

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JULY 12, 2018

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

Absent: Jon Morse

Also Present: Lee Jay Feldman from SMPDC, Nancy Graham, Paul Danforth

1. Call To Order:

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

2. Review Previous Minutes:

David Ballard stated that the date at the top of the minutes stated June 28, 2016 but it should be 2018.

Anne Whitten motioned to approve the minutes of June 28, 2018 as amended. Annette Hume seconded the motion. VOTE: 5-0 Abstain: 1

3. Current Business:

3.1 Continued review of a 5 lot subdivision on land owned by Nancy Graham Trustee located on Sunset Avenue.

Lee Jay Feldman stated that since the last meeting, the plan has been updated. The Town Manager wanted to see the proposed conveyance for the turnaround on Lot 5 relocated from the far westerly side of the property to the easterly portion of the property. This has been done. Mr. Feldman said that they received the water and sewer letters stating that they both have capacity and ability to serve. There are also more detailed plans that show the water and sewer lines running to the property and how they are going to accomplish that.

Lee Jay stated that there is a memo from the Dwayne Morin that includes 3 conditions. The Board also has the Findings of Fact to review. Chairman Aleva asked Paul Danforth to go over the items that Dwayne was asking about. Paul Danforth stated that if they look at Note 1, Dwayne wanted the wording to show that because Nancy Graham was going to be donating a 10 foot strip along Sunset Avenue as an enhancement to widen the right of way to take it from 20 feet to 30 feet. There is a provision in the Ordinance and Dwayne wanted them to reference that. The note states, "Reserved for road and realignment for widening purposes on the existing

Sunset Avenue right of ways.”. Mr. Danforth stated that on Parcel D, Dwayne wanted a note regarding the turnaround added in. It states, “It will be deeded to the Town of North Berwick after satisfactory construction for use as a turnaround for the maintenance of Sunset Avenue.”. Mr. Danforth stated that he added everything that Dwayne had mentioned to him. One of the other things that Dwayne talked about was having a note that required the developer to place a push brace, then remove the existing guy and anchor in accordance with Consolidated Communication letter dated 6/12/2018. This note was added to the plan. Mr. Danforth stated that the last note that Dwayne had in his review was regarding the drainage ditch along Sunset Avenue. Dwayne wants it stabilized and filled in because it is a deep ditch. He recommends that the ditch be filled in to a 3:1 max slope on the front and back of the drainage swale.

Mr. Danforth said that Dwayne had also mentioned that they were going to be opening up alot of street locations. There are 9 to be exact. They have cut it down to 4 and Dwayne was happy that they were able to do that. Mr. Danforth stated that the letters from the water and septic were more than just capacity letters. They actually reviewed the plan and approved it.

Chairman Aleva stated that Lee Jay Feldman has prepared Findings of Fact for the project. Mr. Feldman read them into the minutes:

Findings of Fact
Subdivision Review
Sunset Avenue Subdivision

The Owner of Record is Nancy Graham and has been represented by Paul Danforth for the purposes of securing a 5 lot subdivision on Sunset Avenue in the Village A zone. Zoning requires 20,000 square feet on sewered property with 100 feet of frontage per lot. The applicant proposes to extend sewer from Maple Street via a 20’ easement as shown on the plan. The applicant also plans on providing the town with a 50’ Hammerhead turnaround on Sunset Avenue. The applicant appeared in front of the planning board for preliminary review and approval on February 22, 2018. One person from the public spoke only asking questions regarding the project but neither for or against. The Board held a meeting on April 12, 2018 only to table the application due to a concern from the Town Manager on the proposed location of the Hammerhead turnaround and lack of a capacity letter from the sewer district. The Board completed its review on April 26. The Planning Board met on July 12, 2018 to go over the final plan set with the applicant. The plans had been changed to address turnaround issues at the end of Sunset Avenue as well obtaining both Sewer and Water District sign offs for the design which included stub locations for both services.

The purposes of this ordinance are to assure the comfort, convenience, safety, health and welfare of the people, of the Town of North Berwick, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of North Berwick, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of

this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30-A, M.R.S.A. sections 4401 to 4407. The subdivision:

1.1 Will not result in undue water on air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and sub-soils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable State and local health and water resource rules and regulations;

This site is flat and has no streams or brooks that will be impacted by direct runoff. The site will be served by the Town's sewer system.

1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

A letter from the Town's Water District indicates that the site can be served by town water for the foreseeable future. The applicant has agreed to extend the public water system in order to serve this subdivision.

1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

See 1.2 above

1.4 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

Soil in this area is stable, the site has no slopes there should be no negative impacts to the site. The Subdivider is not doing any work on the lots that require earth movement work.

1.5 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

The subdivision consists of 5 residential house lots in an established residential neighborhood. No additional traffic impacts are foreseen.

1.6 Sewage disposal. The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

See 1.1 above

1.7 Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

The Sewer District has signed off on capacity and on the design of the proposed sewer extension.

1.8 Aesthetic, cultural and natural values. The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality,

or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline

There are no know historic sites in the neighborhood, and this development is an infill project to an already developed neighborhood.

1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any;

This project is consistent with the comprehensive plan and current zoning ordinances.

1.10 The sub-divider has adequate financial and technical capacity to meet the above stated standards;

Nothing the applicant is doing at this time is of substantial cost to the applicant that requires a letter from a financial institution. The sewer and water extensions will need to be addressed by both districts.

1.11 Surface waters, outstanding river segments. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of wetland, great pond or river as defined in Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

(1) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet which is not plotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

(2) the frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shore land zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definition requirements of section 4401, subsection 1, on September 23 1983;

This is not Applicable.

1.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

Not Applicable

1.13 Flood areas. Based on the Federal Emergency Management Agency's Flood boundary and Flood Way Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the sub-divide shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of that plat

approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevations;

Not Applicable

1.14 Storm Water. The proposed subdivision will provide for adequate storm water management;

Not Applicable

1.15 River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9.

Not Applicable

1.16 Freshwater wetlands. All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

There are no know wetlands abutting or on this parcel.

Conditions of Approval

The following conditions shall be placed on the final plan prior to signing and recording in the York County Registry of Deeds:

1. A note shall be placed on Final Plan stating that the turnaround for maintenance of Sunset Avenue is deeded to the Town of North Berwick after construction of the turnaround. Construction of the turnaround is the responsibility of the developer. Construction of the turnaround shall be inspected by the Road Commissioner, or his/her designee, during construction of the turnaround and that no occupancy permit shall be issued prior to the completion of the turnaround.
2. A note shall be placed on the Final Plan stating that the additional right of way be deeded to the Town of North Berwick as proposed by the developer in accordance with the section 2.7.c of the Street Design and Construction Standards Ordinance which is “reserved for road realignment (widening) purposes”.
3. The developer is required to place push brace and remove guy and anchor in accordance with Consolidated Communication letter dated 6/12/2018 prior to the construction of the turnaround to prevent any interference with the construction and future maintenance of the turnaround.

Mr. Feldman stated that these have been added to the plan so if the Board desires to approve the plan and the Findings of Fact, the applicant will be all set.

David Ballard had a question regarding 1.14 Storm Water from the Findings of Fact. He said that, on the maps, there are existing drainage ditches and culverts. He was wondering if these were an issue with the drainage there because the findings states that it is not applicable. Lee Jay said that the reason that it is not applicable is because the developer and the approvals this evening are to merely subdivide the land. They are not doing anything on any of the lots that is going to create any additional storm water at this point.

Chairman Aleva said that there was not date for the Public Hearing date listed in the Findings of Fact. Mr. Feldman said that he will address this but the Board can still approve it with the change. Their signature is on the back page anyway so he will correct it and send it to Roger first thing in the morning. Annette Hume stated that it does mention it and says that one person was present and asked questions. They did find it so the Findings of Fact are fine as written.

Matthew Qualls motioned to accept the Findings of Fact as stated and approve the Final Plan.

Anne Whitten questioned a part of the Findings of Fact. In the first paragraph it reads, “The Board held a meeting on April 12, 2018 only to table the application due to a concern from the Town Manager on the proposed location of the Hammerhead turnaround...” She stated, per the Agenda, they held the Public Hearing on April 12th. Mr. Danforth said that they had the Public Hearing and there was only one person that made any comments. They also tabled the action on the plan at that meeting. Lee Jay will make any adjustments regarding the actual date of the Public Hearing.

Matthew Qualls rescinded his previous motion.

Matthew Qualls motioned to accept the Findings of Fact with adjustments that Lee Jay Feldman will make regarding the Public Hearing and approve the Final Plan. Anne Whitten seconded the motion.

Chairman Aleva moved Annette Hume to full voting status.

VOTE: 5-0

4. Other Business:

Roger stated that the Medical Marijuana Law has passed. The Selectmen have started a process to have a Moratorium so that they can work on regulations regarding storefronts coming to town. He gave the members some information regarding the new Law to review. He also stated that they may want to attend the next Board of Selectmen’s meeting on 7/24 because they will be discussing it. They want to hold a Special Election to approve the Moratorium.

5. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:00 pm. David Ballard 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