



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, September 19, 2017

6:30pm

Selectmen's Room
11 Sullivan Street
Berwick, ME 03901

1. Call to Order

Chair Wright called the meeting to order at 6:30pm.

2. Roll Call

Board Members Present: Chair Thomas Wright, Vice Chair Edward Ganiere, and Selectman Rebecca England.

Board Members Absent: Selectman Mark Pendergast and Selectman Joshua Plante.

Staff Members Present: Town Manager Stephen Eldridge, Finance Director Maureen Finger, Planning Tech James Bellissimo, Planner Kathy Connor, and Town Clerk Patricia Murray.

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- September 5, 2017

Motion: Vice Chair Ganiere moved to accept the September 5, 2017 minutes as written. Selectman England seconded the motion.

The motion carried unanimously: 3:0

5. First Public Comment

Chair Wright opened the first public comment. There being no comments, Chair Wright closed the first public comment.

6. Public Hearing

- 2017-2018 GA Maximums Adoption

Town Manager Eldridge explained the changes to the GA maximums. The State provides the changes yearly. Changes proposed this year are as follows:

- Appendix A: GA Overall Maximums
 - Roughly a 1% - 5% **increase** depending on number of persons in a household
- Appendix B: Food Maximums
 - Roughly a 1% - 6% **decrease** depending on number of persons in a household
- Appendix C: GA Housing Maximums
 - Roughly a 2% - 5% **increase** depending on number of persons in a household
- Appendix D: Utilities (changes to maximums for households with electrically heated hot water only)
 - Roughly a 3% - 4% **increase** depending on number of persons in a household

Motion: Vice Chair Ganiere moved to adopt the General Assistance Ordinance Maximums as proposed for October 1, 2017 through September 30, 2018. Selectman England seconded the motion.

The motion carried unanimously: 3:0

7. Reports of Committees

- **BCTV Committee**

Town Manager Eldridge reported that BCTV is purchasing a projector. BCTV videotaped a tour of Little Harbor Windows which will be broadcast soon.

- **Envision Berwick**

Mr. James Bellissimo, Chair, was present. EBC Meetings are scheduled for every second and fourth Thursday monthly. The committee is planning a fundraiser using the Prime stack bricks. One engraving quote was \$30.00 per brick. Bricks will be sorted this Friday; volunteers are welcome. The UNH-UMaine Cooperative Community Engagement Academy would like Berwick to host the First Op again. This year's theme is Berwick's relationship with Somersworth. Mr. Bellissimo asked the Board to approve a new Committee Member from Somersworth.

Motion: Chair Wright moved to approve an additional EBC Member seat to include a Somersworth resident. Selectman England seconded the motion.

The motion carried unanimously: 3:0

8. Appointments/Presentations/Other Guests

- Appointment to BCTV
 - Judy Burgess

Ms. Judy Burgess was present. She stated that she was asked to be a BCTV Committee member. She likes being involved and is willing to join the committee. It's very enjoyable for her to be involved.

Motion: Chair Wright moved to appoint Judy Burgess as a member of the BCTV Committee for a one-year term. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3:0

- Presentation of Proposed LUO Changes for the November 7, 2017 Referendum ballot

Ms. Kathy Connor, Southern Maine Planning, presented the proposed changes to the LUO.

6.4 Village Overlay District

A. General

The Village Overlay District is established to ensure that future development in Downtown Berwick reflects the concepts presented in the Berwick Downtown Vision Report and Implementation Plan, 2014 Addendum to the Comprehensive Plan.

No residential uses shall be allowed on the first floor of any new building (See Note 3).

B. Building Placement

Build to Line (Distance from Property Line)

Front	0' 5'	See Note (1)
Side Street	0' 5'	See Note (1)

Setback (Minimum Distance from Property Line)

Side	0'	See Note (4)
Rear	0'	See Note (4)

C. Parking:

1. Minimum Required Spaces: Minimum parking space requirements are set with the requirements described in Section 7.7. The Planning Board may waive or adjust the base zone requirements for parking with the Village Overlay District when it is not possible or in the best interest of the Town to meet the basic requirements.
2. The requirements listed below are intended to regulate the location of proposed parking areas within the Village Overlay.
3. When not set behind a building parking lots will be held to the following location requirements:

a. Location (Distance from Property Line)

Front Setback _____ 30 feet

Side Street Setback _____ 10 feet

Side Setback _____ 0 feet

Rear Setback _____ 5 feet

See Note (2)

D. Design Standards. (Reserved)

Notes:

- (1) Buildings may be setback further than the required build to line to provide room for public spaces and street improvements.
- (2) All surface parking areas that are not behind buildings must be screened by a street screen as defined in Article 2.2 Street Screen.
- (3) Residential uses on the first floor of a building shall be allowed in nonconforming structures in existence prior to May 12, 2015, but shall not be allowed once an expansion of 30% or more is made outside of the current building footprint.
- (4) When a structure within the village overlay district is constructed next to an existing single family residential structure the applicable side or rear setback shall be no less than 10 feet.
- (5) The Planning Board may permit residential uses on the first floor of new buildings within the Village Overlay on a case by case basis when the application satisfies the following criteria:
 - a. The first floor residential use is entirely made up of workforce housing or elderly housing.
 - b. New residential uses within the village overlay do not exceed a 4:1 ratio of residential to non-residential use measured by constructed floor space. This statistic is tracked by the Planning Department and updated as new permits are issued.
 - c. The proposed development application provides substantial improvements to the downtown area that serve to advance the principles defined in the Downtown Vision & Implementation Plan.

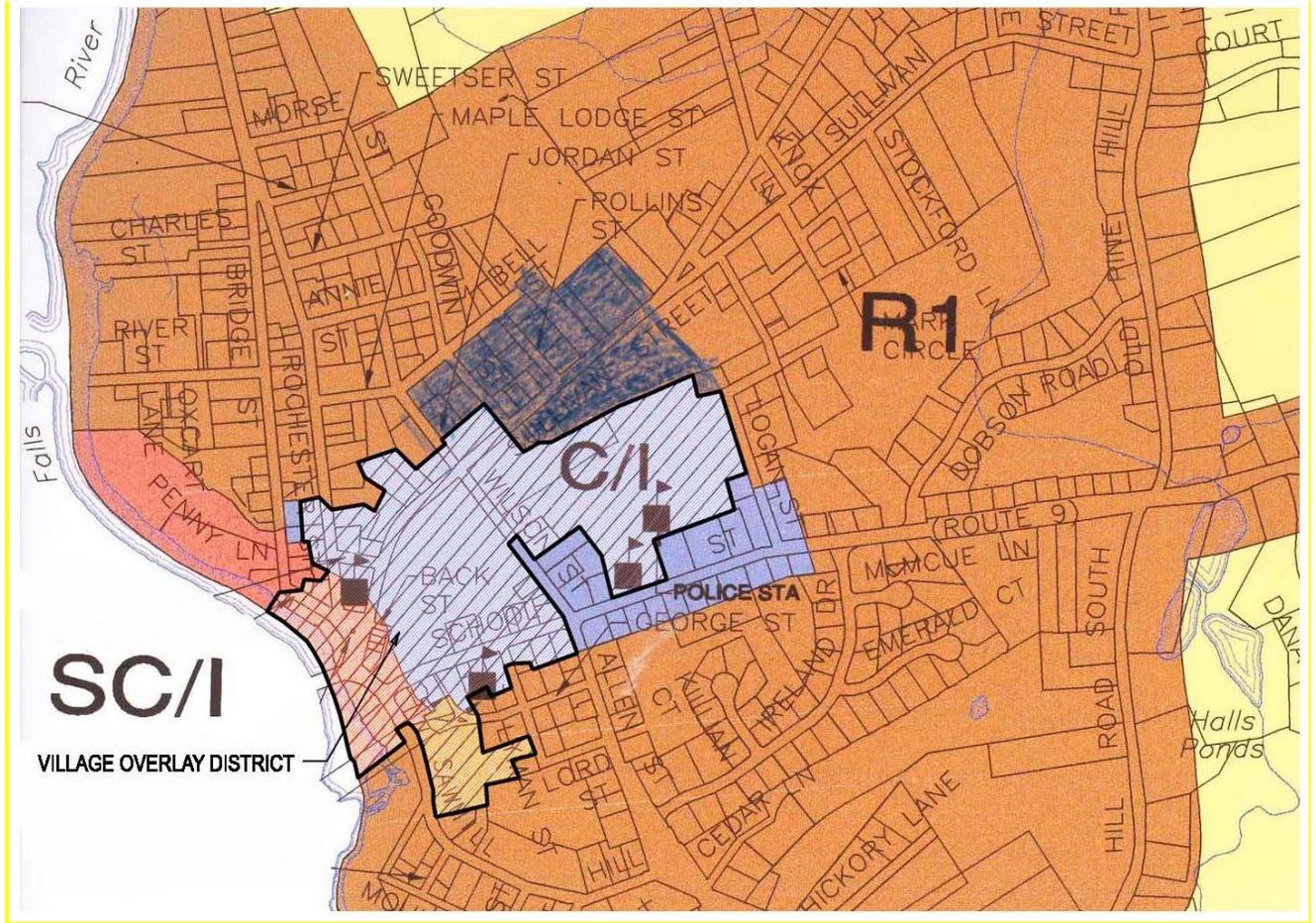
6.4 Form-Based Code Districts

The purpose of Form-Based Code is to:

- Allow for a diversity of appropriate and compatible uses within a zoning district
- Provide a more concise process for design, review and approval of structures.
- Deliver a development outcome that is more consistent with a traditional pedestrian-oriented street development pattern

Berwick's Form-Based Code zoning district is the Village Overlay District which overlays portions of the R1, SC/I and C/I Zoning Districts.

FIGURE 1. – Map of Village Overlay District



A. General: Purpose and Intent

B. The Village Overlay District is intended to promote the development of the former tannery site, which is bounded by Sullivan Street, Wilson Street and School Street. The establishment of the Village Overlay District is consistent with the vision presented in the Comprehensive Plan which includes the Berwick Downtown Vision Report and Implementation Plan.

C. The Village Overlay District will utilize the former tannery site, transforming it into a new village center that repurposes older buildings and allows for new buildings that will offer economic and commercial opportunities while also recognizing the Town's industrial past. The reuse of the industrial buildings along with new buildings, a new street, and new public and private spaces will become the foundation of a thriving downtown.

D. The Form-Based Code establishes standards for use and design of new and existing buildings, including size, height and required features as well as criteria related to roads, sidewalks, parking areas and open space.

6.4.1 Village Overlay District

A. Objectives

1. The Village Overlay District will improve and expand Berwick's downtown and provide connections to the open spaces and adjacent residential neighborhoods.
2. The Village Overlay District will allow for repurposing of existing former industrial buildings for commercial and residential uses, thereby allowing for a core downtown area of higher density, mixed use, buildings including low-impact industry, offices, retail and other commercial businesses and multifamily housing.
3. Continuous open space (known as a greenway) will run through the former tannery site connecting the recreational river area and the downtown neighborhoods to the community open space near the former Estabrook School.
4. The Village Overlay District will have a tight network of streets, including a new main street, with wide sidewalks, street trees and buildings set close to the street or with frontage on pleasing outdoor public spaces. A greenway connects public open spaces and the downtown to adjacent neighborhoods.
5. A wide range of residential buildings; including single-family, two-family, town houses or row houses and apartment houses will be allowed in the district.

6.4.2.1 Design Standards

A. Key Design Features of the Village Overlay District:

3 to 4 story mixed use buildings on Main Street with front façade detailing

- Active interaction between public and private spaces
- Increased density
- Increased availability of on-street parking
- Wide sidewalks
- Street trees
- Small off-street parking areas
- Public commons, outdoor spaces for restaurants and open space for civic activities
- Well defined corner buildings at the Main Street intersections with Wilson and Sullivan Streets.
- Greenway connectivity between the downtown, the river and surrounding neighborhoods
- Underground power and utilities

6.4.2.2 Main Street Design Standards

**Refer to Figure 2 and Figure 3*

The new street to be designated Main Street shall run east to west through the former tannery site, connecting to School Street at its eastern end and to Sullivan Street, approximately opposite of Eleanor’s Street, at its western end.

Minimum Right-of-Way Width	60 feet
Curb face to curb face	40 feet
Minimum Traveled Way Width	24 feet total paved driving lanes (12-feet for each direction) Refer to Figures 2 and 3
Parking Lanes	Parallel, 8 feet wide, paved, total length of street except for pedestrian crossings and intersections
Minimum Sidewalk Width	8 feet
Minimum Grade	.5%
Minimum Angle of Street Intersections with School and Sullivan Streets	90 degrees
Pedestrian crossing	<ul style="list-style-type: none"> • Raised: approximately same height as the curb • Use pavers or material different in color and texture than the travel lanes but must be ADA-friendly. • Provide bump outs at pedestrian crossings to shorten length of travel from sidewalk to sidewalk. • Granite curbing
Landscaping	Provide street trees every 25 feet on center in tree grates or as necessary to allow for ample growth

Street Lighting	Lighting fixture types to be similar along Main Street, School Street and Sullivan Street See Figure 6.4.2.4 Street Lighting
Access	To minimize curb-cuts, access to parking areas and driveways servicing buildings both new and existing, shall be shared.
Utilities	All utilities, including power, shall be installed underground.

FIGURE 2.- MAIN STREET SECTION A- without planting strip along road

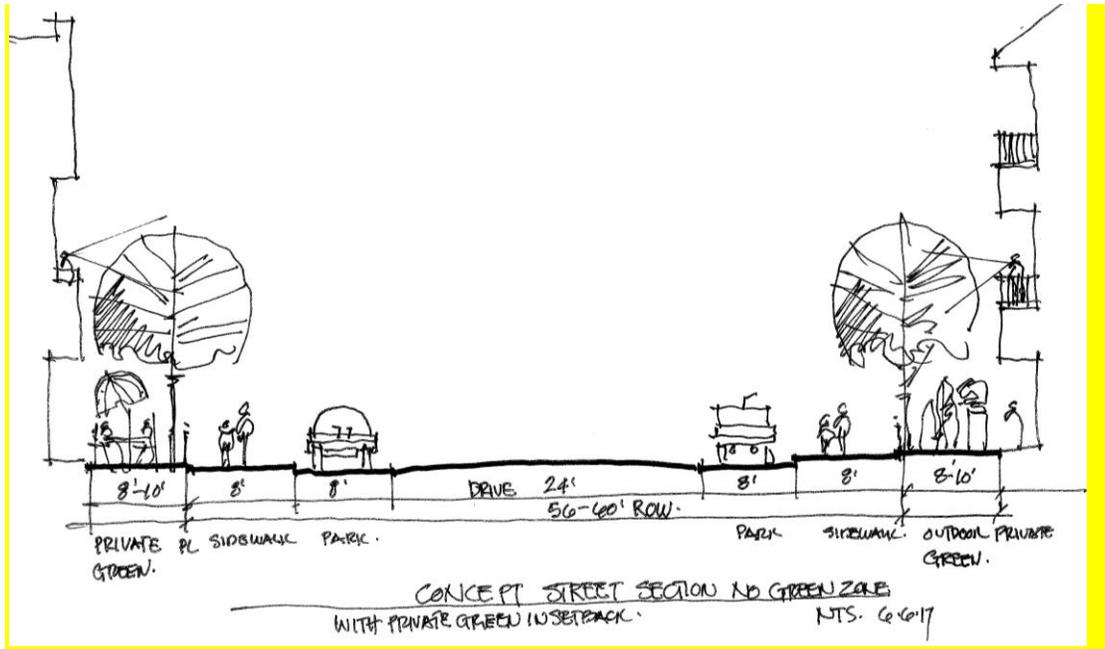
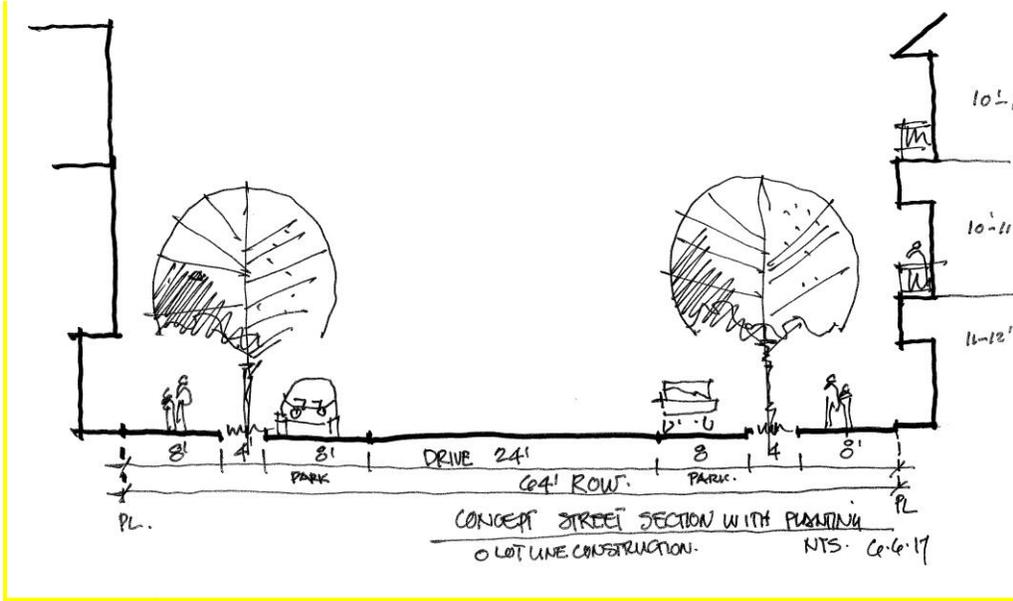


FIGURE 3. MAIN STREET SECTION B- with planting strip along road



6.4.2.3 Additional Streets

As redevelopment occurs within the former tannery site, portions of Sullivan Street, Wilson Street and School Street that abut the former tannery site shall be subject to new development and design standards. As parcels that abut the above-mentioned streets and others within the district are redeveloped, the following design standards shall apply.

Minimum Sidewalk Width	6 feet
Pedestrian crossings	<ul style="list-style-type: none"> Use materials different in color and texture than the travel lanes but must be ADA-friendly. Granite curbing
Access	To minimize curb-cuts, access to parking areas and driveways servicing buildings both new and existing, shall be shared.
Landscaping	Provide street trees every 25 feet on center in tree grates or as necessary to allow for ample growth
Street Lighting	<p>Lighting fixture types to be similar along Main Street, School Street and Sullivan Street</p> <p>See Figure 6.4.2.4 Street Lighting</p>
Utilities	Utilities, including power, shall be located underground.

6.4.2.4 Street Lighting

All new street lighting added along Main Street, Sullivan Street, Wilson Street and School Street shall be in a style similar to Figure 4 below. Street lighting along Main Street must also include accessory arms for hanging banners and decorations.

FIGURE 4. - CONCEPT SITE LIGHTING-

LIGHTING TYPE	
 <p data-bbox="224 667 354 695">Gooseneck</p>	<p data-bbox="397 331 673 359">Gooseneck Street Lamp</p> <p data-bbox="397 380 446 407">LED</p> <p data-bbox="397 428 760 455">Black post with candy cane arm</p> <p data-bbox="397 533 846 560">*Approved light fixture for Main Street</p>
	<p data-bbox="397 722 1339 749">All other site and exterior building lighting are subject to Planning Board approval.</p>
	<p data-bbox="397 774 1419 835">All exterior lights shall have full cut off/fully shielded luminaries approved by the International Dark-Sky Association.</p>

6.4.2.5 Open Space

- A. Redevelopment of the former tannery site requires 25% of the total site (comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill) to be open space. This open space will be a combination of larger spaces suitable for public/civic events, greenways and smaller more intimate spaces.
Refer to Section 6.4.4 Open Space/Greenways.

6.4.2.6 Building Standards and Features

- A. New buildings shall be oriented to the street on which they have frontage, with large windows, covered entries, easy pedestrian access, and little to no setback from the street for business/commercial uses. Buildings with first floor residential units shall be set back with small yards and/or porches and primary entrances facing the street. While not required, garages are encouraged for residential structures but shall be located in back of or to the side of the buildings.
- B. Building designs and construction shall meet all current energy codes and strive for near net zero. See Section 6.4.6 Energy and Sustainability.
- C. Best practices for storm water management and low-impact design are required. See Section 6.4.7 Storm water.
- D. Building materials, including siding and trim, shall be reviewed and approved by the Planning Board and shall be found consistent with the Design Guidelines as adopted by the Town.
- E. Residential uses on the first floor of a building shall be allowed in nonconforming structures in existence prior to May 12, 2015. However, first floor residential uses of nonconforming structures shall not be allowed if the building’s footprint is expanded by 30% or more.
- F. All first floor residential uses in new buildings with frontage on the new main street shall be:
 - reviewed by the Planning Board as a conditional use; and

- is consistent with the terms of the Comprehensive Plan, which includes the Berwick Downtown Vision Report and Implementation Plan.

6.4.2 Dimensional Requirements

The following Figures and Tables set forth the dimensional requirements and design standards for structures, parking and external elements within the Village Overlay District.

Figure 5: VILLAGE OVERLAY DISTRICT BUILDING PLACEMENT



A- FRONT SETBACK- MAIN STREET, SULLIVAN STREET, WILSON STREET, SCHOOL STREET

B- FRONT SETBACK- ALL OTHER STREETS

C- SIDE SETBACK

D- BUILDING HEIGHT

BUILDING PLACEMENT (PRINCIPAL BUILDING)		
Front Setback: Main Street, Sullivan Street, Wilson Street and School Street	0 feet to 5 feet setback for non-residential uses except for restaurants which propose outdoor dining which shall have a front setback of between 10 and 15 feet. 5 feet to 15 feet setback for residential uses depending on whether porches or front yards or both are proposed.	A
Front Setback: All other streets	Equal to the average setback for existing buildings within the same block.	B
Front Setback, Secondary Street: (Corner Lot)	0 feet to 10 feet setback for non-residential uses except for restaurants which propose outdoor dining which shall have a setback between 10 and 15 feet. 5 to 10 feet for residential uses	B
Side Setback:	0 to 5 feet (2)	C
Rear Setback:	10 feet minimum (2)	
Frontage Build out:	75% minimum at front setback	

Notes:

- (1) Building height shall not exceed immediately adjacent existing residential buildings by more than one story unless the existing building will be separated from the proposed building by more than 50 feet.
- (2) When a building is constructed adjacent to an existing single-family residence, the applicable side or rear setbacks shall not be less than 10 feet.

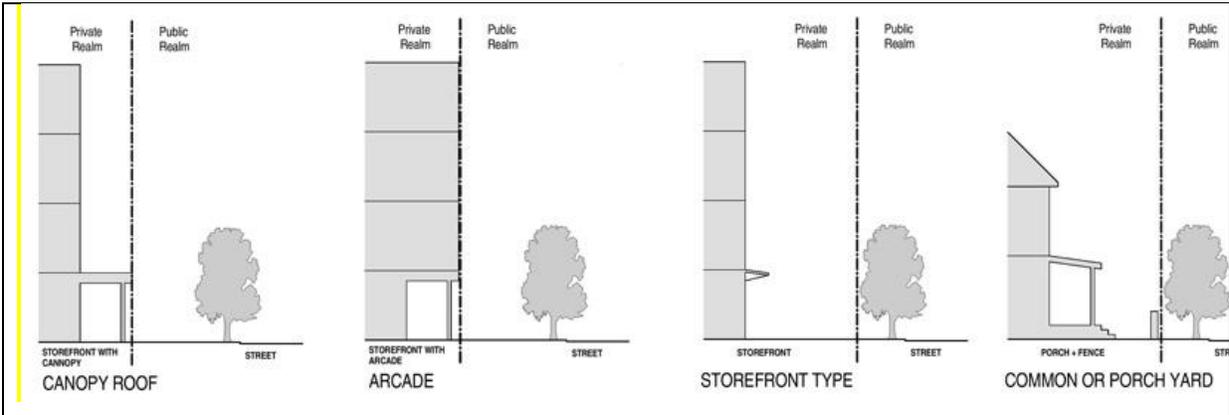
LOT OCCUPATION		
Maximum lot coverage	95%	
Lot Width	18 feet minimum, 150 feet maximum	

BUILDING FORM (PRINCIPAL BUILDING)		
Maximum building footprint	15,000 square feet	
Building Height:	2 story minimum, maximum of 4 stories/45 feet excluding unlivable attic space or as approved by Berwick Fire Department (see Note (1) above)	D
Entries	Primary entry door is encouraged along ground story facade facing the street on which the building has frontage.	

Façade Windows	20%-70% - first floor commercial uses must have 70% except for professional offices or financial or insurance services offices	
Front Façade Wall	Blank lengths of wall exceeding 12 linear feet are prohibited.	
Roof type	Gable, hip, flat	

BUILDING PLACEMENT (ACCESSORY)		
Front setback:	Principal building setback + 20 feet at minimum	
Side setback	0 feet minimum.	
Rear setback:	5 feet minimum	

FIGURE 6: BUILDING SECTION- FRONTAGE TYPES



EXTERNAL ELEMENTS	
Fencing (residential):	A front yard fence, a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, wire, or barbed wire is allowed.
Access:	A vehicle entry way to a parking or loading area shall be a maximum width of 18 feet. Pedestrian access from parking areas, garages or parking structures shall exit directly to a frontage line except for underground parking accommodations.

Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Landscaping:	Landscaping is encouraged but shall not be an impediment on streets, sidewalks or travel ways. Street trees are encouraged. See Section 6.4.5

PARKING	
Residential	Vehicle parking areas shall be located only on driveways, in garages or designated parking areas and shall not extend into the street right of way or sidewalk. Residential parking areas and/or garages shall be located to the rear of the building whenever possible or to the side if rear location isn't achievable. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3
Commercial	No on-site or off-street parking (see Section 6.4.3.2 below) is required for certain commercial uses, see Section 6.4.3. However, if on-site or off-street parking is required or is to be provided, such parking shall be located to rear of the property to the greatest extent possible. Parking to the side is limited to no more than 40% of the lot width. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3.
Low-Impact Industrial	Parking shall be located to rear of the property to the greatest extent possible. Parking to the side is limited to no more than 40% of the lot width. Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3.

6.4.3 Parking

Article 7.7 for parking requirements shall apply except as noted below.

6.4.4.1 Parking Waivers

The Planning Board may waive or adjust all requirements for parking within the Village Overlay District when it is not possible or in the best interest of the Town to meet the requirements.

6.4.4.2 Definitions

For the purposes of the Village Overlay District, the following definitions apply:

Off-street parking means parking located in a parking area or lot which is shared with other buildings and is not located on the lot for which the use is proposed.

On-site parking means parking provided on the same lot as the building for which the proposed use is located.

On-street parking means parking along either a proposed or existing street.

6.4.4.3 General Parking Standards for Commercial, Office, Mixed-Use or Multi-family Structures in the Village Overlay District

- A. On-street parking along the new main street shall be parallel parking only.
- B. All off-street or on-site surface parking areas shall be located to the rear of the building. If this is not possible, as determined by the Planning Board, the parking area shall be to the side of the building.
- C. No off-street or on-site surface parking area may contain greater than 30 parking spaces.
- D. All off-street and on-site surface parking areas which are not located behind a building or are located along a street must be screened from the street (see Section 6.4.5 Landscaping).
- E. Any off-street or on-site parking area which contains greater than 10 spaces is required to have additional landscaping (see Section 6.4.5 Landscaping)
- F. Shared parking is encouraged. A plan describing how shared parking would work is required as part of application that proposes such parking.

6.4.4.4 Parking Standards for Certain Uses

- A. Retail uses located on the first floors of mixed-use buildings are not required to have on-site parking. If on-site parking is proposed for a retail use, the standards in 6.4 shall apply.
- B. Restaurants are not required to have on-site parking if they will seat 40 or fewer people. If on-site parking is proposed for such a restaurant use, the standards in 6.4 shall apply.

6.4.4 Open Space/Greenways

A. Objectives

The Village Overlay District shall include open spaces both public and private. Open space means landscaped green areas designed for a purpose such as civic gatherings, outdoor performances, playgrounds, or sitting. These open spaces may or may not also contain hardscaped or paved walkways, seating areas, performing areas or sidewalks. Open space which may include a walkway and primarily exists to connect from one place to another is a greenway. A continuous greenway shall connect the former tannery site to the Salmon Falls River to the south and to the open space adjacent to the former Estabrook School to the north. Such greenway may connect along the way to other open space.

Redevelopment of the former tannery site within the Village Overlay District requires 25% of the total site (comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill) to be open space.

Developers shall coordinate with the Town on locations of open space, greenways and connections to adjacent community spaces, seating areas, residential housing and playgrounds.

B. Key Design Features

1. Sustainably landscaped, using drought-tolerant and when possible, native plantings
2. Shade trees
3. Benches
4. Continuous greenway through former tannery site
5. Green infrastructure and best practices storm water management, such as rain gardens to manage and filter storm water
6. Places to sit, play and gather for all ages
7. Public art

6.4.5.1 Design Standards

- A. Greenways or paved/hardscaped walkways must be a minimum of 8 feet wide.
- B. The required continuous greenway shall connect the public park at the intersection of Saw Mill Hill and School Streets to the Town owned land on Wilson Street adjacent to the former Estabrook School.
- C. Open space shall comprise 25% of the former tannery site comprised of the area bounded by Wilson Street, Sullivan Street, Saw Mill Hill and School Streets, excluding the area between Back Street, Sullivan Street and Saw Mill Hill.
- D. All open space which includes seating shall have either trees or shrubs to provide shade and/or a sense of enclosure.
- E. Shade trees shall be installed along greenways whenever feasible, as determined by the Planning Board.
- F. Greenways and open space shall be included on site plans and landscape plans submitted for consideration by the Planning Board.

6.4.5 Landscaping

A. Objectives

This section consists of landscaping and screening standards for use throughout the Village Overlay District. The Town of Berwick recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Promote the reestablishment of vegetation in more densely settled areas for aesthetic, health, and urban wildlife reasons;
- Reduce storm water runoff pollution, temperature, and rate and volume of flow;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind.

B. Key Design Features

- Diversity of street trees
- Shade trees within the open spaces and along the continuous greenway

- Purpose-driven landscaped open spaces
- Landscaped parking areas
- Fencing
- Hardscaped or paved walkways

6.4.6.1 **Design Standards**

Landscape plans shall be submitted for all projects for the Planning Board's review and approval.

A. Screening for Parking Lots

All parking lots not located behind a building or located along a street shall be screened as follows:

1. By trees and/or shrubs at least six feet tall, composed of at least 50% evergreen plantings, in numbers as determined by the Planning Board or;
2. By a fence between five and six feet tall, constructed of a material matching the finishes of surrounding buildings or;
3. By a combination of a fence four feet tall, constructed of a material matching the finishes of surrounding buildings, and deciduous trees and shrubs

B. Screening for Service and Loading Areas

1. All service areas for dumpsters, compressors, generators and similar items shall be screened as follows:
 - a. By a fence six feet tall, constructed of a material matching the finishes of surrounding buildings, surrounding the service area except for the necessary ingress/egress.
2. All areas to be used for loading that are not located within a parking area or that are not located behind a building shall be screened as follows:
 - a. By a fence six feet tall, constructed of a material matching the finishes of surrounding buildings, screening it from the street.

C. Landscaping for Parking Lots

All parking lots with more than ten parking spaces must:

1. Plant shade trees within planting strips at least four feet wide around the perimeters of the parking area at 15-20 foot intervals or
2. Provide a four foot wide interior planting strip within the parking area and plant shade trees at 15-20 foot intervals.
3. Shade trees shall have at minimum 1.5 inch caliper as measured six inches from the ground.

D. Street Trees

1. Street trees shall be of a diversity of deciduous species to avoid decimation in the event of a disease or a pest and shall be non-fruit bearing.
2. Street tree species shall be native when possible but shall be tolerant of salt and drought. Tree gators are required for the first several years after a tree is installed.
3. Street tree species chosen shall not be known for weak branching structure or a propensity for shallow roots that may cause sidewalk/walkway heaving.
4. Street trees shall have at minimum two inches caliper as measured six inches from the ground.

E. Types of Plantings (Trees, Shrubs, Perennials, Ornamental Grasses)

1. Native plants are preferred.
2. Invasive species as defined by the State of Maine are prohibited.
3. Herbaceous perennials and ornamental grasses are encouraged.
4. Low maintenance, drought-tolerant plants are encouraged.

F. Installation and Maintenance

1. All planting beds and strips shall be mulched either with compost or with a natural-colored bark mulch. No dyed mulches such as orange or red are permitted.
2. All trees shall have tree gators installed to provide moisture during their first years of being planted.
3. Any tree, including a street tree, shrub or plantings that are part of a plan, reviewed and approved by the Planning Board which does not survive for one full year after installation shall be replaced by the applicant at the applicant's cost.
4. Even if drought-tolerant, all plantings will require water at least occasionally the first year or two after planting in order to survive.
5. While plantings should be drought-tolerant, drip irrigation may be used if regulated by a timer and conditions. Irrigation may not be run indiscriminately.

6.4.7 Energy and Sustainability

- A. Site design and building placement shall be attentive to the surrounding environment including sun, wind and shade patterns related to existing buildings.
- B. Buildings must be built to meet IECC2015 standards. Building designs and construction shall meet all current energy codes. Energy efficiency with a goal of near net zero is strongly encouraged.
- C. Use of solar power, geothermal, and other alternative and sustainable power sources are encouraged.

6.4.8 Storm water

- A. All applications in the Village Overlay District shall be required to comply with the Town of Berwick's storm water regulations as found in Berwick's Zoning Ordinance.
- B. Green roofs, rain gardens, bioretention cells and other such low impact development is both strongly encouraged and preferred.

6.4.9 Application and Process

6.4.9.1 Application

- A. All applications must include:
 1. Village Overlay District application form
 2. Site plans which meet the requirements of Article 9.8 and in addition must show:
 - a. All greenways, open space and sidewalks, both proposed and existing
 - b. The footprint of all existing abutting buildings
 - c. All existing or proposed utilities
 - d. All on-site parking, loading and service areas
 3. Building elevation drawings showing all four sides of the building including details such as windows, doors, trim, etc.
 4. A materials list to include the type of siding, roofing and trim.

5. Landscape plan as a separate plan if a parking area and/or open space area, either public or private is proposed. Such plan shall include a planting list and hardscaping and/or fencing details.
 6. A storm water management plan prepared in accordance with Article 7.16 if required.
- B. The Planning Board may request additional plans or reports as they deem necessary at any time during the approval process.
- 6.4.9.2 **Process**
- A. Prior to submitting the application, the Applicant shall meet with the Code Enforcement Officer and the Town Planner/Planning Consultant to discuss the application.
 - B. The process as described in Article 9.8 Conditional Use Permits and Site Plan Review shall be followed unless otherwise noted.
 - C. The Planning Board may, at the Applicant's expense, hire an engineer, consultant or other professional to review the plans. The Applicant shall be given an estimate of the cost of such services and shall submit that sum to the Town before being placed on the agenda for further discussion with the Planning Board. Any funds remaining after the Town has paid the review bill in full shall be remitted to the Applicant. If the Planning Board requires additional review or the funds are not sufficient to complete the review, the Applicant shall submit the necessary funds before being placed on the Planning Board agenda. No building permit may be issued until all review costs have been submitted in full by the Applicant to the Town.
- 6.4.9.3 **Waivers**
- A. Submission Requirements.
1. The Planning Board may waive a submission requirement when it is shown by the Applicant that the circumstances of the site proposed for development are such that the requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect abutting landowners or the general health, safety and welfare of the Town and where the waiver would not have the effect of nullifying the intent and purpose of the official zoning map, any ordinance, or the Comprehensive Plan.
 2. The Applicant shall submit a written request and the reason for the waiver at the time of application submission.
 3. The Board shall consider and accept or reject each waiver request separately. Each approved waiver request and the special circumstances which the Board considered before granting the waiver shall be included in written Findings of Fact.
- B. Dimensional Requirements
1. Any request for variance of any dimensional requirements under this Ordinance shall be subject to the requirements for applications for variance under the Town's Zoning Ordinance and as required by 30-A M.R.S. § 4353(4) or any successor statute and shall be decided by the Town's Zoning Board of Appeals.

Chair Wright expressed his support for the proposed changes. He also read a memo from Selectman Joshua Plante who noted his strong opposition to the changes to the LUO because the vote on November 20, 2014 regarding the EPA funding stated that business development not residential development was for the Prime Tanning Site.

Motion: Chair Wright made a motion to accept the changes to the Land Use Ordinance as presented. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0.

9. Unfinished Business

None.

10. Town Manager Report

- Mr. Mark Kehaya, Fund of Jupiter, will be in Berwick Thursday and Friday, September 21st and 22nd and also on October 14th for master plan layout. Town Manager Eldridge will review the form based codes with Mr. Kehaya.
- The Doiron gym is being emptied out. The asbestos tiles will be removed next week by Paul Kennedy.
- The closing on 71 Sullivan Street is scheduled for the 22nd of September but that has been delayed. The deadline for closing is October 2nd.
- The Comcast Franchise Agreement Contract negotiations are scheduled for September 25th.
- The Stormwater Outfalls pre-bid meeting was held last week; six contractors attended. The meeting included a site walk. The bids close September 27th. The project completion date is December 2, 2017.
- Cianbro gifted a check for \$2,500.00 to the Fire Department. Chief Plante recommends using the money to purchase two defibrillators; one for Town Hall and one for the Transfer Station.

Motion: Vice Chair Ganiere made a motion to use the \$2,500.00 donation from Cianbro to purchase two defibrillators; one for Town Hall and one for the Transfer Station. Chair Wright seconded the motion.

The motion carried unanimously: 3-0.

- Town Manager Eldridge explained the 180-day Marijuana Moratorium that is on the November 7, 2017 Referendum ballot. If passed, this would allow the Town and the Planning Board some time to draft an ordinance and allow time for the State to determine its laws. If this fails then the Town would have to quickly draft an ordinance.

11. Selectmen Communications

None.

12. Approval of Warrants

09-07-2017	A/P Warrant #1810	\$800,785.99
09-07-2017	Water A/P Warrant #0807	\$ 488.99
09-14-2017	Payroll Warrant #1811	\$ 52,539.37
09-14-2017	A/P Warrant #1811	\$183,531.29
09-14-2017	Water Warrant #0811	\$ 1,631.86
09-21-2017	Payroll Warrant #1812	\$ 47,115.69

Motion: Chair Wright made a motion to accept the Accounts Payable Warrants as presented. Selectman Plante seconded the motion.

The motion carried unanimously: 3-0.

13. New Business

- Revised Town of Berwick Internal Control System Policy
Maureen Finger, Finance Director, was present. She stated since the revisions are a result of the auditors reviewing internal control systems with staff and updating the policy to reflect new practices that are in place.

Motion: Vice Chair Ganiere moved to accept the revised Town of Berwick Internal Control System Policy as presented. Selectman England seconded the motion.

The motion carried unanimously: 3:0

- Town of Berwick Facebook Page Maintenance Policy

Town Manager Eldridge explained this is a new policy to clarify Facebook page maintenance and content for staff since several departments have separate Facebook pages.

Motion: Chair Wright moved to accept the revised Town of Berwick Facebook Page Maintenance Policy as presented. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3:0

- Town of Berwick Storm Closing/Absence Policy

Town Manager Eldridge explained this is a new policy to clarify the procedure for closing Town Departments for inclement weather.

Motion: Vice Chair Ganiere moved to accept the Town of Berwick Storm Closing/Absence Policy as presented. Selectman England seconded the motion.

The motion carried unanimously: 3:0

- Cost Recovery Fee Schedule

James Bellissimo stated the fees have been revised for CUP, Site Plan and Board of Appeals. Impact fees have been revised to read “per unit” for attached single family and multifamily units. Subdivision fees will be revisited at Town Meeting in June since that requires a public hearing.

CONDITIONAL USE PERMIT APPLICATION

~~\$100.00~~ **\$200.00** plus all incurred noticing and mailing costs. **\$500.00 for an application within the Village Overlay District. Applicant shall incur any required review costs per section 9.8 in the Berwick Land Use Ordinance.**

SITE PLAN REVIEW APPLICATION

\$200.00 plus all incurred noticing and mailing costs. Applicant shall incur any required ~~per~~ review costs **per section 9.8 in the Berwick Land Use Ordinance.**

BOARD OF APPEALS APPLICATION

\$100.00 plus all incurred noticing and mailing costs. **Applicant shall incur any required review costs per section 9.8 in the Berwick Land Use Ordinance.**

IMPACT FEES

Attached Single Family and Multi-Family **(per unit)**

Motion: Chair Wright moved to accept the revised Cost Recovery Fee Schedule for Conditional Use application, Site Plan application and Board of Appeal application and impact fees as presented. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3:0

- Owner Unknown Property Map/Lot U004/116 – move to tax acquired

Maureen Finger, Finance Director, explained that this property on Bell Street should have been included with the other multiple foreclosed properties brought to the Board for tax acquired status. This property is owner unknown and must be liened and foreclosed yearly. A tax bill is also generated yearly.

Motion: Vice Chair Ganiere moved to transfer Owner Unknown Property Map/Lot U004/116 to tax acquired property. Selectman England seconded the motion.

The motion carried unanimously: 3:0

- November 7, 2017 Referendum Warrant; Selectmen to Sign

ARTICLE 2:

Shall the Town vote to adopt the proposed amendments to the Land Use Ordinance?

THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0

ARTICLE 3:

Shall the Town vote to adopt the Municipality of Berwick Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs? **THE BOARD OF SELECTMEN RECOMMENDS YES VOTE 3:0**

- Award of New Fire Station Design Proposal

Town Manager Eldridge stated there were ten bids received for the Fire Station Design. The Committee reviewed all bids and chose three companies to interview. The Committee recommends awarding Port City Architects the bid. Chair Wright concurred with the Committee's decision. He reiterated that this is not for a new fire station; this is for a design plan which was approved by voters at the last town meeting election. The chosen firm will weigh the possibility of a public safety building as well as a standalone fire station and make recommendations.

Motion: Vice Chair Ganiere moved to accept the bid from Port City Architects as presented. Selectman England seconded the motion.

The motion carried unanimously: 3:0

- Authorization to Sign Public Safety Building Design Contract; Port City Architects

Motion: Vice Chair Ganiere moved to authorize the Town Manager to sign the Fire Station/Public Safety Building Design Contract with Port City Architects. Selectman England seconded the motion.

The motion carried unanimously: 3:0

- Personal Property Waiver Request

The Town Manager and Finance Director are requesting a waiver for personal property taxes for Little Harbor Windows since the auditorium window project came in under budget because of Mr. Eaton's generous addition of installation; which his company normally does not do. The original bids were well over budget with the lowest being \$109,000.00. The total cost of the project using Little Harbor for material and install was \$73,000.00. Mr. Eaton also upgraded the trim to mahogany, added screens and handles, and exterior wood trim.

The Board would like to revisit this item when all members are in attendance.

This item was tabled.

- Junk Yard Permit Renewal Applications

Patricia Murray, Town Clerk explained this is an annual application fee for automobile graveyards, auto recycling businesses and /or junk yards. There are four such businesses in town and three have returned the application and fee. The fourth will be presented once the application is received. Ms. Murray stated the Code Enforcement Officer visits all the junk yards and confirms application.

Motion: Vice Chair Ganiere moved to accept the Junk Yard applications from Pete’s Motor Parts, Heavy Truck Sales of New England, and Berwick Iron and Metal as presented. Selectman England seconded the motion.

The motion carried unanimously: 3:0

14. Quitclaim Deeds and/or Installment Contracts

15. Abatements/Supplements

- Abatement: Map/Lot R007/001-A-4, Long Swamp Road

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R007/001-A-4, Long Swamp Road. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R017/032, Off Togue Brook Road

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R017/032, Off Togue Brook Road. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R054/008-B-1, Jewell Lane

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R054/008-B-1, Jewell Lane. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R054/008-B-2, Jewell Lane

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R054/008-B-2, Jewell Lane. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R050/026, 34 Cranberry Meadow Road

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R050/026, 34 Cranberry Meadow Road. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Supplement: Map/Lot R050/026, 34 Cranberry Meadow Road

Motion: Chair Wright made a motion to accept the Supplemental Tax Warrant for Map/Lot R050/026, 34 Cranberry Meadow Road. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R036/4-66, 66 Pine Hill MH Park

Motion: Vice Chair Ganiere made a motion to accept the Abatement for Map/Lot R036/4-66, 66 Pine Hill MH Park. Chair Wright seconded the motion.

The motion carried unanimously: 3-0

- Supplement: Map/Lot R036/4-66, 66 Pine Hill MH Park

Motion: Vice Chair Ganiere made a motion to accept the Supplemental Tax Warrant for Map/Lot R036/4-66, 66 Pine Hill MH Park. Chair Wright seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R068/26-31, 31 Sunrise Hill

Motion: Vice Chair Ganiere made a motion to accept the Abatement for Map/Lot R068/26-31, 31 Sunrise Hill. Selectman England seconded the motion.

The motion carried unanimously: 3-0

- Supplement: Map/Lot R068/26-31, 31 Sunrise Hill

Motion: Vice Chair Ganiere made a motion to accept the Supplemental Tax Warrant for Map/Lot R068/26-31, 31 Sunrise Hill. Chair Wright seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R036/4-14, 14 Pine Hill MHP

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R036/4-14, 14 Pine Hill MHP. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R058/3-3, Route 236

Motion: Vice Chair Ganiere made a motion to accept the Abatement for Map/Lot R058/3-3, Route 236. Selectman England seconded the motion.

The motion carried unanimously: 3-0

- Supplement: Map/Lot R058/3-3, Route 236

Motion: Vice Chair Ganiere made a motion to accept the Supplemental Tax Warrant for Map/Lot R058/3-3, Route 236. Selectman England seconded the motion.

The motion carried unanimously: 3-0

- Abatement: Map/Lot R058/3-2, Route 236

Motion: Chair Wright made a motion to accept the Abatement for Map/Lot R058/3-2, Route 236. Vice Chair Ganiere seconded the motion.

The motion carried unanimously: 3-0

- Supplement: Map/Lot R058/3-2, Route 236

Motion: Chair Wright made a motion to accept the Supplemental Tax Warrant for Map/Lot R058/3-2, Route 236. Selectman England seconded the motion.

The motion carried unanimously: 3-0

16. Second Public Comment

Chair Wright opened the second public comment.

Eleanor Murphy, Rochester Street, spoke.

There being no further comments, Chair Wright closed the second public comment.

17. Executive Session

- Title 36 §841(2) E – Poverty Abatement

Motion: Chair Wright made a motion to enter into Executive Session per MSRA Title 36 §841(2) E – Poverty Abatement. Selectmen England seconded the motion.

The motion carried unanimously: 3-0.

The Board entered into Executive Session at 8:07pm.

The Board resumed its regular meeting at 8:24pm.

Motion: Vice Chair Ganiere made a motion to deny the request for a Poverty Abatement. Selectmen England seconded the motion.

The motion carried unanimously: 3-0.

18. Other Business/Non-Agenda Items

None.

19. Adjournment

The meeting adjourned at 8:28pm.

Respectfully submitted,

**Patricia Murray
Town Clerk**

**The September 19, 2017 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s
October 3, 2017 Meeting.**

On behalf of the Board
