

# NORTH BERWICK PLANNING BOARD

## MINUTES OF PLANNING BOARD OCTOBER 12, 2017

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

**Also Present:** James Bacon from Great Hill Survey Company, Harley Regonini

1. Call To Order:

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

2. Review Previous Minutes:

Jon Morse stated that on Page 2, the 3<sup>rd</sup> sentence in the 1<sup>st</sup> paragraph current reads, “Anything inside of the property can be granite, slip form or concrete.”. The “or” needs to be removed so it just states “slip form concrete”.

Jon Morse motioned to approve the minutes of September 28, 2017 as amended. Barry Chase seconded the motion. VOTE: 6-0

3. Current Business:

3.1 Preliminary Sketch review of a 3 lot subdivision on land owned by Harley Regonini Map 20, Lot 006 located at 61 Somersworth Road

James Bacon from Great Hill Survey Company stepped forward to discuss the project. He stated that the lot on record came out in 1948 and it has stayed the same since then with the exception of a 20 foot strip that was sold to the abutter. They are proposing a 3 lot subdivision with a dwelling in the middle with 2 vacant lots on each side. They have the DOT permits completed. He stated that this is in the Village A zone which has a 20,000 sf minimum. The smallest lot they will have is almost double the minimum lot size. He stated that they have not done the soils yet but they will be doing that soon. Chairman Aleva asked if there were any wetlands on the property and Mr. Bacon said there was not. Mr. Bacon stated that they have an existing septic system and 2 wells. He said that there were no easements existing and there were none being proposed.

Jon Morse asked what District this was located in. Roger Frechette said that it was in the Village A and the Village C Overlay. Chairman Aleva asked if the driveway locations that are shown on the plan are what was approved by DOT. Mr. Bacon said that they were and they did receive approval for both of them. Chairman Aleva stated that our Ordinance says that an applicant needs to take out wetland areas from the lot areas. He asked Roger if he had any

concerns about that for this project. Roger said that he did not. Chairman Aleva asked if the applicant is required to delineate the wetlands on the plan. Roger stated that they should show it on the plan if there are any but he doesn't think that there will be any issues with this. Chairman Aleva stated that there is no issue with creating this lot because the existing lot is a non-conforming lot due to the setback of the house. When creating the additional lot, it does not become any more non-conforming so it is not an issue.

Anne Whitten asked Roger what was needed for an escrow amount. Roger said that it needs to be \$2,500. Roger explained to the applicant that they need to set up an escrow account to cover the cost of the review and the mailings. Whatever amount is not used will be refunded to the applicant. The applicant stated that \$2,500 was quite a bit of money. Anne Whitten stated that Lee Jay Feldman from SMPDC reviews the whole process so part of the cost goes to them for his services. The applicant asked why they need to have Lee Jay review for a minor subdivision. Roger stated that it was up to the Planning Board. Barry Chase feels that the \$2,500 is a little excessive. He said that there is really no improvements happening. There are just lot lines. Chairman Aleva just wants to make sure that there is information on the test pits and can get septic out to all areas. He told the applicant that while they are digging for the soil testing, have them check to see if there are wetlands. Our Ordinance does state that they are supposed to indicate on a subdivision plan if there are wetlands. If there are any, they need to be deducted from the lot area. Chairman Aleva stated that his recommendation, in order to stay consistent, is that they show this on the plan.

David Ballard asked if they meant there should be no escrow or if it should be less. Chairman Aleva said that they would definitely need to have an escrow. All of the abutters need to be notified by certified mail and there is a charge for the legal notice in the newspaper. Matthew Qualls stated that if Lee Jay Feldman doesn't need to look at it, then the amount of the escrow would not be as high. Barry Chase stated that, from the way he always understood it from the past, they only have Lee Jay come in if the Board is looking for some guidance. He doesn't feel that they need Lee Jay for this project. Barry Chase asked Roger about how much it would cost for the mailings. Roger stated that he thinks the cost is \$7.20 per mailing and the legal notice is about \$250. Jon Morse asked how many abutters there were. Barry Chase said that they need to send it to any within 500 feet. Chairman Aleva believes that \$500 should cover it.

Anne Whitten stated that she is not comfortable with not having Lee Jay review the project. She stated that she is not an engineer or surveyor and having him overlook it gives her a better feeling that everything is going right. She understands that Chairman Aleva and Barry Chase are trying to help the applicant with his costs, but she is not out to look for the applicant and his costs. She is looking to make sure that what she is signing is correct. David Ballard asked if Lee Jay would just review the sketch plan. Roger said that he would look at everything that the applicant turns in for review. James Bacon asked what Lee Jay would possibly pick up that the Planning Board wouldn't pick up. He feels that it would be a little redundant to have everyone review this because it is a pretty straight forward project. Chairman Aleva agreed. He stated that the applicant had an excess in frontage and an excess in lot area. Chairman Aleva told the

applicant that he should probably add a table to the plan that lists what the zoning requirements are. They will have the soils on the plan. If there are any wetlands, they will show it on this plan so they can look at what the dimensional requirements are for this zone so the lots meet the requirements. Chairman Aleva stated that they are not creating any new infrastructure for this project. He thinks that the Planning Board's review of the Ordinance will be sufficient. He stated that if they were creating a road or doing something else more extensive, it would make sense to have Lee Jay review it.

Chairman Aleva is recommending that they establish the escrow amount at \$500, receive an updated plan that has the information we discussed with the Board and set up a Public Hearing. He doesn't feel that a site walk is needed for this project.

Roger Frechette stated that they need to have contour line intervals. These are typically 10 feet and shows how high or how low the land is going. James Bacon stated that he was going to ask for a waiver on the contour lines. All they are doing is putting a driveway and 2 buildings. Chairman Aleva asked if everything drains to the road right now and Mr. Bacon said it did. Chairman Aleva said that when they met with the DOT, they probably had recommendations of what they wanted regarding culverts and other things regarding the driveway. Harley Regonini stated that they required no culverts for both driveways. Jon Morse stated that Lot 1 was quite high and they will probably need to cut down to get to the main road. Mr. Bacon stated that they had to put the entrance there because DOT wouldn't give them a waiver because there was just enough room between driveways in the 40 mph zone. Mr. Bacon said that there is a little bit of a rise there but it's not too bad for a driveway location.

Chairman Aleva stated that #31 of the application is a list of waivers that the applicant is looking to obtain. The Board should discuss these. The first item is regarding topography. The applicant is requesting that they don't add contours to the plan because they state that no engineering of roads is planned. Anne Whitten asked Chairman Aleva what the pros and cons would be in granting this waiver. Matthew Qualls said that driveway could be too steep. Anne Whitten asked why we would want to give them a waiver for this. Chairman Aleva said that it is a simple plan. Anne Whitten asked if this is something that they need to decide on tonight. Roger Frechette said that it would be good if they did so the applicant knows what to bring back for the next meeting. If the Board is unsure about granting this waiver, Chairman Aleva suggested that they may want to do a site walk. The Board agreed. We can address this waiver after the site walk.

The next waiver request is regarding monuments. Chairman Aleva stated that the original monuments exist at all corners. They are proposing to add monuments at the new lines. Our Ordinance states that all corners need to have monuments and they are on this property. Mr. Bacon stated that they are proposing 5/8 iron rods with a cap on. Chairman Aleva stated that he didn't have a problem with this.

The next waiver request is regarding fire suppression. The applicant states that they will utilize the existing fire hydrant. Mr. Bacon stated that there is a fire hydrant about 1000 feet down Route 4 by the Hannaford store. Chairman Aleva asked Roger if they should have the Fire Chief take a look at it and see if he is okay with it. Roger said that they should probably have him review it. Chairman Aleva said that he thinks it will be sufficient. David Ballard said that the Ordinance states that if the district supply line is extended, a written statement from the Fire Chief would be needed. They are not extending so we do not need a statement from the Fire Chief.

The next waiver request is regarding storm water and drainage. Chairman Aleva said that they can wait and assess this after the site walk.

The next waiver request is regarding open space. Chairman Aleva stated that he didn't think there was a requirement for minor subdivisions. Roger said there was no requirement.

The next waiver request is regarding utilities. The applicant would like to have overhead utilities. Chairman Aleva asked Roger what our Ordinance requires for utilities. Roger stated that it was up to the applicant as to whether to have it overhead or underground.

Chairman Aleva went over the conditions that the Board had discussed.

1. Establish an escrow of \$500.
2. Do a site walk.
3. The plan needs to indicate the soil test for the septic and finalized by the final plan.
4. Assessment for the wetlands.
5. Add zoning requirements to the plan so they know what the minimum standards are for lots.

Chairman Aleva stated that they usually do site walks before a meeting. They could schedule the site walk at around 5:45 prior to the next meeting on 10/26.

Anne Whitten motioned to have the site walk at 61 Somersworth Road at 5:45 pm before the meeting on 10/26/17. Barry Chase seconded the motion. VOTE: 5-0

Jon Morse motioned to set an escrow amount at \$500. Barry Chase seconded the motion. VOTE: 4-1

4. Other Business:

Roger Frechette stated that a property owner on Fox Farm Hill Road wants to put in a disc golf on his property.

Roger said that they will also have the change of use for the place on Elm Street. The applicant wants to set up shop to sell medical marijuana to his caregivers. He will grow it elsewhere and sell it here. The Board will need to review and set up conditions for things such as security and odor.

5. Adjournment:

Matthew Qualls motioned to adjourn the meeting at 7:31 pm. Anne Whitten 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

Annette Hume