

## **NORTH BERWICK PLANNING BOARD**

### **MINUTES OF PLANNING BOARD MARCH 25, 2021**

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

**Also Present:** Sara Amacio, Steve Amacio, Walter Woods, Lulu S, Greg Lucini, Jean Friend

1. Call to Order:

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

2. Review Previous Minutes:

The minutes from the March 11, 2021 were not reviewed at this time because the Board members never received the email. They will review and approve at the next meeting.

3. Current Business:

3.1 Graystone Builders Inc.

Turkey Street (Map 007 Lot 048-7)

Request: Applicant proposes to build a 24' x 24' addition to the right side of the house to be used as a 576 sf In-Law Apartment.

Based on the Town of North Berwick Zoning Ordinance, Article 4.2 Land Uses (table) and Article 5.2.20, a Conditional Use Permit shall be obtained for this type of use in the Farm and Forest Zone.

Steve and Sara Amacio stepped forward to discuss the project. Mr. Amacio stated that his mother and stepfather are moving up from Pennsylvania. They were going to build a garage with an apartment above it. They currently live in Lebanon and it wasn't really feasible price wise. They wanted to get a bigger home, so they started looking for land. They found land and they are working with Walter Woods to build their home on the land.

Chairman Aleva stated that the Board needs to vote to accept the application as complete.

Jon Morse motioned to accept the application for Graystone Builders, Inc to build an In-Law apartment on Turkey Street Map 007 Lot 048-7 as complete. Scott Strynar seconded the motion.  
VOTE: 5-0

Chairman Aleva asked David Ballard if he felt that there would be any conflict of interest for him because he knows the applicants. Mr. Ballard said that there was none. Chairman Aleva

asked the rest of the Board members if they felt there was a conflict of interest and they all said that there was none.

Jon Morse asked if the house and garage were already built. Mr. Amacio stated that it was brand new construction. Walter Woods said that the foundation is in and they are hoping to start with the frame work in about 3 weeks or so. Mr. Morse asked if the full foundation included the In-Law apartment. Mr. Woods stated that Dwayne Morin told him to do the permit without the In-Law apartment, which they did. Then Dwayne asked him to file a new permit showing the In-Law apartment and leach field expansion for the purpose of coming to the Planning Board to get approval. Mr. Morse asked if the existing foundation for the main house, the garage and the In-Law apartment was in the ground. Mr. Woods stated that this was correct. He stated that the town asked him to resubmit new building plans showing the connection of the In-Law apartment to the house, so it meets the criteria for the Accessory Dwelling Unit per our Ordinance. Mr. Wood stated that Dwayne asked him to put another application together showing the ADU without the door connected to the existing home, so it is a legitimate ADU unit.

Anne Whitten asked if there was a door from the main house to the apartment. Mr. Amacio stated that there would not be one. He said that the initial plans that they submitted had the door and no stove to meet the requirements. The future plans, if approved, will have no door and a stove put in so they are abutted but they don't have a door to the common living space. Anne Whitten asked Chairman Aleva if there was something in the Ordinance that says that there cannot be a door that connects both of the living areas. Chairman Aleva said that there is a requirement that they need to have their own exit out. She said that it doesn't make sense that if they want to see the family, they have to go outside to enter the main house. Mr. Amacio stated that they will have access through the basement space. If you go down their basement stairs there will be access to the main house basement and to the basement stairs there.

Jon Morse stated that he assumes that when they designed the septic system, it was designed with the In-Law apartment included. Mr. Woods said it was. He stated that the plans do show the expansion because they did have to put more gallons per day for the ADU. They have not installed the leach field at this point because they are hoping to get approval from the Planning Board before they went ahead and did the leach field.

Jon Morse motioned to approve the Conditional Use Permit for Graystone Builders Inc. for an In-Law apartment on Turkey Street (Map 007 Lot-048-7). Scott Strynar seconded the motion.  
VOTE: 5-0

### 3.2 Continued Review

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

Continued Review: The applicant is requesting a change to the Findings of Fact approved by the Planning Board at their March 11, 2021 meeting.

Chairman Aleva stated that there just needs to be some clarification between the language on the plan and the language in the Findings of Fact. The items were addressed and reviewed by Dwayne and Lee Jay Feldman to make sure that there was consistency. He stated that the item was brought up by the applicant. Dwayne and Lee Jay felt that it was consistent with the approval, but it did need to come back to the Planning Board to have some clarification.

Greg Lucini said that he sent an email to Dwayne on March 12<sup>th</sup> stating that they found some inconsistencies. He said that they just want to have 3 things align which are the plans, the language in Section 3 and the language in Section 6. They are just asking to make them all the same. They are not asking for anything different than what they already agreed on. Unfortunately, Mr. Lucini said that they did not get to see the Findings of Fact draft before it was voted on and approved. When he received it the following day, he reviewed it and saw the inconsistencies.

Mr. Lucini stated that the first change is located on page 3 of the Findings of Fact under Setbacks. Under this section, the last sentence currently reads, "They will have 75 foot tree buffer to the north, 100 feet to route 4 and 60 feet to the south.". He said that they are adding the phrase, "...with the rights to selective cutting of shading and danger trees." To the end of that original sentence. Mr. Lucini stated that this will make the Findings of Fact agree with the plan set because that is the note that has been on the plan set for quite some time.

Mr. Lucini stated that the next change is also on page 3. The second sentence in the last paragraph currently reads, "They will maintain a 75 foot buffer with limited panels and grading to be performed in this area. They will also perform selective tree cutting in the area with no vehicular access with 25 feet of the wetland.". He said that this is what they agreed to and is on the plan and they are fine with this statement. The problem is that on page 6, it reads differently. They are suggesting, so there is no conflict inside the document, is that the language that was just mentioned appear on page 6 under the section of Clearing or Removal of Vegetation for Activities Other than Timber Harvesting. It currently does not read the same and they would like it to read the same as what is on page 3.

Mr. Lucini stated that these changes would allow the documents to be consistent within itself and the document accurately represents what is on our plan.

Scott Strynar asked if they need a corrected Findings of Fact before they vote on it. Chairman Aleva said that they should have that to vote on. He thought that the updated Findings of Fact were included in their packet, but they are not. Mr. Lucini stated that the paperwork that they currently have also does not identify the changes to page 3 under the Setbacks section. Chairman Aleva stated that they will need to wait to have an updated Findings of Fact with all of the changes that they are requesting before they can approve it.

Scott Strynar motioned to table Item 3.2 for Gold Mark LLC & ISM Solar Quarry, LLC at 486 High Street (Map 004 Lots 89 & 92) until the next available meeting. Jon Morse seconded the motion. VOTE: 5-0

3.3 Porter Farms Subdivision

Douston Construction

Turkey Street (Map 005 Lot 046-3)

Applicant is requesting the Planning Board sign additional copies of the amended Subdivision Plan approved at the September 27, 2018 meeting. Applicant failed to register the original plans so new plans need to be signed to be properly recorded.

Scott Strynar stated that there were no other people to check into the meeting, so he doesn't believe that anyone is there to represent this application. Chairman Aleva stated that there was no reason for someone to be present.

Chairman Aleva stated that there was somebody that was supposed to get the plan recorded but for some reason they are no longer involved in the project. They now need to get the plan updated and recorded. It has been too long for them to be able to record it due to the age. There have been no changes to anything on the plan. Chairman Aleva said that they just need to come in and sign a new copy of the plans. Scott Strynar asked if Dwayne was going to review the old and new plans and Chairman Aleva said that they have been reviewed by him already.

Anne Whitten motioned to have the Planning Board sign the amended plans for the Porter Farms Subdivision on Turkey Street (Map 005 Lot 046-3) provided that there have been no changes to the plan. Jon Morse seconded the motion. VOTE: 5-0

4. Other Business:

There was no other business at this time.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:07 pm. Anne Whitten seconded the motion. VOTE: 5-0

Roger Frechette,  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Approved at April 8, 2021 ZOOM meeting

Jon Morse

Approved at April 8, 2021 ZOOM meeting

Anne Whitten

Approved at April 8, 2021 ZOOM meeting

David Ballard

Approved at April 8, 2021 ZOOM meeting

Scott Strynar

Approved at April 8, 2021 ZOOM meeting

Mark Cahoon

Approved at April 8, 2021 ZOOM meeting