



# PLANNING BOARD MEETING AGENDA

Thursday November 19, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

**Call to Order**

**Pledge of Allegiance**

**Introduction of Board Members**

**Public Comment**

**Approval of Minutes**

- October 15, 2020

**New Business**

- June 2021 Land Use Ordinance Amendments

**Public Comment**

**Informational Items**

**Adjournment**



# PLANNING BOARD MEETING MINUTES

Thursday October 15, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

## Call to Order

## Pledge of Allegiance

## Introduction of Board Members

*Dave Andreesen; David Ross-Lyons; Michael LaRue; Nichole Fecteau; Frank Underwood;*

*Alternate Member Present: David Ross-Lyons; Jerry Graybill*

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

## Approval of Minutes

Dave Andreesen and Frank Underwood pointed out typos.

- October 1, 2020

**Motion:** Nichole Fecteau motioned to approve the minutes as amended.

**Second:** Michael LaRue

**VOTED – 5-0 in favor**

## Motion Passed

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons; Frank Underwood

Opposed: None

Abstain: None

## Old Business

- Site Plan Review. Adult Use and/or Medical Marijuana Production Facility. Industrial. Off Portland Street (R72-17). RC/I Zone. 3G's Realty.

James Bellissimo said the most significant change from the last meeting is the clarification that the buildings will have one license holder rather than each individual building licensed with tenants. One of the Conditions of Approval is that the State and Local license shall be held by the same entity. Mr. Bellissimo said that while General Industrial is not a use identified on the Land Use Table, Industrial is

Neil Rapoza introduced himself as the representative of the project. Mr. Rapoza summarized the changes to the site plan.

Michael LaRue asked for clarification on the licenses and how the buildings will be occupied. Dave Andreesen asked what did the attorney say. Mr. Bellissimo said it all comes back to the 1,000-foot setback and the way that section is written and based on how Adult Use Production is defined. Michael LaRue said the intention of the Ordinance is to prevent clustering of facilities. Mr. Bellissimo said the individual businesses will not be able to get separate licenses.

Scott Kearnan said he understood why having multiple tenants and licenses does not meet the ordinance. Mr. Kearnan said having space between growing is important and one example is mold being brought into a grow area and it would be isolated to that one building. Mr. Kearnan said with having multiple buildings the project can be built in phases.

Neil Rapoza said the abutters asked about the lot line and he said if they would like to do a survey on their property, they would be happy to work with them.

Jerry Graybill asked about the building height and filtration. Mr. Rapoza said the building height will be under the maximum for the zone and that the filtration system will include both carbon filtration and negative pressure.

Frank Underwood brought up Marijuana Testing and that it is not in the Berwick Land Use Ordinance and he mentioned it may be good for the Board to review. Mr. Kearnan said the Marijuana Industry needs Testing Facilities and this component is the source of a bottleneck in Massachusetts.

Nichole Fecteau asked to clarify a Condition of Approval #6.

**Motion:** Nichole Fecteau motioned to approve the Findings of Fact.

**Second:** David Ross-Lyons

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons; Frank Underwood

Opposed: None

Abstain: None

Dave Andreesen read the Conditions of Approval.

**Motion:** Nichole Fecteau motioned to approve the Conditions of Approval as amended.

**Second:** David Ross-Lyons

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons; Frank Underwood

Opposed: None

Abstain: None

**Motion:** Nichole Fecteau motioned to approve the application.

**Second:** David Ross-Lyons

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons; Frank Underwood

Opposed: None

Abstain: None

### **Public Comment**

Richard Harris of 26 Stone Lane said he's worried about the water runoff from the 3G's Realty project. Mr. Bellissimo said the project is subject to a Site Location of Development Permit which has an extensive permitting requirement. Mr. Bellissimo said water cannot adversely impact his property, it would be a Land Use violation and Site Plan violation. Neil Rapoza explained Pre and Post Stormwater Construction requirements. Mr. Harris asked why environmental questions were not answered. Ms. Fecteau clarified that the high-level environmental issues that require engineering are dealt with through the DEP.

## **Informational Items**

James Bellissimo said Marijuana Testing will have relatively high business personal property taxes and it is a fairly benign use so the use should be treated more like a lab than a Marijuana Establishment.

Frank Underwood said The Edge Presentation showed a Site Plan for the former Prime Tanning redevelopment. They will be in front of Planning Board in the Winter time and have a goal to have a shovel in the ground for Spring/Summer.

## **Adjournment**

**Motion:** Jerry Graybill motioned to adjourn

**Second:** Michael LaRue

**VOTED – 5-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; Michael LaRue; David Ross-Lyons; Frank Underwood

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:

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Land Use Ordinance Amendments for June 2021

1. [Food Sovereignty](#)
2. Simplifying frontage

**Frontage:** ~~The dimension between the two sidelines of a lot, measured along the property line that borders upon whatever way serves as legal access to the lot. The following ways shall constitute legal access to a lot: (a) a way accepted by or established as belonging to the Town, the County, or the State; (b) a way shown on an approved subdivision plan; or (c) an unaccepted street existing prior to the original enactment of the Town's Subdivision Regulations provided it is shown on a plat recorded in the registry of deeds prior to such enactment and is deemed adequate as a street by the Planning Board as evidenced by its endorsement on the subdivision plan.~~

**The distance of the line separating the lot from a street, road, or right-of-way.** Where a lot is situated on a curve of a street or on a corner of two streets, the measurement of frontage may include the entire length of the property line along such street or streets.

3. Simplifying 7.21

**7.21 Access to Lots.**

Road Standards		
Dwelling Units	Standard	Deeded Right of Way
One Dwelling Unit	12' Wide 15" Deep of Bank Run Gravel * See Note Below	50'
Two Dwelling Units	15' Wide & 15" Deep of Bank Run Gravel * See Note Below	
Three or More Dwelling Units	Town of Berwick Road Construction Standards	
NOTE: * Drainage ditches and culverts shall be installed at all appropriate points as determined by the Town of Berwick or Third-Party Engineer hired by the Town at the applicant's expense. Access to Lots refers to any street(s), road(s) or right-of-way(s) utilized to access the lot.		

If the development is located in the R2, R3 or AP Zone, dead end streets shall remain private until connectivity to other streets may occur except if the road is part of a subdivision approved before the year 2019 and is still considered active by the Planning Department. If the street is connected to another street making it a through way with a

second means of egress to a public way and built to town standards it may be petitioned to become a public way.

More than two dwelling units may be allowed on a discontinued road for those lots created prior to March 14, 1987, provided that the road is brought up to the standards for two dwelling units as described above. One dwelling unit shall be allowed per lot of record, and a second dwelling allowed per lot of record provided that the building permit is issued only to a child of the record owner.

~~A. the road standards described above are met (minimum width of fifteen feet, minimum depth of fifteen inches of bank run gravel, and have drainage ditches and culverts at all appropriate points), and~~

~~B. the applicable zone road frontage and lot dimensions requirements are met, and~~

~~C. the building permit is issued only to a child of the record owner (this precludes any additional permits for those lots of record owned by other than an individual person or persons), and~~

~~D. access to the additional dwelling unit shall be from the discontinued road and no other right of way, and~~

~~E. a survey of the lot done by a State of Maine registered surveyor is recorded in the York County Registry of Deeds prior to the issuance of the additional building permit, said registered survey to contain the following provisions:~~

~~1. No further subdivision of this lot is permitted without compliance with the Town of Berwick subdivision regulations then in existence.~~

~~2. No further conveyance of this lot is permitted for five years from the date of the recording of the survey.~~

~~3. The discontinued road is not maintained nor plowed by the Town of Berwick. The Town of Berwick is not responsible for any upgrading or plowing of the discontinued road. Any upgrading or plowing of the discontinued road will be at the expense of the lot owner.~~

~~F. the conveyance creating a lot to the child of the record owner shall be recorded in the York County Registry of Deeds prior to the issuance of the additional building permit and said conveyance shall also contain the three provisions set forth in paragraph E. above as survey requirements, and~~

~~G. the additional building permit issued contain the following provision:~~

### NOTICE

**~~THE DISCONTINUED ROAD IS NOT MAINTAINED NOR PLOWED BY THE TOWN OF BERWICK. THE TOWN OF BERWICK IS NOT RESPONSIBLE FOR ANY UPGRADING OR PLOWING OF THE DISCONTINUED ROAD. ANY UPGRADING OR PLOWING OF THE DISCONTINUED ROAD WILL BE AT THE EXPENSE OF THE LOT OWNER.~~**

#### 4. Excepting Marijuana Testing Facilities from the 1,000-foot setback.

##### 8.25.3

Marijuana Establishments cannot be within 1,000 feet of+:

- Any school – as measured from the nearest property line of the land used for the school to the nearest portion of the proposed business’s building, via straight line measurement.
- Drug or Alcohol Treatment Facilities – as measured from the nearest property line of the land used for the treatment facility to the nearest portion of the proposed business’s building, via straight line measurement.
- Child Care Centers – as measured from the nearest property line of the land used for child care purposes to the nearest portion of the proposed business’s building, via straight line measurement.
- **With the exception of Marijuana Testing Facilities,** other Marijuana Establishments – as measured from the nearest portion of the existing or pending center or store’s building to the nearest portion of the proposed business’s building, via straight line measurement.