that the 12 maximum would be a good spot to be at.

Matthew Qualls asked if we prepare the town with our other services like the water systems and schools, to support the 2.2% growth. Dwayne stated most of the towns chose 3% growth because that is considered sustainable growth. If a town is growing at more than 3%, typically the citizen demands are outpacing the services that the town can provide without increasing costs. Our town decided that we didn't want to be at 3%. We wanted to be at 2.2%. Dwayne stated that you always want to have growth within your community. For example, if you have 100 people in your community and this year the budget is \$1 million but next year the budget is \$1.2 million. If you still have the same 100 people paying for that, the tax bills will go up. You want growth so you can spread out the increased costs. He stated that the likelihood of the budgets going down when 70% of our budget goes towards a school system that we don't control is most likely not going to happen. That is why you want growth. However, you don't want runaway growth because our student population will rise and this will add more costs to our taxpayers. It will also drive other costs up, such as police, fire and rescue. At 2.2% growth, we are able to sustain that growth without massive budget spikes. Geoffrey Aleva stated that he needs to do more research but his gut is telling him that 12 per year is not enough. He does not think that it will entice a developer to come and do a development in the town. He stated that what we have now, are people that are doing frontage lots and small subdivisions which is making base lots smaller as opposed to having a larger subdivision. He stated that he knows there has been some history with Deerfield Estates. However, if you look at how that is finally done, they are nice homes and they are able to fill that area out and contribute to the tax base. Mr. Aleva stated, that being in the civil engineering business, clients do not want to come to North Berwick for subdivisions because it takes too long to recoup their money. He stated that if a developer wants to do a 15 lot subdivision with a road that has to loop around for a cul-de-sac or cluster subdivision, it is a very expensive proposition to take on. They would have to wait 4 or 5 years to get their investment back. Selectman Cowan asked Mr. Aleva if he had been approached by anyone that would like to do that kind of development in town. Mr. Aleva said that there have been some conceptual ideas done in his office but no actual planning. Selectman Galemmo stated that they need to be careful of is putting additional stress on town services. Mr. Aleva stated that there is control on the Planning Board side to make sure that aesthetics, roadways and other aspects are set up the way the town intends it to be compared to frontage lots that are split off and smaller houses that are put in off of main roads because it is easier.

Selectman Galemmo stated that towns like Berwick have had large low income housing projects that has increased their liability to the schools. Geoffrey Aleva said that he would be hesitant to call them low income housing. They are more worker or normal people housing. Chairman Hall stated that with no manufacturing in their town, their tax rates are really high. He stated that we are lucky enough to have some businesses in our town that help keep our taxes low. He said that our Comprehensive Plan states what our town wants to see and he does not believe that they want big subdivisions. Selectman Cowan stated that they certainly want to encourage growth but they want to do it at a responsible rate. She stated that the Board had quite a conversation just to get to the 6 additional permits because they want to be respectful of the wishes of the town in

terms of the Comprehensive Plan. Mr. Aleva agreed with her but from his standpoint, he would rather see a subdivision like the one on Knights Pond Road in South Berwick than a whole lot of frontage lots. Selectman Cowan stated that the other concern was the potential to encourage large apartment housing. The Selectmen were all pretty much in agreement that this was not what they wanted to envision for the town.

Anne Whitten asked Dwayne what year the Growth Permit Ordinance was put into effect. He said that it was voted on in 2003 but started in 2004. Chairman Hall said that they all agree that apartments are needed in our town. He said that the two that were just built on Route 9 with 6 apartments in each of them is the kind of apartment buildings he would like to see. He doesn't want to see a building that has 20 apartments in it. He said that if they change the ordinance and say that they can have 20 permits, then this could be a possibility. Chairman Hall stated that, as a lifelong resident of North Berwick, he wants to keep the feel of the town as is. He has no problem with low income housing but he wants it to be of a certain quality. He is afraid of what he sees happening in other places around us happening to our town. Selectman Cowan stated that they do not want growth just for growth's sake. She feels that the kind of growth is very important. She stated that we want to be very mindful of the decisions that we make because once the doors open, we can't close them.

Anne Whitten asked if there were minutes available from the 2004 Selectmen's meetings. Dwayne stated that they did have them available but this was not a Selectmen's issue. It was a Planning Board issue so she would need to review their notes. Anne Whitten stated that she was on the Board of Selectmen at that time and they had lots of discussions about it. Dwayne stated that it is like what they do now with the Board of Selectmen and the Planning Board. They both discuss the same issues at times. Anne Whitten stated that she remembers that everyone around us was growing like crazy. Dwayne stated that in 2004, there was a major building boom in Southern Maine. One of the biggest concerns was that Southern Maine would become a Northern Massachusetts. Every town was putting in growth controls within their community. He stated that we are the last town to still have a growth ordinance.

Barry Chase stated that the focus should be on affordable housing. He believes that the only way to do that is to allow developers to come in. He stated that he is not thrilled with developments at all but if it is done right, it looks good. There is a definite need for it. Mr. Chase said that if the town of North Berwick is the only one with a growth ordinance and we haven't hit it for 12 years, he thinks it is time to eliminate it. He stated that it could always come back if the need arose in the future. Selectman Cowan stated that she believes having the growth limit has stopped us from becoming another Wells or Sanford. She believes it has served a purpose and it is why we are considered a desirable town. Selectman Galemme stated that the argument could be made that since we haven't hit the limit, then having it is not hurting anything. Geoffrey Aleva stated that it is hurting for developments that need to be more than 6 lots.

Matthew Qualls asked where in town that someone could put in a development with 20 lots or more. Geoffrey Aleva stated that there are areas that are not in Farm and Forest that could support this. Barry Chase stated that they have discussed at meetings about trying to get the growth in the Residential areas and not in Farm and Forest. They discussed the possibility of just keeping the Growth Ordinance in Farm and Forest and letting the development happen in the

areas that we want them. Selectman Galemmo asked if they could break up and allow so many permits in Farm and Forest, so many in Residential and so on. Dwayne said that they could do that but, administratively, it would be a nightmare.

Chairman Hall asked the Planning Board what their idea of the perfect number would be. Geoffrey Aleva said that they could still keep the number at 45. They should look at what the average single permits or divided lots have been and use that total to determine the number that can be given for subdivisions. If the average is about 20 then we could have 25 permits available for subdivisions and it would be first come first serve. If there is a subdivision coming into town that has 18 lots, then the developer knows that he can get his 18 lots at that point for the year if they haven't been taken up by somebody else.

Anne Whitten asked Dwayne if he has had a lot of people come to him or the CEO complaining because we don't offer more than 6 permits. Dwayne said that he has not had a lot but most of them know what our Ordinance states so they just don't come. Dwayne stated that over the past 10 years, the Planning Board has probably approved 3 subdivisions. Most of the subdivisions are for 5 lots. Typically with these subdivisions, they carve out road frontage and leave a lot of back land.

Selectman Galemmo stated that the Knights Pond development in South Berwick has 30 units. He asked if it was done in spurts. Geoffrey Aleva stated that they designed it out to be 20 lots in the first phase and there was another spur road that could connect. He stated that the whole idea was that the planned community could expand and connect with other existing roads so it is not just dead end streets. Mr. Aleva stated that being able to get in there to do the paving, curbing, water system and all that, they need to be able to sell 20 lots in a year and have them underway. Anne Whitten asked Geoffrey Aleva if he thought that these bigger subdivisions are better. She said that she drives around surrounding towns and looks at the tax rate in those towns at the price per thousand. She stated that North Berwick is the second lowest tax rate around. Towns like Kennebunk and Wells all allow big subdivisions. There is one on Route 99 in Kennebunk that has over 100 houses in there. She asked Mr. Aleva what his rationale is that having more housing is better for the tax base when North Berwick has been doing very well in containing our tax base without these big subdivisions. Dwayne addressed the question and stated that they talked about this extensively at the last Selectmen's meeting. He stated that it is not about large subdivisions but it is about overall growth. In our town, we can never have more than 45 houses so the question is whether it makes a difference if it is all in one location or spread out over the town. He said that you always want development within your community. If you don't have development within the town, the tax bill will go up. We have been very fortunate in our town. Dwayne said that 3 years ago, Pratt & Whitney received the largest contract that they had ever received and they embarked on their largest capital campaign that they ever did. They have been buying \$40 million in equipment every year and this year will be the last year that they do this. That \$40 million trickles down to about \$29 million by the time everything is all said and done. We capture about 65% of that amount. Last year, that was about 1.2 million that we collected in taxes. This year, the State of Maine will send him a check for the Town of North Berwick for about \$1.3 million which is all from equipment that Pratt & Whitney has bought. As this ends, the question is where will the value come from? The value comes from housing and development and business development. You want to continue to have the town grow because if

not, our budget will start overtaking us. He is not as concerned about the town budget but we have seen a tremendous growth with the school budget. He stated that last year the school budget went up just 2% but the hit to us was 7% because of our share. The concern is that as these continue to rise, we need to have additional people to cover the cost.

Selectman Galemmo stated that he would not be opposed to having an increase number of permits available in the Residential I and II and the other growth areas and keep it lower in Farm and Forest. Dwayne stated that, under our Comprehensive Plan, we have growth area and a non-growth area. Farm and Forest is non-growth and everything else is growth. Selectman Galemmo stated that there is still space in the growth area but it is limited. A developer would probably have to piece together lots to make a large subdivision. Dwayne stated that there are a few lots that are currently family held that are very large.

Chairman Hall stated that he has a problem with one person monopolizing all of the permits. If there are 45 permits and one person takes 30 of them, then that doesn't leave many for people who want to build their family home. Selectman Galemmo stated that he believes the way you encourage having a development like Deerfield Estates is by building the economics of how you want it built into the Ordinance. Geoffrey Aleva stated that this was already in the Zoning Ordinance. He stated that the part that kills the economics is the Growth Ordinance. Selectman Galemmo stated that the amount of permits they are allowed to take out per year is the issue.

Geoffrey Aleva stated that one thing they could do is that if a subdivision comes in, the developer could have a minimum of 6 permits and up to 60% of the design not to exceed a certain number. Chairman Hall stated that he would feel more comfortable if they did something like 10 permits per year for a 30 lot subdivision. Geoffrey Aleva said that he feels that without subdivisions, the town will become stagnant.

The Board of Selectmen and Planning Board continued to discuss various ways that the Growth Ordinance could be set up for subdivisions. Some of the Selectmen stated that they need to review the Subdivision Ordinance more carefully.

4. Unfinished Business:

A. Public Works: Garage Addition

Dwayne stated that they started building the garage. One wall is up and hopefully they will have another one up by the end of the day tomorrow. The goal is to have all of the walls up by the end of next week and get the trusses up by next week.

B. FY2019: Preliminary Budget Discussions – CIP Plan

Dwayne stated that the Rescue Chief will be here at the December 19th meeting. He is looking at some significant changes to the CIP plan as well as some increase in salary costs. He stated that the biggest thing is regarding the ambulance. At the beginning of the summer, they were discussing moving it up another year and then they decided not to. Now the request is back and Dwayne has asked them for justification as to why it is needed this year. The Rescue

Department stated that there are other departments in other towns that are also looking to buy this year and we are going to see if it is possible to buy with them. This may allow us some cost savings. An ambulance cost right now is between \$215,000 to \$230,000. He stated that Sanford, Acton and Wells are also buying an ambulance. They are all buying the same ambulance.

The Chief is also concerned about our pay rates. We are paying at the bottom of the rates right now so he would like to see some increases.

Dwayne stated that he is still working with all of the budgets. He stated that the Water District is planning on doing an increase this year. They do not know what that increase is yet.

C. Tax Acquired Property: Malcolm Hilton

Dwayne stated that he was able to talk to the tenant in the building. She indicated that she will work with us. Dwayne said that they are starting the process next week and serving a Notice to Vacate. The date established to vacate is 1/5/18. Chairman Hall asked if the tenant verbally agreed to this. Dwayne stated that he told her it would be sometime in January. We are also looking to provide some assistance for her.

E. Fogg Land Swap: Sign Final Deeds

Dwayne stated that since the land swap was approved in November, they need to sign the final deeds.

Reminders: Next Board of Selectmen's Meeting – Dec. 5, 2017 – 6:30 pm Municipal Building

5. New Business:

A. Commitment FY18: Abatements

Dwayne stated that they have an abatement that Craig Skelton would like for the Board to approve. In 2015 and 2016, Stan Rice sold Rice's Laundromat to Mike Hodgson who operated the business for 1 year. Stan foreclosed on him and Mr. Hodgson is nowhere to be found. Typically the personal property runs with the person who owns the business. Mr. Rice has agreed to cover the previous year even though Mr. Hodgson operated it for half a year, but he doesn't want to pay for the full year that he didn't operate it. The amount of the abatement is \$150.68.

Selectman Cowan motioned to approve the abatement for Account #PP 32 in the amount of \$150.68. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

C. Board Membership: Rebecca Reed - ZBA

Dwayne stated that he received an application from Rebecca Reed to be a ZBA member. She actually wanted to be on the Planning Board but there is currently no opening on that Committee. Selectman Cowan noticed that she has a strong affiliation with big box stores. The Board requested to have her come in to meet with them.

D. Selectmen Schedule: Review January Schedule

Dwayne stated that the first meeting is scheduled for the 2nd and January has 5 Tuesdays in it. Because the 2nd is right after a holiday, he wondered if they wanted to meet on 1/9 & 1/23 instead. The Board agreed.

E. CEO: Appoint Deputy CEO/LPI

Roger Frechette has to have surgery and will be out of the office starting on 12/11. He will probably be out up to 6 weeks. Dwayne stated that the LPI from South Berwick will handle our plumbing issues but we will need to have somebody to do Code Enforcement. He talked to Wells and they are willing to do it just like they did when we were in between CEO's. They will do it on a per hour basis. They will come over a couple days a week to do everything and Dwayne will be there contact person. Dwayne stated that the Board needs to appoint the Wells CEO's as our deputy CEO and LPI's. The people that need to be sworn in are Jodine Adams, CEO & LPI, David Johnson, CEO & LPI, James Genereaux, CEO and Brian Stetson, CEO. The LPI's are only if the one from South Berwick is unavailable.

Selectman Galemmo motioned to appoint Jodine Adams, CEO & LPI, David Johnson, CEO & LPI, James Genereaux, CEO and Brian Stetson, CEO to fill in for our CEO. Selectman Johnson, Sr. seconded the motion. VOTE: 5-0

6. Other Business:

Dwayne stated that our janitor will be going in for surgery in January and we don't know how long he will be out. It may be a substantial amount of time. He is unsure what he will do at this time regarding cleaning.

Dwayne stated that one of the police officers is having surgery tomorrow and will be out for 4 months.

7. Review and Approve Warrants and Correspondence:

Warrant: November 14, 2017 - \$ 0.00
Warrant: November 21, 2017 - \$ 533,116.25

Selectman Galemmo motioned to approve the Warrant of November 21, 2017 for the amount of \$533,116.25. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0

8. Adjournment:

Selectman Cowan motioned to adjourn the meeting at 9:25 pm. Selectman Johnson, Jr. seconded the motion. VOTE: 5-0
Respectively Submitted,
Susan Niehoff, Stenographer

Original to Town Clerk

Chairman: Jonathan Hall

Selectman: Wendy Cowan

Selectman: Michael Johnson, Jr.

Selectman: Charles Galemmo

Selectman: Michael Johnson, Sr.