

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD AUGUST 24, 2017

**Present:** Chairman Geoffrey Aleva, Anne Whitten, Barry Chase, Jon Morse, David Ballard, Roger Frechette, CEO

**Absent:** Matthew Qualls

**Also Present:** Lee Jay Feldman from SMPDC, Dwayne Morin, Patsy Bragdon, Ralph Bragdon, Joe Carr, Dennis Brown, Tom Harmon

1. Call To Order:

Chairman Geoffrey Aleva called the meeting to order at 6:30 pm.

Chairman Aleva moved David Ballard up to full voting status.

2. Review Previous Minutes:

Chairman Aleva stated that the first set of minutes to review were the ones from June 22, 2017.

Anne Whitten motioned to approve the minutes of June 22, 2017 as written. Jon Morse seconded the motion. VOTE: 4-0 Abstain: 1

The next set of minutes to review were the ones from August 10, 2017.

It was decided to hold off on approving these until the next meeting.

Chairman Aleva stated that he was recusing himself from voting on the project because of a conflict of interest. He will however remain at the table for discussions.

3. Current Business:

3.1 Continuing review Country Estates Mobile Home Park – The applicant is proposing a 39 lot 55 and older mobile home park located on High Street. (Tax Map 04 Lot 44, 47, 46 and 44-1)

Chairman Aleva asked Lee Jay Feldman if he had any comments to make regarding the project. Mr. Feldman is wondering where they are in the process because his folder from the last meeting that he was at and in looking at the minutes from that meeting, the project was approved with a 4-0 vote. Dwayne Morin stated that the approval was rescinded at the next meeting. Mr. Feldman stated that he was not made aware of that decision.

Tom Harmon stated that, at the last meeting, they had brought the plans that the Board and the Town Manager had required and there were also some questions regarding the parking lot being used as a turnaround at the end of Phase 1. The Board at that point wasn't comfortable to make a decision without Dwayne and Lee Jay being present to give their feedback on the project. Mr. Harmon stated that Joe Carr also had questions regarding some of the permits. He stated that they were back tonight to get some clarification on the permits and he also said that the plans had not changed since that meeting.

Chairman Aleva asked Roger Frechette if he had any comments to make because he was sure that he and Dwayne had spoken about the project. Mr. Frechette said that he would let Dwayne explain. Dwayne Morin stated that about a month or so ago, the Planning Board approved the plan but then the developer came back and said that they wanted to phase the plan. The Planning Board then rescinded their previous approval vote and started looking at the phasing plan. He said that they reviewed the phasing plan and he made some recommendations for some changes to the plan. He said that he had also spoken with Roger, Lee Jay and some consultants to let them know what he would like to do for phasing. He said that the other big thing to consider is our Performance Guarantees. Under our Ordinance, the Performance Guarantee needs to be established for every subdivision. The Planning Board had not established a Performance Guarantee so as part of the phasing, they wrapped the Performance Guarantee into the memo that he had submitted.

Dwayne stated that he didn't have many problems with the phasing. The biggest thing that he recommended during Phase 1 and Phase 2 was that road construction be constructed as proposed except for surface pavement. He wants all water lines extended beyond the base pavement so when they go on to the next phase, they won't be digging into base pavement. He had no problem with their septic proposal. Regarding their power, he recommended that all underground power be extended beyond paving so they don't have to go back and dig into the pavement. He also had no problem with their stormwater portion of their phasing.

During Phase 1, Dwayne stated that he had conversations with Mr. Carr. Mr. Carr had stated that he was going to lay out the road, grub the road, and cut and fill the road according to the proposed plan, but he just wasn't going to put in good gravel. Dwayne recommended that, during Phase 1, the entire road be laid out, grubbed, cut and filled and that a temporary turnaround be installed in the visitor's parking lot that is shown on the plan. This could be used for the turning of vehicles and plowing of the project during the winter months. He also recommended that the landscaping be done. Dwayne stated that this seemed to be where the Planning Board had some confusion at the last meeting because in Phase 2 he stated that the temporary turnaround should be removed. Dwayne stated that because they don't know how long Phase 1 will take. He said that they need to look at a worst case scenario. If it never goes beyond Phase 1, there needs to be a turnaround. We cannot have dead end roads in our town so he recommended that instead of building the parking lot for this Phase 1, they should put a turnaround in. When they move to Phase 2 they could get rid of the turnaround and build the parking lot. The whole idea is to save the developer money.

Dwayne stated that he had recommended that no building permits be issued until all the improvements were completed. Under our Ordinance, the Planning Board can vote to allow up to 2 building permits to be issued during construction. He had recommended against that because, not realizing what the overall plan for the development was, water and sewer need to be in place before occupancy. However, Mr. Carr would like to put them in place for show homes so he has no problems issuing 2 permits for show homes with the understanding that occupancy will not be granted until all occupancy permit requirements are met.

Dwayne stated that the other recommendation was that a reclamation bond of \$24,000 be established. Mr. Carr agreed to this. This is just to make sure that if the subdivision was not to move forward, the town can get in there and stabilize everything so there is no runoff erosion control issues.

Anne Whitten said to Dwayne that he was recommending that they do a turnaround but since we do not allow dead end roads, wouldn't they have to do a turnaround? Dwayne stated that, in his judgement, they have to put a turnaround. Anne Whitten asked the applicant if they had anything in the plans that created a turnaround and not a parking lot. Mr. Harmon said that his understanding from reading Dwayne's memo was that the parking lot was to be the turnaround. Anne Whitten stated that a turnaround is deeper than a parking lot. Mr. Carr stated that they will be doing the intersection so people would turn left, back into the parking lot space and then pull out. Dwayne said that his problem with utilizing that road as the turnaround is that it is wrong angles. He stated that if a firetruck has to go beyond that intersection, there is no way that a firetruck can turn around and get back up because it is not a 90 degree angle. That is why a turnaround is needed at the end of where they will be building the road. Tom Harmon asked Dwayne what our definition of a turnaround was and Dwayne said that it was 50x50.

Anne Whitten asked if they had to read the Findings of Fact into the record. Lee Jay Feldman stated that they only do the Findings of Fact once they approve the plan. Since the Board had rescinded their original approval, he will have to change them based on the meeting tonight. Dwayne stated that he had already made the changes. Dwayne read what he wrote for the final recommendation to be considered:

The Project may be developed in three phases in accordance with the approved phasing plan. A financial performance guarantee to the Town, an amount acceptable to the Town in the amount of \$24,000, shall be established for the reclamation of the project should the project not be completed so that disturbed areas are properly stabilized. All capital improvements shall be completed in accordance with the approved phasing plan prior to the issuance of building permits for lots in each phase or a performance guarantee, acceptable to the Town, is submitted in an amount necessary, as determined by the Town, to cover the completion of the required improvements for the entire project. In Phase 1, two building permits may be issued prior to the completion of the phase, however, occupancy shall not be granted until all occupancy requirements are met including water and sewage.

- Phase 1: Lots 1 thru 4, 24 and 25
- Phase 2: Lots 5 thru 12 and 26 thru 32
- Phase 3: Lots 13 thru 23 and 33 thru 39

Barry Chase motioned to approve the plan for Country Estates Mobile Home Park to construct a 39 lot mobile home park on High Street (Tax Map 04 Lot 44, 47, 46 and 44-1) with the updated Findings of Fact and the following conditions:

1. A turnaround will be installed at Station 1400 for emergency vehicle access for Phase 1.

Jon Morse seconded the motion. VOTE: 4-0 Abstain: 1

### 3.2 Other Business:

Dwayne stated that the Board of Selectmen are proposing a moratorium regarding the marijuana laws. He will be sending a draft for them to review at their next meeting. They are looking to have it for the Town Meeting for the townspeople to vote on. They want a moratorium in place because the State has not decided what the rules and regulations will be yet. Having a moratorium in place will allow us to put together our own regulations and guidelines after we find out what we are able to regulate.

### 4. Adjournment:

Anne Whitten motioned to adjourn the meeting at 6:55 pm. Barry Chase seconded the motion. VOTE: 5-0

Roger Frechette  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard