

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD FEBRUARY 23, 2023

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

Absent: Scott Carpenter, David Ballard

Also Present: Matt LeConte, Dwayne Buck, Mike Sorkin, Susan Sorkin, Mike Peverett

1. Call to Order:

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

Chairman Morse brought Justin Perry up to full voting status.

Pledge of Allegiance

2. Review Previous Minutes: January 26, 2023, and February 9, 2023

There was a misunderstanding as to whether the January 26, 2023 Minutes were actually approved at the last meeting, even though they had been submitted to the public. Mark Cahoon motioned to table the January 26, 2023 Minutes at this time. Anne Whitten seconded the motion. VOTE: 4-0

Mark Cahoon motioned to approve the February 29, 2023 Minutes as written. Justin Perry seconded the motion. VOTE: 4-0

3. Current Business:

3.1 Public Meeting:

Dwayne & Jolene Buck

47 Quarry Road, Map 004, Lot 95 Map 001-005 & 006

Continued review of proposed family cemetery on a portion of the property, located in the Residential II Zoning District

Dwayne Buck addressed the Board and restated his intent to erect an official cemetery for the Rhodes family on his property. He stated again they are not planning on burying anyone there but rather specified that it is cremation only.

Chairman Morse inquired from Matt if there was anything else we needed to go over from the last meeting on this issue and Matt indicated there was some question about the fence which will go around the small headstone. Matt stated as far as he was aware there was no

specific standard and as long as there is a definitive separation meeting the required setbacks, there is nothing else needed from the applicant.

Anne Whitten inquired about cemetery requirements in the town's zoning ordinance. Matt indicated that there are none specifically and there is just a table. Anne referenced the state requirements citing a 25-foot setback from structures, driveways, etc. and stated all the requirements can be found on line. Matt indicated that the Town Clerk could also give him guidance as to how to record the family cemetery.

Anne Whitten motioned to approve the application of Dwayne & Jolene Buck of 47 Quarry Road, Map 004, Lot 95 Map 001-005 & 006 for a family cemetery on a portion of the property, located in the Residential II Zoning District as long as all state requirements have been met. Mark Cahoon seconded the motion. VOTE: 4-0

- 3.2 Public Meeting:
Mike & Susan Sorkin
864 Oak Woods Road, Map 008, Lot 16
Continued review of proposed In-Law accessory apartment in 2nd floor of detached 2 car garage. Located in the Farm and Forest Zoning District.

Susan Sorkin indicated that she and her husband are looking to build an accessory dwelling unit above their existing detached two-car garage. Susan and Mike indicated that they have provided and submitted everything that is required and this meeting was being held after the abutters were notified. Matt indicated that notifications went out to abutters, the escrow was received, and they are all set to go at this point.

Anne Whitten motioned to approve the application Mike & Susan Sorkin of 864 Oak Woods Road, Map 008, Lot 16 for an in-law accessory apartment in 2nd floor of detached 2 car garage located in the Farm and Forest Zoning District. Mark Cahoon seconded the motion. VOTE: 4-0

- 3.3 Public Meeting: Planning Board Deliberation and Discussion Only
Curtis Sand and Gravel, LLC.
Stub Marsh Road – Mapp 009 Lot 039 & 051
Conditional Use Permit for Mineral Extraction use w/ crushing and importation of material for processing. The Applicant has proposed the development of two mineral extraction locations on and including East Pit consisting of 9.5 acres and West Pit consisting of 4.2 acres.

Chairman Morse indicated a motion was in order to re-open the record for Curtis Sand and Gravel, LLC

Anne Whitten motioned that the record be record for Curtis Sand & Gravel, LLC. Mark Cahoon seconded the motion. VOTE: 4-0

Chairman Morse indicated that another motion was in order to re-open and schedule a public hearing after the Applicant has submitted an amended plan deflecting the MDIFW recommended 250 foot setback around the wetland #1 and #3 as stated in the letter dated February 10, 2023 for the protection of the Blanding's turtle, an endangered species under the Endangered Species Act.

Anne Whitten motioned that the Board re-open and schedule a public hearing after the Applicant has submitted an amended plan deflecting the MDIFW recommended 250-foot setback around the wetland #1 and #3 as stated in the letter dated February 10, 2023 for the protection of the Blanding's turtle, an endangered species under the Endangered Species Act. Mark Cahoon seconded the motion. VOTE: 4-0

Matt LeConte indicated he was notified today that via the Applicant's Engineer that it is expected that MDIFW is going to amend their recommendations in some way in the near future and they are going to work with Curtis to come up with an acceptable plan. Matt stated that due to this, there may need to be another meeting to review that additional information and then, following that meeting, a public hearing would be necessary to take additional public comment. Matt stated that it could be sometime in April or May.

Mike Peverett from Civil Consultants stated that Geoff Aleva, from their office has had conversations with Scott Lindsay from MDIFW. Scott is the individual who issued the letter on February 10, 2023, and Mike stated his understanding of the discussion was that Scott indicated that the 250-foot setback was recommended and he was open to discussions with their office and the Applicant to see if they can come to some type of mutually agreeable solution. Mike stated at this point, they have requested that the Board table the application pending the results of those conversations. Mike indicated that their attorney also requested that the application be tabled as well. Mike reminded the Board that the application was approved based on whether they received a letter from MDIFW within 30 days. Since they now received a letter, they will have to revisit this and come back before the Board.

Justin Perry referenced a letter from Derek Yorks and Mike stated that Derek Yorks is the biologist that was on site back in April of 2022 who analyzed the habitat on the three wetlands and presented a memo of his findings. Mike stated the letter dated February 10, 2023 is from Scott Lindsay who is the Regional Biologist who is the point person for this project. Mike stated that Scott Lindsay expressed a willingness to discuss the recommendations with Nick Curtis and Geoff Aleva. They are waiting for that meeting.

Chairman Morse read portions of the February 10, 2023 letter from Scott Lindsay of MDIFW which read as follows:

... It is my understanding that this wetland is buffered a distance of 250 ft. as measured outward from the wetland edge, per Natural Resource Protection Act (NRPA)

... We are recommending to town that the applicant limits disturbance around wetland #

1 and wetland # 3 (referenced in attached report) to a distance of 250 ft., as measured from the wetland edge. This will help maintain the habitat of these wetlands such that negative impact on a known population of endangered Blanding's turtles, will be minimized.

Chairman Morse referenced the Blanding's turtles and Mike Peverett indicated that no one has found Blanding's turtles in those wetlands, but rather found habitat.

Matt indicated that once an amended recommendation comes in from MDIFW, depending on when it comes in, it would get scheduled, be on the agenda and before a final approval can take place, there will need to be a public hearing, which is the advice from the Town Attorney. Mike confirmed that the Town's attorney stated that there needs to be another public hearing and Matt indicated that yes, the attorney has advised the Board that there needs to be another public hearing. Mike stated he does not believe they have received a copy of that letter from the Town's attorney.

Mike stated their goal is to come back with a revised plan based on the discussions with MDIFW and present that to the Board for discussion.

Anne Whitten motioned to table discussions regarding Curtis Sand and Gravel, LLC. Stub Marsh Road – Mapp 009 Lot 039 & 051 until a further time. Mark Cahoon seconded the motion. VOTE: 4-0

Anne Whitten stated that if for any reason she is not at the meeting when the January 26, 2023 minutes are approved, that it initially mistakenly stated that there was a 5-0 vote for Curtis Sand & Gravel, when in fact, she voted against it. The corrected minutes should reflect that.

4. Other Business

Matt presented the Planning Board with "Robert's Rules of Order" which will assist the Board in following order in the public meetings going forward.

Anne Whitten asked about making a change to agendas where it states "continued review". She would like to have the date when it was continued from, added so as to help the Board find the previous documents.

Reminders: Next Planning Board Meeting – March 9, 2023 - 6:30 P.M.

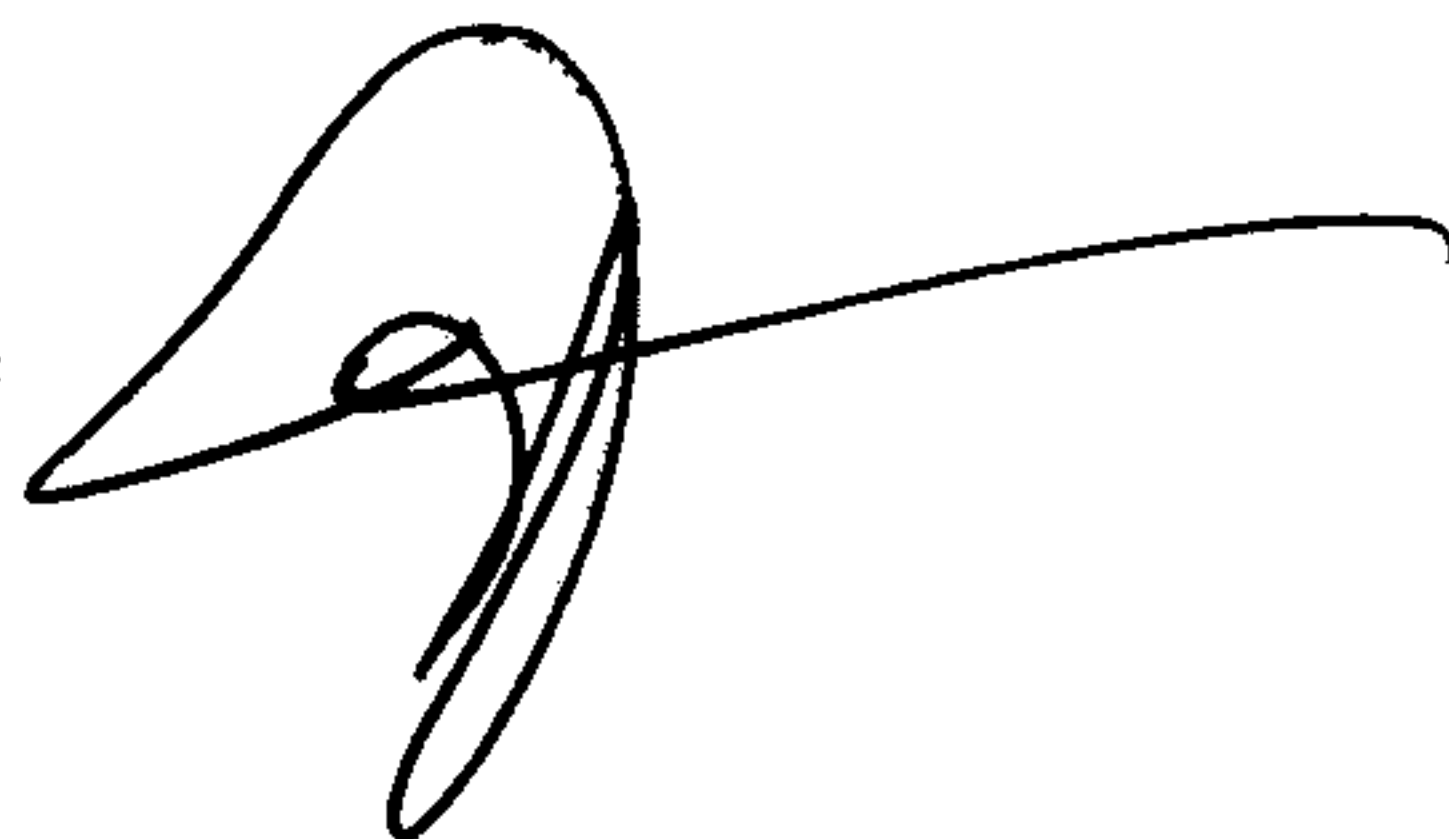
5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:20 p.m. Anne Whitten seconded the motion. VOTE: 4-0

Matthew LeConte
Planning Coordinator


Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

A stylized handwritten signature consisting of a large loop followed by a horizontal line extending to the right.

Anne Whitten

David Ballard

A handwritten signature with several overlapping loops and a long horizontal stroke at the end.

Scott Strynar

Mark Cahoon

A handwritten signature that appears to read "Mark Cahoon" in a cursive script.

Scott Carpenter

A handwritten signature with a large initial "S" followed by several loops.

Justin Perry

A handwritten signature with a large initial "J" followed by several loops.