

NORTH BERWICK, MAINE, 03906

MINUTES OF PLANNING BOARD JULY 14, 2011

Present: Vice Chairman Barry Chase (Acting Chairman), Julie Fernee, Shaun DeWolf, Patrick Raftery, Mark Cahoon, Rick Reynolds and Lawrence Huntley, CEO.

Absent: Chairman R. Todd Hoffman

Also Present: John Archambault, Linda Archambault, Joel Hilton and James Bacon (Great Hill Survey Company).

1. Call To Order:

Vice Chairman Barry Chase opened the Planning Board Meeting at 6:32 p.m.

Vice Chairman Barry Chase moved Mark Cahoon to full voting status.

2. Current Business:

A. John and Linda Archambault---Application proposes a MINOR SUBDIVISION on Oakwoods Road. (Map 6, Lot 10) SKETCH PLAN REVIEW

Lawrence Huntley, CEO explained that approximately two years ago this land came up for sale. The proposal was to sell the large lot to someone else.

In the process the Title Attorney found that one of the lots had been sold off prior to Subdivision Rules. He also found that two other lots had been sold by the wife of the person that had owned the property. The wife was not on the title. She sold the lots of her husbands that had passed which was not legal. She sold one to an abutter which was legal.

The abutter Joel Hilton is here this evening. Some how things got misarranged and the lot was left separate from his property and at the same time.

In the mean time the State of Maine changed the Subdivision Rules. The Subdivision Rules at one time gave you the right to sell a lot and it would stay a build able lot and not have to be taken into the abutting land. This changed prior of this sale by four months and nobody caught it and the law remained outside of the abutters major lot, this lot became part of an illegal Subdivision, because of the new rules and regulations under the State of Maine.

Nobody intentionally tried to subdivide land illegally, so now we have an illegal Subdivision that needs to be cleaned up for title purposes for everyone involved.

As it stands at this point, the abutter Joel Hilton is working on getting this piece of property that is illegal into his lot, but he can't do that without a refinanced loan.

The land owner is not here tonight and he knows there is a meeting, but we can review this as a Sketch Plan and accept the Sketch Plan, but they will still have to come back for a Preliminary Plan and a Final Plan.

All the exceptions their asking for, I recommended the Board approve the exceptions so this can move along and have it legally taken care of. The problem that is going to arise is the Mr. Hilton will need extra time to refinance his loan to include his land into the other parcel of land.

Mr. and Mrs. Archambault arrive at 6:45 p.m.

Mr. Hilton explained that the loan I have on this lot is a home equity loan and there is a zero balance and I keep it for emergency reasons. The existing property has no loans on it.

What happen was the Home Equity Loan was rewritten after approximately four years, after I had bought the property. The reason it was rewritten is because the Bank was taken over by Bank of America. Now I have to get this property attached to the Home Equity Loan which I want to keep that and it is a dilemma right now with the Bank.

If the Town is willing to say you attach this property my land to the existing property and not worry about the loan and I could get something in writing that would make it a lot simpler.

Lawrence Huntley, CEO asked Mr. Hilton what he was asking for.

Mr. Hilton answered what I'm asking for is if the Town just says go ahead and attach the property that I bought from Mrs. Randall attach it to my existing lot, but right now I wouldn't have to do anything with my loan. I wouldn't have to rewrite my loan or have it attached to my loan. I don't want to loose the loan I would like to keep the loan, but if that would satisfy the Town by just attaching the lot to my existing lot, it would make life a lot simpler for me.

Lawrence Huntley, CEO asked Mr. Hilton asked what does your lawyer say.

Mr. Hilton answered that my lawyer says he thinks that the loan needs to be straightened out because that is what actually put the red flag up.

Lawrence Huntley, CEO spoke: that all we care about is that the Deed says that there is no lot line between there.

Mr. Hilton replied that is simple enough and I don't mind doing that if you will give me a letter so that I can give it to the lawyer: saying yes, all he needs to do is attach this and make sure everything gets put away. I don't have a problem with that.

Lawrence Huntley, CEO spoke: I will have to check with our Town Attorney and find out if I can do that or not.

When I get back on July 25, 2011, I will call the Town Attorney and I will also consult the Town Manager and I should have an answer before the next Planning Board Meeting on July 29, 2011.

Mr. Hilton replied that in the mean time I will continue to pursue things with the Bank.

Lawrence Huntley, CEO spoke: we will see what we can do. It sounds like a good suggestion to me, but I want to make sure that we can legally do that.

James Bacon read into the record the Requested for Exemptions:

1. Exemptions from any/all submission requirements of Major Subdivision Standards (per Article 6.1)

-the applicants feel, based on the Town's prior acceptance of the existing infrastructure, that any further detail review is not needed until such time as when/if further lot division occur.

2. Exemption from soil test pit analysis (and location) by Licensed Soil Evaluator (per Article 6.3.5b)

- septic systems currently exist on Lots 10, 10-1 and 10-3

3. Exemption from water quality statement Hydrogeologist (per Article 6.3.6b)

- well systems currently exist on Lot 10, 10-1 and 10-3

4. Exemption from on-site topography (correction per Article 6.9) changed to 6.3.9

- see Attachments. Topography shown on the plan was derived from digitizing the USGS quadrangle and is approximately only.

5. Exemption from accurate on-site location of wetlands (per Article 1.16)

-no further lot divisions are planned at this time

6. Exemption from certain lot standards (Article 10.4.a thru h – General Standards)

-Lot 10-3 does not meet min. lot size

8. Exemption from Required Improvements (stone monuments – Article 10.6a 1-3 – General Standards)

-permanent drill holes were installed at most stone wall angle points

-existing monument should not be moved as they are original monuments as described by the record

-3' by 5/8" rebar have been installed at missing corners

9. Exemption from Fire Suppression Standards (Article 10.6.2.c – General Standards)

10. Exemption from any/all Surface Drainage standard (Article 10.6.d.1 thru 4 – General Standards)

11. Exemption from existing vegetative cutting limitations (Article 10.7.b – General Standards)

-Best management practices will be used in any further agricultural or silviculture activities conducted within Lot 10

12. Exemption from any/all Street Design and Construction Standards (Article 11.1)

-Road Commissioner agreed to inspect existing road as-is

Lawrence Huntley, CEO spoke: that one exemption I'm looking at is number 10. We had a site walk at the property an approximately eight to nine months ago and they found that there was an obstruction to a stream channel and it was over flowing a road or culvert and that need to be replaced.

Mr. Archambault explained that from a near by property owner he had did a lot of logging in there and a lot of debris had fallen in that brook and obstructed the stone culvert and I removed all that and we have not had a problem since then.

Lawrence Huntley, CEO asked did you do that after the site-walk.

Mr. Archambault answered that I had explained all that on the site-walk that I had removed it.

Vice Chairman Barry Chase asked about a drainage ditch, where someone had drained and dug out from that wet area.

I know that was one of Chairman R. Todd Hoffman's concerns that we were afraid that something might happen that the stream could get rerouted.
Did that ever get filled back in and taken care of.

Mr. Archambault answered that is the same issue, same area.

Vice Chairman Barry Chase asked, but has anything changed with that since we were out there.

Mr. Archambault answered that it had backed up the previous spring because the drainage was clogged and I unclogged that and this spring there were not any problems. I don't know what else can be done.

Vice Chairman Barry Chase spoke: I think that the Board was concerned that if it did something happened again and backed up and flooded. Obviously someone (I don't think it was you) had dug that trench down there, to drain it back down the hill.

Mr. Archambault replied I don't think that was an intentional digging. I think that it was a wash out because of the culvert.

Julie Fernee spoke: that it looked like wheel tracks, it looked like it was wheel ruts too. Where the people had dragged logs out of there.

Mr. Archambault replied yes, it was from the logging.
The wash out was across the meadow where I plan to plant trees.

Vice Chairman Barry Chase spoke: you obviously don't want to see that happen, so I would assume that you would take precautions, so that it doesn't happen.

Julie Fernee spoke: We talked about it draining down and that it was aiming towards those peoples house and you wouldn't want that to happen because you would be liable, so it would be in your interest to fix that.

Mr. Archambault replied I think the problem is corrected.

Vice Chairman Barry Chase asked, so when you said that Larry, it was about number 10.

Lawrence Huntley, CEO answered yes.

Rick Reynolds asked to change number 4; Exemption – (Article 6.9) to (Article 6.3.9).

Vice Chairman Barry Chase spoke: that on your Exemption you say Article 6.9, but we don't have a 6.9. I think you mean 6.3.9.

Conditions:

- 1. Note added to plan that the culvert be cleaned and maintained.**
- 2. Mr. Hilton's lot in question is resolved with the Deed.**
- 3. Limit of sixty days on the approval of Sketch Plan, if not resolved, will have to readdress Sketch Plan.**

Shaun DeWolf moved to approve John and Linda Archambault Plan as a Sketch Plan with three conditions:

- 1. Note added to plan that the culvert be cleaned and maintained.*
- 2. Mr. Hilton's lot in question is resolved with the Deed.*
- 3. Limit of sixty days on the approval of Sketch Plan, if not resolved will have to readdress Sketch Plan.*

Patrick Raftery seconded a motion. Vote, 5-0

3. Preview Next Agenda

4. Other Business:

5. Review Previous Minutes:

Julie Fernee moved to approve the minutes of June 23, 2011, Mark Cahoon seconded a motion. Vote, 6-0

6. Adjournment:

Shaun DeWolf moved to adjourn at 8:00 p.m., Mark Cahoon seconded a motion. Vote, 7-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively Submitted
Anita Lambert, Stenographer

Chairman R. Todd Hoffman

Barry Chase

Julie Fernee

Shaun DeWolf

Patrick Raftery

Mark Cahoon

Rick Reynolds

Chairman R. Todd Hoffman
Barry Chase
Julie Fernee
Shaun DeWolf
Patrick Raftery
Mark Cahoon
Rick Reynolds
CEO
Town Manager
Post Inside/Outside
File