



PLANNING BOARD MEETING MINUTES

Thursday December 3, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Frank Underwood; David Ross-Lyons; Michael LaRue

Regular Member Absent: Nichole Fecteau

Alternate Member Present; Jerry Graybill (voting member)

Staff Members Present: James Bellissimo, Director of Community Development & Planning; Jenifer McCabe, Code Enforcement Officer

Public Comment

Alyson Graybill of 10 Pond Road asked about the RC/I Location Restriction. Mr. Bellissimo said he thought that amendment was included in the January 4 Special Town Meeting but will double check to make sure.

James Bellissimo explained a property owner in Town owns a warehouse off of Blackberry Hill Road which was constructed before zoning and because of the Land Use Ordinance the use they want to do there is no longer allowed. Glenn Emery said the property is 175 Blackberry Hill Road. Zachariah Holt introduced himself as a resident of Cape Neddick.

Mr. Emery said he set to retire and he would like to find some way to make income out of the existing buildings. Mr. Emery said he has been warehousing there since 1983. Mr. Emery said there would be a lot less traffic than his use for 38 years. Mr. Emery said it was built as a retail farm equipment dealer.

James Bellissimo said Warehousing and Storage was probably not allowed there because the use traditionally required the use of heavy trucks. Mr. Bellissimo said the use could be considered a Low Impact Warehousing and Storage like the Town has a Low Impact Manufacturing. Mr. Holt said he operates a wholesaling business for pharmaceutical companies. Mr. Holt said there is potentially one deliver per day and one outbound deliver per day and could have five employees.

Dave Andreesen said Blackberry Hill Road is farmland and it is not Route 4. Mr. Andreesen said the Board will need to take a look at the property and for Mr. Emery and Mr. Holt to stay in touch with the Planning Department.

Approval of Minutes

- November 19, 2020

Mr. Graybill pointed out a typo.

Motion: Jerry Graybill motioned to approve the minutes as amended.

Second: Frank Underwood

VOTED – 3-0-2 in favor

Motion Passed

In favor: Dave Andreesen; Jerry Graybill; Frank Underwood;

Opposed: None

Abstain: Michael LaRue; David Ross-Lyons

New Business

- June 2021 Land Use Ordinance Amendments

James Bellissimo read his memo.

Mr. Bellissimo said the Public Hearing for the amendments would be February 4th with the final date for February 18th.

Mr. Bellissimo said part of the thought process behind allowing more commercial uses along Collector Streets is to balance the distribution between residential and commercial. Mr. Bellissimo said the use Mr. Holt would like to do is such a low intensity use it would fit into Home Occupation if that was his primary residence.

Mr. Bellissimo said there is an Impact Fee for Open Space and there is a requirement to preserve Open Space, which could be looked at as a double hit. Mr. Bellissimo summarized a proposed amendment that would allow a developer to install Recreational facilities for a credit on their Impact Fees.

Liz McGranaghan of the Berwick Farmers' Market and 152 Little River Road introduced herself and summarized the Food Sovereignty Ordinance. Ms. McGranaghan said this Ordinance would help small operations to start up at home and to be able to beta test their products without having to invest in licensing requirements such as equipment.

Mr. Bellissimo said the Ordinance template comes from Sanford. Jordan Pike of Two Toad Farm said there are close to 75 towns and cities in Maine that have adopted the Ordinance.

Mr. Underwood said the Sanford Ordinance is very simple and the template Ordinance has a lot of extra language with 4 extra pages, Mr. Underwood said it could have been stopped at the first page with who is responsible for enforcement on the last section.

Mr. Pike said the Ordinance is permissive in nature. Frank Underwood asked if the Town adopts Food Sovereignty and someone comes down with an illness, what liability does the Town face? Mr. Pike said there is zero liability to the Town. Mr. Underwood said he would like to see it emphasized that the Town takes on no added liability by adopting the Ordinance.

Frontage and Legal Access

Mr. Bellissimo said the original definition of frontage is long and includes a definition of Legal Access, which conflicts with Section 7.21. Mr. Bellissimo said the only thing that's being added is clarifying how to confirm a road is being built to a specific standard, by requiring an inspection by an engineer to ensure "all drainage is installed at appropriate points."

Mr. Bellissimo said Section 7.21 is simplified by taking paragraphs and putting them into tables to make the section more accessible to the public.

Marijuana

Michael LaRue said the space limit being held to 2,000 square feet is small. Mr. LaRue said limiting the floor space for cultivation makes sense. Frank Underwood said he would prefer to limit the scale of Home Growing. Mr. Underwood asked how the Town keeps inventory of Home Growing. Mr. Bellissimo said the Town local Ordinance controls for one caregiver per property.

Warehousing Storage/Distribution

Mr. Bellissimo introduced this amendment as a draft and thought experiment as one-way Mr. Emery and Mr. Holt's request could be accommodated Mr. Bellissimo said the use could go from not allowed to Conditional Use in the R2* and R3* but with asterisks that would send them to the Performance Standards 8.27. These standards would limit it to Collector Streets and prohibit Heavy Trucks. Dave Andreesen said he is adamantly against the use in R2 and R3. Mr. Andreesen said the areas served by Collector Streets are farmland and rural.

Frank Underwood said he is aware of a historical property in the R1 that was rehabilitated and that there are very limited uses for the building other than residential. The property does not allow storage of any kind, cannot house pottery or carpentry, it is just going to sit there.

Impact Fees

James Bellissimo read the amendment. Frank Underwood said he understands why the amendment would apply to Portland, but not Berwick. Mr. Underwood said the Impact Fee expenditures need a house cleaning item. Mr. Underwood said there needs to be a Workshop with the Board of Selectmen.

Other

- Mr. Bellissimo said Person should be deleted from Definitions since it is already defined earlier.
- The type of screen was proposed to be eliminated. A 50' foot buffer was proposed to be deleted since it will be taken up by Subdivision Regulations. David Ross-Lyons raised concern with not specifying the type of screen.

Public Comment

Informational Items

Dave Andreesen asked about the Ridlon Road and Diamond Hill bridges. Mr. Underwood said what the Town is going to do with Ridlon Road should be added to discussion items with the Select Board. Mr. Underwood said the turf farm may someday either sell their property or look to develop it, and Mr. Underwood said the Town ought to be proactive so the infrastructure is there and ready for future development scenarios.

Frank Underwood said the Board should go out to the Public Safety complex. Mr. Andreesen asked if the Board could get a tour of the facility. Mr. Underwood said some of the areas could lend itself to pedestrian access from Wilson to Sullivan Street.

Mr. Bellissimo said Great Falls Construction is aiming for December 17th for Sketch Level Site Plan Review.

Adjournment

Motion: Jerry Graybill motioned to adjourn.

Second: David Ross-Lyons

VOTED – 5-0 in favor

Motion Passed

In favor: Dave Andreesen; Michael LaRue; Jerry Graybill; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None