

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD OCTOBER 22, 2020

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

Also Present: Lee Jay Feldman from SMPDC, Jordan Belknap, Bill Walsh, Lulu Shao, Norma D, Michael Peverett

1. Call To Order:

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

2. Review Previous Minutes:

David Ballard stated that on page 4, the sentence before last in the 2nd paragraph currently reads, “They have determined what the cost will be to remove all of these things when everything is said and down.” It should read, “They have determined what the cost will be to remove all of these things when everything is said and done.”

Anne Whitten motioned to approve the minutes from October 8, 2020 as amended. David Ballard seconded the motion. VOTE: 5-0 Abstain: 1

3. Current Business:

3.1 Hanson

Turkey Street (Map 007 Lot 004)

Continued Review: The applicants proposes an eight-lot subdivision locates on Turkey Street (Map 007 Lot 004) on land owned by Shari Hanson, David F. Hanson, David R. Hanson, and Robert C. Hanson

Chairman Aleva stated that he will be recusing himself from this project because he works for Civil Consultants. Vice Chairman Matthew Qualls will be the Acting Chairman for this project.

Lee Jay Feldman from SMPDC stated that there was some additional review that they were waiting for from Valerie Giguere of Underwood Engineering. She finished her review and there was an additional issue that Dwayne Morin had raised to both Lee Jay and Geoffrey Aleva. Both of these issues have been addressed and are in the Findings of Fact that they have tonight for approval of the project. One of the issues was that Valerie wanted to make sure that individual private septic systems were proposed for each lot. Test pits were provided on a plan to ensure suitable areas for subsurface disposal. Test pit data was prepared by Michael Cuomo (Soil

Scientist #211) and is on file at Civil Consultants and can be utilized in the design of a subsurface disposal. Individual lot owners are responsible to provide the proper department of human services, subsurface wastewater disposal system application as part of the building permit process. Ms. Giguere wanted to make sure that the plan had showed the test pits and the 100 foot separation and she wanted to make sure that test pits or other test pits that may be needed on each individual site was done so accordingly. That note has been put on the plan and that took care of that issue.

Mr. Feldman stated that the other issue was the subdivisions that have over 35 acres of land on them, the applicant is supposed to either put aside land for recreational purposes or pay a fee in lieu of this. He said that the Geoffrey Aleva had communicated with Dwayne that he would rather have his applicant pay a fee in lieu of. Dwayne went to the Board of Selectmen and they set the amount at \$500.00 per lot or \$8,000.00 to the project to be paid by the applicant prior to the building permit being issued on the site. The applicant has agreed to these fees. Geoffrey Aleva stated that the \$500.00 is for 2 different funds. One is a recreational fund, and one is an open space fund. The way the Ordinance is written, subdivisions with 15 acres or more or lots with 35 acres are required to have a reserve area for open space. Mr. Aleva stated that this is not 15 lots, but it is over the 35-acre threshold. At the time there was not a dollar amount set for that fee, so Dwayne went to the Selectmen to set a fee for the open space and recreational fund. Instead of redesigning the subdivision and potentially losing a lot for sale, they have decided to go forward and make the payment to that fund at \$1,000 per lot.

Lee Jay Feldman stated that the Findings that the Board have in front of them do address both of these issues. If and when the Board is ready to approve the application, there are 2 conditions of approval. They are:

1. Plan approval is conditioned upon compliance by the applicant with the plans and specifications that have been received by the planning board in conjunction with the development proposal as well as any oral statements made by the applicant in the course of the deliberations and
2. The applicant has chosen to provide a fee-in-lieu of based on a per lot assessment established by the Board of Selectmen. This fee has been set at \$500.00 per lot or in the case of this development \$8,000.00 which shall be paid in full by the subdivider prior to the issuance of the first building permit in the subdivision (see article 10.2.e).

Michael Peverett stated that Note 17 on the plan refers to the septic system test pit comments. He stated that the verbiage is the same as what can be found in the Findings of Fact. He stated that the only other thing was regarding the lack of a cemetery on the property. Lee Jay sent them some possibilities from a web site that he found where people log cemeteries and geo-reference them. They investigated both of the websites and determined that they were not on the property. Mr. Peverett said that he did do a little additional research on a website on historical family names of people that have owned the property over the years. He was unable to find any reference about the cemeteries. There is still a note on the plan that the Tax Map shows a

cemetery, but they found no evidence of it. Jon Morse stated that, at the last meeting, somebody had mentioned that the lady at the library was a cemetery expert and wondered if anyone had contacted her. Roger Frechette stated that he tried calling her, but he was not able to reach her. Lee Jay Feldman stated that when he reviewed the website for the cemeteries in the State of Maine, it did identify 2 that were in the general area and had the name Hanson on them. However, they were not in the location that had been identified on the Tax Maps or on this site. Mr. Peverett stated that the website doesn't let you search geographically but it lets you search by family name. This is why he looked through the historical deed research and found that a lot of the names in North Berwick are common among various places in town. He said that some of the names did pop up but not in the area of this site.

Acting Chairman Qualls moved Scott Strynar up to full voting status for this project.

Anne Whitten motioned to accept the application for the Hanson project on Turkey Street (Map 007 Lot 004) for an 8-lot subdivision. David Ballard seconded the motion. VOTE: 5-0 Abstain: 1

Anne Whitten motioned to approve the Finding of Facts with the following standard condition of approval:

1. Plan approval is conditioned upon compliance by the applicant with the plans and specifications that have been received by the planning board in conjunction with the development proposal as well as any oral statements made by the applicant in the course of the deliberations and
2. The applicant has chosen to provide a fee-in-lieu of based on a per lot assessment established by the Board of Selectmen. This fee has been set at \$500.00 per lot or in the case of this development \$8,000.00 which shall be paid in full by the subdivider prior to the issuance of the first building permit in the subdivision (see article 10.2.e).

Jon Morse seconded the motion. VOTE: 5-0 Abstain: 1

Chairman Geoffrey Aleva took over again as the Chairman.

3.2 TPE Solar

Coffin Lane Map 001 Lot 37B

Continued Review: The applicant is requesting a change to the recently approved conditional use permit that allows the lot to be split into two separate lots; 1.) the existing residential use (Crispin residence) and 2.) the recently approved utility use (Solar project). In order to access the new lot for the solar project, a private drive is proposed to create frontage and provide access.

Chairman Aleva asked Lee Jay Feldman if he had any comments from the last meeting that they needed to discuss. Lee Jay stated that there was one change. He said that the manager had made him aware of the fact that the Board does not have the ability to waive the standard for the 7%

road grade where the 2% is required. However, Valerie Giguere from Underwood Engineering reviewed it and said that she did not have a problem with it. The Town Manager who is also the Road Commissioner for the Town has approved that. Mr. Feldman stated that it was more a function of making sure that the process was done correctly rather than the Board waiving something that they did not have the authority to waive. He said that the Road Commissioner's approval of the 7% grade has also been addressed in the Findings of Fact.

Chairman Aleva asked the applicant if there had been any changes to the plan since they were here before. Jordan Belknap from Turning Point Energy came forward to represent the applicant. He stated that they have not made any changes to the solar array. The only change is what they talked about at the last meeting regarding the lot split and putting the road in. He stated that they did remove a trailer that was on the property. He introduced Bill Walsh from Walsh Engineering who is present to go over any parts of the plan that the Board would like to review. Mr. Walsh stated that the trailer was removed from the property, so they also removed it from the plan. He stated that they received the comment letter from the review engineer, and she had no comments whatsoever on the plan itself. He stated that there were a couple of administrative recommendations that she asked them to address. One of them was the updated stormwater PBR, which they sent in on October 9th. There was some discussion about the NRPA stream crossing. He said that they had an email that stated that a stream crossing PBR is not required and that is what they sent in on October 9th. Mr. Walsh stated that the engineer also asked for conditions of approval and he showed the Board where they already existed on the plan.

Chairman Aleva stated that it looks like they had copies of everything they needed.

Anne Whitten motioned to approve the plan for TPE Solar on Coffin Lane Map 001 Lot 37B for a change in the recently approved conditional use permit that allows the lot to be split into two separate lots; 1.) the existing residential use (Crispin residence) and 2.) the recently approved utility use (Solar project). In order to access the new lot for the solar project, a private drive is proposed to create frontage and provide access. Also Plan approval is condition upon compliance by the applicant with the plans and specifications that have been received by the planning board in conjunction with the development proposal as well as any oral statements made by the applicant in the course of the deliberations.

Jon Morse seconded the motion. VOTE: 5-0

Chairman Aleva stated that they now needed to have a motion to approve the Findings of Fact.

Anne Whitten motioned to approve the Findings of Fact as Lee Jay Feldman has submitted. David Ballard seconded the motion. VOTE: 5-0

3.3 Gold Mark LLC & ISM Solar Quarry, LLC
486 High Street (Map 004 Lots 89 & 92)

Continued Review: The applicant is proposing an approximately 7-megawatt (MW) DC, photovoltaic solar energy generation facility to be sited at 486 High Street. The Project is anticipated to occupy approximately 46 acres of this land, and will include ground mounted photovoltaic panels, access roads, small electrical equipment pads, and fencing. The property is identified as Lot 89 & Lot 92 on the Town of North Berwick Assessor's Map 4.

Chairman Aleva stated that they had a site walk at the project last week. The members present were Chairman Aleva, Scott Strynar, Mark Cahoon and Roger Frechette. He stated that they have not received any revised plans from the applicant yet for this meeting.

Jean Friend is a Project Manager from ISM Solar on this project. He stated that they did not have time to finish the new plans. He is respectfully requesting that they be continued to the next meeting. He stated that the Board had brought up some good points on the site walk regarding the overlap in permits. He stated that they need to get further clarification on that. He wants to make sure that this project is airtight from an appealable standpoint for both the town and themselves as far as financing is concerned. Chairman Aleva asked Lee Jay if he had any comments for the applicant regarding the project. Lee Jay Feldman stated that he will be checking on the multi-use from the town's standpoint. He asked Mr. Friend if they have had any discussions with DEP regarding the gravel pit continuing while the solar array is being put in place. Mr. Friend said that they have put this out to their legal team to review. They have applied for the site walk permit already. They want to understand how that meshes with not only the local but also with anything the DEP needs regarding allowed use. They want the legal team to review to make sure that they don't interfere with his gravel operation.

Anne Whitten motioned to table the Gold Mark LLC & ISM Solar Quarry LLC Map 004 Lots 89 & 92 until the applicant has supplied all of the necessary information. Jon Morse seconded the motion. VOTE: 5-0

4. Other Business:

Roger Frechette stated that Country Estates wants to expand 2 lots. People are asking to have a bigger house so to meet setbacks they need to expand the lots. He said that they have the room to do it. Roger stated that he is waiting to get the information from the daycare applicant. He should receive within the next couple of days. Littlefield Subdivision will also be at the next meeting.

5. Adjournment:

Anne Whitten motioned to adjourn the meeting at 7:15 pm. Scott Strynar seconded the motion. VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Approved at November 12, 2020 ZOOM meeting

Jon Morse

Approved at November 12, 2020 ZOOM meeting

Anne Whitten

Approved at November 12, 2020 ZOOM meeting

Matthew Qualls

Approved at November 12, 2020 ZOOM meeting

David Ballard

Approved at November 12, 2020 ZOOM meeting

Scott Strynar

Approved at November 12, 2020 ZOOM meeting