

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD MAY 26, 2016

Present: Rick Reynolds, Jon Morse, Anne Whitten, Barry Chase, James Allaire, CEO

Absent: Chairman Geoffrey Aleva, Matthew Qualls

Also Present: Lee Jay Feldman from SMPDC, Neil Rapoza from Civil Consultants, Joe Carr, Tom Harmon, Martha Dobyms, Will Dobyms

1. Call To Order:

Vice Chairman Rick Reynolds will be the Acting Chairman for tonight. He called the meeting to order at 6:31 pm.

2. Review Previous Minutes:

Rick Reynolds stated that on Page 4 in the last sentence of Paragraph 1, change “aske” to “ask”. He also stated that on Page 6, the last sentence in the 2nd Paragraph, need to change “their” to “her”.

Barry Chase motioned to approve the minutes of May 12, 2016 as amended. Anne Whitten seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Deer Field Estates: Proposal from Julie and Gary Pankey to modify the storm water detention pond located on their property within Deerfield Estates (Tax Map 3 Lot 402).

Neil Rapoza from Civil Consultants stepped forward to represent Julie and Gary Pankey as well as the Homeowner Association at Deerfield Estates. Mr. Rapoza stated that this property was originally a 2 phase subdivision that was approved. For the first phase, the lots were approved along Governor Goodwin Road and they sold these lots. He stated that there was a general easement on the lot to allow for the flow of storm water through the property. The Pankey’s purchased the property. Phase 2 of the project came in and after they had purchased the lot, the developers put an easement on it that was very large and had a giant ½ acre detention pond on it. The Pankey’s did take them to court and they settled for an undisclosed amount. It was agreed at that time that they would be allowed to relandscape a portion of the pond that was adjacent to the actual structure and the drainage pond would remain on the Pankey property but the

Homeowner's Association would be responsible for the maintenance of it. The maintenance that the Pankey's would be responsible for would only be any landscaping that they put on the easement land. They have come up with a plan that will satisfy their needs with their lot. Mr. Rapoza stated that it involves the fill to allow for the vegetation that will be planted. Mr. Rapoza showed the Board members where it would be located on the site plan. He stated that Phase 2 of the project received a site location permit from DEP so they need to go back to the DEP. They did have an initial meeting with DEP to make sure that they were okay with what they were planning and they could bring it in as a minor revision. The DEP said that this would be fine as long as they had the Homeowner Association come on board as a co-applicant. Mr. Rapoza stated that they have done this and they are also a co-applicant on this application. He stated that they are planning on submitting the plan to DEP tomorrow as long as everything is okay with the Planning Board.

Vice Chairman Reynolds asked Jim Allaire if he had any issues or comments regarding the project. Mr. Allaire said that he had no problems with the project.

Vice Chairman Reynolds asked if there was any public comment regarding the project at this time. There was no comment at this time.

Anne Whitten asked for clarification on the buying of the property and the easement being added on after the fact. Mr. Rapoza stated that when the developers came through with the Phase 2 part of the project, there was a large easement with a big detention pond on this lot that was never on the lot when they purchased it. Anne Whitten asked when the Phase 2 part of the project was done. Mr. Rapoza stated that it was done in 2005. Anne Whitten asked when the Pankey's had purchased the property and Mr. Rapoza stated that it was purchased in 2003.

Vice Chairman Reynolds asked if it was normal procedure for the silt fence to not be removed until vegetation has been stabilized. Mr. Rapoza stated that that was the procedure. He stated that they will need to keep an eye on it and make sure that the silt doesn't build up behind it so it doesn't rupture.

On Page 4 of the photos that were provided in the packet, Jon Morse asked if this was the area that they were going to be filling in. Mr. Rapoza stated that it was. Mr. Morse asked if the water had ever come up really high. The only time that it has come over the initial rip rap area was the Mother's Day storm. Otherwise, even in some of the bigger storms, the water doesn't enter or exit that pond from the culverts.

Anne Whitten stated that Mr. Rapoza had mentioned that he had a letter from the Homeowner Association that states that they agree to take care of the maintenance. Mr. Rapoza stated that they delivered letters and plans to everyone in the Association and got some feedback. The President of the Association was satisfied that everyone was informed enough and there was enough positive feeling towards it so he authorized the application. Anne Whitten asked if he had a copy of that letter. Mr. Rapoza stated that he just signed off on the application.

Jon Morse asked if there were any springs or was it just a run off pond. Mr. Rapoza stated that regarding this pond, he is not sure how it was designed. He said that BH2M was the firm that designed it and it was designed as a wet pond. It was designed to stay wet in all situations. He is not sure how they kept it wet.

Vice Chairman Reynolds asked how close the nearest houses were to this property. Mr. Rapoza stated that the Pankey's house was the closest. On the other side, the Billings lot is the next closest and they can see the pond through the clearing. He stated that the Billings were very enthusiastic about having something done there.

Barry Chase motioned to approve the proposal from Julie & Gary Pankey to modify the storm water detention pond located on their property within Deerfield Estates Tax Map 3 Lot 402. Jon Morse seconded the motion. VOTE: 4-0

3.2 Country Estates Mobile Home Park – Review of Town Attorney Opinion letter as requested by the Planning Board. (Tax Map 04 Lot 44, 47, 46 and 44-1).

Tom Harmon stated that he just received this afternoon, a letter from the Town Attorney stating that the septic system cannot go where they had it. They have not had time to take the necessary steps to move that system over. He stated that he has a meeting with the clients on Saturday morning to start working on it. Mr. Harmon asked the Board members if they wanted to set up a site walk now. Vice Chairman Reynolds thinks that it may be a little premature for the site walk. Lee Jay Feldman suggested that the Board postpone any action on it. He stated that the next thing they will want to do is find the application complete and then they can establish a site walk. Mr. Feldman said that once they know where the infrastructure is going to go, they can have it staked out and go out and visit it and know where everything is going to be.

Mr. Harmon said that one of the things that they were doing was asking for a waiver to bring back the septic approval from the State at final instead of at the preliminary. Lee Jay stated that once the application is complete, the first thing that the Board is going to do is go through the waivers and determine which ones they will approve or not. Mr. Feldman suggests that they wait on doing the waivers. Mr. Harmon stated that they would come back with a basic layout of the septic system and show where it is going to be located. He stated that the complete detail of that system that goes to Human Services and other departments will not be done at that time. This is what they would be asking for a waiver for and not for where the system is going. Lee Jay stated that he thinks that this would be fine.

Jon Morse motioned to table the application for the Country Estates Mobile Home Park until the engineer submits a new location design of the septic system and drainage water runoff. Barry Chase seconded the motion. VOTE: 4-0

3.3 Aroma Joes/Car Wash: Signing of the plan for the proposed Aroma Joes/Car Wash approved at the April 28, 2016 meeting (Tax Map 22 Lot 74-1).

Jim Allaire stated that they were not ready yet so they will not be here tonight.

4. Other Business:

Jim Allaire stated that they may have a minor lot subdivision. There will also be a parking lot that straddles the Berwick and North Berwick town lines. The applicant runs a used car lot and wants to expand his business into North Berwick.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 6:59 pm. Anne Whitten seconded the motion.

VOTE: 4-0

James Allaire
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls