

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD JUNE 22, 2017

Present: Barry Chase, Jon Morse, Matthew Qualls, David Ballard, Roger Frechette, CEO

Absent: Chairman Geoffrey Aleva, Anne Whitten

Also Present: Lee Jay Feldman from SMPDC, Lynn Manley, Julie Fernee, Jay Stephens from Civil Consultants, Joe Carr, Dennis Brown

1. Call To Order:

Both the Chairman and the Vice Chairman are absent tonight so Barry Chase will be the Acting Chairman for tonight.

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

2. Review Previous Minutes:

The minutes could not be reviewed because there were not enough members that were at the May 11th meeting that are present at tonight's meeting. They will be reviewed at the next meeting.

Acting Chairman Chase moved David Ballard to full voting status.

3. Current Business:

3.1 Continuing review Country Estates Mobile Home Park – The applicant is proposing a 39 lot over 55 mobile home park located on High Street. (Tax Map Lot 44, 47, 46 and 44-1).

Jay Stephens from Civil Consultants stepped forward to discuss the project. He stated that Tom Harmon was unable to be here so Mr. Stephens will be doing the presentation. Mr. Stephens stated that he is hoping to get final approval for the project tonight. He stated that they received the review comments from Underwood Engineers. He said that they did not take any exceptions to any of the requests. He stated that they didn't agree with some of the depth that the engineers wanted to go on some of the issues. He gave each of the Board members some sheets that shows what they have changed. Lee Jay Feldman asked Mr. Stephens if he had responded to Underwood Engineers regarding some of the issues that they have. Mr. Stephens stated that they had not done so yet.

Mr. Stephens started to go through the comments and changes that they had made. Mr. Stephens stated that anything having to do with the sewer system, he would have to defer to what Tom Harmon told him. He stated that he can do septic systems in New Hampshire but not in Maine and the rules are very different between the two states. Mr. Stephens stated that the first item that they made a comment on was regarding permits and approvals. He stated that they had included the DEP Stormwater Permit and Subsurface Wastewater Permit on their initial subdivision page. They had not mentioned the DOT Driveway Permit. This has now been added to Plan Sheet S1 as Note 12.

The next thing that the engineers had commented on were the setbacks. Mr. Stephens said that when they looked at the setbacks, they saw that the most restrictive setback is the 80 foot parameter buffers. He said that to show anything less than that wouldn't make any sense so they just left the 50 foot perimeter buffer as the restrictive setback along one side. When you go down near the other parcels, they didn't add anything because they are not going to be doing anything there.

Mr. Stephens said that the other area the engineers commented on was regarding the clearing limits. He stated that they had said they were going to be doing as little clearing as possible. Mr. Stephens stated that on Sheets C4 and C5, they have added the clearing limit lines, particularly where the new septic system, pump station and chambers are going in. They are leaving what they can above the field because they will need an area to be doing work and lay their construction materials. They will leave whatever growth is out there between the septic system and the first lots. They also ran a clearing limit around the rest of the project and staying more around the rear of the lots. There is one area where they will be filling in a pond and another area with a detention basin that will need to be cleared. Mr. Stephens stated that the clearing limit basically follows the outside edge and stays away from any of the wooded buffers that need to be retained. In regards to the entrance road, they are clearing from property line to property line because by the time you get the swales, roadway, shoulders and landscape plan in, it will cover the full width of the right of way.

Mr. Stephens stated that the next comment is regarding the driveway that goes to the existing house. They do not believe that the transition from the road to the slope of that driveway will get worse. They actually think that it will be a tiny bit flatter at the end where it connects. He stated that due to the comments from Underwood Engineers, they have added a note to the plan stating that before anybody does any paving in that area, they will look at the driveway and make sure that it is at a sufficient grade. They added this note on Sheet R1 as Note 3.

Mr. Stephens told the Board to refer to Sheets R1, R2, R3 and R5 for the next comments regarding Roadway Plan and Profile. He stated that a comment was made that they didn't have sufficient clearance between the drain lines and water lines. He stated that it is hard to show on the plan when doing cross sections that the intention is to go down and under the pipe. They are stating this on the plan and the Water District will be there when they do this part of the project. Another comment was that some of the sewer lines to drain lines didn't meet that same

separation. This is because the details that they are showing are water line/sewer line separation and not water line/drain line or sewer line/drain line. The engineers also were concerned that there would not be sufficient cover for freezing between the drain line and the sewer line. Mr. Stephens stated that they do have several sections where it states, "If a pipe is less than 4 feet, it will have insulation on it."

Mr. Stephens stated that the last 2 manholes on the gravel and sewer in the back corner will have vents on them. They are putting a vent on these because of the type of system this is. It is only effluent so there will be odors in that gravity sewer line and they want them vented out away from the people. The plans had originally shown a vent going out to the back property line and then mounted up. They had not shown how high the pipe was going to be so they have now added that to the 2 manholes.

Mr. Stephens stated that the engineers also had some concern that the developers had specified 95% compaction and that it was probably the standard density test AASHTO T99. They just want clarification of this. Mr. Stephens stated that all of their plans say that everything will be done up to MEDOT standards so they didn't think they needed to specify what test it was. Mr. Stephens stated that it is actually based on AASHTO T180 Method C or D and not the T99 Method A. He stated that since they are using MEDOT standards so they shouldn't have to clarify the method.

Mr. Stephens stated that the next section of comments are regarding the septic system issues. He stated that Mr. Harmon has looked at these and believes that they have addressed everything. The biggest issue was the first item which is #31 where the engineers stated that they should provide tank cross sections, invert elevations, pump assemblies, pump control system, alarms and so forth. Mr. Stephens stated that this project is not going out to bid and is not a public pump station. It is a private pump station and they are going to have to provide shop drawings to meet the DHS approved system. He stated that they don't think they need any further design details on the plans because we told them what they should be using. He stated that if they want to come up with an alternative, they need to prove that it meets all of the same criteria. Mr. Harmon feels that the plan has been approved by DHS so they should be all set.

Mr. Stephens stated that the next comment talked about some of the intent. The engineers stated that the intent should be clarified. Mr. Stephens stated that Mr. Harmon believes the word "intent" is specifically used in New Hampshire designs of septic fields. The State of Maine doesn't say that they want the design and intent. Mr. Harmon believes that the plans show all of the inverts now. They did add all of the inverts that the engineers had mentioned and they believe that they meet everything that the engineers were concerned with.

Mr. Stephens stated that the next issue was regarding splitter manholes. They added wording and details clarifying what was the north splitter box, what was the south splitter box, what the difference in pipe sizes were and the elevation at the splitter boxes.

Mr. Stephens stated that the last item stated to review comments regarding the hydrogeological assessment. He stated that the Maine DHS reviewed the assessment and they were happy with it.

Mr. Stephens stated that they believe that they have responded and met all of the criteria to the comments that Underwood Engineers had requested.

Lee Jay Feldman stated that he would have liked to have had Underwood Engineers review the responses to their comments prior to the meeting tonight. However, he can review the information and say that they addressed all the issues but because Underwood raised these issues, he feels that they should see the responses so they could concur that everything has been met to their satisfaction. He does not feel that an approval would be in order tonight. He feels that they need to send the responses and the revised site plan to Underwood Engineers and get their response. Mr. Feldman stated that the submission, all the waivers, conditions from the preliminary review and everything that they requested has been met.

Mr. Feldman stated that there is another issue that he believes that they spoke with Mr. Harmon about at the beginning of this project. That issue is with the town's growth permit ordinance. Currently they can only release 6 growth permits a year. Acting Chairman Chase stated that he remembers them talking about it in the past as well. Mr. Stephens stated that he remembers Mr. Harmon and the others discussing it so they are aware that they can currently only do 6 in one year.

Acting Chairman Chase stated that they usually do wait and get the final responses from Underwood Engineers before approval and feels that they should do that again.

Acting Chairman Chase opened the Public Hearing at 6:54 pm

Julie Fernee stated that she was stunned that this was happening. She said that nobody in town knew about this project. Acting Chairman Chase stated that there was a Public Hearing in July of last year. Matthew Qualls stated that it was a full room. Julie Fernee thought that North Berwick didn't do mobile home parks. Acting Chairman Chase stated that it is definitely allowed within the Ordinance. He stated that they are not putting in single wide units. Joe Carr stated that they are 28 x 58. Julie Fernee asked if it was going to be a 55 and over park and the applicant said that it would be. Lynn Manley said that that made her feel better because she is a School Board member and she was concerned. She stated that if all of these units had kids and they will pay very little in property taxes, it would be an added burden on the school district.

Acting Chairman Chase closed the Public Hearing at 6:57 pm.

Matthew Qualls motioned to table the approval of the Country Estates Mobile Home Park until the Board hears back from Underwood Engineers.

Matthew Qualls asked if they could go ahead and approve it with the condition that they need to get the response from the engineers. Jon Morse stated that they wouldn't even have to have another meeting about it. They could approve it with the condition and have it go back to the Code Enforcement Officer before the permit is actually given to them.

Matthew Qualls stated that the one thing that he thinks may be an issue still with the engineers is the septic tanks. Lee Jay Feldman said that the Board has a copy of a letter from Sweet Associates. They have reviewed the information from Stone Hill and they are basically fine with everything. Mr. Feldman read the final summary paragraph into the minutes:

In summary, we agree with StoneHill that the wastewater disposal system will not raise the concentration of nitrate at the subdivision property line over one half of the drinking water standard (5 mg/L) and mounding of wastewater will likely not exceed 3' under the disposal area. We noted that the report said that SeptiTech (or equivalent) pretreatment units would be used. We would want to revisit our conclusions if alternate technology was used.

Mr. Feldman stated that they could approve it with the condition that reads, "No construction permits will be issued by the Town until such time as Underwood Engineers has signed off on final design."

Matthew Qualls rescinded his previous motion to table the approval.

Matthew Qualls motioned to approve the application for Country Estates Mobile Home Park for a 39 lot mobile home park on High Street with the following condition:

1. No construction permits will be issued by the Town until such time as Underwood Engineers has signed off on final design.

Jon Morse seconded the motion. VOTE: 4-0

3.2 Other Business:

Roger Frechette stated that the Board needs to review the number of houses that is allowed to be built in North Berwick because the housing has gone up. The total number of dwelling units is 2,067. With this number, it would mean that the number of houses allowed to be built would be 45 in a year instead of 39. Roger stated that they should probably make a motion to have the Board of Selectmen review and to possibly have it put to a vote at the April vote. Lee Jay Feldman stated that the Growth Permit State Law requires that this number is reviewed every 3 years and be adjusted accordingly. It looks like we haven't revisited it in about 7 years so it definitely needs to be looked at. They need to bring the number either up or down. They can also do away with the growth permit altogether. Mr. Feldman said that they can also determine

some areas in the town to be no growth areas and some to allow a certain number. Matthew Qualls said that he likes the idea of trying to funnel the growth in certain parts of the town. Acting Chairman Chase said that they had spoken about this in the past. They had talked about allowing growth in the Residential District by either having no growth limit or having a certain amount only. Since they don't want too much growth in the Farm and Forest District, they would keep a growth limit in these areas.

David Ballard asked about mobile homes and how those would be counted. Roger said that every time they add a mobile home that is a permit. This way they can't come in and say they want all of the permits available.

Acting Chairman Chase told Roger to put a workshop to discuss this further on a future agenda.

4. Adjournment:

Jon Morse motioned to adjourn the meeting at 7:23 pm. Matthew Qualls seconded the motion.
VOTE: 4-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard