

1                                   **NORTH BERWICK PLANNING BOARD**

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3                                   **MINUTES OF PLANNING BOARD APRIL 8, 2021**

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

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9   **Also Present:**           Lee Jay Feldman from SMPDC, Jean Friend, Chris Mende, Jacob Doyon

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11   1.     Call to Order:

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

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15   2.     Review Previous Minutes:

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17   Chairman Aleva stated that there were 2 sets of minutes to review tonight. The first one is for  
18   the minutes from the March 11, 2021 meeting.

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20   Jon Morse motioned to approve the minutes from March 11, 2021 as written. Anne Whitten  
21   seconded the motion. VOTE: 5-0

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23   The next minutes to review are for the meeting on March 25, 2021.

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25   Jon Morse stated that on page 1, the 2<sup>nd</sup> paragraph under the 3.1 section currently reads,  
26   “Chairman Aleva stated that they Board needs to vote to accept the application as complete.”. It  
27   should read, “Chairman Aleva stated that the Board needs to vote to accept the application as  
28   complete.”.

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30   Jon Morse motioned to approve the minutes from March 25, 2021 as amended. Anne Whitten  
31   seconded the motion. VOTE: 5-0

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33   3.     Current Business:

34  
35   3.1   Continued Review

36       Gold Mark LLC & ISM Solar Quarry, LLC  
37       486 High Street (Map 004 Lots 89 & 92)

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

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41   Chairman Aleva stated that there was some confusion at the last meeting with respect to the  
42   changes. They have asked Lee Jay Feldman to be here so he can make sure that it is understood  
43   by everyone as to what is being asked.

1 Lee Jay Feldman stated that the issue was that the applicant wanted some changes to the  
2 Findings of Fact. Some of the changes that they were requesting were at the front part of the  
3 Findings of Fact. Lee Jay stated that the first half of the Findings of Fact are basically a recap of  
4 the discussions that occurred at the Public Hearing and during the meetings. This puts it on  
5 record what the discussions were that occurred. It doesn't mean that is what was decided on, but  
6 it is what was discussed. It is almost like an abbreviated set of minutes, but it just focuses on the  
7 important issues. Mr. Feldman stated that the second half of the Findings of Fact where the  
8 section A starts for Performance Standards are the actual Findings of Fact. This shows what the  
9 Planning Board decided and why they decided this way.

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11 The applicant wanted changes to the first half of the Findings. Mr. Feldman stated that he took  
12 the position that those were factual statements that were made or parts of information that were  
13 on the record. The second section that goes through all of the Performance Standards had  
14 another area that the applicant wanted to change. On page 8 of the Findings, there are statements  
15 that the applicant did not feel were accurate, and they provided both him and Dwayne Morin  
16 with the wording that they wanted. Mr. Feldman stated that he looked at what they had and cut  
17 and pasted that wording into the Findings of Fact. He told the Board that what they have to  
18 approve tonight is exactly what the applicant requested. He stated that on page 3 of the Findings  
19 where the other changes were located that the applicant wanted were in fact the statements that  
20 were discussed during the meeting.

21  
22 Anne Whitten stated that on the minutes from the last meeting, David Ballard had asked about a  
23 generator. She asked Lee Jay if there was anything on the Findings about a generator. Lee Jay  
24 stated that this was changed to show exactly what the applicant had and is located in the Findings  
25 of Fact under the Utilities section.

26  
27 Jean Friend who was present to discuss the project stated that everything is consistent with the  
28 site plan that was approved. He stated that they now understand that anything within the  
29 Background section of the Findings of Fact is just prior information that is not relevant to the  
30 actual approval. He believes that this will be sufficient for them to provide to their financiers and  
31 make them feel comfortable with the consistency in the site plan.

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33 Anne Whitten motioned to approve the Findings of Fact for Gold Mark Solar and ISM Solar  
34 Development, LLC. Mark Cahoon seconded the meeting. VOTE: 5-0

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36 3.2 Hagen Subdivision  
37 Somersworth Road (Map 001 Lot 070 & 070A)  
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39 Pre-Application Review: The applicant is proposing a 7-lot subdivision on Somersworth  
40 Road (5 of the lots are proposed to be for duplex dwellings (2 per lot), 1 lot for public  
41 dedication and 1 lot for the owner's existing home). The applicant is proposing to build  
42 duplexes on 5 of the lots as well as construct a cul-de-sac road to achieve the required  
43 road frontage for each lot. The road is proposed to remain in private ownership held by a  
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homeowner's association. They are proposing to dedicate 5.9 acres to the Town due to the Town's Maple Street Forest and Trail System abuts this proposed project.

Chairman Aleva stated that he is recusing himself from this project because he works for the company that is designing the project.

Chairman Aleva moved Mark Cahoon up to full voting status for this project.

Vice Chairman Jon Morse will be the Acting Chairman for this project.

Chris Mende came forward to discuss the project. He stated that the client is proposing 5 new building lots. The applicant will retain a lot for himself and is proposing to dedicate a portion of the property to the town to supplement the town forest area. Mr. Mende stated that they have a road opening permit from DOT. This was acquired some time ago when the initial division of this property was made. He stated that if you look at the plan there is a lot on the left side of the road with a new home on it. This was built within the last couple of years by Linda Dutch. This was part of the larger lot until about 2 years ago. She conveyed the rest of the land to Chris Hagen. The lot immediately adjacent to this is currently Chris Hagen's house (formerly Linda Dutch's house).

Mr. Mende said that they still have work to do. They did have some preliminary soils tests done but they have more to do. They have a portion of the wetlands mapped but they have a little more to do. He stated that with the information that they have right now, the soils look good, and it looks like they can meet the soil density requirements, make the deductions for wetlands, and meet the requirements of the Ordinance. Mr. Mende stated that they have a bit of an oversized cul-de-sac. This is being done to create more frontage.

Mr. Mende stated that the owner asked them to size the lots so they could have duplexes, but he is not necessarily sold on building duplexes yet. He wanted to at least have the option and see if it was possible. Mr. Mende said that at this point he is willing to hear any comments or questions from the Board. He stated that the primary issues that he has to work on right now are to finish the wetlands mapping, soils mapping and do some soils test pits. They also need to address fire protection.

Lee Jay Feldman has just taken a quick look at the project but did notice a couple of things. He stated that on the notes, it mentions that there is flood plain on the property, but he could not find the flood plain line. He recommended that he verify that there is a flood plain or if the note is wrong. If there is a flood plain, then he should indicate it on the plan. Mr. Mende stated that the note reads, "The parcels are located in Flood Zone C defined as areas of minimal flooding.". He said that every property falls into some Flood Zones. Some Flood Zones are hazard areas and some are not. Zone C is not a hazard area so there is no 100-year flood of anything else that would be significant. Mr. Feldman stated that he may want to expand the note to say this or indicate that while it is a Zone C, it is not a mapped hazard area.

Mr. Feldman asked if the squares on the plan were the septic system bed locations? Mr. Mende

1 stated that the 26x36 boxes are the proposed houses and the 24x24 ones are proposed garages.  
2 They are just on there to demonstrate that they can actually fit these size houses on the property.  
3 Mr. Feldman stated that they also need to indicate the potential well locations so the Board can  
4 see that they have the 100-foot separations. Mr. Mende stated that they have not done any septic  
5 test pits yet.

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7 Mark Cahoon asked if the area was staked out yet to show where everything was going to be  
8 located. Mr. Mende stated that it was not. He said that this was just a sketch plan for general  
9 discussion. He stated that the next phase will be for them to do more work on the site with  
10 finishing up the soils and mapping. He said that they may change the lot configurations based on  
11 what they discover as they continue their work.

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13 Scott Strynar asked if the lots were going to be sold off individually. Mr. Mende said that it is  
14 his understanding that Mr. Hagen has a friend and a partner in this. Chris Hagen has the land  
15 and is getting the approval and it sounds like his friend will be building the houses and then  
16 selling them. Mr. Strynar stated that there would then most likely be a consistency with the  
17 design of the houses. Mr. Mende stated that he would assume so if they are building the homes.  
18 Jacob Doyon came forward and said that he was Mr. Hagen's partner in this project. He stated  
19 that all of the dwellings would be similar and subject to added features just to the homeowners as  
20 they go up for sale. He also stated that they are looking at moving forward with the duplexes and  
21 they would be sold as individual units and not as an entire lot. Lee Jay Feldman asked if they  
22 were going to have a homeowner's association and Mr. Doyon said that they would.

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24 Anne Whitten said that if they have a duplex on the lot, do the owners share the land. Mr.  
25 Doyon said that it would be a divided lot. They would own the home and have a shared septic  
26 system and shared driveway. Mr. Mende stated that he was not aware of this situation and  
27 believes that he understands what the Board's concerns are. He said that 2 separate entities can't  
28 really own a lot or half of a house on a lot unless it is a joint tenancy. He said the more normal  
29 thing that happens with duplexes is that 1 owner owns the entire lot and all of the entire units on  
30 the lot, and they lease one of them to another owner. The other way to accomplish it is that the  
31 entire subdivision is a condominium and each of the lots is a limited common area that only the  
32 2-unit owners would have rights to. Each of the buildings themselves would be the actual  
33 condominium unit. They will have to discuss it further. Mr. Feldman agreed that it will need to  
34 be discussed further and they will need to provide documents provided to the town showing what  
35 they are planning on doing. We want to make sure that the inhabitants are protected under State  
36 Law and under Condo Association provisions.

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38 Acting Chairman Morse stated that they need to set an escrow for the project. The recommended  
39 escrow amount is \$10,000. This includes costs of \$700 for the preliminary and final subdivision  
40 fees, \$750 for advertising, \$9.35 for the initial notifications, \$136 for the Public Hearing  
41 mailings, \$2,800 for SMPDC review, \$2,500 for Underwood review, \$2,000 for legal review  
42 plus an additional \$889.54 as an additional amount in case additional costs arise.

1 Anne Whitten motioned to set the escrow amount for \$10,000 for the Hagen Subdivision on  
2 Somersworth Road (Map 001 Lot 070 & 070A). Scott Strynar seconded the motion.

3 VOTE: 5-0  
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5 Chairman Geoffrey Aleva stepped back in as Chairman.  
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7 4. Other Business:  
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9 Chairman Aleva stated that the next meeting will be back at the Town Hall for in person  
10 meetings.  
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12 5. Adjournment:  
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14 Jon Morse motioned to adjourn the meeting at 7:11 pm. Anne Whitten seconded the motion.

15 VOTE: 5-0  
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21 Roger Frechette,  
22 Planning Coordinator  
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28 Respectively submitted,  
29 Susan Niehoff, Stenographer  
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1 Chairman Geoffrey Aleva

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