



PLANNING BOARD MEETING MINUTES

Thursday February 18, 2016

Town Hall Meeting Room

6:30 p.m.

Call to Order

Chair David Andreesen called the meeting to order

Pledge of Allegiance

Introduction of Board Members

David Andreesen; Paul Boisvert; David Dow; Nichole Fecteau; Niles Schore;

Regular Board Member(s) Absent:

None

Alternate Members Present:

John England; Sean Winston

Staff Members Present:

Joseph Rousselle, CEO; John Stoll, Town Planner

Public Comment

Approval of Minutes

- February 4, 2016

Niles Schore pointed out that the date should be changed to February 18th from 19th on the minutes

Motion: Niles Schore made a motion to approve the minutes as amended

Second: Paul Boisvert

VOTED – 4-0 in favor

Motion Passed

In favor: David Andreesen; Paul Boisvert; David Dow; Niles Schore

Opposed: None

Abstain: Nichole Fecteau

Public Hearing

Old Business

New Business

Information Items

- Land Use Ordinance amendment workshop and presentation.

Town Planner John Stoll presented the Planning Department's proposals for land use ordinance amendments to be considered at the June Town Meeting vote.

Mr. Stoll stated that many of the changes, especially those to the use table, are being requested for constancy with the rest of the ordinance. Examples include removing notations for sections of the ordinance that no longer exist.

The Planning Department is suggesting that the residential growth limitations in the R1 district should be eliminated in order to direct growth into the urban core while protecting the suburban and rural belts. Nichole Fecteau asked how many building permits had been pulled in those districts in the last year and if anyone had been close to hitting the growth limitation. Mr. Stoll stated that he did not know the number of permits but was unaware of anyone coming close to the growth limitation.

The Planning Department recommends the addition of a new Performance Standard in Article 7 that adds requirements for limiting the accumulation of garbage and unsafe structures throughout the Town. Board members discussed what parts of Town that this should apply to or how it would work applied Town wide. Mr. Stoll explained that the department's concern is with their ability to enforce legitimate complaints received Town wide. Right now the Code Officer can only take action on a nuisance property if it fits the land use ordinance definition of a junkyard. This has allowed for some homes to accumulate garbage that piles above a second story window but gives the Town no authority to correct the issue. Mr. Schore noted that the current land use ordinance is missing definitions and some need to be updated to be consistent with this proposal. Mr. Boisvert suggested that agricultural lots be excluded from this performance standard. John England suggested combining both sections of this proposed performance standard. Niles Schore suggested the following:

"7.23 Safety and Sanitation Provisions

All lots shall be maintained in a safe and sanitary condition and shall be kept free of accumulations of trash, garbage, refuse or other noxious materials which may constitute a fire hazard or may constitute a danger to health or safety. Any such condition shall be repaired, replaced, or removed."

The Planning Department recommends that a subsection of Article 8.12.e. that states the Planning Board shall set the number of animals to be kept on a single lot be eliminated from the land use ordinance. The Board asked the Town Planner to discuss the ordinance with the Code

Enforcement Officer to see what would prevent a resident from acquiring and keeping chickens for personal use in the R1 District.

The Planning Department proposes that the Town adopt a relaxed set of standards set by the State of Maine for setback variances on single family residences. This is still a difficult standards but it removes the language requiring an applicant to show that they've lost all value in their property which is extremely difficult to meet. Mr. Schore asked that the guidance language at the beginning of the variance standards be removed since it was irrelevant. The Board asked the planner to contact the Board of Appeals to get their opinion on this proposal and to report back at the public hearing.

The Planning Department has proposed some extensive shore land zoning ordinance amendments that were suggested and funded through a grant from the Piscataqua Region Estuaries Partnership (PREP). This amendment increases setbacks from great ponds and rivers to 100 feet in order to conform to the State standards. This amendment also would establish 100 foot setbacks for fertilizer application on great ponds. Nichole Fecteau asked why not include the river on the fertilizer setbacks? Mr. Stoll stated that he agreed with Ms. Fecteau, but was concerned with the Town's ability to enforce fertilizer application along the river. The rest of the Board agreed that adding the Salmon Falls River to the standard would be appropriate.

The Board discussed how to resolve the issue with residential being excluded from the first floor of new buildings within the Urban Overlay. Mr. Stoll stated that one solution may be to allow residential on the first floor but require that it be workforce housing or elderly housing. The Board asked if residential could be limited by bedroom or floor space. Mr. Stoll said that he would look at the building code and find a number. Mr. Stoll stated that a new transect zone could be adopted around the outside of the Prime Tanning site which would allow residential within that area but not within the smaller area focused for Prime.

The Board discussed the possibility of reducing the requirement for new subdivision to tie into Town water and sewer in order to aid growth. The Board asked Mr. Stoll to contact the superintendent of the sewer district for his opinion.

Other

Public Comment

Adjournment

Motion: Niles Schore

Second: Nichole Fecteau

VOTED – 5-0 in favor

Motion Passed

In favor: David Andreesen; Paul Boisvert; David Dow; Nichole Fecteau; Niles Schore

Opposed: None

Abstain: None

The Board adjourned at approximately 8:05 p.m.

Minutes prepared by Town Planner John Stoll, for consideration at the Berwick Planning Board's March 3, 2016.

Signed as Approved by the Board:
