

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JULY 14, 2022

Present: Jon Morse, Anne Whitten, Mark Cahoon, Justin Perry

Absent: Scott Strynar, David Ballard, Scott Carpenter

Also Present: Matt LeConte, David Galbraith, Neil Rapoza, Chris Hagan

1. Call to Order:

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

Chairman Morse moved Justin Perry up to voting status

2. Review Previous Minutes: June 9, 2022 and June 23, 2022

Mark Cahoon motioned to accept and approve the Minutes of June 9, 2022. Anne Whitten seconded the motion. VOTE: 4-0

Mark Cahoon motioned to accept and approve the Minutes of June 23, 2022. Justin Perry seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Public Meeting of Adeline's Way Subdivision, prior known as Hagan Subdivision
Abutting 166 Somersworth Road - Map 001 Lot 070 & 070A

Application for a Major Subdivision- The Applicant has amended the subdivision, proposing a 6-building lot subdivision on Somersworth Road with 1 existing lot, 5 lots proposed for single family dwellings, 1 lot for public dedication. The amendment is reducing the dwellings from duplexes to single families.

Neil Rapoza from Civil Consultants stated that there were some changes due to the DEP review and the Underwood peer review. Neil stated the last time he was in front of the Board, all the proposed buildings except one, was proposed as duplex units. Since they have gone through the DEP permitting process, it came out that due to the size of the land area and the proposed plan as duplexes, it would have pushed it into major site location of development permitting process which would have been detrimental to time and requirements. They indicated that they would pull those back so they would only be single family units instead of duplexes and they advised that was acceptable and would continue with the review. They kept the size and configuration the same. It has now gone through the DEP permitting process and has a storm

water permit from the DEP and other required permits. There is a wildlife crossing which is an oversized culvert, and they got approval from IFW. Neil stated those were really the only changes and everything else has basically stayed the same. Neil stated that Underwood gave a list of items to be addressed and they have taken into account all of those.

Anne Whitten asked since the buildings are staying the same size, what was the difference as far as the State was concerned. Neil stated that under state law, a duplex is considered a commercial enterprise and there are different standards then residential. Residential there would be no site location like commercial.

David C.M. Galbraith, Municipal Planning Consultant Southern Maine Planning and Development Commission (SMPDC) referenced his Memo of July 14, 2022 and inquired about land dedication and that being confirmed. He said that the Engineering Peer Review comments were minimal and the performance guarantee was standard. David inquired about the postal delivery and stated that the application has been modified to be single-family house lots and he assumes that the Post Office will allow single mailbox delivery for each house. Neil stated that they did reach out to the Post Master and they confirmed that there would be individual mail boxes and that would be acceptable. David thought the application was complete and at this time they would be seeking a preliminary approval of the final subdivision plan.

David did ask that the Board make a condition of approval that if either the land is accepted by the town as a donation of land or there be a homeowner's association, that their portions would be assessed and they would get their own assessment and assume a 1/6 responsibility of the open space.

Anne Whitten inquired about the Roadway Ownership and read from David's report *"The Application proposes to construct a private roadway serving the proposed lots. The Board may wish to clarify the long term plans regarding roadway acceptance by the Town.* Matt stated it would typically not be accepted by the Town. Neil stated whoever is the owner of the private roadway at the time can petition and present to the Town for acceptance but generally the Towns do not accept them. The homeowners association will maintain the road.

Justin Perry inquired about building lots and if the septic plans and distances from wells will have to be approved before a building permit be given. Neil confirmed that was correct and they would have to make sure all set backs are met. Neil stated the locations of the wells on the plans are sufficient but the final developer of the lot will have final say where they land. Justin asked if there was going to be one contractor doing all of the work and Neil stated it has not been determined at this time but will probably be multiple developers between the roadway and the lots. Matt stated the roadway would have to be completely constructed prior to any building permits being issued.

Matt suggested that the Board go through the Submissions of Preliminary Plan for Major Subdivisions to make sure everything has been met and included in this submission.

7.2

a. *Location Map. The Preliminary Plan shall be accompanied by a Location map drawn to a scale adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:*

1) *Existing subdivisions in the proximity of the proposed subdivision; Neil indicated there are not any in the immediate area, just a split that was between the homestead lot and remaining land.*

2) *Locations and names of existing and proposed streets; Neil indicated that has been provided.*

3) *Boundaries and designations of zoning districts; Neil stated that is on the Main Plan.*

4) *An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding. Neil stated that this was the homestead that was included in the Subdivision Plan that has been met.*

b. *Preliminary Plan. The Preliminary Plan shall be submitted in two copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than seventy-five acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information shall be submitted. The following information shall be shown on the Preliminary Plan or shall accompany the plan for preliminary approval:*

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;*

Included

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;*

Included

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;*

Included

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

Included in DEP application and submitted to Town upon original submission. Anne asked if she could get a copy of it to make sure it is on file. Matt stated it is on the google drive.

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

Included

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;

Included on Subdivision Plan SD1

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

Included.

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.

N/A

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.

Included

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:

- a. A map showing the basic soils types.*
- b. The depth to the water table at representative points throughout the subdivision.*
- c. Drainage conditions throughout the subdivision.*
- d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.*

e. an analysis and evaluation of the effect of the subdivision on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

Neil stated this was discussed as being outside an aquifer and this was not brought up in the previous review as it was out of the aquifer and it was just going to be 5 lots. He did not know if that could be a waiver or a memo could be put together. Neil's assertion is that it has been met.

2. Standards for Acceptable Ground Water Impacts.

a. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation.

b. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

c. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on- site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

d. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration;

Neil stated this falls back on-site evaluator for each site to go through and get septic designs approved through Code.

8. Indication of the type of water supply system(s) to be used in the subdivision.

a. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision and approving the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the Fire Chief, stating approval of the location of fire hydrants, if any, shall be submitted.

b. When water is to be supplied by private wells evidence of adequate ground water supply and quality shall be submitted by a written statement from a hydrogeologist familiar with the area;

Anne Whitten inquired about whether a prior test or survey that can be done before a well is drilled. Neil stated most of the responsibility is going to fall on whoever is developing that lot as a homeowner to make sure they can provide for whoever buys that lot. Chairman Morse stated that it would be impossible to tell until a well is drilled. Anne feels that the Board needs a written

statement from a hydrogeologist. Chairman Cahoon does not feel that we need that. Matt believes there is an aquifer map already submitted but if the Board is concerned, they could get a statement from a well driller who has drilled in the area previously and that would be sufficient.

The Board decided they will make that part of the conditions.

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;

Included

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

Neil stated they will need to add the address of the owners across the street, the southside of Route 9, to the plan.

The Board added that to the list of conditions.

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

Included

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;

Included

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;

Included

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;

Included

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;

Neil indicated that land dedication is being confirmed. Anne stated that will be one of the conditions.

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 most of these do not pertain to this project. Neil stated that they are working on putting together an estimate and will provide that.

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

Included.

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

Neil stated he contacted County Soil and Water Conservation District and they do not provide this as it falls under the DEP, which has been approved and reviewed.

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.

Neil stated it is the same as above and it falls under the DEP realm.

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;

Included

c. 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

Matt stated it would be on submission for each building permit at \$500 per bedroom.

1. 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.

Neil stated everything that they need to do at this time, has been met.

Matt had a question about the land dedication on SD1 and asked if there was a narrative piece to it. Neil stated there was not because it was a straight dedication of land.

David stated that a deed description approved by the Town would be needed at some point also and would be recorded as part of the dedication.

To recap the conditions that need to be met, the following conditions need to be met:

1. Need information on landowners on south side of Route 9 added to the Plan;
2. Need find out if the Town is going to accept the lot;
3. Need a Well Driller or Hydrogeologist statement regarding water yield;
4. Need a copy of a deed which shows all easements;
5. Street name be finalized by Fire Department if not already done.

Anne Whitten motioned to accept the preliminary plan for Adeline's Way Subdivision, prior known as Hagan Subdivision Abutting 166 Somersworth Road - Map 001 Lot 070 & 070A with conditions that information on landowners on south side of Route 9 added to the Plan; that we find out if the Town is going to accept the parcel of land; need a Well Driller or Hydrogeologist written statement regarding water yield; Need a copy of a deed which shows all easements and that the street name be finalized by the Fire Department. Mark Cahoon seconded. VOTE: 4-0

4. Other Business:

N/A

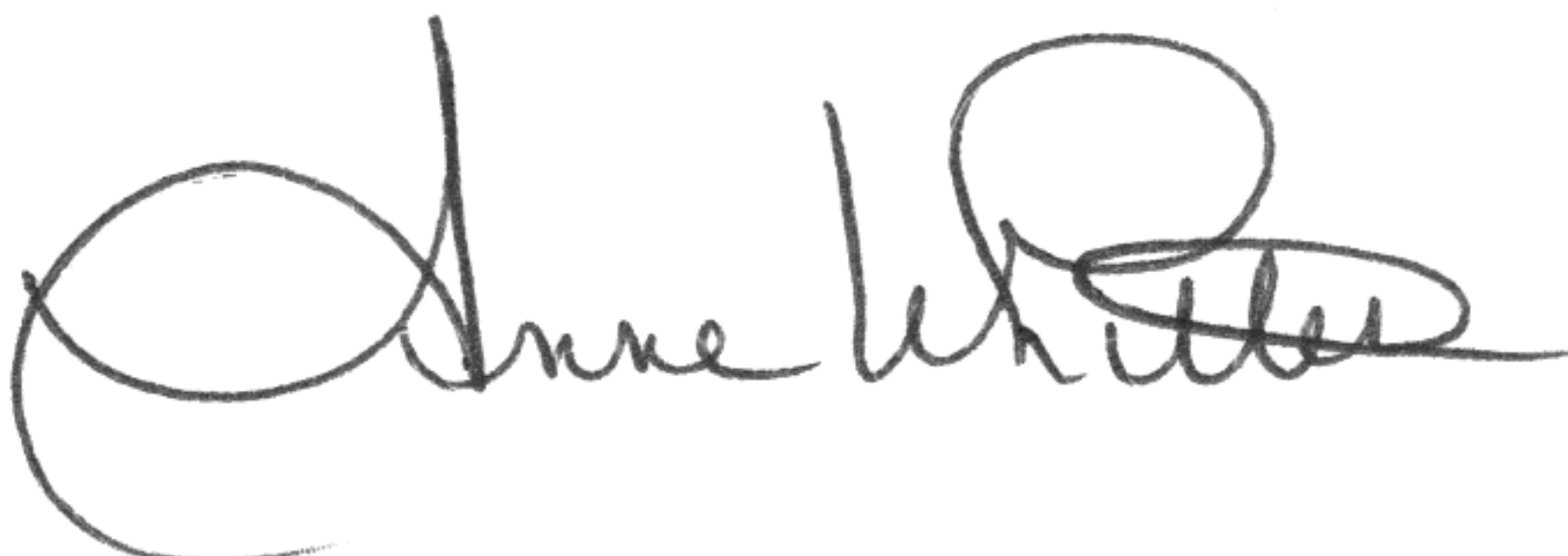
5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:40 p.m. Anne Whitten seconded the motion. VOTE: 4-0


Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

Anne Whitten 

David Ballard 

Scott Strynar 

Mark Cahoon 

Scott Carpenter

Justin Perry 