



PLANNING BOARD MEETING MINUTES

Thursday January 19, 2017

Town Hall Meeting Room

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

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

Regular Board Member(s) Absent:

Alternate Members Present:

Sean Winston, John England

Alternate Member Absent:

Staff Members Present:

John Stoll, Town Planner; Joseph Rousselle CEO

Public Comment

Susan Morse of Jordan Street points out the Portsmouth Herald, the story of a Portsmouth house with 50 plants, a police officer could smell the plants from his cruiser.

Approval of Minutes

- January 5, 2017

Paul Boisvert would like to add the discussion about SC/I & density tied to sewer.

Motion: Nichole Fecteau made a motion to approve the minutes as amended.

Second: Paul Boisvert

VOTED – 5-0 in favor

Motion Passed

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

Opposed: None

Abstain: None

Public Hearing

Old Business

- Workshop Land Use Ordinance Amendments

Medical Marijuana

Amanda Meader says in her letter that towns are limited in the way they can regulate medical marijuana caregivers. Caregivers can share and grow in the same location. Berwick can limit production facilities by zoning. The Planning Board can regulate production facilities not personal home growing.

Niles Schore points out the three issues: location, odor and traffic and that these regulations are exclusive to Production Facilities and Dispensaries. The current proposed ordinance has an odor control plan included that would be at the discretion of the Planning Board.

Chair Andreesen took an informal poll asking the Board how they felt about continuing with some sort of a medical marijuana regulation for this Town Meeting.

Nichole Fecteau felt that continuing with regulating production facilities and dispensaries would be appropriate. Niles Schore agreed.

Sean Winston wanted to continue and asked about a part of Ms. Meader's letter to the Board that stated that Caregivers could share resources. Mr. Winston asked for clarification on what resources she was referring to.

David Dow and John England wanted to continue. Mr. England felt that after Jan 30 with the legalization of recreational marijuana this would become somewhat irrelevant.

Paul Boisvert felt that the Board should continue with something at this point.

Chair Andreesen stated that he did not feel like moving forward rushed without more information.

Mr. Stoll noted for the Board that their final public hearing on this may have to take place as soon as February 2nd so that these could go to the Board of Selectmen in time.

David Andreesen states that he would not like to see the board push something through and have to make changes later, with so much uncertainty on the subject.

The Planning Board determined that they would like to see marijuana production facilities in the RC/I zoning district.

Susan Morse asks the board to clarify if the Board could regulate the location of caregivers. Mr. Stoll will follow up with Ms. Meader. Mr. Schore asked if the Board should consider the location of caregivers at this time if the attorney confirms that they can regulate these locations.

Chair Andreesen clarified that this discussion would continue to be focused only on medical marijuana, specifically production facilities and dispensaries.

Mr. Schore asks to clarify the questions: is a co-op considered a production facility?

Chair Andreesen proposed that only one grower/dispensary could operate per lot of record.

Mr. Pendergast gave an example of several caregivers sharing one warehouse and having several individual areas within that were technically considered independent operations.

Chair Andreesen asked why York didn't define this to one per lot if that was possible. Ms. Morse stated that this example was approved prior to York adopting a medical marijuana regulation.

Ms. Fecteau suggested that any dispensary should be located in the downtown. Mr. Pendergast asked if the Town would be able to assess taxes from a dispensary. Mr. Stoll stated that he felt a dispensary could be taxed based upon equipment and land. Chair Andreesen suggested R1, and C/I for dispensaries given the proximity to the Police Department. Mr. Boisvert noted that some uses are required to locate on major highways and commercially approved subdivisions. The Board agreed that dispensaries should be located in the R1, C/I, and SC/I Districts and should be limited to commercially approved subdivisions.

Village Overlay Use Changes

Sean Winston states that he would like to not see fast food at all in the town. John Stoll says that they can regulate that with Form Based Code elements. Chair Andreesen noted that South Berwick had a Dunkin Donuts that had been designed with the Parking lot set back from the road and the drive through wrapping around the back of the building. Ms. Fecteau asked if a drive through could be limited as a use. Mr. Stoll stated that it could be excluded. Mr. Boisvert felt that a drive through should be completely contained within the lot. Mr. Winston pointed out an example of a McDonalds in Freeport, ME and noted that Freeport controlled signs as well.

Mineral extraction & mineral industry seems to overlap on the use table and in the definitions. Mr. Stoll advised the board to pick one term and use it for everything. The Board seemed to come to a consensus that Mineral Extraction would be the appropriate term for consistency.

Mr. Stoll stated that he did not feel that essential services could be regulated. Mr. Boisvert asked about requiring underground utilities in future developments. Mr. Winston agreed that something should be added requiring that everything in the center of Town be put underground. Chair Andreesen asked for clarification about regulating this through a future development at the point where CMP's lines end and the proposed lines would enter the Site Plan/Subdivision. Mr. Stoll stated that he felt this could be amended through the Subdivision regulations.

Light Intensity Industrial

The main difference between industrial and light industrial is that light keeps everything (equipment, storage) inside.

Mr. Stoll asked the Board if they would want to exclude light intensity industrial from the downtown and then create new uses for breweries and high tech. Mr. Boisvert thought that they should be sorted into different uses.

Mr. Stoll mentioned that the current definition which mentions high hazard by the building code as something that separates light industrial from industrial. By the hazard ranking a leather tannery would still qualify to be put into the downtown.

Mr. Stoll asked the Planning Board if there were uses that would fall under the light intensity industrial definition currently, besides brewery and high tech, that they would want to allow in the downtown. Mr. Boisvert mentioned a small furniture maker as a possible use. Mr. Schore brought up a book or magazine publisher.

Mr. Winston stated that during early Downtown Vision discussions it was very clear that the people did not want the downtown to look anything like it currently does.

The Board considered limiting the number of vehicle trips that could be associated with a light intensity industrial operation.

Design Standards were brought up by many Board members and encouraged as a part of future amendments to the land use ordinance.

A developer will likely come to the board to ask for changes in the Village Overlay, at that point Mr. Prendergast suggests that the board could make changes if the developer would give the Town something that they would like.

Mr. Stoll brought up the possibility of adopting a planned unit development district (PUD). A PUD provides for flexibility from dimensional standards in a land use ordinance allowing the Board flexibility when approached by an applicant but the ability to maintain control over the site so that it would develop appropriately. Mr. Stoll was unaware of any examples of PUDS in Maine nor how they would function in accordance with State law.

Land Use Table Changes

The Board suggested removing cemeteries as allowable uses within the R1 District.

Storage and/or Maintenance Facilities removed from C/I

Nichole Fecteau suggests changing the Village Overlay into a zone. Mr. Stoll suggested that the Board strongly consider this in the future. The Board members agreed but thought that this may be a bit much in a short time frame.

Bottle Clubs removed from C/I and SC/I Districts

Vehicle Sales removed from C/I and SC/I and then Conditional Use in R1 along Major Highways

Warehousing, Storage, and Distribution removed from C/I and SC/I

Wireless Communications Facilities removed from C/I or limited to existing towers and structures

Function Halls changed to Conditional Use in C/I.

Mr. Stoll requested permission from the board to separate Motels & Hotels into different uses, and to have motels limited to RC/I.

Paul Boisvert discussed individual private camp sites. Exclude from C/I and SC/I District and keep in R1 as conditional use.

Light Intensity Industrial removed from SC/I and Medium Intensity removed as a use from the ordinance.

Pharmacies should be defined and then allowed in R1, R2, R3 along major highways and C/I and RC/I.

Mr. Pendergast asks the board about the growth limitations in R2. Mr. Prendergast asks why in the R2 if the lot is not on septic and town water that that lot is limited to three building permits per year. Mr. Stoll stated that he supported the outright removal of the rate of growth regulation in the R2 Transition Residential District. The Board asked Mr. Stoll to look into various options for consideration moving forward.

New Business

Information Items

Other

Public Comment

Adjournment

Motion: Sean Winston

Second: John England

VOTED – 5-0 in favor

Motion Passed

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

Opposed: None

Abstain: None

Minutes prepared by Planning Tech James Bellissimo, for consideration at the Berwick Planning Board's February 2, 2017 meeting.

Signed as Approved by the Board:
