

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD APRIL 26, 2018

Present: Chairman Geoffrey Aleva, Anne Whitten, Jon Morse, Matthew Qualls, David Ballard, Annette Hume, Scott Strynar, Roger Frechette, CEO

Also Present: Lee Jay Feldman from SMPDC, Marc Cardullo, Dana Libby, Paul Danforth, Charlie Desmond, Tim Wood, Mike Perry, Nate Russell, M. Patterson

1. Call To Order:

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

2. Review Previous Minutes:

Matthew Qualls motioned to approve the minutes of April 12, 2018 as written. Anne Whitten seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Continue review of a 5 lot subdivision located at Sunset Avenue, Tax Map 21, Lot 10-1

Chairman Aleva asked Roger Frechette if he had any comments regarding this project. Chairman Aleva stated that they have a memo from Dwayne Morin that is dated today and he asked Paul Danforth if he had seen this memo. Mr. Danforth said that he had seen it. Mr. Frechette said he had no additional comments at this time.

Chairman Aleva asked Paul Danforth to discuss the project. Mr. Danforth stated that he is the one that prepared the plan and is acting on behalf of Nancy Graham who owns the property. He passed out some of the plans to the members. Chairman Aleva asked him to explain what had been changed from the plan that was presented at the Public Hearing to the one here tonight.

Paul Danforth stated that one of the abutters, Tim Wood, was concerned about the turnaround and the proximity to his home. Mr. Danforth met with Mr. Wood and they took a look at it and Mr. Danforth agreed with him. He called Dwayne Morin and told him that they really need to move the turnaround to a different place. Mr. Danforth stated that if they were to turn a bus around, it would either be in his living room or it will be off the pavement at the end of the road. He said that this just didn't make sense to have it down at the far end since there is no road that is down further. Mr. Danforth moved the turnaround back up to where it was in original plan. He left a little alley way to the east side of it for the driveway but Dwayne doesn't want the driveway in that alley way because he said it would be too close. Mr. Danforth moved it a little

further and added an easement. Dwayne was okay with that. Mr. Danforth stated that they currently put a 15 foot wide easement and will probably end up straddling the driveway on the property line. This will get over 30 feet away from the pavement of the turnaround. Dwayne told him that this would be sufficient enough and he would issue a driveway permit with the new configuration. Chairman Aleva asked if the driveway would be for Lots 4 and 5 but Mr. Danforth stated it would only be for Lot 5. Mr. Danforth doesn't believe that common driveways are a good thing.

Mr. Danforth stated that another change was that he added a hydrant which is to the easterly side of the right of way at the turnaround. They will extend the 6 inch line off the end and run it over to the development. Jon Morse asked about the telephone pole that they were concerned with. Mr. Danforth stated that, right now, because it is the last pole, it wants to pull up the road. They can put a brace on it to hold it in place. Chairman Aleva asked if this would interfere with the hydrant location and Mr. Danforth said that it would not.

Mr. Danforth said that part of the concerns were that they were going to have so many cross cuts through the pavement. He will get 2 and 3 utilities in each one of those cuts. Rather than having 9 strips cut out of the pavement, he has set up to only have 4. He feels that this is a good faith effort to minimize the impact to Sunset Avenue from cutting it up and having saggy pavement. He thinks that if the pavement settles because the trench is not properly compacted as a lot of them do, there will probably be a little reserve pool left. This could be ground out the following year and they would then put in an inch of surface to bring it back to level. Anne Whitten asked if this was instead of paving the whole road as Dwayne had suggested and Mr. Danforth said that it was. She asked if he had spoken with Dwayne about this yet. Mr. Danforth said that he drew up a little sketch and sent it to Dwayne but he has not received any comments back yet.

Jon Morse asked if the water line was already in on Sunset Avenue and Mr. Danforth said that it was. It is located on the south side of the road. Mr. Morse asked about the sewer and where it was located. Mr. Danforth said that it was about 3 to 5 feet from the north side of the pavement. He would do a pump station for Lot 5, run it along the side of the right of way and then connect in with the sanitary connections between Lots 3 and 4. This would have 3 sanitary lines crossing the road. One would be the pump line and two would be the gravity lines. Chairman Aleva stated that they will need to see the approval from the Water District and Sewer District for these connections. Mr. Danforth said that he will be working on that shortly. He stated that Section 8.1 for the Final Plan in the Ordinance says that before he can come back to the Board, he needs to have these approvals.

Anne Whitten asked Roger Frechette if he had talked to the various departments to find out if they were for or against this project. Mr. Frechette said that he had not. Dwayne told him that the departments did not have to respond. If they don't respond then it means they have no issues.

Chairman Aleva stated that there is a lot of text on the plan that they can't read because it is too dark. Mr. Danforth stated that the conversion from the CAD drawing to the PDF has been poor.

He will work on it for the final plan. Anne Whitten asked if they were going to get a letter from CMP like Dwayne had requested. Mr. Danforth said that he had not gotten to that yet. Lee Jay Feldman said that he should work with CMP anyway to establish a brace for the pole. He said that it would be a good idea to get something from CMP for the Final Plan.

Scott Strynar asked Mr. Danforth if the driveway for Lot 5 could be on the westerly side. Mr. Danforth said that there is a significant ditch on that side as you are coming down the hill and starts to get into Mr. Wood's yard. He stated that Dwayne would probably not issue a permit to someone who would want it there.

David Ballard asked about the paving of the road and if Dwayne had made any comments about it. Dwayne told Mr. Frechette that he wouldn't have a problem with them having just a few cuts and just patching it up.

Chairman Aleva asked Mr. Danforth when he thought he would be back with the Final Plan. Mr. Danforth said that he is expecting to be back in a couple weeks. It will depend on when he gets the approval from the Sanitary and Water District. Lee Jay Feldman stated that if they want to approve the preliminary plan tonight, they can approve it with the conditions that the letters will be part of the final packet so that they have them for review with the Final Plan. If they don't have them with the review for the Final Plan, then the application will not be heard.

David Ballard asked what the width of the Sunset Avenue was. Chairman Aleva said that it is two lanes but it is only a 20 foot right of way. Most right of ways are 50 feet. Paul Danforth stated that he will add the dimension of what the right of way is to the plan.

Anne Whitten motioned to approve the preliminary plan for Sunset Avenue subdivision Tax Map 021 Lot 01-1 with the condition that we have the letters from the Sanitary District, Water District, Road Commissioner and CMP for final. Matthew Qualls seconded the motion.

Matthew Qualls stated that they had mentioned before about the confusion with the labeling of the Plan. It stated proposed lots were 5 but on the right hand side it listed them as A, B, C, D and E. Chairman Aleva stated that it is hard to tell what they are. Mr. Danforth stated that if you look over Mr. Wood's property and the little roadway in between, you will see Parcel B. The note that states Parcel B is referring to this parcel. It is to distinguish it from the 5 lots. Parcel A is the 10 foot strip that is being donated to the municipality.

VOTE: 5-0

3.2 Sketch review of an 8 lot subdivision located on the corner of Valley Road and Oak Woods Road, Tax Map 4, Lot 6

Chairman Aleva asked Roger Frechette if he had any comments regarding this project and Mr. Frechette said that he did not have any comments.

Dana Libby from Corner Post Land Surveying is here representing the project along with Mark Patterson who is the property owner. They are proposing an 8 lot subdivision at the corner of Valley Road and Oak Woods Road. The property is 25 acres and is located in 3 different zones. The zone along Valley Road is in Farm and Forest and the lots on Oak Woods Road are partly in Residential II and Village B Districts. They have supplied 2 foot lateral contours and the mapping of the wetlands is general mapping. The wetland mapper will be out there sometime next week to map the wetlands. All of the houses will access their own driveways to each road. As far as other environmental concerns, the Great Blue Heron is approximately 1500 feet away on the northeast side of the road. All of the lots meet the 2 acre requirement even though they are split by the 2 zones. All of the lots will utilize onsite septic disposal and onsite wells. They are asking to utilize overhead utilities for these.

Chairman Aleva asked if the wetlands were going to be delineated by a wetland scientist and Mr. Libby said that it would be. Chairman Aleva asked if there were any vernal pools and Mr. Libby said that he is sure that they would be looking into it. Chairman Aleva asked Lee Jay Feldman if on our subdivision plans, it requires that they do test pits for septic. Mr. Feldman said that even if they are not, he would recommend that they require test pits location for septic and buffer for wells. Mr. Libby stated that these will all be soil tested. The test pits will be shown with proposed locations for septic with exclusion zones for the wells.

Chairman Aleva said that he thinks it is pretty straightforward. The frontage lots meet the zoning requirements. He stated that since this is a subdivision, we would have to take out the wetland area from the lot area.

Jon Morse said that since they are in 2 zones, how are the setbacks for the driveways determined? Mr. Libby stated that they have used the most restrictive. Lee Jay Feldman stated that Section 2.4 Division of Lots by District Boundaries reads, "Where a Zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot."

Anne Whitten asked Lee Jay Feldman if they will need to do storm water management. Mr. Feldman thinks that they will probably be looking at putting it into the roadside ditch so a waiver of the storm water management may be required. Mr. Libby stated that the plan is to do small individual plans for each lot. Mr. Feldman asked if this meant they would be proposing some final grading areas on each lot. Mr. Libby said that this would be up to the engineer. He is just looking at the drainage. He doesn't think there will be specific grading. There will be grading around the house. Mr. Feldman said that they are going to have to make sure of this. If they are talking about storm water down the road for each of these individual lots, they may not want to get each individual lot owner hemmed into some sort of grading plan that they may not want to

deal with. Mr. Libby said that they would discuss it with the engineer. David Ballard asked if there was a stream running through that area. Mr. Libby said that there is a brook and there is a 250 foot resource protection zone.

Chairman Aleva went over the checklist of the things that the applicant has to do. He asked the Board if they wanted to set up a site walk now or wait until they get more information from a preliminary plan. He also stated that since these are frontage lots and the houses are really tucked tight to the front property line, do they want to make the applicant do more work on contours or topography out in those areas. The other thing they need to discuss is the setting up of an escrow account.

Anne Whitten stated that she would like to see the property so it gives her a better understanding when they review the plan. Matthew Qualls agreed. Jon Morse asked Mr. Libby if the site was surveyed right now with corner sticks. Mr. Libby said it was not but he will make sure it is set up for a site walk. Chairman Aleva asked the Board if they wanted to wait until they have a preliminary plan so they have the wetlands shown accurately on it. Matthew Qualls said that it would be a good idea to wait for the wetlands to be done. Anne Whitten and Annette Hume stated that they would like to go out and see it now. Chairman Aleva said that he would rather wait until they have it on the plan so they can look at it as they are walking around. Mr. Libby stated that they could be back here with a submission in 2 to 3 weeks. Jon Morse asked if they had cleared any of the property yet and Mr. Libby said that they had. Chairman Aleva said that they can set a date for the site walk at the next meeting.

Chairman Aleva stated that he has no problems with them using the LiDar information for the contouring. He feels that it is more than accurate for what they will need. Mr. Libby stated that his experience with the LiDar photography is within 6 inches. As long as the lot hasn't been altered then it should be all set. Anne Whitten asked what the LiDar information was. Chairman Aleva said that it is the contour topography generated from aerial photography. Mr. Libby stated that it is a laser scan of the land. The Board agreed that the LiDar photography would be fine.

Chairman Aleva stated that they needed to establish an escrow account. This will cover application fees, advertising, mailings and review by Lee Jay Feldman and his group.

Scott Strynar asked if they were looking at a home owner's association for this development. Mr. Libby said that it wasn't. Mr. Strynar said that he read the covenant's in this. Mr. Libby said that those refer to the deed restrictions.

Mark Patterson asked if they voted on sketch plans subject to a site walk. Chairman Aleva said that they did not vote on sketch plans. Mr. Patterson stated that in looking at the setbacks, these are 200 foot frontage lots and 60 foot side setbacks is fairly restrictive. He stated that it is the most restrictive that he has seen in a community in Southern Maine. He feels that this is quite challenging. He knows that this is not something that they can do for this project because any

changes need to be voted on by Town Meeting, but he feels that they should look into making it less restrictive. Jon Morse agreed with this.

Chairman Aleva stated that the escrow amount is \$4,500. Mr. Libby said that they will bring it with the next submission. Anne Whitten stated this is subject to change.

3.3 Other Business

Roger Frechette said that he had nothing at this time.

4. Adjournment

Matthew Qualls motioned to adjourn the meeting at 7:23 pm. Jon Morse seconded the motion.
VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard

Annette Hume

Scott Strynar