



# PLANNING BOARD MEETING MINUTES

Thursday June 18, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

## Call to Order

## Pledge of Allegiance

## Introduction of Board Members

*Dave Andreesen; Sean Winston; Frank Underwood;*

*Regular Member Absent: Michael LaRue; Nichole Fecteau*

*Alternate Member Absent: David Ross-Lyons*

*Staff Members Present: James Bellissimo, Planner; Jenifer McCabe, Code Enforcement Officer*

## Public Comment

## Approval of Minutes

### 1. May 21, 2020

**Motion:** Frank Underwood motioned to approve the minutes as amended

**Second:** Sean Winston

**VOTED – 3-0 in favor**

### Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: None

June 4, 2020

No action taken.

## Presentation

- Kristie Rabasca – MS4 Permit and Land Use Ordinance Amendments

Kristie Rabasca introduced herself as a consultant helping the Town to meet Municipal Separate Storm Sewer System (MS4) permit requirements. Ms. Rabasca said the Town has been subject to the permit since 2003. Frank Underwood asked if Rochester, Somersworth and Rollinsford New Hampshire are MS4 communities. Ms. Rabasca said yes and there are 29 other towns and cities regulated by the Stormwater Permit.

Ms. Rabasca said the permit was supposed to be renewed in 2018 and there have been 11 different drafts, with the most recent draft becoming active in 2021. Ordinance changes have been part of all iterations and will be part of the final permit and will need to be complete by June 2022.

### **Change 1: Require the use of erosion control at construction sites.**

Amendment Required: The Land Use Ordinance needs to be consistent with DEP Appendix C and that can be done by embedding the appendix. This amendment will need to also go into the Subdivision Regulations – Section 11.5 and Land Use Ordinance (several references) 7.17. One reference “in accordance with Maine DEP.. (2003)” will need to be updated to the more current iteration. Mineral Industry, Campground are additional references to the 2003 document.

An Ordinance Committee composed of SMPDC, Integrated Environmental and Cumberland County Soil and Water Conservation District is considering either creating a stand-alone ordinance, regional standards, or a check list if the Town wanted to embed the language in the ordinance.

### **Change 2: Post Construction**

Amendment Required: If an issue is found, the owner is required to address deficiencies within 60 days. Unless there is a big capital project requirement. At that point the CEO and owner will establish an “expeditious schedule.” Currently in the Town’s Land Use Ordinance there is no defined timeline.

### **Change 3: Low Impact Development**

Ms. Rabasca said the language is unclear in the permit, but there may be additional requirements to add Low Impact Development standards to the ordinance.

### **New Business**

- Site Plan Review. Multifamily (adding 1 unit to make 3 total). 55 School Street (U3-1) C/I Zone and Village Overlay District. Andrea Burns.

Andrea Burns proposed to add one dwelling unit to an existing two-family dwelling. Because it is a third unit, it requires Site Plan approval. Because the two units have been in existence for longer than two years, it does not require Subdivision approval.

Ms. Burns has requested to move an existing Antique shop from a house barn into the garage, and use the house barn as the apartment.

Ms. Burns submitted a sketch of a drainage improvement on site to meet the Low Impact Design requirement of the application. Ms. Burns requested a waiver of a boundary survey (9.8.F.b.i-iv) and letters to Town Departments. Mr. Bellissimo said the rest of the Site Plan Review ordinance he felt were not applicable because they dealt with new construction.

Andrea Burns of 55 School Street introduced herself as the applicant. Ms. Burns said the building has been in existence since 1970. Ms. Burns said there has been existing drainage issues seasonally and to address that they would install a drainage ditch and perforated piping, which outlets to the backyard. Ms. Burns said the Fire Department visited the site.

**Motion:** Dave Andreesen motioned to waive 9.8.F.b.i-iv.

**Second:** Frank Underwood

**VOTED – 3-0 in favor  
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: None

**Motion:** Sean Winston motioned to waive letter requirements to Town Departments

**Second:** Frank Underwood

**VOTED – 3-0 in favor  
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: None

The Board discussed the Low Impact Design statement and that the applicant did not need a waiver because of the recent drainage submittal.

**Motion:** Frank Underwood motioned to find the application complete

**Second:** Sean Winston

**VOTED – 3-0 in favor  
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: None

The Board determined a site walk was not necessary.  
*A Public Hearing was set for July 16<sup>th</sup> at 6:30PM.*

- Conditional Use Application. Adult Use Marijuana Storefront and Adult Use Cultivation Facility. 468 Portland Street (R71-7) RC/I Zone. Herbal Pathways

James Bellissimo read his memo to the Board. The applicant completed a traffic study and the recommendation of the study, due to the 55 mph speeds, that a site line of 550' be unobstructed in each direction.

Brian Neilson of Attar Engineering introduced himself as the representative of Herbal Pathways. Mr. Neilson said the Low Impact Design proposed is a bioretention cell.

Frank Underwood asked to see the existing septic and if the septic will be able to handle the new proposed use. Mr. Underwood asked if the processed water should be captured as a standard for all cultivation facilities moving forward.

Ken Crowley of Herbal Pathways said his process using an aeroponic system where the water can be recycled. Mr. Crowley said the Maine State Conditional License has been received and they may not be fully process under August or September.

**Motion:** Frank Underwood motioned to find the application complete.

**Second:** Dave Andreesen

**VOTED – 3-0 in favor  
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: None

Abstain: None

*Site walk (rescheduled to August 6) and Public Hearing set for August 6<sup>th</sup> at 6:30PM.*

- ~~Land Use Ordinance Amendments~~

**Public Hearing**

**Public Comment**

**Informational Items**

**Adjournment**

**Motion:** Sean Winston

**Second:** Frank Underwood

**VOTED – 3-0 in favor**

**Motion Passed**

In favor: Dave Andreesen; Sean Winston; 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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