

**Town of Eliot
REGULAR PLANNING BOARD MEETING**

March 17th, 2009 7PM

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Chris Pollard – Vice Chairman, Dutch Dunkelberger, Paul Burke, and Jeff Duncan – Alternate.

Absent: Dwight Snow,

Steve Beckert explained that Dwight Snow was still excused due to a class he had to take for his job. Jeff Duncan was appointed as a voting member for this meeting.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Dutch Dunkelberger made the motion to approve the minutes of January 20th, 2009, as amended.

Jeff Duncan seconded the motion.

Vote: 3-0, Chair concurs.

ITEM 5 - REVIEW OF "NOTICE OF DECISION" LETTERS, AS NEEDED

There were no notice of decision letters to review.

ITEM 6 - PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

- A Public hearing – and continued review of an application for a request for Planning Board action to amend a previously approved site plan by modifying the stormwater management plan for the Green Acre Baha'i School located at 925 Main Street. Property can be identified as Map 9/Lot 10 and is located in the Village zoning district. (PB08-23)**

Tom Harmon of Civil Consultants represented the applicant. He stated that as a result of plans to renovate and add some buildings to the Baha'i school a drainage study was completed. The original plan included a drainage pipe that ran through the middle of the property, however, the school was not happy with running that pipe directly through the middle of their campus because of the items that would be disturbed in that process like memorials, etc. Another alternative would have been running a drainage pipe right along the property line. They had approached the abutter about obtaining an easement across his property to install a pipe to a culvert that would go underneath the access way to State Road. Unfortunately, they were not able to reach an agreement so they

came up with the plan currently before the Board. On the proposed plan, instead of capturing and redirecting waters to the river, all of the area shows on the plan are captured and detained by two catch basins before flowing westerly and around the boat launch area. So, all water will flow the same as the current plan with the increases caused by the development being controlled by onsite detention. He stated that he wanted the Board to realize that the plan without the catch basins meets the town's criteria for drainage and the addition of dry wells or catch basins would only be an additional benefit.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Bruce Trott, 971 Main St., stated that he is an abutter of the school and has owned his property since 1962. He stated that he purchased the property because of the space out back for the kids to play. The land was robbed of its topsoil in the late 1950's, which resulted in several holes on the property, some of which are 6' deep. The adjacent property has always been damp. The bank that was left has now eroded as a result of skunks making holes in it and water flows across his property today. He explained that the State/Town purchased the Piscataqua boat launch facility after he purchased his property. The National Guard converted the land and in the process, put in a culvert at the corner so any flow from his property goes through that. He stated that he would also like the Board to know that there is a live spring on the school's property and stated that he has never seen it not flow some water.

Jeff Duncan asked where the spring was located.

Bruce Trott pointed out the spring on the map, located at the corner of the cottage. He continued that his problem is that the original plan, which had a pipe flowing directly to the river, was a good plan. He read page 3 of the stormwater management plan created by Civil Consultants as follows, *"The object of stormwater management is to reduce the downstream impact of post-development flows to a level at, or below, pre-development conditions." In this particular case, redirection of flows reduces post-development volumes onto the abutting westerly property... The increased flows to the Piscataqua River are negligible given the proximity of the Atlantic Ocean.* He also read the last paragraph of the stormwater management plan, which states, *"It is our opinion that the Green Acre Baha'i School Site Expansion project will not negatively impact abutters or downstream resources."* He stated that construction of this project with that argument creates an increase in non-vegetated area, which also increases surface flows. He stated that he had not seen details of the proposed catch basin plan, but he thought that would be the next best solution.

Chris Pollard stated that the ordinance simply does not require that there be a reduction in flows – just that there be no change.

Steve Beckert stated that in the letter from Jay Stephens to code enforcement officer, Paul White dated September 22nd, 2008, which compares the new proposal to the old proposal, and the new proposal still shows a reduction in flows over the original proposal. The letter compares the 2, 10, 25 and 50 year storm events and all continue to be reduced.

Bruce Trott stated that it is his intention to bring his property back up to the 1950's elevations. Those elevations would be about 40' above mean sea level.

Dutch Dunkelberger asked what the elevation of his property was currently.

Bruce Trott stated that it was around 37-38'.

Jay Stephens pointed out the low spots of Mr. Trott's property on the map. He stated that at the lowest point it goes down to about 32'. The rest comes up to about 38'.

Jeff Duncan asked what the elevation at the bottom of the proposed basin was.

Jay Stephens stated that it was about 39'. He stated that the York County Registry of Deeds has aerial photos going back to 1942 or 1943, which show a definite band of vegetation where the road comes together that implies a natural swale went across the land. Water came down and went across further down than where the hole Mr. Trott spoke of ended up. He stated that his proposed change would entail constructing a shallow berm to detain water while it slowly discharges westerly via a number of small culverts. The amount of water that will be able to get through there will be less than before the berms were constructed. The berm, even in a 50 year storm event, would not overflow and would drain within 24 hours. If dry wells are used then the owners will be given the option of filling them with stone or heavy duty chambers. If they drain the way they are supposed to, there may never be any water in them.

Bruce Trott asked what the elevation of the drainage pipes would be.

Jay Stephens stated that they would be dead flat with the existing ground.

Bruce Trott asked if he would be blocking the pipes by raising his elevations.

Jay Stephens stated that it shouldn't be a problem.

Bruce Trott stated that he had to block the culvert in order to gather enough fall rain to make skating ponds.

Jay Stephens stated that he didn't have anything that would show him that Mr. Trott's property was higher than the school's. He stated that he could see where the elevations would be equal, but not higher.

Bruce Trott stated that when people used to camp there, just down toward the boat ramp, they had to stay in that area because it was always wet further up.

Jay Stephens stated that Mr. Trott's statement would confirm his findings then. He stated that all he is planning to do is to move the wet area further down the hill.

Bruce Trott stated that it's worse now than it was when he purchased the property, but that didn't have anything to do with the school.

Jay Stephens stated that he was trying to address that by constructing the berm.

Bruce Trott stated that the other thing that bothers him about the proposal is that this is the first of several "guest cottages". Any time you put multiple people on one floor with bunks and shared bathrooms it's a dormitory, not guest quarters. He stated that he believed the Planning Board would see 1-2 more of these types of buildings in the future, which would increase the non-vegetated area. He stated that this has already happened to some degree with the existing development.

Jay Stephens stated that he has not included in the analysis the increased impact of potential development. He stated that he was aware that any further development of the property would have to be approved by the Planning Board.

Public hearing closed.

Jeff Duncan applauded the addition of the dry wells from the standpoint of getting water back into the ground. He asked what the fuel source of the buildings would be.

Jim Sacco stated that they use propane.

Jeff Duncan stated that he was concerned with the possibility of oil filtering into the ground.

Jay Stephens stated that the DEP would rather look at the area of disturbance and how far any oil would filter through the grass to get to the basin. In this case, what has been designed far exceeds what they would typically look for. He added that the grass provides the perfect filter.

Jeff Duncan stated that if an area is flooded in a storm event, a release event isn't unusual in that situation and you lose the benefit of that buffer.

Dutch Dunkelberger stated that that scenario is a combination of highly unlikely and unusual events.

Jay Stephens stated that it is a requirement for all fire trucks that they have absorbent pads and tubes on them. Firefighters would put those around the entrance immediately to contain any spills. Also, there wouldn't be a catch basin top like you'd normally see. These have 3-4" of stone on top. The absorbent pads would go right over the top and across the pipes and berms.

Jeff Duncan asked why the engineers didn't present this type of solution earlier if they believe it's truly the better design.

Tom Harmon stated that the conversation about drainage did not go back and forth about exactly where the pipe would go until after the contractors were brought in. He stated that as an engineer, he would have preferred draining directly to the river, however, the man in charge of national Baha'i operations disagreed with the original plan.

Paul Burke read a quote from the minutes of the January 20th meeting at which Jay Stephens said, "...no new areas had been added or directed westerly. In contrast to the original plan the solution more closely follows traditional stormwater management practices because waters are not redirected from current flow patterns." He stated that to him this seemed like a more acceptable plan than what was previously submitted.

Chris Pollard stated that this is an amendment to a previously approved plan and the Planning Board has to look at whether or not the new proposal meets the requirements of the ordinance. Section 45-411 of the ordinance says, "Surface water runoff shall be minimized and detained on site if possible or practicable..." He stated that the Planning Board has in hand a certified statement from a licensed engineer saying that the post development flows will be less than the pre-development flows. For that reason he believed the application should be approved.

Steve Beckert asked if the Board had any additional questions for the applicant.

The Board had no additional questions or comments for the applicant.

MOTION:

Chris Pollard made the motion to approve the request for Planning Board action to amend the drainage plans for the Green Acre Baha'i School subject to the previous conditions of approval placed on original plan.

Dutch Dunkelberger seconded the motion.

Vote: 3-1 (Jeff Duncan opposed), Chair concurs with the majority.

Steve Beckert explained the 30-day appeal process.

Bruce Trott stated that there was nothing in the original plan about landscaping.

Steve Beckert stated that he remembered landscaping being discussed during the original approval and thought the details were on the site plan.

Chris Pollard agreed stating that he didn't think there was a separate landscaping plan provided and that those details were in the site plan.

Steve Beckert stated that it was a moot point anyway since the 30-day appeal period for that application has long since passed and the Board can only consider the application before them. He pointed out that the existing tree line is shown on the drainage plans though.

B. Application for a conditional use permit for an industrial establishment to be located at 50 Maclellan Lane. Applicant is Hissong Ready-Mix & Aggregates, LLC (mailing address: 48 York St., Kennebunk, ME 04043). Owner is Maclellan A.R. Realty Trust (mailing address: PO Box 152, Tewksbury, MA 04876). Property can be identified as Map 46/Lot 7 and is located in the Commercial/Industrial zoning district. (PB09-5)

Steve Stearns of Pinkham & Greer stated that Hissong Ready-Mix is proposing to construct and operate a concrete ready-mix plant including conveyors, motors, cement storage silos, cement handling equipment, dust collection ducts, etc. Hissong expects to retail about 1,000 yards of concrete per week and would haul aggregate using five or six trucks. There would be a maximum of 15 employees, but they wouldn't all be on the site at the same time. The intent is to use the existing building on the property, which was only partially constructed by Alan MacLellan, to house aggregate storage bins, mixers and other equipment, as well as an office, employee bathroom and equipment maintenance area. He stated that the intent was to put the plant inside the building to reduce noise, which isn't much to begin with. He went through the details of the sketch plan, which shows parking, storage, a water area for cleaning dust off vehicles and a return concrete setting basin. Some refueling will be done on site. A test pit was dug on a mound that appeared to be where a septic tank was constructed, however there was no septic tank there. The septic tank has now been relocated to an area with about 9" to ground water, which isn't legal right now, but he anticipated some regulation changes that would allow holding tanks. Regarding stormwater, there will be over an acre of non-vegetated area so a State stormwater permit will be required to address stormwater quality. The road that accesses the property will have to be raised a bit to accommodate drainage. The plans show the vegetative buffer, level spreader and detention pond. There are wetlands and floodplains on the property, which are shown on the plan. The wetlands were mapped by Attar Engineering in 1996. There will also be three-phase power running from Route 236 to the plant.

Steve Beckert asked how tall the cement silos would be.

Steve Stearns stated that instead of the silos being located above the hopper they will be located on the ground, sunk in about 2 feet. He stated that he has been discussing the height issue with Paul White.

Jeff Duncan asked how the applicant would handle the water that would be flowing into the silo.

Steve Stearns stated that he is envisioning a sump pump.

Chris Pollard asked if there would be truck storage onsite.

Steve Stearns stated that some mixers will be stored in the building and some will go home at night.

Jeff Duncan asked if this would be a year-round operation.

Steve Stearns stated that it would be.

Chris Pollard asked if the concrete plant would be fully enclosed in a four-walled structure. He stated that he was concerned about dust landing on abutting properties. He stated that he would imagine that if there is hauling and dumping of aggregate it would need to be covered.

Steve Stearns stated that this is crushed aggregate coming from a quarry and it's all very clean.

Dutch Dunkelberger stated that he believed Chris's point was that the applicant should be aware that there is an ordinance that regulates dust and the applicant should be prepared to address how dust will be contained.

Chris Pollard encouraged the applicant to read the noise regulations, which are especially restrictive at night. He stated that the Planning Board is sensitive to this issue because there are other operations in town, similar to the one being proposed, that have historically been a problem.

Dutch Dunkelberger stated that it appeared a "zero" was missing in the building square footage.

Chris Pollard stated that it appears the water from the water area will flow into the stormwater management area. He asked how that would be controlled.

Steve Stearns stated that the operation will recycle up to 60% of that water into the concrete mix.

Chris Pollard stated that he thought Eliot Recycling Services had a detention pond in this area.

Steve Stearns stated that he would look into that and get back to the Board.

Chris Pollard asked if any wetland filling was proposed.

Steve Stearns stated that they are trying to avoid that. There is a wetland of special significance on the property so they are trying to avoid having to get those permits that would be required for filling. By building up the road they may have to look at putting headwalls or something like that.

Chris Pollard stated that the applicant had mentioned maintenance earlier, which would typically involve solvents and fluids. He stated that the Planning Board and Fire Chief will need to understand the method of storage for any flammable materials.

Dutch Dunkelberger added that ventilation will also need to be addressed.

Jeff Duncan added that methods for waste disposal will need to be addressed as well.

Dutch Dunkelberger stated that he was concerned with maintaining the integrity of any culverts that would have to go through the access road. He asked that the applicants address that in their next submission.

Steve Stearns stated that he will be sure to address all of the Board's concerns. He added that they are also planning on drilling a well on the property.

Jeff Duncan asked how much water they expected to use.

Steve Stearns stated that he anticipated around 10,000 gallons per day.

MOTION:

Dutch Dunkelberger made the motion to approve the sketch plan.
Chris Pollard seconded the motion.

Discussion:

Chris Pollard stated that he was hesitant to schedule a site walk for this proposal until the applicant has a better idea of where the various aspects of the site will be located.

Steve Stearns stated that it was his understanding that the sketch plan could be subject to change.

Steve Beckert stated that it can change, but the Board wanted to wait until there are definite locations for the various site features.

Dutch Dunkelberger agreed that there was enough about this project that could change to warrant holding off on scheduling a site walk.

Vote: 4-0, Chair concurs.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Steve Beckert stated that Kate Pelletier distributed comments from the Code Enforcement Officer regarding the stormwater post-construction ordinance. He encouraged the Board to read them.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next Planning Board meeting was scheduled for March 24th, 2009.

ITEM 10 – ADJOURN

MOTION:

Dutch Dunkelberger made the motion to adjourn at 8:35 PM.
Jeff Duncan seconded the motion.

Vote: 4-0, Acting Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary