



BOARD OF SELECTMEN / BOARD OF ASSESSOR
Meeting Minutes
March 29, 2016
6:30pm

Call to Order

Selectman Ganiere called the meeting to order at 6:00pm.

I. Roll Call and Pledge of Allegiance

Board Members Present: Selectman Edward Ganiere, Selectman Mark Pendergast and Selectman Joshua Plante.

Staff Members Present: Town Manager Stephen Eldridge, Town Planner John Stoll and Town Clerk Patricia Murray.

Selectman Pendergast moved to appoint Selectman Ganiere as Chair Pro Tem for the duration of the March 29, 2016 Board of Selectmen Meeting. Selectman Plante seconded the motion.

The motion carried unanimously: 3-0.

II. Unfinished Business

a. Proposed Land Use Ordinance Amendments

Mr. John Stoll, Town Planner, spoke to the proposed ordinance amendments. He stated that although Mr. Dave Andreesen, Planning Board Chair, went over the proposed amendments at the March 15, 2016 BOS meeting he would again present them. The proposed amendments include:

- 2.2 Definitions; three new definitions added - Elderly Housing; Fringe Financial; and Workforce Housing.
- 10; language change from “Urban” to “Village” which was amended previously but this was overlooked and is in keeping with consistency.
- 6.3.1; Residential Growth Limitation Provisions - C. strike out the R1 District and reorder the remaining. The Planning Board felt the R2 and R3 are adequately protected to preserve a transition in a greenbelt.
- 6.4; Village Overlay; addition of Notes: (5), a, b, and c as a result of the fall charrette regarding first floor residential restrictions. The original purpose of the Village Overlay was to prevent a major subdivision from going in and to preserve the urban use. The proposed amendment will allow for the workforce housing that may be constructed in the area.
- 7.10; language change from “Sanitary Provisions” to “Sewage Provisions
- 7.10; strike f and reorder the remaining – after discussion with the Berwick Sewer District, the Planning Board decided that F. was not a beneficial provision anymore since it forces a developer to extend a half mile for sewer service. The Berwick Sewer District’s standard is 100 feet of a right-of-way. The Planning Board felt it would be beneficial for the Sewer District to use their own standards.
- 7.23 Safety and Sanitation Provisions; addition which deals with trash, garbage and noxious materials. This addition will support the junk yard ordinance.
- 8.12 Agriculture and Animal Husbandry; strike e because State standards addresses the limitations of species and number of animals kept.

- 8.13 Owner Occupied Apartments; language change – Conditional Use Permits are no longer required for owner occupied apartments so the Code Enforcement Officer will approve instead of the Planning Board.
- 8.24 Elderly Housing – addition. The Planning Board wants to encourage elderly housing in all areas. A density bonus was added to encourage development.
- 10.4 Variances; addition of F. The State of Maine allows the adoption of various variances and standards for the Board of Appeals to grant variances. A setback variance for single family dwellings is an addition which will allow the Board of Appeals more flexibility in granting variances.
- 14.15; A. Land Use Standards; change shoreline setback from wetlands and streams from “75” to “100” in SP, RP, and LR. A grant was received last year from the Piscataqua Regional Estuaries Partnership and they asked for the increase in setbacks as well as adopting fertilizer limitations for great ponds. The \$5,000.00 grant was for implementing the changes. Working with Southern Maine Planning and Development, the proposed changes were created.
- 14.15; A. strike NOTE; this is included in State regulation and is not necessary in the ordinance.
- 14.15; B. Principal and Accessory Structures; revise (1) from seventy-five to 100 feet, horizontal distance from the normal high-water line of other water bodies. This is for great ponds only.
- 14.15; P revise Agriculture 1, 2, 3, 4, and 5 to bring tilling, manure storage or stockpiles and livestock grazing areas into accordance with State regulations. Mr. Stoll stated the grant only required the language “fertilizer application should not be permitted within 100 feet horizontal distance of normal high water line and of a great pond.” The Planning Board decided that they preferred to include the language “or the Salmon Falls River”. Mr. Stoll stated three options have been provided. Option A includes striking “Salmon Falls River” from the requirement, Option B would add number 7 which would address phosphorus application would not be permitted within 100 feet, and Option C which states that fertilizer application would not be permitted within 100 feet of a great pond on classified GPA; with a note regarding the application of fertilizer within 100 feet horizontal distance of the normal high-water line with 4 criteria. All of the three options meet the grant requirements. The Board agreed on Option C.

Selectman Plante asked if other localities addressed the same issue and concluded that a policy such as Option C was more appropriate than the original proposal. He asked for examples. Mr. Stoll replied that one of the Planning Board members has a background in this area and the options were created based upon his recommendations. Selectman Pendergast replied that the manager of the Great Bay Estuary also recommended the phosphorus phrase as phosphorus is the biggest pollutant. Selectman Ganiere reiterated that this stems from the grant received. Mr. Stoll concurred. Selectman Plante inquired about state requirements. Selectman Pendergast replied the state mandates no phosphorus in fertilizer after an area is established. Mr. Stoll replied it is in the best management practices but it is not mandated by state law. He also stated the State shoreline standard includes a fertilizer option. Selectman Ganiere stated this is above and beyond state requirement and Mr. Stoll concurred. Mr. Stoll stated the Salmon Falls River is where Berwick’s water source comes from so that was part of the motivation.

Selectman Pendergast asked why section 6.3.1 B “...Any subdivision within the R-2 District and not served by both water and sewer will be limited to three (3) building permits per calendar year per subdivision...” was there. Mr. Stoll replied he doesn’t know why that was done as such and assumes that they will be more flexible and will encourage developers to tie into town water and sewer. He noted discrepancies in the ordinance between R1 and R2. Selectman Pendergast stated they need an answer as to why it was done. Mr. Stoll stated no current members of the Planning Board knows. He stated, from a planning perspective, that this preserves the transition belt and infrastructure. He said you want people tying into sewer and water if they are developing more densely. Mr. Stoll reiterated that this is not a change that is proposed with the amendments presented. Ms. Eleanor Murphy stated that section was from the 80’s when the Planning Board was initiating the ordinance.

Motion: Selectman Plante moved to approve the Proposed Land Use Ordinance Amendments for inclusion on the Town Warrant as written with Option C. Chair Pro Tem Ganiere seconded the motion.

The motion carried: 2-1.

III. Communications

a. York County Budget Committee Caucuses

Town Manager Eldridge informed the BOS of the caucuses to elect municipal and public representatives to the York County Budget Committee. The caucuses are scheduled for Wednesday, April 13, 2016 at 6:30pm in the York County Government Building in Alfred. Elected Officials should plan to attend. Only Elected Municipal Officials can vote to seat Budget Committee Members. There is one vacant public seat and 1 vacant elected seat in District 1. Mr. Eldridge stated he would attend but cannot vote. Eleanor Murphy indicated she would run for the public seat.

b. Berwick Public Safety Family Fun Day – May 14th 10 - 2

The Berwick Public Safety Family Fun day will be May 14th from 10 – 2 at Noble Middle School, 46 Cranberry Meadow Road. Please contact the Berwick Fire Department with questions: 207-698-1174.

IV. Approval of Warrants

03/17/2016	A/P Warrant #1638	\$ 130,215.35
03/17/2016	Water Warrant #0638	494.35
03/17/2016	Payroll Warrant #16381	179.05
03/24/2016	A/P Warrant #1639	161,917.54
03/24/2016	Water Warrant #0639	6,765.38
03/31/2016	Payroll Warrant #1640	44,275.13

Motion: Chair Pro Tem Ganiere made a motion to accept the Payable Warrants as presented. Selectman Pendergast seconded the motion.

The motion carried unanimously: 3 – 0.

V. Executive Session

a. Title 1 §405(6)(D) - Discussion of Labor Contract

Motion: Selectman Pendergast made a motion to enter into Executive Session per MSRA Title 1 §405(6)(d) - Discussion of labor contracts. Selectmen Plante seconded the motion.

The motion carried unanimously: 3 – 0.

The Board entered into Executive Session at 6:33pm.

The Board resumed its regular meeting at 6:53pm. Chair Pro Tem Ganiere noted no actions were made during the Executive Session.

VI. The Meeting adjourned at 6:54pm

Respectfully submitted,

Patricia Murray
Town Clerk

The March 29, 2016 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s April 5, 2016 Meeting.

On behalf of the Board
