

## NORTH BERWICK, ME 03906

### MINUTES OF PLANNING BOARD JULY 14, 2016

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

**Absent:** Chairman Geoffrey Aleva

**Also Present:** Lee Jay Feldman from SBPDC, Patsy Bragdon, Ralph Bragdon, Hazen Currier, Heather Koelker, Gary Beers, Jay Stephens, Lorinda Hilton, Shirley Barto, Christopher Jarochym, Allan Litvinchyk, Jan Litvinchyk, Joe Carr, Dennis Brown, Pam Brezak

1. Call To Order:

Vice Chairman Rick Reynolds will be the Acting Chairman for tonight's meeting. 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 2, in the 5<sup>th</sup> paragraph, the last sentence currently reads, "The waiver are as follows:". It should read "The waivers are as follows:". Also on Page 3, in the section of #3, the last sentence has a double negative. It currently reads, "We do not believe that a parallel review by the County Soil and Water Conservation District is not necessary or warranted.". It should read, "We do not believe that a parallel review by the County Soil and Water Conservation District is necessary or warranted.". He stated that the last sentence under Waiver #4 has the same issue and the word "not" needs to be removed.

Barry Chase motioned to approve the minutes of June 23, 2016 as amended. Anne Whitten seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

3.1 Public Hearing on Conditional Use Permit – The applicant is proposing the construction of an age restricted (+55) 39 lot mobile home park in the Residential 2 District just off High Street across from Oak Woods Road. Tax Map 4 Lots 44 & 47.

Jay Stephens from Civil Consultants stepped forward to review the project. He stated that it is a 55 and older manufactured housing community. The entrance is off of Route 4 and the houses will be a significant distance from the road. He said we may not even be able to see it from the

Route 4. He showed the audience the plan and pointed out where the homes, storm basins, mail boxes and other things would be located. Mr. Stephens stated that it would be a private roadway and not a town road. They will be on town water and will be on septic systems. Each unit would have its own septic tank and would feed by gravity to a pump station. The design for this is partly done. They are waiting for the hydro-geologic report to complete the design. Mr. Stephens stated that the size of the project does put it under the DEP Chapter 500 storm water rules. All of the storm water basins have been moved on the plan so that it is now all under the same zone as the mobile home park. This will go through the DEP. He stated that they have had some initial discussions with DEP. Mr. Stephens said that they have just received comments from the town today and they have not had a chance to review them yet. They will definitely review those and make any necessary adjustments.

Mr. Stephens introduced Joe Carr and Dennis Brown who are the owners of the property. Mr. Carr stated that they are working with the company Ritz-Craft Custom Homes which is an upscale mobile home designer out of Pennsylvania. He passed out some pictures of what some of their home designs look like. He went on to describe the entrance off of Route 4. There will be stone walls on each side, which will be treed and have a fence with granite and wood posts.

Acting Chairman Reynolds opened the meeting for public comment at 6:44 pm.

Hazen Currier stepped forward and stated that he and his wife live at 336 High Street which borders the project. He is a Vietnam combat veteran and suffers from PTSD. He has some comments and issues concerning this project. He understands that this will be a major project with tree removal, new septic systems, water lines and other things. The traffic going in and out is only on the dirt road onto busy Route 4 where the speed limit is 55. He stated that there is a dip or rise in the road at about where the only access is to the project. He stated that this will also affect our environment and wildlife. He understands that the dirt road will be paved and he hopes this will happen prior to all the heavy equipment traffic coming in and coming out during the construction. He said that it will be very dusty coming into his back yard where he has cookouts.

Mr. Currier stated that as his property covers approximately 450 feet of road side frontage, he is requesting that an 8 foot sound barrier wall be built for his family's quality of life and to cut off the sounds of traffic going in and out. He said that it is important to him because it affects his PTSD. He said that with an 8 foot fence that he can put security lights on, he would feel more comfortable.

Mr. Currier stated that he would like for them to also lower the speed limit from 55 to 45 mph going into town until you hit the 35 mph limit. He said that a blinking yellow light for warning might also help him from calling 911 due to the unsafe entry and exit.

Allan Litvinchyk stated that he likes the idea of the park and thinks it will be good for the town. He said that he just had his water quality tested this past spring and it came back as good as or

better than any bottling company in the country. He stated that the North Berwick aquifer is near this project and he is concerned about that. He said that he doesn't use North Berwick water but is just wondering how the aquifer will fit into this and how it will be protected for the town. Jim Allaire stated that the Aquifer Protection Zone is up beyond the Boyle Road intersection. It is about 2500 feet away.

Jay Stephens stated that during the construction, they have to have a construction entrance and there are all kinds of requirements such as dust control that they have to adhere to. There will be a complete plan that the town will have to approve before any construction begins. Mr. Carr said that they will have trees bordering on both sides of the entrance that will help with privacy and buffering.

Anne Whitten stated that they will not be doing any construction at night. She also stated that in regards to the speed limit, it is a State road so they are the ones that determine what the speed limits are. Jay Stephens stated that a permit has already been received from the State for up to 40 homes to be allowed on this one entrance. Lee Jay Feldman said that when somebody wants to put a driveway that is off of a State road, the applicants have to make application to the Department of Transportation at the Scarborough office. They have field personnel that come out and take a look at the situation. They would be the ones that would determine whether a flashing light or proper signage would be needed. In this case, the drive opening permit has been issued based on 40 units going in. If there would be any flashing lights or signage requirements, it would have been a requirement as part of the permit. There were no requirements for this permit.

Heather Koelker stated that they will be doing construction right behind her house. She is concerned with the construction process. She has 3 young children and a yellow lab that is used to wandering the property for 6 years now. She is concerned with the construction vehicles being on the property or behind her property. She is wondering if there will be any safety measures in place for her family. Joe Carr stated that there was a 50 foot buffer between the lots and her property. He pointed out where they would start with the construction and said that the lots for the houses would be done later.

Mrs. Koelker asked if they knew when construction would begin. Mr. Carr said that once they have approval from the Board, they will come up with a schedule. Jay Stephens stated that they had submitted the plan as everything going in at one time. During the site walk, they were talking with the members of the Board and the Board asked them if they were going to complete it all at one time or not given the fact that you can only get 6 building permits in a given year. They decided to discuss with the Board the idea of phasing the project and doing it in chunks.

Jon Morse stated that with this project, there are no basements. It is just slabs. Everything is at ground level except for the underground utilities. This would be the only time they have to dig a hole so once they are in and backfilled that is it. There is not going to be a lot of equipment going in and out and it should be fairly quick.

Anne Whitten asked what the difference was between the traffic going into their site and all the traffic that goes up and down Route 4 anyway. She wondered how many construction vehicles would be going in and out at one time. Joe Carr said that the vehicles for the people working there would come in to work in the morning and would leave late afternoon when they were done for the day. Cement trucks and dump trucks would come and go.

Mr. Currier asked how many acres of trees they would be cutting down. Joe Carr stated that they will be removing the trees for the road and most of the trees where the homes will be. He stated that there are not a lot of big trees there. They will most probably be chipping them and not hauling them out on log trucks. Jay Stephens said that they are expecting to use almost 100% of that material to be used in erosion control around the project.

Hazen Currier asked them if they would or would not be sound proofing near his home. Joe Carr stated that he would rather plant trees. He also said that they will have a post and rail fence along property. Mr. Currier is worried about people coming onto his property. Jon Morse stated that if he is concerned about people coming onto his property he should probably put in a security system. Mr. Morse said that he can't expect the applicants to build something just because he is afraid of people coming onto his property.

Allan Litvinchyk said to Dennis Brown that a few years ago, he had a considerable amount of land clear cut and the trucks were all by his house. Mr. Brown said that when this happened, he did not own that land. He stated that they had trespassed on his land as well. Mr. Litvinchyk stated that he apparently had permission from someone to be there. Mr. Brown said that the property owner at the time thought that he had permission but he actually did not.

Patsy Bragdon stated that she didn't think that the current road was going to be the road that they were going to use for the entrance. She wondered if they were going to widen it. Mr. Carr said that they are going to widen and pave it. Mrs. Bragdon also stated that she lives across the street from the project and it is hard to come on and off Route 4 at times.

Christopher Jarochoym owns Lot 43 which is the large undeveloped lot. He was wondering what the design of the leach fields looked like as far as the ongoing maintenance of those 20 years from now. Will the Homeowners Association be responsible for replacing those or will it be the owners. Joe Carr said that it would be the owners. Jay Stephens stated that as a manufactured housing project and the State of Maine requirements, it is not a Homeowners Association. It has to be a Park Ownership and they have to own and control everything so they will be the entity that will do all the maintenance required.

Acting Chairman Reynolds closed the public hearing at 7:17 pm.

### 3.2 Other Business:

Jim Allaire stated that there are a couple things that are coming up. One of them is a 5 lot

subdivision off of Sunset Lane. They came before the Board once before and they are now coming back with a new plan.

Also there is a gentleman that wants to build a house in the Resource Protection District that will be coming before the Board.

Matthew Qualls asked if they wanted to add street lights or change speed limits, who would they approach to request it. Jim Allaire stated that if it was a State Road, it needs to go to them.

4. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:22 pm. Barry Chase seconded the motion.  
VOTE: 5-0

James Allaire  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls