

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD APRIL 14, 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, Johanna Loughran, Rachel Orr, Justin Orr, Dan Morin, Mike Barker, J. Emerson, Bruce Morrow, Shane Norton, Steve Serwacki, Sean Dougherty, Jackie Dougherty, Stephanie Griffin, Angela P., Trish Lara, Cathy Winship, Todd Winship, Justin Perry, Carole Weiss, Freeman Rose, Beverly Gray, Deborah Harvey, Marianne Ferguson

1. Call to Order:

Jon Morse will be the Acting Chairman for tonight's meeting.

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

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

2. Review Previous Minutes: March 10, 2022

Anne Whitten motioned to approve the minutes of March 10, 2022 as amended. Scott Strynar seconded the motion. VOTE: 5-0

Anne Whitten motioned to again table the minutes of February 24, 2022 until next meeting. Scott Strynar seconded the motion. VOTE: 5-0

3. Current Business:

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

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

Chairman Morse discussed the confusion as it described as a 21 unit Planned Unit Development when 7 of them have previously been approved and believes they are now just approving 14 units. Matt LeConte stated that a Planned Unit Development includes all of the units on one parcel, unlike a subdivision that has multiple parcels with multiple dwellings.

Neil Rapoza from Civil Consultants stated that nothing has changed with the proposed plan since the last presentation. They have taken all of the review comments into account and responded to all of them. He stated the most significant being increasing parking areas and relocating some of the homes further away to provide more space for parking, use of garage when there are cars outside and guest parking. The significant part of that is that it increases the disturbance and will require the DEP review for a storm water permit. That will involve another permitting process to the DEP and implementing some additional storm water treatment, filters and buffer areas being designated and deeded so that they cannot be disturbed and will continue to remain as open meadow to provide treatment for the storm water. Neil stated it previously was utilizing the existing entrance to the driveway leading to the 7 units already there but since taking all of the comments into account, there will now be a conventional "T" to square off the existing drive to make it a more conventional intersection with town roads. The next provision of plans for the next meeting will indicate all of those changes. It is planning to stay the same as far as the general layout is concerned in regards to the number, septic and utility layout. The septic fields have been fully designed by a licensed evaluator.

Jon Morse asked how long the parking spaces are currently. Neil stated they are 26 feet deep and now they pushing them to 17 feet wide. Neil stated one of things discussed was that they were not trying to encourage parking areas so big that they would store recreational vehicles and trailers. Jon Morse also asked about the sidewalk and Neil indicated they will be putting a sidewalk on one side and connecting it to a sidewalk that will go to a bus stop waiting area as well. David Ballard stated that on the current plan (page 3, item #16), it was indicated that there was an existing sidewalk that they are going to omit. Neil said that they will clarify those plans. Jon Morse asked if Neil had been in contact with the School Department as far as the bus stop goes. Neil said he had not yet. Neil's understanding is that busses would continue to make one stop at the end of the driveway and not pull in.

David Ballard stated they had suggested a larger door unit. Neil stated it is more a code issue. The architect is going to be looking at this. At this time, it is adequate and increasing the size would be more of a preferential issue. David Ballard asked for more clarity on that issue.

Scott Strynar stated that Item #33 "It is intended that the residence will utilize the town transfer station". Neil indicated that was the plan at this time.

David Ballard inquired about the sprinkler system and asked if it was a requirement for that type of building. Matt LeConte stated it was not required for these types of buildings since they are duplexes and indicated that he had received inquiries about the number of dwellings in the current buildings and location of each of the dwelling. Neil stated he is not aware of that and the only thing they had dealt with out back is the coverage on the lot that would count towards DEP disturbance and the current units would be staying as is. Scott Strynar stated it would be helpful to know in the multiple structures that are there, what is garage, what is units and how many units in each structure, etc. and it would helpful to know that information.

David Galbraith, who is the consultant from SMPDC inquired about the driveway coming in and also some changes to the geometry of the intersection and wanted to know if they were going

“T” the main driveway. Neil indicated that is correct and they are going to improve a portion of the roadway to the next higher level to the minor road standards.

The Town received letters from Bruce & Collen Morrow, Johanna Loughran, Justin Perry, Shannon & Keith Lowery, Freeman Rose, Stephen Serwacki, Nick Messier and Freeman Rose and are available for review upon request.

Chairman Morse opened the Public Hearing at 6:48 p.m.

Bruce Morrow stated that he resides at 734 Lebanon Road and is the direct abutter of this subject property. They have horses on their property and their concerns are noise and wells. They have had their well go dry once and his concerns are the two new wells that are going to be drilled possibly draw down their personal wells so they cannot get enough water for the horses and gardens. The other concern is noise and he stated that Mr. Littlefield has been very good about letting them know about his fireworks display because the horses have to be sedated and take the dogs for a ride off the property when there are fireworks. Bruce stated he did submit a letter dated April 4, 2022 which outlines all of these concerns and would like a response on these issues.

Anne Whitten then asked Mr. Morrow if he knew if Joel Littlefield gets a permit for his fireworks and Bruce Morrow believes he does but is not certain and stated that he has been very forthcoming. He stated there was one instance when fireworks went off without any warning and his wife called Joel and Joel was in Boston and it was one of his tenants that was setting them off.

Justin Perry has a question about the existing units and wants to know how many were originally approved, how many are there and where are they distributed on the property because according to the plans that Civil Consultants set out, the 7 units that are existing are supposedly in the original farm house and the barn. However, he stated that simply by driving by, it looks like there are at least 2 units about the 5 bay and it looks like they are putting another unit or two units above the new 3 bay. Justin's feeling is that before anything else gets approved, there really needs to be some investigation as to how many units that are actually there now, how many have just materialized or in the process of materializing and if this is going to set a precedent, he feels the Town needs to be leery with how the project is going to move forward in the future. Anne Whitten said that there are seven units there now and asked Justin if he believes there are more than seven units there now and he believes there are. Anne asked if Matt could look into that and he said he would.

Justin Orr stated he lives on Lebanon Road also. He did hear that there were 21 units and if they are duplexes, how can there be an odd number of units. Neil stated that the 7 existing units are being taken into account because they have to do the density for the overall development. They have the 7 duplexes with 14 units total and then if you add in the 7 existing units already there, that gives you 21. Neil stated when they figure the density for that entire lot, they have to account for everything. Justin stated that as far as his family goes, this area is farming and agricultural zoning and they moved here and built here for those reasons. He stated they have livestock, peace and quiet, trees and fields and animals and that is why they moved here. He

believes this proposed Planned Unit Development is not what that stands for and is opposed to this altogether. Anne Whitten stated that Joel actually has enough land in the farm and forest to put in this many houses and instead of seeing it all in a cluster development, you could be seeing a subdivision with roads and houses all through the fields and lands. The difference here is that he is trying to preserve that land because once these are in and he has maxed out the amount of houses allowed, nothing else can be put on that land. Justin asked what is his maximum amount of houses and Matt LeConte stated the maximum is 29. Justin stated they really do not know how many he has right now. Anne stated he has 193 acres. Justin stated the majority of that is wetlands. Scott Strynar stated that the majority is but not all of it is. Neil stated that you do have to take into account when doing the density and take that all out. Justin Perry asked if this meeting to say, is this really going to happen or is this meeting to hear what everyone thinks. Chairman Morse stated that this meeting is to listen to everyone, review letters and then the Board will discuss what everyone thinks. Chairman Morse wanted everyone to be aware that just because someone does not like it, it does not mean it may not happen. If the Town of North Berwick's Comprehensive Plan says that he can do his 7 units with 14 apartments and as long as he abides by all of the rules and regulations and stipulations, then he can complete his project. Justin Perry said he understood that and wanted them to know he was very opposed to this project. David Ballard stated that the Board can add conditions to it and by having this public hearing, they can get feedback from the abutters to get some of those concerns.

Rachel Orr is Justin Orr's wife and she stated she is also opposed as is Justin but wanted to add that they live adjacent to the property as well and they also share the same concerns residing livestock. She stated the noise disturbance would really be a significant impact. They are in the process of finalizing a barn that is on the front end of their property and will be closer to the area that is being developed. They have concern about how that might draw additional wildlife to the area and cause new problems. She stated they also have a well and they share the access road with Joel Littlefield and does not know if with more people living on the property, they would now have access to that tote road. Rachel stated she moved here specifically for the quiet and for the purpose of building a small farm for their family and this Planned Unit Development was not what they envisioned when they moved to this area. She feels there is nothing they can do once this is built to stop all of these issues and restrictions and would drastically affect their family and are very seriously opposed to it. Chairman Morse asked what the main noise complaint was. Rachel stated the residents living on Mr. Littlefield's property are shooting guns every single weekend for hours straight. Anne Whitten asked if the police have been notified. Rachel stated she has not called any authorities because they are trying to live civilly with their neighbors and have managed it by keeping their dogs inside when there is shooting and their children, who are 4 and 5, have now been accustomed to hearing guns every weekend. Rachel stated Joel drives down their access road on his 4-wheelers, which he is entitled to do, but it is noisy and could potentially become noisier adding all of these units. David Ballard asked what access road she was referring to and she stated it is across from Clark Road at 594 Lebanon Road. Rachel stated she has concerns about all of the additional people moving. Anne Whitten asked if she owns the access road and she indicated that they share it. They own half and Mr. Littlefield owns half. Scott Strynar indicated he has a deeded right-of-way and it looks like the property line goes down the center of the road, although Mr. Littlefield does tell them he owns the entire road. Chairman Morse stated that there is an ordinance that says you cannot shoot a firearm within 300 feet of adjoining properties and his question is if there are 7 units and all of these people are

shooting guns there, then that would be going against the ordinance. Matt stated that is an issue for the police department. Justin Perry stated there is a gun range on Mr. Littlefield's property. Chairman Morse stated he could certainly talk to the Chief or Matt could talk to the Chief to get clarification on the gun shooting. Rachel Perry stated she has no problem what is happening now but has concern of noise overall with several more dwellings going in and goes against the farm and forest aspect.

Jackie Dougherty stated she owns property abutting Joel Littlefield also and her concern is that when she bought her property, it was a 4 acre per household rule and did not realize that each individual house would need 4 acres. Because Joel has 194 acres, she did not realize he could put a large number of houses on just a couple acres of land. They have 80 acres, and believed that for them to divide it, they would need a 4-acre parcel for a home. Mark Cahoon told her that she would need 4 acres if she was selling individual house lots. Jackie is confused as to how the units being built out front can happen when they are not on a 4-acre lot per house. Matt LeConte stated that he replied to everyone's email and explained how this use, as a Planned Unit Development, is allowed in Farm and Forest and he shared that there are already 2 Planned Unit Developments in the Farm and Forest that have been there for some time. Scott Strynar stated that there is one on Fox Farm Hill and one at Porter Farms on Turkey Street. Matt stated this Planned Unit Development, as a use, is essentially an exemption to the standard requirements of the Farm and Forest Zoning District. Specifically, the number of principle dwellings on the property is based on the square footage of the lot. He stated the 160,000 square feet per dwelling on this extremely large property comes into effect. This one is affected by wetlands, rivers, stream and resource protection so that is where it has been reduced to 29 maximum principal dwellings. So, unlike a traditional subdivision, which is a division of 3, this already more than 3 has gone to subdivision but not as a Planned Unit Development and now this is the applicant's goal. It is within the zoning ordinance and it has been in there for more than 20 years old. It is derived from the comprehensive plan which is designed and created to show where this Town is going to go over time. With that all said, the residents have the ability to effect change in the law. He indicated it is not quick, it is not simple but it is certainly possible. He did say it would not apply to this application because it has already been submitted. Jackie Dougherty stated that she knows there are some large parcels out there and wondered if this is something that anyone with a large parcel can do. She stated that is really her concern that this is setting a precedent and they are going to see developments pop up all through the farm and forest which she is opposed to. David Galbraith stated that the way the zoning works is that it gives you a density calculation and it will say, for example on Jackie's property, she would need 4 acres so in that zoning district, there would be 4 acres. What this applicant is proposing right now is not like a typical subdivision and basically it is owned by the property owner and they are required to take out undevelopable pieces of property such as wetlands and streams or slopes and then from that fit 29 units in this particular case. Based on that number, then the applicant can say he wants to do 21, he has 7 already and wants to put in 14 new, he is still under the 29 maximum. He stated there are benefits by doing this type of development such as reducing roadway length, etc. Jackie asked if all of these units are going to always be owned by Joel Littlefield and never going to be transferred. Anne Whitten stated they will be owned by him, they will be rental properties and will be paying \$2,500 a month in rent. Chairman Morse stated that if he was going to be selling them for condos, Joel would have to come back before the road to revise the process to make them condos and the Board would have to review condo association documents.

Jackie stated she would like to reiterate the whole noise issue as they are owners of the back road behind Joel's property and there are 4-wheelers going up and down that road, there is gun shooting and it is a lot. She stated the residents did not know which way they were shooting when they started shooting their guns and they had the police at their property because there were bullets going through their trees and chicken coop.

Matt LeConte stated any plot of land that is 10 acres or more, they could potentially could go through this review process and that is a possibility and he would like to educate objectively to the residents, that these laws are approved by the residents of the Town of North Berwick as he saw when he attended the Town Meeting last weekend and to keep that in mind. Chairman Morse stated this is why it is important to get out and vote.

Johanna Loughran who lives at 757 Lebanon Road and is also a neighbor to Joel Littlefield. She stated the zoning ordinance requires the town to take a careful review of the plan because it granting a real privilege. If this privilege or permit must be approved, significant conditions should be placed on ownership, use of and care for the plan's open space. As neighbors regular hear gun fire and noises from recreational vehicles coming from the property, it is clear that the owner/developer takes no interest in the quality or preservation of the open space and cannot be expected to do so as a good neighbor in the future. The zoning ordinance includes an option that open space might be deeded to or owned by the municipality. If the Board agrees that this condition would be in our Town's best interest, it should require as a condition, a transfer of ownership. Further she stated, pursuant to this transfer, it should require an additional maintenance fee to be paid by the owner's association to the municipality to ensure the property is properly cared for, maintained and safely opened to the public consistent with uses encouraged by the Farm and Forest designation. It is not a punitive request as private land preservation organizations accepting the gifts of property routinely require donors to provide ongoing funds for maintenance and support and if an expert consultant must be hired to determine what a reasonable annual maintenance fee must be, the Board should engage the consultant and require the expense be paid by the owner or developer. Finally, she stated, this all caught them by surprise and they have been asleep at the switch. As an entire community they must look hard at the zoning ordinance as it stands and consider making reasonable changes to allow for more organized development in the future. Johanna stated that maybe the Board's hands are tied and they have to go by the law but there should be conditions to be put on this project to persuade Mr. Littlefield not to go forward with this project. Scott Strynar stated that this is a Planned Unit Development and he is retaining ownership of this property and it is considered private property. This is not open to the public. The property development and the roads are not public property. To enter the road, you have to be a resident as it is technically private property. Johanna inquired about open space. Scott Strynar stated that open space to the public is for the residents in the development, not open space for the town. There was an option for open space to be dedicated to the town which due to the value of the land, it is not something that the Town is looking to do. This is all private property and the open space is for the residents of the property, not for the community. Johanna asked if the Board could put a condition on it saying the open space could be deeded to the Town of North Berwick. Scott Strynar said that would be like the Board telling a home owner everyone could go through their property. Chairman Morse stated the Board cannot tell Joel Littlefield what to do with his property, per say to a certain extent. Scott reiterated that it is not open space to the community. If there was a public road, the public would

have a right to go down that road, but in this case, it is all private property. Matt stated it is not falling on deaf ears and will be investigated. Johanna stated she was looking at #1 under Section C on the zoning ordinance which is 5-29. Johanna stated if this project has to be approved, which she does not want it to get approved, but put conditions on it that were so hard for Joel Littlefield, then maybe he would not do it if he had to forfeit 100 acres to the public or pay a maintenance fee for upkeep. Anne Whitten asked if she would you rather him put the 29 units all through the 193 acres as a big subdivision with roads and houses. The public stated that he would not do that because he would not spend the money. Johanna said this cluster development is saving him money and all in his benefit. Chairman Morse stated there are no set answers to her concerns and they need to look at the comprehensive plans and go through everyone's concerns.

Freeman Rose, who lives at 693 Lebanon Road which is right across the street from this property. His concern is the same as everyone else's as far as the noise complaints already coming from there such as 4-wheelers racing in the field and wonders how that will be impacted by 14 more units. He has the same concern with the guns and stated he called the police one night when it was pitch dark one night because of gunfire. The police stated that because of the noise ordinance they couldn't do anything until 10:00 p.m. at night which doesn't make sense because it was pitch dark out and there was excessive gunfire and could shoot at people's houses. Another concern that Mr. Rose stated was that several years ago he put an addition on the front of his house but was 2 feet too close to the road and was told that it was farm and forest and he had back off on the addition of his house. He stated the last time Joel was there was because he was going to put a house behind the barn that would not be seen from the road but now all of a sudden, there is a house that rivals the size of the barn that is clearly seen from the road and wonders how he did not know about that but all of a sudden, it pops up. The other thing Mr. Rose noticed is that he has bought the property off from Tweet Hall that abuts to his property and plans on putting a development in there that he already has plans for. This is a concern because how far do we go in Farm and Forest. Is it anytime anyone wants to do anything in the village, they cannot but apparently Farm and Forest is wide open? He stated he doesn't mind people putting in houses or developments that are off the road and cannot be seen but he has plenty of room to put these houses behind his barn that cannot be seen, but not right off the main road.

Dan Morin, who lives at 670 Lebanon Road stated that the water shed that comes off that property, when it comes down to those wetlands, those wetlands and the back of the field raises, and wonders how is this going to work and if it is going to be disturbed by pushing that wetland because it has to move somewhere. He stated that since it is private property and he gets moisture in his basement or water in his basement, he wonders who is liable for this. That water is running down Lebanon Road to another property and it has gotten worse over the years as he has been there 4 years, and has had the property close to 10 years and it has gotten worse. He stated that the Board cannot tell him that whatever they are going to do at the end where the houses are, is not going to disturb the wetlands and water flow which is one of his concerns. The second concern is there is a strip between his house and a yellow house that, last he knew, Joel cleared and he was going to take that piece of property and hook it on to the other piece of property and wonders if that has happened. Chairman Morse stated it that it did and that he added that strip onto the big piece and came before the Planning Board for that. Matt stated it is all one parcel. Mr. Morin stated that Joel Littlefield will have a phase 2 if the maximum dwellings are 29 because he is not going to stop until he completes his 29. Neil Rapoza stated it is required to

do a storm water management plan for any of the developments and it shows how they are going to slow the water down and keep it at pre-development levels for the abutting properties. Dan Morin stated that right over the front of his property he has a bridge and he dredged it out because it was backed up on his property. He ended up dredging it out to get the water flow because that water flow ended up crawling up to his house. He stated that Joel is not even maintaining that because he had to clean his side out. Scott Stryner stated that what is actually coming off Lebanon Road is a culvert and it not coming for his lot. Dan stated it is still coming across his property and he cannot see that disturbing that water flow and wetland is not going to push any moisture. Scott Strynar stated that one of the comments from the review engineer was about water calculations. David Galbraith stated that none of the wetlands are being touched on this application because all of the development is just in the front area. Scott Strynar stated there is a peer review engineer who is reviewing this all of their calculations to make sure they are not increasing the amount of storm water that is coming across his property. Dan Morin asked who is held liable for that in the event this is approved and then his field starts to get flooded. Matt LeConte stated that if it is truly from the abutters, it would be a civil matter between you and your abutting property owner no matter where it is in the Town. Dan stated that would be Joel and Matt stated he would have to go to Court and prove that water is actually coming from his property. Matt stated that in general development there is no guarantee but their engineers who are designing them and third-party engineers that are reviewing it and a Board that is reviewing all of that information in your comments and that is the reason for this public hearing. Matt stated the concerns have been heard and it doesn't necessarily end right here. Dan Morin then said his last question was regarding a fire that recently happened across the street and they literally had to set up a swimming pool in the road to fill with water to pump it up there as he was there and watching. Dan's concern is that these units being proposed will not have to have sprinklers installed. Matt indicated they are not required to have sprinklers installed. Dan wondered where water is going to be drawn from and Matt stated that is a fair question. Anne Whitten indicated that the Fire Department has to give input and either grants it or does not. Matt stated that this application is still in preliminary review and it will have to get approval from multiple departments in the Town of North Berwick, including police, fire, town office. Matt stated that the Fire Department could in fact require some fire pond but that is something they would have to review. Dan stated that as the house that just burned was pulling water from all over because of the woods and it could have spread to the field also and he is concerned about that. Dan stated that he has known Joel Littlefield for a long time and he knows that those are apartments down below. He stated he has watched them build it, he has counted cars on the side of the road going down his driveway and it is just not his work vehicles. Dan stated he already has those 7 units and to him, he feels he is asking for forgiveness on those 7. Chairman Morse stated that they will find out how many dwellings are there exactly.

Mike Barker wanted to know what the growth cap is and what is it set at this year. Matt LeConte stated the growth permit is 45 per year and one of the significant parts of this or any subdivision is, he will only be able to get 6 building permits per fiscal year. Matt stated that in the event this is approved by July 1, he would be able to get 6 dwelling permits, which is 3 buildings out front. Then he would have to wait beyond July 1 and apply for 6 more so it will not be built immediately. Mike Barker asked if they are going to be built like the 7 that are existing there now. Mike did state he believes there are more than 7 there now as well. Scott Strynar said they are going to be duplexes that look like barns with garage doors on the front and a deck on the

back. Mike Barker stated that he is the Emergency Management Director for the Town and the Chief of EMS and these buildings pose a challenge for the Rescue, not only from understanding what the growth is in the Town and demand on services. Demand on services as the Town grows becomes more and more and will affect the school system which is already overcrowded. Mike stated he used to live in Pheasant Hill and those buildings are horrible to get people out of and access is challenging also. Mike stated that the current units that are there now on Joel's property, the Rescue has had challenges with. Mike stated he was glad to hear the road might now be bigger which would give more turn around space for the ambulance and fire trucks. He is wondering how many other buildings were going in in the Town to increase the population as well. Matt LeConte stated he will be able to add his official review comments, along with the Fire Chief and Police Chief before the final approval of this regarding the emergency aspects. Mike stated he does not want to speak for the Fire Chief, Brian, but he did state that the whole area of town is outside the hydrant district. What was seen when there is an emergency in that area calls for multiple towns and multiple tanker shuttles of water. The Town does have a 3,000-gallon tanker truck but the majority of the town is serviced because they do not have the capacity of the water main going past 5 corners. It does put a demand on services that are already stretched thin.

Beverly Gray stated she feels that this would change the road frontage for this development. Matt LeConte stated that as far as the road frontage, that is one of the exemptions that is written and allowed for specifically a Planned Unit Development. The goal is to preserve as much of the land as possible opposed to having a number of streets, cul-de-sacs, more pavement, more buildings, driveways, sidewalks, septic systems, etc.

Mary Ann Ferguson, who lives at 682 Lebanon Road and are in Lot 40 and she has questions about the open space in Lot 39-7 which is in between the Planned Unit Development and their property. She is wondering if the people who are in units allowed to use that space in between to recreate or is that a restriction of the land owner. She also has concerns with ATV's and people walking through there. She is concerned that having more people driving their ATV's, since they do not have a fence and have a dog in their back yard, by putting 14 more units of people in there and being able to use that open space in Lot 39-7, they would be right at their property. Neil stated that is a proposed separate lot and currently he split out a lot that is a smaller version. Joel owns that lot. They just increased that lot and gave it a little more separation from the existing development and the new development because they did not need that density. That lot would most likely be a separate house lot. There is no dedicated open space on the property. She stated one of her favorite things to do is look at the stars at night. She stated she would like to see a visual barrier on the line between 39 and 39-7, whether it is trees, fences or something. They would like to have a visual barrier when they are looking over there and also a sound barrier. Scott Strynar stated that the peer reviewer has already made comments about having buffers to both sides of the property as well as the roads and that is one of the things that the Board can make adjustments to. She also agreed with the others in regards to the storm water but her biggest concern is a buffer and reducing access to the lot adjacent to them.

Angela Pelletier stated she had a similar comment in regards to having plenty of barriers around this property so it can be somewhat hidden and that could prevent some of the loud noise at some point and would like to have that as a condition.

Steve Serwacki, who has lived on Beech Ridge Road in North Berwick since 1985. His understanding when he bought his land was that everything on this side of Governor Goodwin Road and north was at least 300 feet of road frontage and four acres. He does not know when that ever got changed. Matt stated that got changed 20+ years ago and was voted on by the Town's people. Matt stated all the laws in the book were voted on by the residents at that time or some portions of that. Matt stated he recently learned that the number of voters who actually voted were somewhere around 300. Someone stated they think the population is a little over 2,800. Steve Serwacki stated he also heard that Joel Littlefield bought the Hall property and is planning to do a similar project there and he believes it is going to change the whole atmosphere of the whole ridge. He gets compliments about where he lives on the ridge and he does not want to have complexes across the street from him. He stated that he is voicing his opinion and is opposed to this project altogether.

Scott Strynar stated he did just ask Dwayne about when the Planed Unit Development Ordinance was approved and was told it was approved in March 11, 1978.

Johanna Loughran asked if the Board was to make Joel deed the open space to the Town and made it part of the condition of approving this, then maybe that would cut out all of the gun shooting and ATV's because it would be property of the Town. Chairman Morse does not feel renters who are paying \$2,500 per month are going to be a large problem but that was just his opinion.

Jackie Dougherty asked what the impact on the septic with the wetlands in play, she is concerned. Chairman Morse stated they have not gotten that far yet. Neil stated that the designs have been completed. Sean Dougherty stated it is a serious concern for them because the entire watershed on that property actually passes right past their house. They have an old-school hand-dug well literally 20 feet away from that so the septic and effects of the septic or a poorly administered septic is a very big concern for them. Chairman Morse stated that it does not matter which property the well is on, the septic system from the other property has to be a certain distance from that well, either from the existing property or the neighbor's property. Matt stated it has to be 100 feet. There are professionals who are designing these septic systems and they are licensed to handle any concerns.

Rachel Orr was wondering if the Board could help her and others understand that aside from something that is an explicit violation, how much weight is given to what everyone here at the meeting has mentioned here tonight. She stated that not one person attending has said they are for this project being approved. Chairman Morse stated there is a lot of weight that goes into this and stated that everything is said is taken into consideration when the Board makes stipulations and conditions for the whole project. He stated that there are certain stipulations that the Town gives and those have to be followed, and once those stipulations are met then the Board can add Stipulations, for example the tree buffer, etc. David Ballard stated that if the Board does not feel this project is within the comprehensive plan of the Town, they can also oppose and stated he, himself is not completely sold on the project but that is because he still has a lot of questions that they have not gotten to yet. He stated there are a lot of well questions and water questions that he still has and each person on the Board still has an opinion and a vote on how they believe the comprehensive plan reads in farm and forest and how that is interpreted. He stated this is not a

done deal yet because there are a lot of questions still. Rachel stated she was curious as to how much of the Board's decisions are based on the objective factors presented by everyone including septic. Matt stated the wells and septic are going to be designed by professionals so that although there are some questions in regard to the zoning ordinance and how this proposed Planned Unit Development meets the ordinance and wants to remind everyone that this is a preliminary review still and this is not in the final phases yet. Matt stated that if it is respectfully simply "I don't like it" that cannot be taken into account but has to follow the laws and right now, it has been in the books as law since 1978. To the concerns of noise, location of buildings, storm water and the buffers certainly were a concern right away from the Planning Board along Lebanon Road so most of your concerns are acknowledged and will be acted upon. He stated as far as the number of dwellings already in there, he has been in the building that is under construction which is a garage with storage and it is not permitted to be anything more than that.

Anne Whitten stated that there is an empty seat on the Planning Board if anyone would like to apply and it is very eye-opening.

Freeman Rose stated that there was talk about a run-off and someone mentioned that the run-off came from across the street but looking at the map, it can be clearly seen that there are wetlands and run off that comes from uphill and we all know that anytime an infrastructure is put in, whether it be a parking lot or road, there will be more run off than there was because the land cannot absorb the water. He stated if he was anyone living downhill from that, they would have a concern with run off as well. Chairman Morse stated the Board has no control over the ditches on Lebanon Road and that is the Town Manager's concern. If those ditches cannot handle the water, then the Town Manager has to take care of it because he is the Road Commissioner.

Rachel Orr invited the Board to come onto her property to see where the stream runs to the property behind them and it definitely travels through there. Chairman Morse stated the Board has no control over wetlands and stated all they can do is try to protect them and not over burden the existing wetlands with more water.

Justin Orr stated if and when the time comes where Matt or someone else goes to check out the existing supposed 7 units and find there are 10 or 12 instead which were put in without permits and according to the rules, does that play a factor and have any weight. Matt stated yes it absolutely does and he would be in violation. Justin asked how they will find that information out and Matt stated he could certainly inquire.

Steve Serwacki stated that the garage that is currently being built on Joel's property seems to have an upper section with nice windows, big white vent pipes and Matt stated that it has been installed illegally and has to all be removed. Matt stated there is currently a stop work order on that building. Steve stated he believed Joel is a shady character.

Anne Whitten wanted to make sure that the letters which the Town received were in fact part of the record. She stated that there is a letter dated April 10, 2022 from Johanna Loughran. There is letter dated April 7, 2022 from Shanon and Keith Lowery. There is a letter dated April 4, 2022 from Justin Perry. There is a letter dated April 4, 2022 from Bruce and Colleen Morrow. There is an email/letter dated April 11, 2022 from Freeman Rose. There is one dated April 8, 2022 from

Stephen Serwacki. There is a letter dated April 9, 2022 from Nick Messier and there is one dated April 9, 2022 from Melissa Brooks.

Chairman Morse closed the Public Hearing at 8:08 p.m.

Matt LeConte stated that it is important for everyone to know, because of issued based on one of the last still pending controversial applications before the Planning Board, that technically as far as the law goes, the public hearing period just ended. He stated that the time to verbally speak has now ended. He stated that the public is certainly welcome to email him with concerns and he can pass them on to the Planning Board and it is up to them if they want to read or review them or take into consideration the concerns. Officially they are not read into the record and he wanted that to be clear regarding this project.

David Ballard is curious about the questions they have and how they are going forward. Chairman Morse stated everything will be discussed but Neil stated he would have everything back and answers to Underwood and David's documents. Neil stated he will try and address all concerns and it will change slightly with the revised plan and will be addressed. David Ballard stated that in farm and forest it talks about 5% of the lot being impervious and wanted to know if we are within that table requirements for the farm and forest and what Joel is doing on the one lot. That is not in the calculation for the 29 units. His concern is there is one big lot in farm and forest and it says the maximum lot coverage is 5%. Matt stated they are long way away from that. Matt stated even excluding the wetland and resource protection area there is maybe 1%.

Scott Strynar stated that in the Planned Unit Development 5.2.5 item B, there are 12 requirements. Basic Requirements. Scott read aloud Number 3

“3. Each building shall be an element of an overall plan for site development, which plan shall identify the location of all proposed roads, structures, parking areas, footpaths, common open space, and private yard space related to individual dwelling units. Only developments having a total site plan for structures will be considered. In respect to the placement of buildings and treatment of spaces, paths, roads, service and parking, the developer shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.”

Scott's question for Neil is if they are before the Planning Board right now looking at this as a Planned Unit Development for 21 units and you are allowed 29 but not showing 29, how can he come back in the future to put 8 more units on. Part of the Planned Unit Development is to do an overall plan for the property. Chairman Morse stated Joel has not expanded that to include all of it yet. Scott stated he is using all of the property to calculate the density. If he is using these calculations, Scott's understanding is how will he be able to come back and do 8 more because he wants to redo his calculations for what is there, or is it set at 21 now that he does it. When it comes the overall site development plan, shouldn't his plan delineate how all of the property is being used and shouldn't there be lines on there saying open space, buildings, pathways, recreation, etc. and shouldn't that be how the plan is drawn up. David Ballard said it is private property but he is establishing duplexes under own ownership and he has difficulty with that.

Scott again referenced the “Basic Requirements” and read aloud Number 6.

“6. No single group of dwellings which are attached either horizontally or vertically shall contain more than four (4) dwelling units.”

Scott questioned that the original building, if there are 7 units in there and they are connected to each other is not allowed. David Galbraith stated that they were approved and Scott agreed but it is now back in front of them now. That building, having 7 units, all connected is more than the allowed dwelling units. David Ballard asked when that was approved and Chairman Morse said years and years ago. Scott Strynar would just like clarification if they are all connected or separate buildings and Matt stated he believes they are separate buildings. Scott believes Matt needs to go there and document what is actually there because from what was said from all the neighbors, there are more units. Scott read aloud Basic Requirements Number 9, 10, 11 and 12.

”9. Where a planned unit development or open space development abuts a watercourse or waterbody, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.”

“10. All dwelling units in a planned development or open space development shall be connected to a common water supply and distribution system, either public or private, at no expense to the Municipality”.

“11. All structures with required plumbing in a planned unit development, open space development or motel shall be connected to a public sanitary sewer system, if available, a central collection and treatment system or an individual treatment system in accordance with the sanitary provisions of this Ordinance.

Scott believes it should be one septic field for everything or individual per unit is the way he reads that.

12. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.”

Scott said this really goes back to Number 1 which there should be an overall plan on how this property is going to be utilized for the tenants. He believes it is very vague as to what this Plan is showing other than 7 buildings in a horseshoe.

Scott believes there are probably 4 basic requirements that this project does not meet and he has some questions, the consultant may need to come with some redesign on how this needs to move forward because to him, it does not look like it is meeting the basic requirements of what the town has for a Planned Unit Development. He referenced the other P.U.D. that was recently approved at Porter Farms. He stated there is a duplex, a little horseshoe and all dedicated open space and that looks to him like a farmhouse. They sold the units to the tenants in that case. In Joel's case, he is renting them out and Scott is having some issues of him retaining ownership of all this land as apartment complexes and he does have concerns that in the future that he will be coming back here and turn them into condos and sell them off.

Scott stated he thinks it is pretty obvious that this Planned Unit Development concept is getting what he wants as far as apartments but there is way too much gray area for him. He just does not feel warm and fuzzy about this project. David Ballard stated this one does not blend in the scenic like Porter Farms and did not take away from what we want as a town. He's all about development but he wants it to keep the look of what is intended. David Ballard stated there was concerns also about the wells as the wells in the immediate areas have had problems and he would like those concerns addressed as he does have questions regarding that issue. Mark Cahoon stated that the wells in the previous houses may have gone dry because they were not dug deep enough in the first place and it may have been hand-dug but as far as this unit, he feels that if the wells were going to be drilled to the sufficient water supply, there should not be a problem. Scott Strynar stated that goes back to basic requirement #10 and that may be a question for Neil and stated that water supply was an issue as well as fire protection. He inquired if maybe there should be a fire pond and does there need to be some sort of water capacity. Neil stated there is a pond that has been there for years back when he had a Christmas tree farm. Matt stated there is a required amount of flow per dwelling so that is the reason he is putting in more wells. Scott stated that this is a planned unit development and he finds it somewhat awkward that they are taking a farmhouse with seven units and then putting all of these planned units in and it does not feel planned but instead, added on to. Anne Whitten stated that all of these units should be down near the farmhouse. Scott feels that it should be more uniform and that would be more of a planned unit but instead Joel is taking an existing farmhouse complex, and adding a different element to it that looks totally different than the farmhouse units. He feels it doesn't seem planned at all. David Ballard stated if there were several houses, it would fit more aesthetics but he could not seem to get there on this duplex/development/short-driveways/farmhouse look and what the actual intent is. Mark Cahoon stated that when they did their site walk, he did not see any wetlands. Scott Strynar stated they are all out back and they developed in all the areas where there are no wetlands. Mark feels the wetlands are far enough away from this development and maybe we need to see a hydrologist report. Neil stated the only way to really see is to actually drill a well and he will rely on well drillers to get the yields on and he will bring this issue up to at the office. Mark Cahoon asked Neil about the pond currently on the property and what feeds that pond. Neil stated it is a seasonal pond. Mark stated as far as fire protection goes that could not be counted on. Neil agreed and stated that if the fire department told them they needed so many gallons, and if it was required, it would be a cistern system and would protect one house as they are individual houses.

Scott Strynar stated that farm and forest district is to provide low density rural housing and there are four requirements in the farm and forest district and he feels this development does not meet at least three of them and he is having difficulty not with the development itself but how it is laid out, where it is laid out and how it is presented. Matt LeConte stated that he is making a lot of valid points and it is the job of the Board to take farm and forest in one hand and the planned unit development in the other and figure out how they go together. There are certain aspects that yes, the Board has valid oversight over to make reasonable conditions or changes or if they strongly see if this does not meet characteristics and it could, then yes but as far as location, it is valid and the concerns about vistas is also valid and that is part of the concerns in the letters received. Matt stated this all falls on the Board to take all of this into consideration.

Scott Strynar also stated he is having some trouble with use of the town transfer station versus a centralized dumpster on the property. He stated that it may be unkept looking if the Board does not require a dumpster for this property versus expecting each one of the tenants to pick all their trash up and drive it down the road. Mark Cahoon thought perhaps putting up a dumpster with a fence around it and he agrees with a centralized dumpster. Anne Whitten stated that the seven apartments that are in there now are part of this whole plan and referenced basic requirement #10 reading "*All dwelling units in a planned development or open space development shall be connected to a common water supply...*". She feels there is no way that apartments can be put up near the road and have the apartments down below and have them come from the same common water supply. Neil stated there would have to be some sort of common cistern or adjoining of those lines and it would technically be a centralized system once it got to a certain portion and split back out. If that is something that has to be addressed and put into the plan, that is something they could look into.

David Ballard also stated how farm and forest district is to provide low density rural housing and if tied in with the planned unit development and the other twelve basic requirements, the Board needs to look at what all of this means and what is best for the Town as well as all of this and to hold the intent of what people want in that district. Scott stated there are requirements that need to be met. David Ballard thinks it would be a good idea to go through the list of requirements and see what is met, what is not and that would show that we are least following why the Board would say no or yes. Matt stated that makes sense and it is systematic instead of inconsistent. Neil asked as it is laid out now and if it was modified to incorporate the typical style houses and much more robust landscaping and make it look like more of a broken-up space, if it was something that would be considered. He feels it is getting much more subjectivity to this then objectivity and meeting the requirements. He wants to get a feel for ultimately what is the Board completely against. Anne Whitten stated to her, it looks like several buildings were just dropped into the middle of a field. Neil stated it is a great spot because everything fits inside this area and with the changes they are making, he believes they can make it more what the Board wants but would like to know what specifically they need to do to tie both the farmhouse and the new units together. David Galbraith stated it is a plan because he is trying to incorporate his two projects together and maybe if the architecture was changed, wonders if they could still accommodate this kind of design in the location they are proposing or is it that if it is moved out back and hidden, then it wouldn't matter what it looked like and believes that what Neil is trying to ask. Chairman Morse asked if the buildings as proposed could be hidden by a fence or vegetation. Scott Strynar stated the buildings would need to be built up and does not believe they could be hidden.

David Galbraith stated he would like to see the next step of site plan but also understands why Neil's client would not want to build out back behind the farmhouse. He is wondering if there is a possible way to come up with different designs or color schemes for the buildings proposed out front or make it look like sort of a farm concept. Neil stated he was asking what would be acceptable and he does not put 100 more hours into trying to fix the current version when it would be shot down completely by the Board. Matt asked the Board what they will need going forward on this project. Chairman Morse stated he would like to see new plans and have as many questions answered for Underwood Engineering and David Galbraith's letter. Scott Strynar stated he did not think this even meets the basic requirements. Matt advised Neil to go back and

reference 5.2.5 and make sure the Planned Unit Development meets those criteria. David Galbraith would like to see more information on the septic systems. Scott mentioned the open space for the development and what was going to be done with that and also the preservation of land. Neil stated the Town did not want the open space available due to the costs. Matt stated another part of that was that this parcel of land does not abut any other land that is reserved for open space. Scott Strynar also referenced basic requirement #12 and stated it is an engineered project and not natural in any way. Matt stated that if there is a portion in the ordinance that states “shall” then it is required. If it does not say “shall” then a waiver can be granted. If this is not palliative to the Board and the majority, then there is no sense in having a lot of expensive man hours put into this project and if it looks like the Board denies, it has to have very specific reasons read into the record and added as the findings of facts for denial and they could possibly appeal the decision. Anne Whitten stated one of the things that need to be done is for all these units connected to a common water supply.

Scott Strynar stated that this project is a conditional use planned unit development happening in farm and forest and if this was the same exact project happening in residential 1, it would be different but because it is in farm and forest, he does not feel it fits the intent of the district. He stated that it may help if it were four units per building so it was not so many buildings in a field. Neil stated that is not something they would want to do a full design for if in the end, the Board would deny it anyway. Scott stated he agreed but right now, this is not something he felt he could approve right now. David Galbraith suggested maybe Neil takes a look at this, tweaked it and make it looks like it fits more and offered to bounce ideas around. Scott Strynar stated as an alternative that if maybe the road came in and the buildings were more spread out, it may fit a little better. David Ballard stated that this project is like mixing the two purposed lands. Mark Cahoon stated there was a time where he did not feel planned unit developments belonged in farm and forest but he states that our laws allow this in farm and forest. He feels maybe asking the rental units be spaced out a little bit and change the design to look more pleasing to the eye, address landscaping to look more natural, then that would be okay with him. Chairman Morse stated he was in agreement with Mark about the units being spaced out, but he said he was on the fence somewhat. Anne stated she agrees with both sides. She thinks the units should have a design change so it is not so blocky looking and maybe have four units in each building so there were not so many in the field and would like to see a very large amount of landscaping.

4. Other Business:

Anne Whitten stated that the meeting after the Town Meeting is when the Chairman and Vice Chairman are voted in and that this is that meeting. Matt stated that there is a new Planning Board member that has shown interest and he wants to let the Board know.

Anne Whitten motioned that Jon Morse be appointed as Chairman of the Planning Board. David Ballard seconded that motion. VOTE: 5-0

Mark Cahoon motioned that Anne Whitten be appointed as Vice Chairman. Jon Morse seconded that motion. VOTE: 5-0

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 9:50 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