

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD MARCH 10, 2022

Present: Jon Morse, Anne Whitten, Mark Cahoon, Scott Strynar, David Ballard

Absent: Chairman Geoffrey Aleva

Also Present: Matt LeConte, David Galbraith, Neil J. Rapoza

1. Call to Order:

Anne Whitten will be the Acting Chairman for tonight's meeting.

Acting Chairman Whitten called the meeting to order at 6:30 pm.

Acting Chairman Whitten moved Mark Cahoon up to full voting status.

2. Review Previous Minutes: February 24, 2022

Anne Whitten asked that the approval of the last meeting's minutes be tabled to allow her more time to review.

Scott Strynar motioned to table the approval of the minutes of February 24, 2022 meeting until the next meeting. Mark Cahoon seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Stonewood Enterprises, LLC (Joel Littlefield)
722 Lebanon Road, Map 005, Lot 39

Public Meeting to further review the Conditional Use Permit request: Planned Unit Development with 21 units on existing 193.6 Acre parcel. - verify Preliminary Plan review.

Anne Whitten stated that there was a Memorandum received from David Galbraith, who is the consultant from SMPDC and she would like to go over it with the Board and read it into the record as follows:

"I. Application Overview: The property owner and Applicant, Stonewood Enterprises, LLC (Joel Littlefield) is seeking approval of a Conditional Use Permit for a Planned Unit Development (PUD) which includes twenty-one (21) units on 193.6-acre parcel. The Applicant is being represented by Neil Rapoza, Project Engineer – Civil Consultants (collectively “Applicant” or “Applicants”). The matter before the Board is a Preliminary Plan Review and Public Meeting. The application includes a very detailed narrative prepared by Mr. Rapoza, however I will provide a brief overview of the project highlights. If approved, the project would create a 21 unit Planned Unit Development on the property located at 722 Lebanon Road. The property currently has seven (7) existing dwelling units and the Applicant is seeking approval for an additional fourteen (14) units for a total of twenty-one (21) units. As proposed, the units are to be apartments that will be rented by the developer.

The lots are located in the Farm and Forest zoning district and contain approximately 193.6 total acres. The Applicant has included density calculations and a maximum of 29 units could be created. The Applicant has seven (7) units and is proposing fourteen (14) additional units for a total of twenty-one (21) units.

The property currently has a single access point serving the seven (7) existing units on Lebanon Road. The Applicant is proposing a second curb-opening on Lebanon Road, approximately 500 feet southeast of the existing driveway. The proposed driveway enters the property and arcs until it connects with the existing driveway. The new units are located on both sides of the crescent shaped driveway. The 14 new units are proposed to be located within seven (7) new buildings, two-units per building. The units are two (2) and three (3) bedroom apartments with a single car parking garage per unit. The proposed buildings are proposed to be served by three new wells, locations shown in blue. The seven (7) buildings are proposed be served by one (1) of four (4) septic fields with a maximum of 11 bedrooms per system. Septic fields illustrated at left in red. The Application includes the below waiver requests and reasoning for the requested action.

31	Does the applicant intend to request waivers of any of the subdivision requirements or standards? If yes, list them and state reasons for the request:
7.2.b.6	LOCATION OF ANY TREES LARGER THAN 24 INCHES IN DIAMETER
7.2.b.7.c.1	GROUNDWATER IMPACT ASSESSMENT
10.5.a	ALL UTILITIES TO BE INSTALLED UNDERGROUND
Table 4.3	DIMENSIONAL REQUIREMENT – 300 FT FRONTAGE (P.U.D.)

I. SMPDC Review Comments:

It should be noted that the below comments are preliminary only.

- 1. Septic Systems: One of my largest concerns with the project is the proposed utilization of four (4) septic fields serving the fourteen (14) units and issues with system failures impacting multiple units. This is not my area of expertise but the proposal raised some concerns about the legality and feasibility of utilizing gang septic fields.*

2. Well Water: The 14 proposed units are proposed to be served by three new wells. Again, this is not my area of expertise in regards to the Plumbing Code but I wanted to raise the possible concern so any issues may be resolved in a timely manner.
3. Pump House: Related to the well water the application included a letter from Clear Water Artesian Well Co. which mentioned the well design. Please provide details.
4. Waste Handling: Please provide details on how household trash will be handled. Are dumpsters being proposed? If so, show locations.
5. Parking: The Application includes a parking and traffic narrative. Parking provided seems fairly light.
6. Landscaping: Revised submittals shall include a landscape plan showing all plant materials proposed for removal and planting.
7. Patios: Will the units have outside designated personal space such as patios, screen walls etc. These items shall be illustrated on plans and included in your impervious calculations.
8. Performance Guarantee: Once the technical aspects and zoning/subdivision have been addressed, an estimate for the capital costs needs to be submitted so that a performance guarantee can be established for the project.

Conclusion:

At this time, the Applicants are seeking preliminary plan approval of a Conditional Use Permit for a Planned Unit Development (PUD) which includes twenty-one units (7 existing and 14 proposed) on 193.6-acre parcel. Conditional Use Application for a Major Subdivision. As outlined above and number items require plan revisions, questions answered and additional information to submit prior to final approval. It should be noted that these comments are preliminary and additional review and comment will be necessary."

David stated that the concerns are really around the septic fields and the wells. He stated that if in the future, this suddenly becomes a condo unit and there were to be homeowners' association documents, there are different requirements for the well and septic. Matt stated that may not be necessarily true, but they would have to return to the planning board and that would require homeowners' documents to clearly spell out who is responsible. In this case, the Applicant is looking to do rental units/apartments and it is under one ownership.

David indicated that he thought maybe the State had requirement against community wells and septic systems. Neil responded that that is actually one of the items that they looked at with this one having so many units on a single well would push in to a community system so that is one of the reasons there are multiple wells and multiple septic fields so that they could meet all of the setbacks and keep them as more independently working systems. The way it is laid out is a small subdivision,

and it would basically be a duplex on its own lot. The separation for the septic and wells would follow what they need to do to follow requirements. There has to be a 100-foot separation between the systems and then the wells are all situated so they have 100-foot separation from any of the septic fields.

The Board did go to the site before the meeting. Anne Whitten would like to go through the list to make sure that they have everything to complete the preliminary plan. Anne referenced Article 7 - Preliminary Plan for Major Subdivision.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers;

Matt indicated that he had all of that.

2. A actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set found at each lot corner;

Neil stated that the subdivision plan that was submitted is not the final but they can get a stamped version of the subdivision plan that is going to be submitted. Matt indicated that they are all set with this information.

3. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. All deed restrictions shall be listed on the plan filed with the Registry of Deeds;

Anne confirmed that a copy of the Deed has been received.

4. A copy of any covenants of deed restrictions intended to cover all or part of the lots in the subdivision;

Matt stated that this is all in the packet of information that was handed out to the Board.

5. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level;

Scott Strynar indicated that the lines are on there and stated that he would like to see 1-foot contours instead of 2-foot contours. He indicated that when he was on site looking at the exit point on Lebanon Road, he did not realize that it was 3 feet higher than the road, so he would like to see 1-foot contours to get a real sense of what is being manipulated.

6. The number of acres within the proposed subdivision, location of property lines, existing building, watercourses, vegetative cover type, and other essential existing features. The location of any trees larger than 24 inches in diameter at breast height (4 feet 6 inches) shall be shown on the plan. All potential freshwater wetlands regardless of the size must be indicated;

David Galbraith stated they are asking for a waiver on that. David Ballard asked why they would need a waiver if there are not any trees. Scott Strynar stated that technically they would have to

inventory the entire parcel which is 193 acres so if the 24 is waived, that would take care of the entire parcel. Anne asked if that could be waived. Matt said yes it could and there is no gain to have them survey the entire property where there are no trees there and it is not applicable.

7. Indication of the type of sewage disposal to be used in the subdivision.

The Board has this information.

a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Sewer District indicating there is adequate capacity within the District's system to transport and treat the sewage shall be submitted.

Anne indicated they are not using public sewer.

b. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Article 7 - Preliminary Plan for Major Subdivision North Berwick Subdivision Ordinance Page 7-4 Revised April 7, 2018

Matt confirmed that the Board has this information.

c. Ground water impact shall be assessed as follows:

1. Assessment Submitted. Accompanying the application for approval of any subdivision which is not served by public sewer shall be an analysis of the impacts of the proposed subdivision on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and shall contain at least the following information:

David Ballard indicated that a waiver was requested for this and asked what the reason for the waiver is. Neil indicated that the reasons for that waiver request is that the fact that there are numerous developments in the area with no known water supply problems. The fact that property has been a working farm in the past with what would be an equal or greater water usage typically than the residential use being asked for. The fact that the acreage available and the way the septic fields are going to be designed are going to be minimal impact for nitrate transportation through the ground. The fact that waiving it would not have a negative impact on neighboring lots or residents. The fact that the size that the property is itself would be a major assessment to do for the Applicant.

David Ballard asked if there would be any gain at this point to do the assessment at this point. Matt did not believe so. There has not been much new development to impact any of that water. Neil explained how the water flows by referencing their map and plan.

Matt asked if each of the proposed septic systems designed by a soil scientist. Neil indicated that they have not been yet. They had Mike go out and locate where they should be and then they will work together to do the design. The flow is not to the point where it is an engineered system.

Anne Whitten then indicated she believed they cannot call it preliminary until they have that because they need to have the test pit analysis by the licensed site evaluator. Matt stated there is a difference

between test pits. Neil stated that was done and he's not sure if the actual test pit data has been submitted. Matt indicated what he was talking about was the design for each of the septic systems which is the next step and probably should be submitted. David Ballard then asked if they would need that information for the preliminary and would they need all of that to make a proper assessment for the ground water impact assessment. The ground water impact assessment person doing that, if they did not waive it, would want the other study that is being talked about. Scott Strynar indicated that part of the septic system design when they dig the test pit, they look at the soil profile and it will show water table, bedrock, layers of soil and part of that process is looking at that soil profile so Neil is just trying to say they are not doing it for the whole property. Neil indicated the ground water assessment ends up carrying down much further than the impacted area. Scott then asked if this is just a detention basin or is this some sort of a filter. Neil stated that all that is just a small detention area and it is very minimal and they only had to slow down the water a little bit through there and it was just for the major storms to hold water back from water coming in from main development on the crescent driveway.

Anne asked about the waiver and Neil stated the logs are still being written and he did not want to submit anything without a narrative. David Galbraith did not believe they were asking for a waiver but so far, they have done the test pits, the soil analysis but they have not completed the final design. Neil stated that is correct. David Galbraith stated he felt it was okay to continue moving forward but knowing that the designs are going to have to be done before anything is acted on.

Scott Strynar stated that they are asking for a waiver of the ground water assessment and he is looking at the plan, he is not too concerned but he is curious to see what the test pits come out at for the septic fields. He believes they are going to be built up out of the ground. Neil stated they can bring in an aquifer maps from the State of Maine and submit that. He's done that already in the past for this site.

Anne then skipped to #9.

9. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, sub-divider, and individual or company who prepared the plan;

Matt confirmed that information has been provided.

12. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision;

David Galbraith confirmed that the Board has this information.

11. The location of any zoning boundaries affecting the subdivision;

Matt stated it is all one zone and is noted on the Plan.

12. The location and size of existing and proposed sewers, water, mains, culverts, and drainage ways on or adjacent to the property to be subdivided;

Neil stated there is nothing in the roadway and none is municipal. He stated it is noted on the Plan.

13. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain rough survey and scale data sufficient to allow approximate location, bearing and length of street lines, lot lines and boundary lines to be readily determined;

Matt confirmed that information has been provided.

14. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision;

Neil stated there are none.

15. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included; Article 7 – Preliminary Plan for Major Subdivision North Berwick Subdivision Ordinance Page 7-6 Revised April 7, 2018

Neil stated it was noted on Note #14 of the Plan and discussed with Dwayne with the final value to be determined once we have conditional approval so they know how many units to compensate for.

16. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, quasi-municipal districts. These lists shall include but not be limited to: Schools, including busing Street maintenance and snow removal Police and Fire protection Solid waste disposal Recreation facilities Storm water drainage Waste water treatment Water supply the developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision;

Neil stated this is not applicable to this project.

17. The location of any open space to be preserved and an indication of its improvement and management;

David Galbraith stated there is open space but since it is under one ownership and the owner will have to maintain it.

18. A soil erosion and sedimentation control plan endorsed by the County Soil and Water Conservation District;

Matt confirmed that they have that information.

19. A plan for the disposal of surface drainage waters, prepared by a Registered Professional Engineer and endorsed by the York County Soil and Water Conservation District.

Scott asked if Neil was a Registered Professional Engineer and Neil confirmed he is. Anne asked if it was endorsed by the York County Soil and Water Conservation District and Neil stated it is prepared

by their standards. They do not have a letter from them. Anne stated they need it. Neil stated that it has to be done by a plan that is endorsed by them and that is how they generally handle that. David Galbraith asked if they normally receive a letter or endorsement from them and Neil stated that they generally do not but it is something they could reach out and get something from them. Matt stated he believed Underwood's review would confirm all of this and Scott indicated that would be similar to a peer review. Scott stated if they provide a letter, that should suffice. Neil said he has never requested that but will try and reach out to obtain something. Scott and Matt agreed that it would ultimately be Neil's license on the line if something failed. Matt's understanding is also the same as Neil is a professional engineer. Neil stated he would reach out and try and obtain a letter if possible.

20. A copy of that portion of the County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses; The Planning Board shall require the applicant to contribute a Development Impact Fee to participate in municipal infrastructure improvements at the rate set by the Town of North Berwick using the fee schedule in effect on the date of submission of the Major Subdivision Preliminary Plan to the Planning board. The Board shall require the applicant to participate in all areas of concern as determined by the Board

Neil stated that they obtained the escrow amount at the last meeting and Matt confirmed that Joel had come in with a check for that. Matt stated the final number is based on the number of bedrooms.

21. As soon as the applicant's share of infrastructure impact has been established by the Planning Board, the applicant and the Board shall select the method by which the applicant shall participate in the infrastructure improvement. The following alternatives are available:

a.) The applicant must agree to make the necessary infrastructure improvements, establish a construction schedule and post a separate performance guarantee in accordance with the provisions of Article 12 to cover all associated costs prior to approval of the final plan. In addition, appropriate annotations shall be made on all subdivision documents including the recorded plan to ensure the infrastructure improvements are completed before occupancy or Article 7 - Preliminary Plan for Major Subdivision North Berwick Subdivision Ordinance Page 7-7 Revised April 7, 2018 sale/transfer of the property can occur.

b). The Town shall agree to complete the required improvement, and the applicant shall pay the required Development Impact Fee to the Town. Agreement of the Town to complete the required improvement shall be documented by the submission of a letter from the Municipal Officers to the Planning Board detailing the extent of the improvement the Town will accomplish, and a separate letter to the Planning Board from the Town Clerk substantiating that the required Development Impact Fee has been paid in full, prior to the Planning Board approval of the final plan. If the required improvement is not completed by the Town within ten (10) years, the fee plus interest shall be returned to the applicant.

c). All standards in Article 10 and 11 of this ordinance shall be adhered to and reflected in the submitted plans.

David Galbraith stated this is not applicable as they are not proposing any public streets or public utilities, etc.

Anne Whitten stated that she believes they do not, at this time, have a complete preliminary plan.

Mark Cahoon asked about bus pick-up and are they going to be allowed to go down the private road to pick up and drop children off. Neil stated that was not discussed but most likely it will be determined by the District and they would probably have two separate pick-ups or maintain the existing pick-up spot at the end of the driveway which is already there.

Anne reiterated again that the preliminary plan was not complete. Neil responded by stating that he would get them the testing data which is missing and some resolution to the York County Soil and Water Conservation District endorsement if possible.

David Galbraith asked if there was any requirement from the Fire Chief about sprinklers. Neil stated that is one of the reasons they are putting up duplexes and it is easier to separate them out and it made sense to go that route.

David Galbraith also inquired about the dimensions on the proposed drive. Neil stated it was 22 foot drive all the way through with no curves. They are doing a small turn off to the side for a mail kiosk which was discussed with the Post Master who was happy with this proposal.

Anne inquired about the parking situation. David Galbraith stated they had met the parking requirements but there is some concern about overflow parking. Anne stated if there is a three-bedroom apartment and a one car garage, the other vehicles had no real parking spot. Neil stated each unit has two parking spots.

David Ballard inquired about underground utilities. There would be a second waiver needed and if a waiver was requested for one, they should request a second one, since they are tied together as far as the articles go. Neil stated they had not requested a second one because they will have underground utilities but just on the site there are overhead wires on the site that they do not plan to change. Everything new will be underground.

Anne inquired about the dimension requirements. Neil stated that with a Planned Unit Development regulations, that allows the Board to waive the dimensional requirements due to the fact that is required to be able to do a Planned Unit Development because you are packing more lots and units into a smaller space to preserve the greater space. Dwayne suggested that they ask for a waiver for the frontage for each unit so they document what is provided for street frontage for each unit on the new required right-of-way. Anne stated that instead of putting in a bunch of roads, every dwelling would have their 300 feet of frontage. Anne asked if out of the 193.6 acres, after putting in this Planned Unit Development, is there any land left over to erect a development. Neil stated technically there would be enough land to do another seven units but they would have to upgrade road and storm water treatment and would trigger a lot of DEP requirements. It would just not be practical.

Matt stated that the waiver for a reduction for the required frontage in the farm and forest zoning district is only allowed with a planned unit development as approved by the Board and the Board would have to approve every kind of reduction that they are asking for to make that Planned Unit

Development possible. Matt stated if it was a major subdivision, it would not happen. Anne inquired what makes a planned unit development a Planned Unit Development. Neil stated it basically a cluster development with a set of different rules that need to be followed.

David Galbraith stated overall this is all very straight-forward. He did have questions about septic that will be answered and there are no major concerns at this time.

Scott Strynar stated his concerns are with parking, specifically guest parking. Matt stated there can be conditions set to that. Scott indicated there should be no parking on the street. David Galbraith stated that maybe the Fire Chief would want it posted with no parking allowed. Matt stated that can be an item for discussion in the future and suggested talking to the applicant about what additional provision can be created for additional parking space. Matt stated that if the Board sees it will be an issue in similar projects going forward, then they could review the ordinance that makes a provision and propose an amendment.

Scott Strynar asked about patios and Neil indicated that no patio or decks are proposed for this project. Scott also asked about basements and Neil indicated there would be no basement and therefore no bulkheads. There will be a door on the back and rear elevation. Scott also mentioned that he was pleased that there would be trees acting as a buffer between the road and the units.

Neil stated he would immediately submit the test pit data, the aquafer mapping in for reference and try to get a hold of York County Soil to get an answer either way about an endorsement. David Galbraith stated with those things, there is enough to consider it complete and a public hearing could be scheduled and the preliminary submittal can be sent for review for the sake of not delaying the project further.

David Ballard motioned to accept this Preliminary Plan as complete with the understanding that Stonewood Enterprises, LLC (Joel Littlefield) will provide answers to the Code Enforcement Officer regarding Article 7, 7B and 20C and table 4.3. Mark Cahoon seconded the motion. VOTE: 5-0

Scott Strynar motioned to schedule a Public Hearing for April 14, 2022 regarding Stonewood Enterprises, LLC (Joel Littlefield). Mark Cahoon seconded the motion. VOTE: 5-0

Mark Cahoon motioned to send the Preliminary Plan to Underwood for review. Scott Strynar seconded the motion. VOTE: 5-0

4. Other Business:

Scott Strynar stated that he would like to see required landscaping as a simple buffer in the Town's ordinance going forward for subdivisions or Planned Unit Developments.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 8:07 p.m. David Ballard seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Geoffrey Aleva

Jon Morse

Anne Whitten

David Ballard

Scott Strynar

Mark Cahoon