

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD NOVEMBER 12, 2020

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

Also Present: Lee Jay Feldman from SMPDC, Ryan McCarthy, Andy Morrell, Troy Williams, Dan Morin, Isaiah Plante

1. Call To Order:

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

2. Review Previous Minutes:

Anne Whitten motioned to approve the minutes of October 22, 2020 as written. David Ballard seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Public Hearing
Joel & Katy Littlefield
722 Lebanon Rd (Map 005 Lot 039)

Request: Applicant proposes an amendment to their existing subdivision by combining (map 005 lot 039) and (map 005 lot 039-2) together and also create an outside sale lot.

Andy Morrell from BH2M stepped forward to discuss the project. He stated that the parcel is located on Lebanon Road and is about 88 acres. It was a subdivision back in 2015. The applicant is looking to amend that subdivision by combining 2 parcels that were existing on that lot (Tax Map 005 Lot 039 and Map 005 Lot 039-2) into 1 lot. They also want to create an outside lot along Lebanon Road. This lot is a 4-acre lot that meets all of the zoning requirements and is being proposed with a septic system. They did provide test pits from Mainely Soils. It will have a drilled well and overhead utilities.

Mr. Morrell stated that the applicant is requesting 2 waivers. One is for the location of trees greater than 24 inches. The outside lot is already cleared so that is why they are requesting this waiver. The 2nd request is for a waiver for the groundwater impact study. The closest existing well is over 260 feet away from the outside lot and the soils are pretty good per the test pits.

Anne Whitten asked when they were seen in 2015 for the first subdivision. Andy Morrell stated

that it was signed on 4/9/15. He stated that he did submit the original plan that was approved. Chairman Aleva asked about the cemetery on the outsale piece. Mr. Morrell said that there is a small cemetery in the back left corner if you are standing on Lebanon Road. They do show the cemetery on the plan with a darker line and it shows the 25-foot setback.

Matthew Qualls asked what they mean by an outsale lot. Mr. Morrell stated that an outsale lot is a lot that the applicant will be able to sell out separately from the subdivision. It is a lot that will be sold to the general public.

Chairman Aleva opened the Public Hearing at 6:46 pm.
There were no comments.

Chairman Aleva closed the Public Hearing at 6:47 pm.

Dan Morin stated that he is one of the abutters to this property. He said that there is a parcel of land between his property and Lot A. He asked what will be happening with this property. Chairman Aleva said that it just becomes part of the larger parcel that comes back to Lot 39 for Joel & Katy Littlefield. Mr. Morin asked if that was considered to be a buildable lot. Mr. Morrell stated that the only difference that the applicant is proposing in that area is to combine the lot with 39-2. Mr. Morin asked if the addition of that parcel would be used as a road access or if they have some other plan for it. He stated that the applicant has cleared between both lots so he is wondering what it will be used for. Mr. Morrell stated that he believes the applicant does not have any intentions to do anything with that at this time. Mr. Morin stated that a realtor came to his house and told him that that piece of property was a buildable lot. Chairman Aleva said that if they were going to sell out another lot like the outsale one, they would have to come back before the Planning Board. They would also have to show on the plan that it meets the current Zoning requirements for lot area and setbacks in that buildable area. They would have to take out the wetland area as well to create a 1,000 sf lot size. Mr. Morrell stated that, as of right now, there is nothing going on with that part of the property.

Chairman Aleva asked the Board if there is a need for a site walk. The Board decided that none was needed.

Chairman Aleva stated that they have requested 2 waivers. The first one is for location of trees more than 24 inches in size. The onsale lot is currently cleared so they don't believe that it is needed. The second waiver is for a groundwater impact study. He stated that the closest existing well to the proposed septic system is about 260 feet away, so they don't think that this requirement needs to be met.

Matthew Qualls stated that they shouldn't accept the waiver without seeing what it looks like with the trees that are currently there. The Board agreed.

Matthew Qualls motioned to accept the waiver to not have 24 inch trees surveyed. Jon Morse seconded the motion. VOTE: 0-5

Chairman Aleva stated that the waiver was denied. He told Mr. Morrell that they need to go out to the site and let them know if there are or are not any 24 inch trees on the parcel. Mr. Morrell believes that the area has been stripped and he will send them a letter stating this.

Chairman Aleva stated that the next one was to waive the groundwater impact study. He stated that the Board has granted this waiver for smaller projects like this. He said that this is 1 lot to be created in the Farm and Forest area that meets all of the size requirements. Matthew Qualls asked what this waiver was about. Chairman Aleva stated that it is a waiver to not do any new additional testing of the soils based on the fact that this property has septic and not city sewer and it also has a well. It usually comes into play when you have a dense development, and you want to make sure that there is not going to be anything to impact the well. Anne Whitten asked if they had ever done any nitrate testing on this property at all. Mr. Morrell said that he was not aware of any testing for this.

Scott Strynar motioned to grant the waiver for the groundwater impact study. Jon Morse seconded the motion. VOTE: 5-0

Chairman Aleva asked Lee Jay Feldman what the next steps were for this project. Lee Jay Feldman stated that he has not been part of this application, so he does not know if there has been any discussion for any fees to be put in place for him to do that. He can review it if they want him to, but he can't do it until the fees have been collected so the town can pay for his services. He has been taking notes just in case they do want him to review the project. Lee Jay stated that the next step would be for the Board to approve the amended plan. He is not sure if they want to wait until they have the Findings of Fact.

Jon Morse motioned to table the Joel & Katy Littlefield combining lots until the next meeting or until all of the information has been received. Scott Strynar seconded the motioned. VOTE: 5-0

3.2 Continued Review

Cardinal Way Apartments, LLC

Burma Road (Map 022 Lot 094)

Request: Applicant proposes a multi-family development consisting of two multi-family units each with six units. (Map 022 Lot 094)

Chairman Aleva stated that there was an email that went out to all Board members before the meeting. One of the abutters to this project, hired Civil Consultants to do a survey of their land. They found some discrepancies between the plan that was used as a boundary set by the applicant which was prepared by someone else. The copies of both plans were put up on the screen for everyone to see. Chairman Aleva stated that there is a plan that shows the 2 different ideas from the 2 different surveyors. He stated that his company had prepared the survey that the

abutter requested. He asked the Board members if they felt that it was a conflict of interest if he continued to sit and make actions on this application. The Board and the applicant did not have any issues with it.

Chairman Aleva stated that the applicant has submitted updated plans and they have been reviewed by our town engineers. Any comments or questions have been addressed by the engineers. Ryan McCarthy stated that the only change from the old October plan to the new one dated 11/4/20 is that they added a fence around the stormwater basin. Chairman Aleva asked Mr. McCarthy if they had already gone through and addressed the issues that Underwood Engineering had. Mr. McCarthy stated that they did receive comments, replied to those comments, and updated the plans accordingly. He stated that the latest comment from Underwood was that all of the comments have been satisfactorily addressed. Mr. McCarthy stated that they did the same with SMPDC. They have also received approvals from the Water District and the Sanitary District and these were sent to the Code Enforcement Office.

Chairman Aleva asked if they had any DEP permitting to do. Mr. McCarthy stated that no DEP permits are necessary. The wetland impacts are under the 4,300 sf so the 480Q exemption applies. Chairman Aleva asked if they needed a notification from the Army Corps of Engineers for the wetland impact. Mr. McCarthy stated that an Army Corps Self Verification form is required for when they go to construction. They did add a note to the plan stating this.

Chairman Aleva stated that the extension off of the last sewer manhole has a stub that goes underneath the dumpster pad. He asked why the Sanitary District wanted this. Mr. McCarthy said that this is something that they put in there purposely. This will allow the applicant the ability to stub in and connect to this extension without having to tear up the parking lot and go all the way back to the manhole if they wanted to go for a 2nd phase to this development. He stated that the dumpster would have to be removed and relocated if they did a 2nd phase, so they dead ended it under the dumpster pad so that there is no ability for someone to use it without permission.

Jon Morse asked about the discrepancy in the surveys. He wondered if this was to be a consideration for the Board. Lee Jay Feldman stated that he has been working on this issue and spoke to Mr. McCarthy today. He said that the biggest issues that he raised were regarding a couple of tests that need to be passed. One was regarding if it impacted the setback of the buildings to the property lines and it was found that it does not. The second issue was if there was enough land in the adjustment that would affect the density for the number of units. Mr. Feldman stated that it was not. He stated that the land area adjustment that is being discussed does not directly impact the development of the project. He stated that the question would now be if the Planning Board would need to be involved in it or is it a civil matter between 2 property owners disputing the property boundary. He said that it is really a civil matter between the 2 property owners to come to a resolution about the property boundary and has nothing to do with this development. The Board agreed. Scott Strynar asked if it should be noted on the plan and Chairman Aleva said that there was no need because there are no side setbacks for this project.

Chairman Aleva stated that if the Board wants, they can approve this project for final approval. He stated that Lee Jay has a draft Findings of Fact completed. He asked Lee Jay if there was anything significant in the Findings that the Board should be aware or concerned about. Lee Jay stated that if the Board wants, he can add what was discussed at tonight's meeting. If so, they can approve the project with the draft Findings of Fact. Matthew Qualls said that he would like to have tonight's discussion added to the report.

Chairman Aleva reviewed some of the main comments from the Findings of Fact. He stated that the applicant has provided the stormwater study and report. It has been reviewed by the town engineer. Any comments that were made were addressed so the water and air pollution section of our requirements have been met. The project is serviced by town water and town sewer. We have letters from both utilities indicating that they agree with accepting the flows and providing the water to the applicant. The plans have all of the required erosion control issues on it. They have addressed the trip and traffic information leaving their site on Burma Road. Chairman Aleva stated that we all know that Burma Road is a tight road, but it is a town road. What they have designed on their property meets all of our Ordinance requirements. They have provided information on what the building will look like. He stated that there was a question that came from the Town Manager about adding a fence around the stormwater pond and this has been addressed and added to the plan.

Anne Whitten stated that in previous discussions, there was some mention of changing the plan and adding more parking spaces because they only had spaces for the actual renters and not for any visitors. She asked if this had been changed on the new plan. Ryan McCarthy stated that the town requires 1 space per unit for a total of 12 spaces, but they initially proposed 2 spaces per unit for a total of 24 spaces. At the previous meeting it was the consensus of the Board to add some more spaces, so they did add 2 more spaces for a total of 26 spaces. Instead of having 12 spaces in front of each building they now have 13 in front of each building.

Matthew Qualls stated that they had previously talked about adding speed bumps and about people coming on Burma coming on Burma Road. He said that he noticed a stop sign in the plan but wondered what they had decided regarding the exit and entrance. Mr. McCarthy said that at the exit from the development onto Burma Road, there will be a stop bar and a stop sign. There will not be any speed bumps. He stated that the concern with Burma Road was about the speed of travel from people that come down Church Street and cut through Burma Road to get to Route 9. They had discussions with others including Lee Jay and one option that one of the abutters made was to widen the road. He stated that if they widen the road beyond what it is now there will be right of way impacts where you would have to purchase or take land from abutters. They really don't want to do that. Mr. McCarthy said that with the road being narrow you still have 2-way traffic ability to pass each other but the narrow width of the road calms the traffic and slows vehicles down. If they increase the width of the road, he believes that it would also increase the speed that people travel on it. They decided to have the stop sign and stop bar in the development so they make sure that the cars stop before pulling onto Burma Road. There are no improvements to Burma Road regarding this project.

Chairman Aleva had a question regarding the lighting. They show light poles on the opposite side of the driveway coming down through. He stated that the older plans did not have the details regarding the lights. He asked if they were included on the final plan. Mr. McCarthy stated that they submitted a photometric plan and the spec sheets for the lights, but it is not on the plan sheets. They were submitted with the plan in October. Chairman Aleva asked if these were reviewed by the town engineer. Mr. McCarthy stated that they were part of the submission that went to them. Lee Jay Feldman stated that he had no issues with the lighting when he reviewed the information.

Scott Strynar asked if there were any landscape requirements for this project. Lee Jay said that the Ordinance itself doesn't really get into too much landscaping. He stated that the applicant has proposed a fence along the property line to the south along with some additional tree plantings there. Besides that, there is no landscaping requirements to meet. Chairman Aleva asked what kind of fence they were going to have along the south side of the property line. Mr. McCarthy stated that they have 2 fences proposed there that are separate from each other. They will run the length of each building. They will be a 6 ft solid white vinyl fence. In between the 2 fences they will plant some Dark American Arborvitae. They will also add 5 white Pine trees at the end of the turnaround. They are also putting 3 American Elm trees in the parking area which will be located in the middle and at each end.

Chairman Aleva asked which building they will be working on first. Mr. McCarthy said that it will be the first one once you come off of Burma Road. Lee Jay Feldman asked how high the lights were, and Mr. McCarthy said that they were 15 feet high.

Jon Morse motioned to approve the application for a multi-family development consisting of two multi-family units each with six units for Cardinal Way Apartments, LLC. (Map 022 Lot 094). Anne Whitten seconded the motion. VOTE: 5-0

4. Other Business:

There is no other business at this time.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:50 pm. Anne Whitten seconded the motion. VOTE: 5-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Approved at December 10, 2020 ZOOM meeting

Jon Morse

Approved at December 10, 2020 ZOOM meeting

Anne Whitten

Approved at December 10, 2020 ZOOM meeting

Matthew Qualls

Approved at December 10, 2020 ZOOM meeting

David Ballard

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Scott Strynar

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