

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD JANUARY 28, 2016

Present: Vice Chairman Rick Reynolds, Barry Chase, Jon Morse, Matthew Qualls, Jim Marchese, CEO

Absent: Chairman Geoffrey Aleva, Anne Whitten, Mark Cahoon

Also Present: Lee Jay Feldman from SMPDC, Dana Libby, Geoff Aleva

1. Call to Order:

Vice Chairman Rick Reynolds will be Acting Chairman for tonight. He called the meeting to order at 6:30 pm.

Acting Chairman Reynolds moved Matthew Qualls up to a full voting member.

2. Review Previous Minutes:

Acting Chairman Reynolds stated that on Page 7, in the seventh sentence of the second paragraph, it currently reads: "It also states that the Board will ate at least one...". It should read, "It also states that the Board will have at least one...".

Barry Chase motioned to approve the minutes of January 14, 2016 as amended. Matthew Qualls seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Application for Final Plan Approval for Minor Subdivision, Mountain View Estates by Bauneg Beg Land Development LLC, Corner Post Land Surveying Authorized agent.

Acting Chairman stated that the applicant is proposing a 4 lot subdivision on 15.01 acres on Bauneg Beg Road on Tax Map 10 Lot 1 in the Farm and Forest District. Dana Libby from Corner Post Land Surveying stepped forward to represent the project. Mr. Libby stated that since this project had been presented to the Planning Board at a past meeting, they have had done a number of things. They have done all the soil testing. There has been a lot revision in size to accommodate for the wetlands. All of the lots now meet the net area. There has also been a hydrogeological study regarding the water quality. A letter is included in the packet.

Mr. Libby said that he received the letter from Lee Jay Feldman from SMPDC this week. Mr. Feldman had some concerns about the site distances so Mr. Libby went out and did site distances

on all of the lots. He provided an updated map to the Board which shows all of the distances. It shows proposed driveway locations and they are adding a note to the plan stating that if the applicant wants or needs to relocate the driveway location, they will come back to the CEO with proof that the new driveway meets site distance requirements. He stated that the only site distance that is an issue is on Lot 3. There is an area of stone wall that needs to be removed as part of the installation of the driveway. Mr. Libby stated that Lee Jay's letter also said that they may want to also include the deductions for the wetlands for each lot and he said that they have done this for the final plan.

Matthew Qualls asked what the minimum lot size was for this type of project. Acting Chairman Reynolds stated that it was 160,000 square feet. Lee Jay Feldman said that it was 3.67 acres of net usable area.

Acting Chairman Reynolds asked Jim Marchese if he had any comments regarding the project. Mr. Marchese had a question about the application 10.4.g regarding flag lots. He said that the last sentence states that the ratio of the lot lengths to widths will not be more than 3:1. He stated that he figured it out and based on his computations, it appears that Lots 1 and 2 meet the criteria for being a flag lot. He was wondering if the Board would consider waiving that requirement. Mr. Marchese also mentioned that they are in the Farm and Forest so he is not sure if they could even waive it. Matthew Qualls asked for clarification of the requirement. Jim stated that the lengths to widths will not be more than 3:1. Per the plan, the length to width of Lot 1 is more than 3:1 but looking at Lot 3 it came out perfect at 3:1. Mr. Libby stated that there is 300 feet frontage so it would have to be 900 feet deep. Mr. Marchese stated that if you average the front and the back lines and average the two side lines, Lots 1 and 2 come out to be greater than 3:1. Barry Chase stated that when they added this to the Ordinance, the intent was for road frontage. He said that he doesn't have a problem with the way this plan is set up because it gets skinnier as you go back. Mr. Libby stated that all of the lots had 300 feet in width minimum at the road and they are at least 890 feet deep.

Lee Jay Feldman said that he won't argue as to whether it is a flag lot or not but he referred the Board to Article 13 Waivers in section 13.1 Special Circumstances. It reads, "Where the Board makes written Findings of Fact, that there are special circumstances of a particular lot proposed to be subdivided, may waive portions of submission requirements or standards, unless otherwise indicated to permit a more practical and economical development provided the public health, safety and welfare are protected and providing that the waivers do not have the effect of nullifying the intent of the purpose.". Mr. Feldman stated that the Board certainly needs to discuss that and feel comfortable with it in order for an appropriate finding and waiver of that finding to be made. Barry Chase said that he doesn't feel that it creates an irregular shaped lot. He feels that a flag lot is more if it starts off smaller and gets bigger. Jon Morse said that he didn't have a problem with the layout and the wide front. Matthew Qualls stated that he would tend to not waive it but instead fix the Ordinance. Barry Chase stated that it is something that they should clarify in the future but right now, that will not help this project.

Lee Jay Feldman stated that from a procedural standpoint, they will need to waive two other requests that the applicant had requested. They are requesting waivers for Article 10.5 and Article 10.6. If the Board agrees with these waivers, they can just add 13.1 to the list when they make a motion. Acting Chairman Reynolds stated that one of the waivers was for Article 10.5 which is a requirement to install underground utilities. All utilities will be installed within the existing Town right-of-way of Bauneg Beg Road. Matthew Qualls asked if this meant that they wanted to put the utilities above the ground. Mr. Libby said that this was correct. Lee Jay stated that in this case, utilities are aboveground now and run past the development. The applicant is proposing to bring them from the pole to the house above ground. He stated that a lot of times the intent of these underground requirements is if they would be building a new road to service a number of houses off the main road. Jim Marchese stated that the utilities do not run in front of the lot but it is an existing road and it would be very difficult to put underground utilities in an existing right of way.

Acting Chairman Reynolds stated that the next waiver was for Article 10.6 which is a requirement to install stone monuments. They would like to use Concrete Monuments due to the fact that they are detectable with metal detectors. Mr. Libby stated that some of the corners that are required to be stone or concrete simply could not be installed because it was either ledge or large rock. He said that both corners of the 50 foot strip and the back corner couldn't be set. Lee Jay said that because there is so much ledge in this area it is easier for them to drill into a rock and set an iron pin that has a cap on it. The cap says who the surveyor was that surveyed the property with his number. Mr. Libby said that stone gets buried and the land owner can't find it but the concrete has rebar in it so it can be found with a metal detector. Barry Chase said that this is a common request and they have approved it in the past.

Barry Chase motioned to grant the waivers for Article 10.5 and 10.6 that was requested by applicant and also for Article 13.1 regarding flag lots. Jon Morse seconded the motion. VOTE: 3-1

Jim Marchese stated that he contacted the Agriculture and Conservation Committee regarding this subdivision and he received some correspondence back from them. It reads:

As we discussed the proposed subdivision at our meeting this month, we found we are generally not in favor of future subdividing in the Farm and Forest zone. Reducing the lot size to the minimal available standard limits the possibility of using the land for farming and forestry purposes. In the comprehensive plan, our committee is charged with preserving and protecting habitat and farmland. We would like to work with the planning board and the selectmen to increase the minimum required lot size in the Farm and Forest zone. To that end we'd like to invite you to attend our next meeting on Tuesday, February 23rd at 6:30 pm so we can discuss how we might begin such a process.

Jim stated that they have the understanding that the minimal lot size is 160,000 square feet and that is what the lots in this subdivision are so they abide by the current Ordinance. Barry Chase said that they cannot just arbitrarily say that they are not allowed.

Lee Jay Feldman said that the Board has approved the waivers that were requested. He stated that the applicant did a good job with putting the application together. He stated that they now need to find the application complete and set up a time for the Public Hearing.

Barry Chase motioned to find the application complete and schedule the Public Hearing for the February 25th meeting. Jon Morse seconded the motion. VOTE: 4-0

3.2 Review of Ordinance amendments as recommended by the Board of Selectmen.

Acting Chairman Reynolds stated that there are 8 questions to be voted on. Jim Marchese stated that the documents that he passed out are the ones that have been reviewed by the attorney. They have not been approved by the Board of Selectmen. They will be reviewing at their next meeting. Jim said that he is sure that they will approve it because there are no major changes. Jim said that the Legal Notice has been submitted to the newspaper. Jim said that none of the verbiage was changed by the attorney but the format was changed to plainly see what the changes are.

4. Other Business:

Matthew Qualls had some questions regarding the growth in the Farm and Forest zone and what the system was in determining the growth. Jon Morse said that there are only a certain amount of permits that are given out per year. Mr. Qualls asked how the numbers had been and Jim said that we have been way under. Acting Chairman Reynolds stated that we are just not a growing community right now. We were growing a lot years back and so we established a cap to limit how much could be built. Mr. Qualls asked if the cap was zone specific. Barry Chase said that it has nothing to do with just Farm and Forest. He stated that they have talked in the past about not having a growth cap in the Residential zones but having one for the Farm and Forest zone. He said that they have tabled that talk because it has not even been close to reaching the cap. Mr. Chase said that the whole thing with the growth ordinance is to make sure that schools, fire departments, police departments and other public services can keep up with everything.

Acting Chairman Reynolds reminded the Board that the next meeting will be a Public Hearing and will be held at the Community Center.

5. Adjournment:

Barry Chase motioned to adjourn the meeting at 7:16 pm. Jon Morse seconded the motion. VOTE: 4-0

James Marchese
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls