

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD AUGUST 11, 2016

Present: Rick Reynolds, Barry Chase, Matthew Qualls, James Allaire, CEO

Absent: Chairman Geoffrey Aleva, Jon Morse, Anne Whitten

Also Present: Lee Jay Feldman from SMPDC, Gary Beers, Casey Truesdale, Pamela Davis, Nancy Graham, Dennis Brown, Joe Carr, Tom Harmon

1. Call To Order:

Vice Chairman Rick Reynolds will be the Acting Chairman for tonight. He called the meeting to order at 6:32 pm.

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

2. Review Previous Minutes:

The minutes from July 28, 2016 were not able to be approved tonight because of the three members present tonight, only two were at the last meeting.

3. Current Business:

3.1 Application review submitted by Casey Truesdale for the construction of a single family home in the Resource Protection District. Article 6.9.6 Factors Applicable to Conditional Uses. D – Special Exceptions

Casey Truesdale stepped forward to discuss the project. He is looking to build a 2 story single family home with a 1500 square foot building footprint. He would do between 800 to 900 square foot footprint to leave plenty of room to add decks or stairs. He said that he has also taken into account the 100 foot setback from the water, 50 foot setback from the road and 25 foot setback from the neighbors. Mr. Truesdale stated that Great Hill Survey Company mapped it out for him. He stated that he has not had the floor plans done yet because he wanted to try to get the permit approval first.

Acting Chairman Reynolds asked Jim Allaire if he had any comments about the project. Mr. Allaire stated that the lot is sandwiched between two lots that are developed. There have been several building permits approved for the property prior to the Resource Protection Zone going into effect. Acting Chairman Reynolds asked if he should be grandfathered. Mr. Allaire stated that they were not really grandfathered and the permits were never carried through. He stated

that if Mr. Truesdale is allowed to build it, he will be far more in compliance than what the neighbors are because he will have to follow all Best Practice Management as he builds the structure. Mr. Allaire stated that he has no problems with the project and if the Board approves it, he would give him the permit tomorrow.

Acting Chairman Reynolds stated that they can make any conditions based on depth of lot, surface of lot, potential for soil erosion, type and amount of vegetation to be removed and proposed, building site elevation in regards to the flood plain, and approximate vicinity to moderate value and high value wetlands. He stated that the site plan shows some of the grades around the project. He would like to know a little bit more about what is going to be removed from the site so they can make sure that the 100 foot high water setback will work. He says that it looks like it is pretty close. Barry Chase stated that he will need to get a Permit By Rule from the DEP to move earth within the 100 foot setback.

Barry Chase motioned to approve the Conditional Use Permit for the single family home for Casey Truesdale at 13 Staples Drive based on the survey plan done by Great Hill Survey Company. Matthew Qualls seconded the motion. VOTE: 3-0

3.2 Country Estates Mobile Home Park Preliminary Plan approval

Lee Jay Feldman from SMPDC stated that he had given the Board a copy of his memo regarding the project. He stated that it is basically the same memo that he has been carrying forward from the other meetings. He said that when they left the last meeting, the applicant was going to respond to all of the comments that Underwood Engineering had provided. The applicant responded back to Mr. Feldman and he has taken a number of the comments that were made in their address and turned them into conditions of approval for the Board to review. He stated that there are 16 conditions at the end of his report that need to be addressed either in the plans or with additional material as part of the final application submittal. At this time, the Board needs to review the recommendations on the last page of the memo and make a decision on each one.

Acting Chairman Reynolds started reviewing the recommendations:

1. A listing of the required permits and/or approvals as well as waivers will be added to one of the Subdivision Plans which will be recorded (S1 or S2).

Lee Jay Feldman stated that this means that basically any conditions of the approval at the final phase needs to be listed on the plans that will be recorded with the Registry of Deeds.

2. The approximate centerline of the released AT&T buried cable easement will be added to Plan Sheets C4 & C5 along with a note that any underground cable encountered during construction is to be removed in the area of the work.

3. Setbacks from the perimeter lots lines of the project site will be added to sheets S1 & S2.

4. Detailed survey data will be provided on sheets S1 & S2 at final submittal.
5. A note will be added to the plans that clearing is to be held to the minimum area needed to properly develop the units, drives and “tie-in” grading.
6. Notes will be added to the plan stating that the 50’ exterior buffer will be an undisturbed natural buffer. A landscaping plan for the entry roadway will be added to the plan set. A typical landscaping plan for an individual site will also be provided.
7. The back slope grades at this location will be changed to 2:1 which will eliminate encroachment on Lot 4/47-2.
8. The locations of over flow weirs will be shown on the plans.
9. Details of the septic system design be provided with the final submittal.’
10. North Berwick Water Department shall review the plans prior to final Planning Board submittal and the plans shall reflect all of their requirements.
11. The final plans will show the pump station location and construction details.
12. Sewer profile will be completed with the final plan submittal.
13. The Grass Filter Berm Details will include all of the information required by the Maine DEP Chapter 500 requirements and shall be shown on the final plan set.
14. The locations of emergency overflows will be reflected on the plans.
15. Trench details will be revised to note that on-site native material taken out of the trench will be used for backfill and compacted to 95%.
16. We will provide a copy of all submittals that are sent to the Maine DEP to the Town as well as a copy of any permit issued by the Maine DEP for the Town’s records.

Matthew Qualls asked where the numbers for compaction of 95% comes from. Tom Harmon stated that is the standard for construction.

Barry Chase motioned to grant Country Estates Mobile Home Park preliminary plan approval with the 16 conditions previously stated. Matthew Qualls seconded the motion. VOTE: 3-0

3.3 Mrs. Nancy Graham, Sketch Plan for 4 lot Minor Sub-Division.

Nancy Graham stated that she is here in lieu of Paul Danforth. He is the agent for Mrs. Graham

and this project but he got stuck at work so he couldn't be here. She stated that this is a sketch plan that was previously presented. She stated that it is for a 5 lot parcel plan with a piece of the 5th lot possibly being pieced off and sold to a neighbor. She stated that she lived at 23 Maple Street for 34 years but has recently sold her home. She stated that Paul's indication to her was that they request from the Board to move forward with the project.

Acting Chairman Reynolds stated that usually they put lot distances and other things on the plan and there are none on this one. Also it is a plan for 5 lots which makes it a major subdivision. Mrs. Graham stated that she believes what was originally proposed and approved was that they would be able to do a 5 lot piece because they are going to put a right of way into the 5th lot. Lee Jay Feldman stated that he believes it was because Lot #5 wasn't going to have enough frontage unless the road was extended. He said that this was going to be the driveway access for Lot #5. It was going to be a right of way with a hammerhead turnaround for the town's plows, which would give them the required frontage. It would act as the driveway and a turnaround.

Acting Chairman Reynolds asked what minimum road frontage was and what zone it was located in. Lee Jay Feldman stated that it requires 100 feet and it is in Village A District. Mr. Feldman gave Mrs. Graham his card so she could have Paul Danforth call him to go over a few things such as the sewer and water. Acting Chairman Reynolds asked if this would actually be considered a major subdivision and Mr. Feldman said that it would be.

Lee Jay Feldman had an invoice for the establishment of the escrow account for the amount of \$1350.00. This would need to be submitted to Dwayne Morin. He said that the next steps would be to clean up the plan and make it a survey type plan. Barry Chase stated that they need to have a preliminary plan for their next meeting with the Board. Barry Chase asked when the house was sold. Mrs. Graham said that it was sold back in 2014. Mr. Chase stated that because it is less than 5 years, that will need to be included in the subdivision to technically make it a 6 lot subdivision. Lee Jay Feldman stated that it will not make a big difference in the overall picture, but because of how the State law is set up, they will have to include it. Mrs. Graham stated that she remembered talking about this situation with her lawyer a couple of years ago. She was wondering if adding it as a 6th lot will make a difference with the cost of the subdivision. Mr. Feldman said that he couldn't tell her that regarding the submission fee but for the Planning Board to do their review and anything beyond that, it will not be recognized as a lot. Mr. Feldman said that it is mostly just a technicality.

3.4 Other Business

The Board discussed that this was Jim Allaire's last meeting. Lee Jay Feldman stated that the new CEO was currently the Assistant CEO in Biddeford and he will be starting on the 22nd.

4. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:06 pm. Barry Chase seconded the motion.
VOTE: 3-0

James Allaire
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Jon Morse

Anne Whitten

Matthew Qualls