

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD FEBRUARY 8, 2024

Present: Anne Whitten, Mark Reed, Jack Olea, David Ballard, Mark Cahoon, Justin Perry, Jason Smith

Also Present: Matt LeConte, Lee Jay Feldman, Rebecca Reed, Isiah Plante, Dave Southard, Joseph Smith, Jessica Case, Erik Saari

1. Call to Order:

Chairperson Anne Whitten called the meeting to order at 6:30 pm. and brought Mark Reed up to full voting status.

2. Review Previous Minutes: N/A

Current Business:

3. Public Meeting:
Kristian Soucy
57 Nowell Street – Map 021 Lot 01
Request: A Conditional Use Permit for In-Law Apartment within the single-family home and 2nd floor of the attached garage. The property is located in the Village A Zoning District.

Jessica Case, who is a representative returning from J Lapierre Construction, stated that the new plan shows where the firewall will be, moved a couple things and there is now no access besides the exterior staircase into the in-law apartment. She indicated it is now 618 square feet which is less than the 650 allowed. The plan does now show parking which will accommodate more than two spaces. Anne Whitten inquired if approval was granted, a door could be constructed. Jessica stated she told the applicant that there could not be a door due to the conditions. Jessica stated that all windows are egress windows.

Justin Perry motioned to approve the conditional use permit for In-Law Apartment within the single-family home and 2nd floor of the attached garage at 57 Nowell Street – Map 021 Lot 01. Mark Cahoon seconded the motion. VOTE: 5-0

4. Public Meeting:
Preliminary subdivision plan review - Sketch plan review was on November 9, 2023
Sand Ridge Farm Subdivision
692 Morrell's Mill Road, Map 008, Lot 78
Request: (8) single family subdivision lots on approximately 51 acres with about 3.60 acres remaining open space. The property is located in the Shoreland Limited Residential Zoning District.

Erik Saari from Altus Engineering, along with Isaiah Plante, were in front of the Board back in November with the sketch plan and indicated there may have been some confusion regarding the site walk and asked if anyone did visit the site. Mark Cahoon indicated that there was a site walk and he attended. Erik stated this property is at the corner of Sand Pond Road and Morrill's Mill Road. He stated there are about 51 acres and it is mostly wooded. They are proposing a subdivision with 7 single-family house lots coming off Chadbourne Lane and the remaining lot has access from Morrill's Mill Road. Erik indicated there will be private septic and private wells for each of these lots. They are potentially planning in about 5 years of extending the road and are essentially setting themselves up for the future. There is a piece which belongs to Lot 7 that will be conveyed to Lot 6 and would become a right of way in the future for the road expansion. As part of construction of the cul-de-sac, they plan on roughing part of the road in and when and if, everything will be essentially set up. He stated there will be a filtration pond. He stated that Dwayne did mention the wetlands associated with the river which relates to the RP Zone setback. Erik stated that he did reach out to the man who prepared the wetland study and he prepared a report which will be provided to the Board. Matt LeConte stated that he and Dwayne went over the language before the meeting and they are actually more than 2 and ½ times over the protection area required by the State. Erik stated all utilities will be underground and the site distance is good. Justin Perry asked about access to Lot 7 and the driveway and inquired if the pavement for that driveway would extend. Erik stated he has not decided and is anticipating it will extend but they have not decided if they are going to pave that now. Justin asked if there were any issues regarding future development with the cul-de-sac. Erik stated they will probably get rid of the existing cul-de-sac because there can only be one. Mark Reed inquired about the type of houses being built and Erik stated they would be single-family homes with an HOA. Lee Jay Feldman indicated that if there was going to be an HOA, it should be built in that they cannot have ADU's there. Erik stated they were not planning on ADU's but if it is allowed in the Town, why would they restrict it. Lee Jay stated they may need to look at an additional storm water analysis because there would be a potential of more rooftops and add additional trips. Erik stated all of that would have to be waived. Matt LeConte stated he may have to speak with the Road Commissioner regarding Lot 7 as it relates to future usage but thinks it may be a condition of approval on phase 2. Anne Whitten referenced Dwayne's email wherein he requested a response from the wetland scientist regarding his review. Erik stated he would forward that to Matt for the Board's review. Anne Whitten stated she would be more comfortable with IFNW's review and Lee Jay Feldman stated he has worked with Alex in other projects and is comfortable with his report.

Anne Whitten referenced the checklist which the Board is using for the pre-application phase and would like to go through that at this time. Lee Jay clarified with the Board that if the

checklist asks for something and the applicant has submitted something, even if it does not meet the standards or answers you want, but it is there and you can find it complete and then ask for additional information.

Anne referenced, read and completed the checklist which can be found at Article 5 of the North Berwick Subdivision Ordinance, Page 5-1.

5.1 Procedure

- a. Applicant presentation and submission of sketch plans; **Yes - in November of 2023***
- b. Question and answer period. Board makes specific suggestions to incorporated by the applicant into subsequent submissions; **Yes***
- c. Scheduling of on-site inspection. **Mark Cahoon, Justin Perry and David Ballard***
- d. Establishment of contour interval. **Yes, February 8, 2024***
- e. Establishment of Escrow Account. **Yes in November of 2023***

*5.2 Submissions. **YES, November of 2023***

The pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The Sketch Plan, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development, in sufficient detail to allow a meaningful on-site inspection. It is required that the sketch plan be superimposed on or accompanied by a copy of the U.S.G.S topographic map of the area showing the outline of the proposed subdivision. A digital copy of the sketch plan shall be submitted.

*5.3 Contour Interval and On-Site Inspection. **YES February 8, 2024***

Within thirty days, the Board shall determine and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision, and hold an on-site inspection of the property. At the time of the on-site inspection the centerline(s) of all proposed streets and property lines will be flagged. On-site inspection will not be scheduled unless all land features including but not limited to seasonal water levels are observable. Snow cover in excess of 2 inches will be considered grounds to postpone site inspection. A Preliminary Plan Application will not be received by the Board until the on-site inspection for that respective subdivision has been completed.

5.4 Notification. YES

Upon receipt of a Preapplication Sketch Plan, the Planning Board shall notify the Planning Consultant and Engineering Firm selected by the Board of Selectmen to assist in the review process and obtain an estimate of the cost of review for the escrow account.

5.5 Escrow Account. YES

The Planning Board shall establish an escrow account to cover all administrative costs of the review of the subdivision. The escrow amount shall include, but not be limited to, the costs related to the per lot review costs defined in article 6.2.b, 7.1.b and 8.1.b, the costs of public hearing advertising and abutter postal notification, the costs of all engineering review by the Town's engineering firm, the costs of all planning review by the Town's planning consultant plus 10%. (Should actual review costs exceed the estimated costs, continued review of the subdivision shall be tabled until additional escrow funds are received.) The escrow shall be placed in a bank selected by the Town of North Berwick for unrestricted use by the Municipal Officials, Code Enforcement Officer and Planning Board in order to adequately review the subdivision plans, and defray any other consultants fees incurred by the Town as a result of reviewing the submitted plans and overseeing the construction of the project. This requirement is separate from any performance guarantees required under Article 12. The Town shall prepare a financial statement depicting the costs incurred during the review of the subdivision and any funds remaining after the project is complete shall be returned to the applicant with any interest which may have accrued.

5.6 Rights not Vested. The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A, section 302.

Lee Jay Feldman stated that he provided a memo which talks about the street design from the ordinance which does not necessarily meet the same design as they have proposed. He does think the design tonight shows a "cape cod curve" to be able to collect storm water and that part can now go away. He stated that looking at the ordinance requirements, one of the things the applicant will need to prepare is a list of maintenance items (school, buses, street maintenance, fire protection, solid waste disposal, etc.). He stated that they will need to provide the Board with a statement on all of those, taken from the ordinance. Lee Jay stated that a public hearing can be scheduled however to keep the process moving. Lee Jay referenced Article 7, Section 7.2, #16 in the ordinance which is as follows:

"16. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, quasi-municipal districts. These lists shall include but not be limited to:

*Schools, including busing
Street maintenance and snow removal
Police and Fire protection*

*Solid waste disposal
Recreation facilities
Storm water drainage
Waste water treatment Water supply*

The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision;"

Lee Jay also stated that, per the ordinance, "*c. The Planning Board shall require the applicant to contribute a Development Impact Fee to participate in municipal infrastructure improvements at the rate set by the Town of North Berwick using the fee schedule in effect on the date of submission of the Major Subdivision Preliminary Plan to the Planning board. The Board shall require the applicant to participate in all areas of concern as determined by the Board*"

Justin Perry asked if that was the responsibility of the developer or the person building the house. Lee Jay felt that because the way the ordinance was written, it was the responsibility of the developer. Matt stated he would look into all of this further with Dwayne next week.

Mark Cahoon motioned to accept the preliminary plan for Sand Ridge Farm Subdivision 692 Morrell's Mill Road, Map 008, Lot 78. Justin Perry seconded the motion. VOTE: 5-0

Jack Olea motioned to set a Public Hearing for March 14, 2024 for Sand Ridge Farm Subdivision, 692 Morrell's Mill Road, Map 008, Lot 78. Mark Reed seconded the motion. VOTE: 5-0

Other Business:

Matt LeConte indicated that there is a request to bring back the Stub Marsh application for March 22nd. Due to pre-planned vacations, two of the three board members will not be present so that will have to be pushed to April 11th.

Reminders: Next Planning Board Meeting – February 22, 2024 - 6:30 P.M.

Adjournment:

Justin Perry motioned to adjourn the meeting at 7:32. Jack Olea seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chair - Anne Whitten

Vice Chair - David Ballard

Mark Cahoon



Justin Perry



Jack Olea



Mark Reed



Jason Smith

