



# Town of Berwick

## BOARD OF SELECTMEN/BOARD OF ASSESSORS MINUTES

---

Tuesday, September 22, 2020

6:30pm

Via Zoom  
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 Ed Ganiere (via Zoom), Selectman Noah Cobb (via Zoom), Selectman Kenneth Manning, Jr. (via Zoom) and Selectman Mark Pendergast (via Zoom)

Board Members Absent: None

Staff Members Present: Town Manager Stephen Eldridge, Planner James Bellissimo, and Town Clerk Patricia Murray (via Zoom)

### 3. Pledge of Allegiance

Chair Wright led the Pledge of Allegiance.

### 4. Approval of Meeting Minutes

- September 9, 2020

**Motion:** Selectman Cobb moved to accept the September 9, 2020, minutes as written. Selectman Manning seconded the motion.

**The motion carried: 4:0 with Selectman Pendergast abstaining**

### 5. First Public Comment

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

### 6. Public Hearing

Chair Wright opened the public hearings.

- 2020-2021 General Assistance Maximums Adoption

Town Manager Eldridge reported that this is an annual adoption.

TO: Board of Selectmen  
Stephen Eldridge  
FROM: Patricia Murray, GA Administrator  
DATE: September 14, 2020  
RE: 2020-2021 General Assistance Ordinance Maximums

Attached please find the GA Maximums for October 1, 2020 through September 30, 2021 as supplied by the State Department of Health and Human Services. Appendices A – H need to be adopted.

The following is a comparison of 2019-20 to 2020-21 maximums.

- Appendix A: GA Overall Maximums
  - Roughly a 2% **increase**
- Appendix B: Food Maximums
  - Roughly a 5% **increase**
- Appendix C: GA Housing Maximums
  - Roughly a 2% **increase**
- Appendix D: Utilities
  - No change
- Appendix E: Heating Fuel
  - No change
- Appendix F: Personal Care and Household Supplies
  - No change
- Appendix G: Mileage Rate
  - .45 per mile
- Appendix H: Funeral Maximums
  - No change

These proposed increases/no changes supplied by the State are typical of years past and I recommend adopting the Maximums for Appendices A-H.

**Motion:** Selectman Manning moved to adopt the 2020-2021 General Assistance Maximums as presented. Selectman Cobb seconded the motion.

**The motion carried: 5:0**

• Medical Marijuana Production Facility – White Ash, 398 School Street Unit 4K  
Mr. Greg Stavrnos was present. Discussion regarding operations ensued.

**Motion:** Vice Chair Ganiere moved to approve the Medical Marijuana Production Facility for White Ash, 398 School Street Unit 4K. Selectman Cobb seconded the motion.

**The motion carried: 5:0**

- Medical Marijuana Production Facility – Jen Griffith, 398 School Street Unit C Ms. Jen Griffin was present. Discussion regarding operations ensued.

**Motion:** Vice Chair Ganiere moved to approve the Medical Marijuana Production Facility for Jen Griffith, 398 School Street Unit C. Selectman Cobb seconded the motion.

**The motion carried: 5:0**

- Medical Marijuana Production Facility & Medical Marijuana Storefront – Williams Greenery, 2 Bow Street & 1 Blackmore Road Representative from Williams Greenery was present. Discussion regarding operations ensued.

**Motion:** Vice Chair Ganiere moved to approve the Medical Marijuana Production Facility & Medical Marijuana Storefront for Williams Greenery, 2 Bow Street & 1 Blackmore Road. Selectman Cobb seconded the motion.

**The motion carried: 4:1 with Selectman Pendergast opposing**

- Adult Use Marijuana Cultivation Facility & Adult Use Marijuana Storefront – Herbal Pathways, 468 Portland Street Representative from Herbal Pathways was present. Discussion regarding operations ensued.

**Motion:** Selectman Cobb moved to approve the Adult Use Marijuana Cultivation Facility & Adult Use Marijuana Storefront for Herbal Pathways, 468 Portland Street. Selectman Pendergast seconded the motion.

**The motion carried: 5:0**

- Proposed changes to the LUO for January , 2021 Town Referendum Warrant

James Bellissimo, Planner, presented the changes to the Land Use Ordinance for the January 5, 2021 Special Town Referendum Election.

#### **Land Use Ordinance Amendments**

#### **6.4 Village Overlay District – Hybrid Form-Based Code District**

The purpose of the Hybrid Form-Based Code is to:

- Allow for a diversity of appropriate and compatible uses within a zoning district
- Provide a more concise process for design, review and approval of structures.
- Deliver a development outcome that is more consistent with a traditional pedestrian oriented street development pattern

Berwick’s Form-Based Code zoning district is the Village Overlay District which overlays portions of the R1, SC/I and C/I Zoning Districts.

**FIGURE 1. – Map of Village Overlay District** – See the Town of Berwick’s Zoning Map at [berwickmaine.org/maps](http://berwickmaine.org/maps) as the map may be amended from time to time.

### 6.4.2.2 Main Street Design Standards

\*Refer to Figure 2 and Figure 3

The new street to be designated Main Street shall run east to west through the former tannery site, connecting to School Street at its eastern end and to Sullivan Street, approximately opposite of Eleanor’s Street, at its western end.

Minimum Right-of-Way Width	60 feet
Curb face to curb face	40 feet
Minimum Traveled Way Width	24 feet total paved driving lanes (12-feet for each direction) Refer to Figures 2 and 3
Parking Lanes	<del>Parallel, 8 feet wide, paved, total length of street except for pedestrian crossings and intersections</del>
Minimum Sidewalk Width	8 feet
Minimum Grade	.5%
<del>Minimum Angle of Street Intersections with School and Sullivan Streets</del>	<del>90 degrees</del>
Pedestrian crossing	<ul style="list-style-type: none"> <li>• <del>Raised where feasible: approximately same height as the curb</del></li> <li>• Use pavers or material different in color and texture than the travel lanes but must be ADA-friendly.</li> <li>• Provide bump outs at pedestrian crossings to shorten length of travel from sidewalk to sidewalk.</li> <li>• Granite curbing</li> </ul>

### 6.4.2.3 Access Additional Streets

As redevelopment occurs within the former tannery site, portions of Sullivan Street, Wilson Street and School Street that abut the former tannery site shall be subject to new development and design standards. As parcels that abut the above-mentioned streets and others within the district are redeveloped, the following design standards shall apply

Minimum Sidewalk Width	6 feet
------------------------	--------

Pedestrian crossings	<ul style="list-style-type: none"> <li>• Use materials different in color and texture than the travel lanes but must be ADA-friendly.</li> <li>• Granite curbing</li> </ul>
Access	To minimize curb-cuts, access to parking areas and driveways servicing buildings both new and existing, shall be shared.
Landscaping	Provide street trees every 25 feet on center in tree grates or as necessary to allow for ample growth
Street Lighting	Lighting fixture types to be similar along Main Street, School Street and Sullivan Street See Figure 6.4.2.4 Street Lighting
Utilities	Utilities, including power, shall be located underground.

**6.4.2.4 Street Lighting**

All new street lighting added along Main Street, Sullivan Street, Wilson Street and School Street shall be in a style **that complements the existing ornamental lighting in the area**, similar to Figure 4 below. Street lighting along Main Street must also include accessory arms for hanging banners and decorations. All other site and exterior building lighting are subject to Planning Board approval. All exterior lights shall have full cut off/fully shielded luminaries approved by the International Dark-Sky Association.

**FIGURE 4. ~~CONCEPT SITE LIGHTING~~**

Lighting Type	
 <p><b>Gooseneck</b></p>	Gooseneck Street Lamp
	LED
	Black post with candy cane arm
	*Approved light fixture for Main Street.

**6.4.2.6 Building Standards and Features**

- A. ~~New buildings shall be oriented to the street on which they have frontage, with large windows, covered entries, easy pedestrian access, and little to no setback from the street for business/commercial uses.~~ Buildings with first floor residential units shall be set back with small yards and/or porches and primary entrances facing the street. While not required, garages are encouraged for residential structures but shall be located in back of or to the side of the buildings.
- B. Building designs and construction shall meet all current energy codes and strive for near net zero. See Section 6.4.6 Energy and Sustainability.
- C. Best practices for storm water management and low-impact design are required. See Section 6.4.7 Storm water.
- D. Building materials, including siding and trim, shall be reviewed and approved by the Planning Board and shall be found consistent with the Design Guidelines as adopted by the Town.
- 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 10% or more.
- F. All first-floor residential uses in new buildings with frontage on the new main street shall be reviewed by the Planning Board as a conditional use; and be Consistent with the terms of the Comprehensive Plan, which includes the Berwick Downtown Vision Report and Implementation Plan.
- G. **New residential construction shall** 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.

**6.4.3 Dimensional Requirements**

The following Figures and Tables set forth the dimensional requirements and design standards for structures, parking and external elements within the Village Overlay District.

<b>BUILDING PLACEMENT (PRINCIPAL BUILDING)</b>		
Front Setback: Main Street, Sullivan Street, Wilson Street and School Street	0 feet to 5 feet setback for non-residential uses except for restaurants which propose outdoor dining which shall have a front setback of between 10 and 15 feet. 5 feet to 15 feet setback for residential uses depending on whether porches or front yards or both are proposed. <b>Buildings with frontage on School Street or Access Streets may be set back as needed to accommodate a drive through.</b>	<b>A</b>
<b>LOT OCCUPATION</b>		
Maximum lot coverage	95%	
Lot Width	18 feet minimum, 150 feet maximum	

<b>BUILDING FORM (PRINCIPAL BUILDING)</b>	
Maximum building footprint	15,000 square feet

Commercial	No on-site or off-street parking (see Section 6.4.3.2 below) is required for certain commercial uses, see Section 6.4.3. <del>However, if on-site or offstreet parking is required or is to be provided, such parking shall be located to rear of the property to the greatest extent possible. Parking to the side is limited to no more than 40% of the lot width.</del> Screening and/or fencing is required for parking areas along a street. Parking areas larger than 10 spaces require additional landscaping. See Section 6.4.3.
------------	--

**6.4.4.3 General Parking Standards for Commercial, Office, Mixed-Use or Multi-family Structures in the Village Overlay District**

- A. ~~On-street parking along the new main street shall be parallel parking only.~~
- B. ~~All off-street or on-site surface parking areas shall be located to the rear of the building. If this is not possible, as determined by the Planning Board, the parking area shall be to the side of the building.~~
- C. ~~No off-street or on-site surface parking area may contain greater than 30 parking spaces.~~

**Personal Sawmill:** A machine for sawing logs into lumber able to be moved from lot to lot, similar to a trailer, not to exceed 30 **50** horsepower.

**Sawmill:** A mill or machine for sawing logs into lumber, may be located in a structure and used as a commercial operation, or is greater than 30 **50** horsepower.

8.25.3. Location: Marijuana Establishments are allowed in the **RCI &** R3 Zone only on properties which have frontage on Route 9 or 4

8.25.8 Permits

A. The number of Conditional Use permits granted for in each zone as of June 9, 2020 shall be the limit of permits granted in each zone. The number of Conditional Use permits in each zone shall be tracked and monitored by the Town of Berwick Community Development & Planning Office. This provision shall be reviewed by the Berwick Planning Board and amended as needed on an annual basis.

**B. Marijuana Testing Facilities are exempt from the limit.**

**Motion:** Vice Chair Ganiere moved to accept the proposed changes to the LUO and its inclusion on the January 5, 2021 Special Town Referendum Election. Selectman Manning seconded the motion.

**The motion carried: 5:0**

Discussion regarding signage ensued between the BOS and the Town Planner.

Chair Wright closed the Public Hearings.

**7. Reports of Committees**

None.

- **BCTV Committee**

None.

- **Envision Berwick Committee**

James Bellissimo reported Town signage is being worked on. They are also looking for proposals for Great Falls Park for minor site work. This will be funded by Envision Berwick.

### **Department Reports**

None.

### **8. Appointments/Presentations/Other Guests**

- Planning Board Appointment
  - Jerry Graybill

Mr. Graybill was present. He lives at 10 Pond Road and has for 31 years. He works for an engineering firm in Laconia. He was involved in the 11 Pond Road project because of issues. He believes his background will be helpful to the Planner and Planning Board.

**Motion:** Vice Chair Ganiere moved to appoint Jerry Graybill as an Alternate Member of the Planning Board for a three-year term. Selectman Pendergast seconded the motion.

**The motion carried: 5:0**

### **9. Unfinished Business**

### **10. Town Manager Report**

Town Manager Eldridge reported the following:

- Lisa Vargas, Finance Director, recommends that all unexpended monies in capital reserve accounts from individual departments; Fire, Police, Public Works and Town Hall, etc. be reported as one account.

**Motion:** Selectman Cobb moved to approve combining unexpended monies from individual capital reserve accounts into one account. Selectman Pendergast seconded the motion.

**The motion carried: 5:0**

- The denied abatement request from Prime Storage was appealed to the York County Commissioners. The abatement was granted by the County Board of Appeals but the Commissioners and County Manager requested a review of the finding of facts before granting the abatement.
- The FY2019-2020 Audit first draft was received today. The Town Manager and Finance Director are reviewing. Once finalized, the Auditors will present findings to the Board of Selectmen.
- Wright-Pierce will be meeting with the Town Manager, Planning and Public Works on September 24, 2020 to begin the aquafer search.
- The Town Manager would like to schedule a workshop on solar energy.
- Little River Road will be paved next week. Logan Street is also scheduled for paving this year.
- The Fire Station has not received the occupancy permit. The punch list is being worked on.

### **11. Selectmen Communications**

None.

**12. Approval of Warrants**

09-17-2020	Payroll Warrant #17	\$ 84,153.33
09-24-2020	Payroll Warrant #18	\$ 77,359.95
09-24-2020	A/P Warrant #19	\$ \$641,049.03

**Motion:** Chair Wright made a motion to accept the Accounts Payable Warrants as presented and on the condition of the inspection of a majority of the Board of Selectmen. Vice Chair Ganiere seconded the motion.

**The motion carried: 5:0**

**13. New Business**

- Personnel Policy – for review and comments – Adoption on October 13, 2020

Lisa Huestis, HR, was present to present the revised personnel policy. The Board will review and vote on adoption at their next meeting.

**14. Quitclaim Deeds and/or Installment Contracts**

None.

**15. Abatements/Supplements**

None.

**16. Second Public Comment**

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

**17. Executive Session**

- Title 36 §841(2)(E) – Poverty Abatement

**The Board did not enter executive session.**

**18. Other Business/Non-Agenda Items**

Vice Chair Ganiere noted that the Board needs to revisit the marijuana business situation.

**19. Adjournment**

The meeting adjourned at 7:35pm.

**Respectfully submitted,**

**Patricia Murray**  
Town Clerk

**The September 8, 2020 BOS Meeting Minutes – Signed as approved at the Board of Selectmen’s September 22, 2020 meeting.**

**On behalf of the Board**