

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD AUGUST 10, 2023

Present: Chairman Jon Morse, Mark Cahoon, Justin Perry, Jack Olea, Scott Carpenter

Absent: Anne Whitten, David Ballard

Also Present: Matt LeConte, Lee Jay Feldman, Jim Berard, Rebecca Reed, Mark Reed, David Springer, Chris Wilber, Grace Bradish, Rob Eldredge, Cindy Anderson, Tony Palazzitti, Grace Bradish

1. Call to Order:

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

Chairman Jon Morse moved Justin Perry and Jack Olea up to full voting status for this meeting.

2. Review Previous Minutes: July 13, 2023 and July 27, 2023

Mark Cahoon motioned to approve the Minutes of July 13, 2023 as written. Justin Perry seconded the motion. VOTE: 5-0

Mark Cahoon motioned to approve the Minutes of July 27, 2023 as written. Justin Perry seconded the motion. VOTE: 5-0

3. Current Business:

4. Public Meeting continued from July 27, 2023

Jim & Jennifer Berard

32 Nowell Street, Map 017 Lot 24

Review of Conditional Use permit for In-Law apartment over existing garage. The property is located in the Village A Zoning District.

Jim and Jennifer Berard stated they were presenting a more detailed plan. The plan now shows the storage area being closed in and a more detailed drawing of the stairway and small deck. Chairman Morse asked Matt if the permit was complete and Matt indicated it was.

Mark Cahoon motioned to approve the Conditional Use Permit for Jim and Jennifer Berard at 32 Nowell Street, Map 017 Lot 24. Justin Perry seconded the motion. VOTE: 5-0

5. Public Meeting

Continued Review from June 8, 2023 of Subdivision "Samville Townhomes"/Carol Mick, Elm Street, Map 001, Lot 39

Request for subdivision review of (5) 4-unit & (1) 5-unit town house style dwellings on a 34.72-acre parcel of land. The property is located in the Residential 1 Zoning District.

Grace Bradish, from Attar Engineering, indicated she was present representing Carol Mick. She indicated they are proposing 27 multi-family units which will be 9 townhouses with 3 units. There will be no basements or garages. They are proposing a 1100 linear foot loop road with entrances at 530 feet apart.

Matt stated that there have been some significant changes to the style of the building and the shape of the road. He indicated that this is a Planned Unit Development and reminded the Board that they receive the exemption of everything but density. Chairman Morse inquired as the road approval and Matt indicated that there has nothing that has come back from Underwood Engineers at this time. There is a copy of the Memo from Dwayne and a Memo from Lee Jay Feldman regarding the proposed project. He stated that tonight is to get a sense as to the project and how it has changed. Matt indicated the escrow is already in place and a site walk could be scheduled as well as a public hearing a month from now if the Board sees fit. Mark Cahoon felt that a site walk should be scheduled.

Lee Jay Feldman from SMPDC spoke as to the agricultural issue and whether it is significant agricultural land and stated that the Board can make a final decision but he has looked at the soils a little closer and stated that they are not high value crop type soils for future agricultural use. He indicated they are very well drained and will work well with septic systems. Regarding the road, Lee Jay stated there were a couple of issues with that and indicated that Dwayne would like to see some parking spaces dedicated to the adjacent cemetery and he had concerns of the two curb cuts and having Knights Pond Road so close. There are significant speeds and a high traffic area and there have been traffic accidents in the past. Lee Jay feels that a full traffic impact study may be warranted and to have a traffic engineer do that study. He also stated that before any final action is completed, there should be DOT permits and EEP permits and there will need to be amendments to the permits that will need to be considered as part of the big picture. Lee Jay stated that Dwayne was asked if they had to design to the 100-year storm and Dwayne was set on having it designed to a 100-year storm and Lee Jay agreed with that. Lee Jay stated that Dwayne also had some issues with the length of the driveway being too short as they may impact travel way through development. He also wanted to see some architectural renderings of the buildings that are going to be facing Route 4. Lee Jay also stated that they did not have the Underwood Engineering comments from a design standpoint and they will need those. Matt indicated that they did provide a new architectural rendering.

Matt stated that there is a front elevation and right elevation floor plan and there is no rear or left side elevation and the rear elevation will be seen on the inside of the horseshoe

portion. Grace Bradish stated that if the Board was agreeable, she did bring copies of the rear elevation and it can be possibly be a part of the next submittal or she can provide that tonight. Grace presented the Board with those copies.

Chairman Morse stated he did not see any specified length for the driveway. Matt stated the Board has some discretion about that. Lee Jay stated he indicated in his memo, that driveways for Units 1,4,7, 10, 15, 18, 21, 24 and 27 measure 20 feet in length and Dwayne would like to see something closer to 25 feet. Lee Jay agreed with Matt that the Board does have discretion concerning this. Grace stated she did bring a sketch plan where they address the parking spaces for the cemetery wherein, they provide 3 gravel parallel spaces. She stated regarding driveway lengths, they fixed the units referenced in the Memo to be 25 feet and they also added a landscape buffer which was also mentioned Dwayne's Memo and can provide that to the Board as well. The Board was given a copy of those changes and it was agreed that it would all be part of the next submittal. Mark Cahoon requested that in the future, a full-size copy be provided so as to see it better. Mark asked if any trees would be removed along the cemetery. Grace indicated that trees would be cleared up to their property line to make room for grading road side as the road lengths need to be 520 feet apart. Grace stated they will follow the ordinance regarding the 25-foot setback as it relates to the cemetery.

Mark Cahoon motioned to schedule a site walk for September 14, 2023 for "Samville Townhomes"/ Carol Mick, Elm Street, Map 001, Lot 39 at 5:15 p.m. Justin Perry seconded the motion. VOTE: 5-0

6. Other Business:

PUD/Zoning Amendment

This topic was not on the agenda. Justin Perry motioned that they open up the meeting briefly or some discussion regarding an ordinance change. Mark Cahoon seconded the motion. VOTE: 5-0

Matt stated that on May 11, 2023, David Springer came before the Board regarding a possible PUD on Diamond Hill Road. There was some discussion about the zoning ordinance is what is requiring the single water source and the Planning Board cannot waive the zoning ordinance. They can waive aspects in the subdivision ordinance but the only waive to get around that is an ordinance change which means it would have to go to a public vote. Matt stated it potentially could be approved to start but would not get occupancy until that water source is in place. Matt had previously indicated it is a reasonable amendment to the zoning ordinance as this is 35 lots on one water source. They have now received some legal opinion from David's attorney and what is being proposed is that each dwelling would be 30,000 square feet so they would be 1 ½ times the size of the State's minimum.

The Board discussed that Fox Farm Hill Road is a PUD with one water supply which was approved several years ago. David stated that if the Town does not want to amend the cluster

subdivision zoning ordinance for water supplies, which is how it is in surrounding towns, he could take the 5 separately taxed lots and put one huge building per lot with one water supply like the Fox Farm Hill PUD. Justin indicated that each PUD would have to have enough land to support that number of units. If there is 1.6 million square feet, ten units could be put up. David asked the Board if they would prefer that look rather than what he is proposing. Justin indicated he did not prefer that, but it meets the criteria of how the zoning is currently written and he would look at that. He stated he would not feel comfortable in recommending that the Town vote on revising the zoning for PUDs to allow them to have multiple water sources as it may open up Pandora's box and would basically provide no zoning in the farm and forest. David felt that the Board could recommend it and put it in front of the Town Select Board. Chairman Morse stated that the Planning Board would need to first recommend it. Chairman Morse stated at this time, they could approve a traditional housing development with 160,000 square foot lots with single sewer and single water in farm and forest provided they meet all set back requirements. David stated he prefers bigger lots as opposed to large buildings with several units. David indicated it is the 300-foot road frontage that hurts him right now because of the length of the road required and it would not be cost effective. Justin stated if he wanted to do six units on a lot, the minimum lot size would have to be 24 acres.

Mark Cahoon stated that there would have to be more discussion and feels that the entire Board should be present before any further action be taken. Mark Cahoon motioned that the discussion on this topic of the proposed zoning amendment be closed. Justin Perry seconded the motion. VOTE: 5-0

Reminders: Next Planning Board Meeting – August 24, 2023 - 6:30 P.M.

7. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:45 p.m. Justin Perry seconded the motion. VOTE: 5-0

Matthew LeConte
Planning Coordinator

Respectively submitted,
Jennifer Berard, Stenographer

Chairman Jon Morse

Anne Whitten

David Ballard 

Mark Cahoon 

Justin Perry 

Jack Olea 