

## **NORTH BERWICK, MAINE 03906**

### **MINUTES OF PLANNING BOARD MAY 28, 2015**

**Present:** Chairman Geoffrey Aleva, Barry Chase, Jon Morse, Rick Reynolds, Matthew Qualls, Lawrence Huntley, CEO

**Absent:** Anne Whitten, Mark Cahoon

**Also Present:** Irving Connelly, Jean Connelly, Jason Jordan, Tom Harmon

1. Call to Order:

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

2. Review Previous Minutes:

Rick Reynolds motioned to accept the minutes of May 14, 2015. Barry Chase seconded the motion. VOTE: 4-0

Chairman Aleva moved Matthew Qualls up to full voting status for tonight.

3. Current Business:

Chairman Aleva stated that the first item on the Agenda was for James Austin. The applicant is proposing a Building Site located in the Resource Protection District (map 3, lot 62A).

Tom Harmon from Civil Consultants stepped forward to represent the applicant. He stated that what they have is a grandfathered non-conforming lot on Governor Goodwin Road. He went over the boundary survey of the lot with the Board. Mr. Harmon stated that he went through our Ordinance and spoke with Larry Huntley, but he really didn't find any guidelines that the Planning Board had to approve to have it built on. He stated that it also didn't really give any guidelines as to what you have to do to get it approved. Mr. Harmon stated that he went ahead and plotted a house on there, showed a septic system, showed the setbacks according to our codes, showed the driveways, and showed the areas of non-disturbance which is on the west side of the lot closest to the river. Mr. Harmon stated that it was his understanding that this plan would have to go on the record at the Registry once it is approved by the Planning Board. Larry Huntley stated that it will also need ZBA approval because of the 20% setbacks.

Chairman Aleva asked Larry if he had any additional comments to make. Larry asked the Board to look on Page 6-13 of the Ordinance under Factors Applicable to Conditional Uses. Section d for Special Exceptions is the part of the Ordinance that allows them to apply to the Planning Board to build in the Resource Protection Zone. He stated that the Resource Protection Zone is

250 feet to the river and that protects the resources of the town. He stated that you are allowed to build in this zone only if there is no other place on that piece of property that they can build a house. Larry said that they are here tonight to be able to apply to go to the Zoning Board of Appeals to get a 20% setback variance. They need the 20% to meet the Farm and Forest setback requirements. Chairman Aleva asked if they would need to come back before the Planning Board after going to the ZBA. Larry stated that they did not. Larry stated that this has been a lot on record for a long time. Deerfield Estates was built around it.

Chairman Aleva opened the meeting for public comment at 6:38 pm.

Jean Connelly wanted to know how it was going to affect her. She lives at 450 Maple Street. Larry stated that it would not affect her. He said that she was notified because she was an abutter but she is far away from where they want to build on this property.

Jason Jordan asked if they were looking to have an access from Deerfield. Chairman Aleva said that this is what the plan showed. Tom Harmon said that he thinks that the town would require that it comes off of a secondary street. Larry said that if the access is off Deerfield Road, people who buy some of the neighboring land would have to be part of the subdivision Association for maintenance of that road. Mr. Harmon thought that this road had been taken over by the town but Larry said it had not. Jason Jordan stated that he was part of the Phase 1 in the development and he is not part of the Association and does not pay dues. Mr. Harmon said that if this is the case, then they do not have rights on that road. They would have to come off of Governor Goodwin. Mr. Jordan stated that the first 4 lots do not have to pay Association fees, but the rest do. Chairman Aleva asked if this was always going to be a private road or will the town ever take it over. Larry stated that as soon as they pave it, Dwayne said that the Town would consider taking it over. Chairman Aleva told Mr. Harmon that this is something that he will need to look into.

Chairman Aleva closed the meeting for public comment at 6:43 pm.

Matthew Qualls asked Larry how often they have been approached to build within 250 feet of the river. Larry said that it was the first time since he has worked here which has been 15 years. He stated that these only apply to existing plots of land prior to 1978.

Jon Morse asked if there was going to be any problems with coming off of Governor Goodwin Road. Larry said that it wouldn't be if they are not allowed to come off of Deerfield. He stated that he would prefer to have it come off of Deerfield due to traffic, but if they are not allowed then they would have no choice but to come off of Governor Goodwin. Mr. Morse asked Tom Harmon if they are in a position to come off of Governor Goodwin if they have to. Mr. Harmon believe that they could do it. They would need to get a permit from the State for that access.

Rick Reynolds asked if this lot was all treed and Larry said that it was. Mr. Reynolds said that they talk about the drainage and the vegetation on the lot. The back part of the house looks like

it starts where it starts to flow into the river and there is swamp land down to the river's edge. He stated that it looks like it is downhill to the river. He states that they need to be protecting the river so he is concerned about this. Chairman Aleva stated that they do have limited disturbance in that area. Jon Morse said that they will also have a foundation drain. Rick Reynolds said that he is also concerned about the septic system. Barry Chase said that you can put a septic system within a 100 feet of a well so it shouldn't be a problem if it is 150 feet from the river. Rick Reynolds asked if the house could go closer to Deerfield Road to put it a little further away from the river. Jon Morse said that if they move it then they would be too close to the other property. Mr. Reynolds said that they were already too close on this plan and Chairman Aleva said that this is why they need to go before the ZBA and get the setback variance.

Chairman Aleva asked if this was going to use municipal water and Mr. Harmon said that it would be.

Chairman Aleva said that it looks like there are some questions that need to be answered first before they approve it. Chairman Aleva asked Larry why this plan needed to be recorded. Larry stated that it was part of the issue and the conditional use permit.

Larry stated that if they need to change the access to Governor Goodwin Road that changes the setback locations because you can go 75 feet on the sideline which Deerfield Road would then be. Jon Morse said that the other lot lines would stay the same so it wouldn't really change anything. Larry said that it could change the location of the house. Tom Harmon said that they are showing it as 80 foot setbacks from both streets so it doesn't change. Larry said that he has spoken with attorneys and they state that you can't have two frontages. You can only have one frontage and everything else is a sideline and back line. If we are not using Deerfield Road as frontage then it can be closer to Deerfield Road. Mr. Harmon said that the problem is that it can't get closer because the setbacks narrow down too much so there is no room. Mr. Harmon stated that they need to go back and get Deerfield straightened out because they need a recorder plan that the Board will sign. Chairman Aleva stated that it really didn't matter because it is not a lot coverage issue that we are dealing with. It is a driveway and a setback. Larry stated that they need to state in their motion that it is contingent on where the driveway will be. If the Board approves it that way then the applicant can go to the ZBA. Barry Chase stated that they don't really care about where the driveway is going to be. They just care about the setback. Barry Chase stated that they can say that they accept plan C1. Larry agreed.

Barry Chase motioned to approve the building site located in the Resource Protection District (map 3, lot 62A) from the Civil Consultants Plan for the Estate of Ichabod Goodwin Sheet #C1. Jon Morse seconded the motion. VOTE: 3-1 Abstain: 1

#### 4. Other Business:

No other business at this time.

5. Adjournment:

Barry Chase motioned to close the meeting at 7:00 pm. Jon Morse seconded the motion. VOTE:  
5-0

Lawrence Huntley, CEO  
Planning Coordinator

Respectively submitted,  
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls