



Town of Berwick

BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

Tuesday, August 7, 2018

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 Kenneth Manning, Jr.

Board Members Absent: Selectman Rebecca England and Selectman Mark Pendergast

Staff Members Present: Town Manager Stephen Eldridge, Transfer Station Supervisor Neil Hokinson, Assessor Paul McKenney, and Town Clerk Patricia Murray.

3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

4. Approval of Meeting Minutes

- June 19, 2018

Motion: Vice Chair Ganiere moved to accept the June 19, 2018 minutes as written. Selectman Manning seconded the motion.

The motion carried: 3:0

- July 2, 2018

Motion: Vice Chair Ganiere moved to accept the July 2, 2018 minutes as written. Selectman Manning seconded the motion.

The motion carried: 3:0

5. First Public Comment

Chair Wright opened the first public comment.

Mr. Neil Hokinson, Transfer Station Supervisor, spoke. He stated the 2018 Hazardous Waste Day is scheduled for Saturday, August 25th from 9am to 1pm at 2 Industry Road, South Berwick.

Ms., Martha Lapierre, Bell Street, spoke. She noted that children from the summer Recreation Camp have been throwing rocks and apples at her property and have caused damage to her siding. She has left messages for the Recreation Director, Kim Taylor, and has not received a call back. She contacted the Police Department who addressed the issue with the children. Ms. Lapierre did speak to Ms. Taylor at the recreation field after PD responded to her issues. She also noted concerns from the 2017-2018 Town Report; there is \$80,177.22 being spent on recreation; there are only five weeks for summer camp; one camp counselor made \$5,168.85; the Recreation Director made \$30,464.51; she would like to know how many hours are put in to receive that money. She also stated camp leaders' wages at \$5000.00+. She would like to know where this money is going and how much it costs the taxpayers. Chair Wright replied that he spoke with the Town Manager about this issue and it will be addressed. He asked for pictures of the damage.

Ms. Lapierre also requested a sign directing people to the field to eliminate traffic on Bell Street.

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

6. Public Hearing

None.

7. Reports of Committees

- **BCTV Committee**

Ms. Terri Wright, Coordinator, spoke. She stated BCTV has produced 19 videos since June 19th. The Recreation PSA has not been done. A new laptop, desktop computer and office chair has been purchased. MSAD Board meetings will begin next week and BCTV will be videotaping. Ms. Wright is working with companies to get the second channel network. She has created a new programming schedule which is available on the BCTV website.

- **Envision Berwick**

The Great Falls Park Open House will be held August 18, 2018 at 9am at 25 Saw Mill Hill. The final plan for the park will be shared.

The Recreation Master Plan sub-committee will have a draft for EBC soon.

8. Appointments/Presentations/Other Guests

- Dave Andreesen, Proposed Changes to the LUO and Ordinances for the November 6th Ballot

Mr. Andreesen presented the proposed changes to the LUO.

Amendments for November 2018

Medical Marijuana Amendments: 2 Definition and use table amendments and new Performance Standards. Also proposed is allowing Medical Marijuana Storefronts in the RC/I District.

~~Retail Use Marijuana~~ **Recreational Marijuana Retail**: Means the cultivation, manufacture, distribution or selling of marijuana by a retail marijuana establishment **for recreational consumption** as referenced in MRS 7, Section 2442

Medical Marijuana Dispensary/**Storefront**: A ~~not for profit~~ entity registered pursuant to Section 6 of the State of Maine 10-144 CMR Chapter 122 Rules Governing the Maine Medical Use of Marijuana Program that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients.

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Medical Marijuana Cooperative	X	X	C*	X	C*	X	X	X	X	X
Medical Marijuana Dispensary/Storefront	X	X	X	C*	C*	X	X	X	X	X
Medical Marijuana Production Facility	X	X	C*	X	C*	X	X	X	X	X

8.25.6 Location Requirements

Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are allowed in the R3 Zone only on properties which have frontage on Route 9 or 4.

8.25.7 Performance Standards

A. Signage and advertising. All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana shall comply with all applicable provisions of the Land Use Ordinances.

B. Cultivation. If marijuana and/or products containing marijuana are sold on the same site, the cultivation area shall be no greater than 50% of the total floor area of the building.

C. Consumption.

- Pursuant Maine LR 2395 section 1501 subsection 2, marijuana in the Town of Berwick may only be consumed in a private residence or on private property. Such private property must not generally be accessible to the public and the consumption of marijuana or marijuana products must be explicitly permitted by the property owner. All other consumption limitations in Maine LR 2395 Section 1501 Subsection 2 shall apply in the Town of Berwick.**

D. Visibility of activities. All activities of dispensaries, cultivation facilities,

processing facilities and marijuana establishments shall be conducted indoors.

Exhibit C –
The rest of the Land Use Ordinance Amendments

Amendment 1 – Village Overlay District – 4:1 ratio residential to non-residential

6.4.2.6 Building Standards and Features

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%~~ **10%** or more.

F. All residential uses in new buildings shall ~~be~~:

- ~~be~~ reviewed by the Planning Board as a conditional use; and
- ~~is~~ ~~be~~ consistent with the terms of the Comprehensive Plan, which includes the Berwick Downtown Vision Report and Implementation Plan; and
- **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;**

This ratio pertains to the 7.7-acre parcel formerly known as Prime Tanning and structures contained with frontage on Wilson Street, School Street, and Sullivan Street.

Amendment 3 – Multiple Manufactured Homes/Mobile Homes on Individual Lots

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Multiple Manufactured Homes/Mobile Homes on Individual Lots	C	P	P	X	C	P	P	X	X	X

Amendment 4 – Farm Animals defined and regulated through the definition. Roosters not allowed in R1 District.

Animal Farm: Any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

Cattle: One bovine animal unit per acre of cleared hay-pasture land.

Horse: 1.5 animal units per acre of cleared hay/pasture land.

Sheep: Three animal units per acre of cleared hay/pasture land.

Swine: Two animal units per acre of cleared land.

Roosters: Are not allowed in the R1 Districts.

Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animal

Amendment 5 – Larger buildings require Conditional Use regardless of use.

	R1	R2	R3	C/I	RC/I	AP	LR	SC/I	RP	SP
Non-Residential Buildings > 5,000 square feet	C	C	C	C	C	C	X	C	X	X

Amendment 6 – Odor Control

7.7 Odor

No use may, as a result of normal operation, regularly emit odors that are offensive or harmful by reason of their character, intensity, or duration, and that are perceptible beyond the lot line. No odor may be considered offensive if it is commonly associated by way of character, intensity, or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.

- Spirit of America Award Presentation

Chair Wright presented the Spirit of America Award to members of the Charles S Hatch American Legion Post #79. Accepting the award was Commander Jeff Chase.

- Sean Winston appointment Regular Member Planning Board

Chair Wright reported that Planning Board Regular member David Dow has been arrested.

Motion: Chair Wright moved to remove regular member Davis Dow from the Berwick Planning Board as per rules and regulations. Vice Chair Ganiere seconded the motion.

The motion carried: 3:0

Motion: Chair Wright moved to appoint Sean Winston as a regular member of the Berwick Planning Board with a term to expire June 2020. Vice Chair Ganiere seconded the motion.

The motion carried: 3:0

- Michael Larue appointment to Envision Berwick Committee

Motion: Vice Chair Ganiere moved to appoint Michael Larue as a member of the Envision Berwick Committee with a term to expire June 2020. Selectman Manning seconded the motion.

The motion carried: 3:0

Selectman Manning asked if EBC had a Board of Selectman representative. Chair Wright stated he was the representative. Selectman Manning stated he would consider being the representative.

9. Unfinished Business

None.

10. Town Manager Report

Town Manager Eldridge reported the following:

- The covenant from DEP for Prime has been signed and sent. The closing should take place soon. Mr. Kehaya will be in town in August for a traffic study meeting.
- There have been several reports of rodents in Town. Code Enforcement has looked into the incidents and concluded that a lot of the issues are from leaving garbage out. The reports have increased lately. A public meeting will be scheduled to present rat control preventative measures.
- The changeover of the Town’s Dispatch Service has been a smooth transition and will go live on August 29, 2018. This is a ten-year contract.
- Paving begins next week for Diamond Hill, Pond, Beech Ridge and Wentworth Roads.

11. Selectmen Communications

Chair Wright reported the following:

- Notification from Comcast; they are no longer carrying BeIN Sports channel.

12. Approval of Warrants

06-30-2018	A/P Warrant #1853	\$ 125,400.74
06-30-2018	Water A/P Warrant #0853	\$ 2,663.28
06-30-2018	A/P Warrant #1854	\$ 41,098.66
06-30-2018	A/P Warrant #1855	\$ 2,254.06
06-30-2018	Water A/P Warrant #0844	\$ 5,326.00
07-05-2018	Payroll Warrant #1901	\$ 74,762.19
07-05-2018	A/P Warrant #1901	\$ 729,080.09
07-05-2018	Water A/P Warrant #0901	\$ 883.51
07-12-2018	Payroll Warrant #1902	\$ 57,217.19
07-12-2018	A/P Warrant #1902	\$ 65,579.19
07-12-2018	Water A/P Warrant #0902	\$ 5,270.90
07-19-2018	Payroll Warrant #1903	\$ 58,987.70
07-19-2018	A/P Warrant #1903	\$ 70,473.92
07-19-2018	Water A/P Warrant #0903	\$ 6,385.33
07-26-2018	Payroll Warrant #1904	\$ 60,905.93
07-26-2018	A/P Warrant #1904	\$ 82,506.01
07-26-2018	Water A/P Warrant #0904	\$ 4,539.89
08-02-2018	Payroll Warrant #1905	\$ 63,109.98
08-02-2018	A/P Warrant #1905	\$ 106,810.77
08-09-2018	Payroll Warrant #1906	\$ 63,957.44

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

The motion carried unanimously: 3:0

13. New Business

- Comcast MOU: Diamond Hill and Little River Road

The final draft is done. Legal is reviewing.

Motion: Vice Chair Ganiere made a motion to accept the Comcast MOU as presented. Selectman Manning seconded the motion.

The motion carried unanimously: 3:0

- MMA Executive Committee – Vote

This needs to be completed and mailed in.

- Impact Fees
 - Will Renaud Excavation
 - Changes to Use of Fees

The Board would like copies of the invoices before paying Will Renaud Excavation work at 71 Sullivan Street from the Impact Fees.

Town Manager Eldridge asked the Board to consider having an Infrastructure Impact Fee in place of the Open Space Impact Fee. The Board will consider in September.

- Bid for 2006 Kawasaki Mule 3010

Chair Wright noted there were two bids received for the Mule and he felt both were not enough money. The Board discussed a price for an acceptable bid and asked that this be put back out to bid with a minimum bid amount.

Motion: Vice Chair Ganiere moved to reject the two bids received for the 2006 Kawasaki Mule 3010 received from Thomas Lavigne for \$400.00 and from Christopher Kearns for \$351.00. Chair Wright seconded the motion.

The motion carried: 3:0

14. Quitclaim Deeds and/or Installment Contracts

None.

15. Abatements/Supplements

- Abatement: Map R027 Lot 2E, Little River Road

Assessor McKenney explained this request is due to incorrectly creating two lots from a split when only one lot should have been created.

Motion: Vice Chair Ganiere made a motion to accept the abatement for Map R027 Lot 2E, Little River Road as presented. Selectman Manning seconded the motion.

The motion carried unanimously: 3:0.

- Abatement: Map R036 Lot 33-18, 16 Bobcat Lane

Assessor McKenney explained this request is due to the misfiling of the owner's Homestead Exemption form.

Motion: Vice Chair Ganiere made a motion to accept the abatement for Map R036 Lot 33-18, 16 Bobcat Lane as presented. Selectman Manning seconded the motion.

The motion carried unanimously: 3:0.

- Supplement: Map R062 Lot 7, 57 Old Route Four

Assessor McKenney explained this supplement is due to removing one acre from farmland and assessing the Farmland Penalty.

Motion: Vice Chair Ganiere made a motion to accept the supplement for Map R062 Lot 7, 57 Old Route Four as presented. Selectman Manning seconded the motion.

The motion carried unanimously: 3:0.

16. Second Public Comment

Chair Wright opened the second public comment.

Mr. Ken Raines spoke. He questioned what kind of rodents were present. Town Manager replied it is rats and have been reported on Rollins Street and Bell Street and area. Mr. Raines also stated there was a nice article in Foster's regarding the boat launch.

Town Manager Eldridge announced that a postcard has been mailed to all residents about the public hearing on August 21, 2018 at the BOS Meeting regarding the proposed Fire Station. The postcard contains much information and he looks forward to answering any questions at the meeting.

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

17. Executive Session

None.

18. Other Business/Non-Agenda Items

19. Adjournment

The meeting adjourned at 7:42pm.

Respectfully submitted,

Patricia Murray
Town Clerk

The August 7, 2018 BOS Meeting Minutes – Signed as approved at the Board of Selectmen's September 4, 2018 Meeting.

On behalf of the Board
