

**Town of Eliot
REGULAR PLANNING BOARD MEETING**

January 20th, 2009 7PM

ITEM 1 - ROLL CALL

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

Absent: Dwight Snow and Dutch Dunkelberger

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

The Board agreed to review the minutes at the next regular meeting.

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

The Board agreed to review the notice of decision letters at the next regular meeting.

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 conditional use permit by adding a school to the existing Seacoast Baptist Church located at 1274 State Rd. Applicant/owner is Seacoast Baptist Church (mailing address: 1274 State Rd., Eliot, ME 03903). Property can be identified as Map 15/Lot 13 and is located in the Village zoning district. (PB08-19)**

Steve Beckert explained the rules of a public hearing.

Mike Stephens explained that his wife would like to operate a small school at the Seacoast Baptist Church.

Public hearing opened.

No comments.

Public hearing closed.

Chris Pollard stated that the Board had several comments on the application after the last meeting. One of those issues was amending the plan to reflect a previous condition of

approval that there be one entrance and one exit. He asked if the applicant had changed the plans to reflect that.

Mike Stephens stated that he was remiss in doing that. He stated that there were so many documents he wasn't sure which to draw on. He added that though the plans don't reflect that the property has one entrance/one exit, there are signs on the property directing traffic.

Steve Beckert stated that the other issue brought up at the last meeting was the capacity of the existing septic system.

Chris Pollard stated that the applicant received a letter from the Code Enforcement Officer dated December 29th, 2008 in which he recommends that a licensed site evaluator provide a plan or report that certifies compliance with the Maine Subsurface Waste Water Disposal Rules.

Mike Stephens stated that at the last meeting the Board suggested that if the application were to be approved then there would be a condition of approval that a site evaluator look at the septic system. He stated that he would like the Board to clarify that the site evaluator would be looking at this particular use and not hold it to the same standards as a big school.

Chris Pollard stated that if the application is approved the Board will ask that the applicant get the septic system sized for the use being requested. He asked the applicant to explain the entrances and exits again.

Mike Stephens stated that out from the drive-through side will be one exit off State Road and the other driveway on State Road will be the entrance.

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

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

MOTION:

Chris Pollard made the motion to approve the application subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the

property boundaries, ownership, or similar title issues. The permit holder would be well advised to resolve any such title problems before expending money in reliance on this permit.

3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Amend the plan to reflect one entrance and one exit. The entry will be the western most access and the exit will be the eastern most access nearest Beech Rd.
5. Obtain a plan or report from a State of Maine licensed site evaluator that certifies that the new use will meet Maine subsurface waste disposal rules.

Paul Burke seconded the motion.

Discussion:

Mike Stephens asked for clarification on the last condition of approval regarding the septic system.

Chris Pollard stated that the applicant needs to show what is there currently. The site evaluator will determine the gallonage required for the proposed use.

Mike Stephens stated that he knew the Code Enforcement Officer was thinking that a site evaluator would come out and require the same capacity for this small school as they would for a large school. He stated that he just wanted to clarify that wasn't the Planning Board's intent.

Chris Pollard stated that his intention is that the septic system meets State plumbing codes and the site evaluator will determine how many gallons per day 12 children will required.

Paul Burke suggested being as specific as possible with the site evaluator by letting him or her know the details of the use, including that there will not be a kitchen used.

Vote: 3-0, Chair concurs.

Steve Beckert explained the procedure for appeals.

B Public hearing and continued review of an application for a Conditional Use permit to establish a motorcycle and small engine repair garage at 820 H.L. Dow Highway. Applicants are Jamison Nay (mailing address: 340 Central Ave. #402, Dover, NH 03820) and Brian Sworski (mailing address: 157 Central Ave. #1, Dover, NH 03820). Owner is Michelle Duval (mailing address: 170 Brixham Rd., Eliot, ME 03903). Property can be identified as Map 79/Lot 21 and is located in the Rural zoning district. (PB08-21)

Brian Sworski stated that he and his partner, Jamison Nay, would like to open a motorcycle and small engine repair shop in the building located at 820 Dow Highway.

Public hearing opened.

No comments.

Public hearing closed.

Chris Pollard stated that he had made two notes at the last meeting regarding the hours of operation being 7:00 AM – 8:00 PM Monday through Sunday and no storage of vehicles outside except during normal business hours. He asked if there were any other outstanding issues.

Brian Sworski stated that the Board also recommended installing a fence, which he drew on the latest plans.

Jeff Duncan stated that he was absent at the last meeting and not familiar enough with the plan to comment.

Paul Burke stated that the Board also discussed storage of flammable materials.

Steve Beckert asked Kate Pelletier if she received any input from the Fire Chief.

Kate Pelletier stated that she had not.

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

MOTION:

Chris Pollard made the motion to approve the application subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

4. There shall be no outdoor storage of vehicles on the property except during normal business hours.
5. The hours of operation shall be Monday through Sunday 7:00 AM – 8:00 PM.
6. Review and approval of storage of flammable materials by the Eliot Fire Chief shall be submitted to the Code Enforcement Officer prior to the start of operations.

Paul Burke seconded the motion.

Vote: 2-0 (Jeff Duncan abstained), Chair concurs.

Steve Beckert explained the procedure for appeals.

C Continued review of an application for a conditional use permit to expand Piscataqua Landscaping at its current site at 26 Maclellan Ln. and on an additional lot across the street. Applicant proposes composting of leaf and yard waste, bulk oil fuel tanks, and an office trailer. Applicant/owner is Piscataqua Landscaping Co., Inc. (mailing address: 26 Maclellan Ln., Eliot, ME 03903). Property can be identified as Map 37/Lot 5 and Map 46/Lot 10 and is located in the Commercial/Industrial zoning district. (PB08-16)

Chris Pollard asked if the applicants had received the letter from the Conservation Commission.

Bruce Crawford of Ambit Engineering stated that he had received the letter.

Chris Pollard stated that he would like to know how the applicant plans to address the Conservation Commission's concerns.

Bruce Crawford stated that the Planning Board came up with a punch list of issues at the last meeting, which he addressed in the narrative provided in the last submission. He showed a plan of the site as it existed last year. On the north side of Maclellan the existing conditions are wooded. That area has now been cleared and filled, which was done without a permit. Booth Hemingway, the owner, will have to deal with that issue with the DEP. He explained that Mr. Hemingway came before the Planning Board several years ago for a seasonal housing trailer, which is also shown on the existing conditions plan. The above ground fuel storage tanks are also shown and have been in place since the late nineties. The applicant is required to get permits from the State Fire Marshall for those tanks, which he has already applied for. As part of the expansion plans, new stormwater treatment ponds are proposed and detailed in the plan set. These ponds will intercept all runoff from the handling areas, including the fueling pad. If any small spills occur on the fueling pad they will be easily cleaned up with spill kits, as required by the SPCC plan. Larger spills that cannot be contained and treated on the fueling pad will flow into the treatment ponds and cleaned up by excavating out the contaminated soils under supervision of the Maine DEP. He stated that the applicant would like to keep the tanks in their current location. At the last meeting Chris Pollard asked for clarification on the

additional mobile home shown on the plan, which was not part of the approval in 2006. He explained that the applicant will remove the trailer and convert the approved seasonal housing trailer into office space. Another concern at the last meeting was that the abutters were not shown on the plan. He stated that the six abutters are now shown on the title sheet. Another issue brought up at the last meeting was the composting equipment. Chris Pollard had asked about the types of equipment that would be used in the composting operations and the noise associated with such equipment. The applicant does not propose to use any tub grinders or windrow turners. The proposed equipment will include a small bobcat loader, a small backhoe, possibly a mechanical screen periodically and trucks that will haul the bulk yard waste to the site. He stated that the applicant proposes to only compost yard waste that does not require grinding on site. A 30 cubic yard roll off container will be kept on site to collect wood waste such as limbs and other woody debris that will not be incorporated into the composting operations. There will be no equipment that will generate nuisance noise levels at the property line.

Chris Pollard stated that it sounded like there was the possibility of some on site screening.

Bruce Crawford stated that there could be. The owner does not own the equipment required to do any screening at this time, but would like to reserve the right to do so in the future. He stated that he anticipated that any screening would only be done once or twice a year. He stated that another issue brought up at the last meeting was regarding the size of the compost piles and the yearly throughput of the operation. He stated that there was an error in the minutes from that meeting. It said that the footprint of the existing pile was around 10,000 square feet after 10 years accumulation. It should have said 10,000 square feet after 2 years accumulation. He stated that the applicant proposes to handle around 3,000 cubic yards on a yearly basis. Due to the setbacks to adjacent wetlands and property lines, the composting operation cannot be any larger than that.

Jeff Duncan asked how tall the piles could get.

Bruce Crawford stated that the piles would be around 10' high. He continued addressing the issues from the last meeting. He stated that there was a question as to how to contain the composting footprint and how operators would know if they have encroached into adjacent buffers. He explained that the easiest way to prevent that would be to set six permanent reference markers around the composting area so that they can be used to measure from easily. The markers would be placed strategically around the composting area so that they are protected yet easily accessible. He stated that the markers are shown on page C-2 of the plan. The next issue brought up at the last meeting was odor control. This would be accomplished by frequent turning and mixing of the windrows to ensure proper distribution of moisture throughout the compost. This operational aspect is regulated and enforced by the Reduced Procedures Compost Permit, which is currently under review by the DEP. Fire prevention will also be controlled primarily through frequent mixing of the compost to ensure adequate

and even moisture content. If it's found that the moisture levels cannot be maintained by frequent mixing due to drought, then water will be added to raise moisture levels. A yard hydrant is proposed for this purpose and is shown on page C-2 of the plan set. Finished compost would be used as a soil amendment for the businesses' operation. No retail customers or suppliers are proposed. However, they do anticipate that some wholesale customers would be allowed to buy singular or multiple truckloads of the finished product, but not on a regular basis. He stated that he provided a soils report from Joe Noel, which were required for the DEP compost and site permits. The test pits were located at the three pond locations and in the vicinity of the compost pile. Because of high seasonal water tables, new under drains are proposed up-gradient of the two ponds on the south side of Maclellan Lane. The drains will help lower the ground water immediately above the ponds so that the filters can remain unsaturated and free from buoyant forces that may be exerted by the high seasonal water table. The groundwater that is intercepted will still outlet in the same location and the adjacent wetlands will still receive the same amount of groundwater flows, except that it will be somewhat concentrated at the two separate outfalls. As part of the DEP site application the York County Soils mapping was reviewed. The only change Mr. Noel offered was that Buxton silt loams should be mapped as lamoine silt loam. It was determined that the soil series boundaries would conform more closely to the mapped wetlands. He explained that the applicant's well had been tested and aside from the normally expected high iron and manganese levels, is free from contaminants. The nearest well not owned by the applicant at the used car dealership about 400' away, however, the type of waste to be composted for this application is not classified as a hazardous or special waste. It has the lowest classification under DEP rules and is typically permitted through simple Permit by Rule standards. Regarding parking, there will be a maximum of 45 spaces. Most of the spaces are on the south side of the facility but there are an additional 15 spaces proposed on the north side.

Jeff Duncan asked if this meant there would be 45 employees.

Bruce Crawford stated that he wasn't sure, but that the applicant had said he needed that many. He added that he may come back and ask to move some of those spaces around to another area on the site. Regarding filling and grading on the north side of the property, the plans show the north side existing conditions (pre-disturbance) as wooded since the applicant did not go through town site plan approval for work done here. This is also consistent with the stormwater runoff calculations that compare pre-developed conditions to post development conditions in terms of stormwater detention calculations. The proposed site filling and grading on this site is detailed on Sheet C-2 of the plan set. The limit of the existing fill that was placed there in 2007 is shown as the proposed silt fence surrounding the filled area. The proposed pond (#2) will be wholly constructed within this filled area with no additional disturbance beyond the limits of the existing fill. The existing embankment will be stabilized with loam, seed, and mulch. The only additional fill material proposed is the 6-9" layer of gravel that is needed over the fill material so that a stable surface is created for the composting operations. On the south side of the property the existing conditions include the above ground storage tanks and both trailers. It is not known what

was approved during the initial Planning Board review in the early nineties, but what is shown is believed to be an accurate representation of all constructed or added features that presently existing. This area was filled most likely before it was purchased by Mr. Hemingway and has stabilized itself with woody vegetation along the embankment. The only proposed work on this side has to do with the construction of the two treatment and detention ponds and the associated piping and under drains. All of this work will be done within existing fill material that has been stable for nearly ten years. In speaking with Kate Pelletier and Paul White he determined that any work associated with stormwater or drainage improvements is considered exempt from setback requirements. He stated that the Board had requested that the application be reviewed by the Fire Chief. The applicant proposes to work with the Fire Chief to address his concerns about the composting operation and fuel storage tanks.

Chris Pollard asked if the Fire Chief had any comments about the pile spacing and height.

Bruce Crawford stated that those issues would be addressed in the DEP permit.

Chris Pollard stated that the Fire Chief usually has very specific comments about wood waste.

Steve Beckert asked Kate Pelletier to request comments from the Fire Chief.

Bruce Crawford asked the Board if they wanted him to go through each of the requirements of Chapter 33 and Chapter 45.

The Board agreed that wasn't necessary, but asked that Bruce Crawford address the Conservation Commission's concerns.

Bruce Crawford stated that the Conservation Commission had requested a copy of the stormwater management plan, SPCC plan, erosion control plan and landscaping plan. He stated that the stormwater management plan and erosion control plan will be made available for their review. The SPCC plan is on file at Piscataqua Landscaping's office, as required. If the Board requires a landscaping plan that can be made available for their review as well.

Jeff Duncan asked if the SPCC plan was submitted to DEP for review.

Bruce Crawford stated that he sent DEP a copy of the SPCC plan though it's not a requirement.

Jeff Duncan asked if one could be made available to keep at the town hall.

Bruce Crawford stated that he would send one in to Kate Pelletier. The next comment from the Conservation Commission was that they wanted to see the stormwater controls within the 100 year flood plain. He stated that it is his understanding that FEMA had given local review and enforcement authority to the town and that all matters related to the flood zone encroachments would be

handled through the Code Enforcement Officer. A flood hazard permit was filed with the town and calculations show that the proposed fill for the pond would not raise the 100 year flood plain level more than 1". The Conservation Commission had asked why there are stormwater controls and earthwork being proposed within the 100 year flood plain. He explained that the detention pond in the 100 year flood plain was the focus of the flood hazard permit. The history behind this is that the applicant filled this area several years ago without the knowledge of the 100 year flood boundary. The applicant wishes to keep this location for stormwater treatment and flood control from the site. Since the allowable composting area is rigidly established by DEP setbacks, and there needs to be a means of collecting the runoff from the compost operations for treatment, the pond really cannot be sited anywhere else. Also, since the pond is meant to provide flood control it is important that it be sited in a location that is down gradient of the developed area. The Conservation also asked if a FEMA LOMA will be applied for or if the Army Corps of Engineers permits and FEMA permits will be procured for this work. He stated that, again, a flood hazard permit has been filed with the town. The Conservation Commission then asked if a DEP stormwater permit would be required. He explained that a DEP stormwater permit is not required, however, a site application is being prepared, which includes the same standards found in the stormwater permit. Also, a Fire Marshall permit and compost permit are also being prepared. Their next question was about the types of materials that will be imported for composting. He explained it would be yard waste only that will be composted, which includes leaves, grass clippings, and other woody waste such as small limbs or chips. The Conservation Commission's next concern had to do with traffic and parking. He stated that the anticipated traffic impact from the compost operation was insignificant. No retail customers would be allowed to dump or buy compost. He stated that the Planning Board had also determined at their last meeting that a traffic study was not required since access to the site is not directly on Route 236. Their next comment was regarding the wetlands boundaries from Little Brook, which is a wetland of special significance. He stated that the setback issues are being addressed as part of the DEP site application permit and that the town has its own setback requirements. He stated that all wetlands will be delineated on the next submission.

Chris Pollard stated that he would like the applicant to clarify the wholesale aspect of the business.

Bruce Crawford stated that the applicant would like the ability to sell some of the compost wholesale, especially if he gets overwhelmed and needs to get rid of the material. He stated that he would like to reserve that right. He may also have someone other than his employees taking material off site.

Chris Pollard stated that paragraph 4 of the narrative says that the compost material is meant to serve the needs of Piscataqua Landscaping, yet another area says that they would like to sell some of the material wholesale.

Bruce Crawford stated that he would change the narrative to better describe the wholesale aspect.

Chris Pollard stated that the Conservation Commission had also asked about what materials would be stored in the area designated "Proposed Additional Storage Area." He asked the applicant to comment on that.

Bruce Crawford stated that is a triangular piece of land in the northwest corner of the site, however, there are no plans to use that for anything at this point.

Jeff Duncan stated that it sounded like DEP was overseeing the aspect of this application that had occurred without a permit and they may require remediation, etc. In addition there are concerns about the fuel storage tanks. He asked if the applicant had received any feedback that suggests whether or not what is on the site currently will be acceptable to the DEP.

Bruce Crawford stated that they hadn't received any comments from the DEP yet.

Jeff Duncan stated that it sounded like there was at least a possibility that the plan could totally change.

Bruce Crawford stated that the plans could change somewhat, but not drastically. He stated that the DEP may want them to relocate the fuel storage tanks, but that they would come back to the Planning Board for an amendment if that was the case.

Jeff Duncan stated that he would like the Board to conduct a site visit.

Steve Beckert stated that it may be a good idea to wait until the snow has melted before doing a site walk.

Chris Pollard asked if the DEP permit submitted included an operations manual.

Bruce Crawford stated that it did and that he would provide the Board with a copy of it.

Chris Pollard stated that odor is always a concern with these types of operations. He asked the applicant to address this in their next submission and to read the ordinance dealing with odors. He stated that he would definitely like to see the Fire Chief's comments on this application. Based on experience with similar applications he suspected that the Fire Chief would want greater pile separation. He stated that the applicant had mentioned that the operation would handle about 3,000 cubic yards of material. He asked if that was the total throughput.

Bruce Crawford stated that the operation is limited by the setbacks. He stated that he didn't think 3,000 cubic yards would even fit.

Chris Pollard stated that a quick calculation shows that the longest windrow would hold about 189 yards.

Steve Beckert stated that Paragraph 5 of the narrative says that 3,000 cubic yards is expected to be handled on a yearly basis.

Chris Pollard asked if the DEP application reflected that same estimate.

Bruce Crawford stated that it did.

Paul Burke stated that he would like to see the scope of the screening aspect of the business as well as more information on the wholesale aspect. He stated that it would be nice if the owner could participate in these meeting to help answer questions from the Board.

Bruce Crawford stated that he would convey that to Booth Hemingway.

Chris Pollard asked if the stormwater management plan had been provided to the Conservation Commission.

Bruce Crawford stated that he had not sent the Conservation Commission anything.

Kate Pelletier stated that she provides copies of everything submitted to the Conservation Commission.

Steve Beckert asked if the Board wanted to act on the preliminary plan yet.

Jeff Duncan stated that there was still so much information missing.

Bruce Crawford stated that there was not much more he could add to the plan. The plan provided goes beyond what's required for a preliminary plan. The items the Board brought up would be addressed separately from the actual plan.

Steve Beckert asked if the Planning Board wanted to do a site visit in the snow. He stated that waiting until the snow melts could hold up the applicant significantly. He also asked the Board if they wanted to schedule a public hearing yet.

Jeff Duncan stated that he knew that the Conservation Commission had not yet reviewed the applicant's responses to their concerns. They don't meet again until February.

Chris Pollard reminded the Board that they are limited by the ordinance as to how long they can take to make a decision after the public hearing. He read section 33-131 as follows, *"Within 30 days of the public hearing but no more than 75 days of its acceptance of a completed application and site plan, the planning board shall approve, modify and approve, or disapprove the site plan. The planning board shall specify in writing its reasons for any such modification or disapproval. If the planning board fails to take action within 75 days as specified above, the site plan shall be deemed disapproved."* He stated that he would have no objections to having the public hearing in February.

MOTION:

Paul Burke made the motion to accept the preliminary plans as presented and to schedule the public hearing for February 17th.

Chris Pollard seconded the motion.

Vote: 2-1 (Jeff Duncan opposed), Chair concurs with the majority.

D 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 explained that the school went through a full site review several months ago to construct several new buildings. Since then building permits have been pulled and construction started. He stated that they are now proposing an alternative stormwater management plan by reverting to the current discharge points. The original plan was to redirect some surface water away from the downstream abutters and send the water directly to the Piscataqua River via new underground pipes. He stated that 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., so the new plan will allow all surface water flows to follow their current pathways and discharge at their current locations. The flow rate will be controlled through the installation of a berm adjacent to the downstream property line and will not be any greater than the previous approval. He stated that before they came up with this plan they took a look at 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.

Jay Stephens of Civil Consultants stated that he did a pre-development study to figure out how the water is flowing now. He stated that the majority of the stormwater leaving the Baha'i site flows westerly and ultimately crosses behind the boat launch area into the Piscataqua River. On the previous plan portions of the stormwater were captured and redirected to the river, thus reducing the flows onto the westerly abutter's property. 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 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 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 for the 2-year storm the pre and post flows were reduced by 23%. For the 10-year storm the pre and post were reduced by 10%, 2 ½% for the 25-year storm and ½% for the 50-year storm. He explained that the reason why some of the water is coming out of their ponds now is because there is a silty-sand layer as opposed to a sandy-silt layer that's 2 ½- 3' thick. If they put in a cistern they would literally punch a hole through that restrictive layer,

exposing a nice, sand layer underneath. He stated that he would guess that no water would ever be seen here because once they expose that sandy layer the water will sink out.

Chris Pollard stated that a cistern would be considered a plan change if they do decide to go that route.

Tom Harmon stated that they are asking to treat stormwater onsite without a cistern. If they put in a cistern and it works then the design will only be better. It would have no impact.

Jeff Duncan agreed with Chris Pollard and stated that a cistern seemed like a construction activity. He asked how big the parking lot was and if they had considered using some kind of permeable asphalt surface to better infiltrate the water. .

Tom Harmon stated that the parking lot is already there so it would be a big effort to remove it. He stated that the design, as presented, meets all of the town's requirements, so putting in a cistern would only make that design better.

Paul Burke stated that he was looking at sheet C-5 and the relocation ditch line. He asked if that was for the detained water that was pitching toward the west.

Jay Stephens stated that was for the water that was coming from the highway. The only relocated stretch was where the building is.

Chris Pollard stated that he would like to have a public hearing on this.

The Board agreed.

MOTION:

Chris Pollard made the motion to schedule a public hearing for February 17th.

Jeff Duncan seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert asked the applicant to address the cistern on the plans.

Bruce Trott, abutter, asked if he could address the Board.

Steve Beckert allowed Mr. Trott to address the Board.

Bruce Trott stated that all parties involved are aware that he had been restoring his property to its original elevations. He suggested having the applicants determine what would happen to the stormwater once he brings his property's elevations back up to where they used to be.

Jeff Duncan asked what the target elevation was on Mr. Trott's property.

Bruce Trott stated the original elevations were somewhere in the order of 40'.

E Application for a conditional use permit to construct a small wind energy system at 302 Depot Rd. Applicant/owner is Elinor Amee (mailing address: 284 Depot Rd., Eliot, ME 03903). Property can be identified as Map 73/Lot 29 and is located in the Suburban zoning district. (PB09-2)

Michael Mann represented the applicant. He stated that Mrs. Amee was proposing to install a 50', 2.6 kilowatt windmill. This is a good, connective unit that ties directly into the electrical panel and feeds back into CMP's grid. It will be installed on a 3 ½' foundation that is 7' x 7'. The conduit is run underground to the house, mounted to eight 1 ½' anchorables. There will be a 90 MPH wind load or less. The units and poles are made in Arizona. The noise levels will be 45 decibels at the base, similar to the background noise in the meeting room tonight.

Chris Pollard asked Kate Pelletier if an engineer's stamp is required.

Kate Pelletier stated that the ordinance requires "*standard drawings and an engineering analysis of the systems tower, and certification by a professional engineer.*"

Steve Beckert stated that the Code Enforcement Officer submitted a memo regarding all three small wind applications. For this application he had the following comments:

1. Only one system has a professional engineers stamp and that engineer is not licensed in Maine.
2. No overhead utilities shown or located. ((b) (1) c. requires written permission be granted by the utility)
3. No analysis for ice and wind loading.
4. Foundations do not meet IBC code for frost depth and have not been reviewed by a PE locally.
5. Electrical detail is not sufficient to determine compliance with NEC
6. Information supplied and not supplied for radio interference is insufficient to determine compliance
7. No evidence of compliance with State and Federal requirements.

Paul Burke asked what the applicable State and Federal requirements were and if the Code Enforcement Officer could clarify that.

Michael Mann stated that he would supply the Maine licensed engineer's stamp, ice and wind loads, foundation detail, and electrical detail. He stated that there are no overhead utilities and that the information on radio interference was already provided.

The Board had no additional comments or questions and scheduled the public hearing for February 17th, 2008.

F Application for a conditional use permit to construct a small wind energy system at 657 Goodwin Rd. Applicant/owner is Rosanne Adams (mailing address: 657 Goodwin Rd., Eliot, ME 03903). Property can be identified as Map 72/Lot 28 and is located in the Suburban zoning district. (PB09-3)

Rosanne Adams stated that her application was nearly identical to Elinor Amee's except that her tower was 33' and she would need written permission from her mother, Elinor Amee, to satisfy the setback requirements. She stated that she included that letter in her submission.

Steve Beckert stated that the Code Enforcement Officer submitted comments on this application and read them as follows:

1. Only one system has a professional engineers stamp and that engineer is not licensed in Maine.
2. No overhead utilities shown or located. ((b) (1) c. requires written permission be granted by the utility)
3. No analysis for ice and wind loading.
4. Foundations do not meet IBC code for frost depth and have not been reviewed by a PE locally.
5. Electrical detail is not sufficient to determine compliance with NEC
6. Information supplied and not supplied for radio interference is insufficient to determine compliance
7. No evidence of compliance with State and Federal requirements.
8. The site of the tower requires an easement which does not show on plan and once approved should be recorded in the registry of deeds as an easement.

Michael Mann stated that he would provide the missing information.

Rosanne Adams stated that the overhead utilities were shown on the plan though.

The Board agreed that the overhead utilities were already shown on the plan.

Paul Burke asked what the distance was from the house to the tower.

Rosanne Adams stated that it was 25'.

Paul Burke asked if there was any chance of the tower being moved further out.

Rosanne Adams stated that it was originally 44' away from the house, however she wasn't too sure about the setbacks and she didn't want it to be too far away from the house.

Steve Beckert stated that the applicant could have it as close to her house as she'd like. There are no restrictions on how close it can be to the house.

Chris Pollard stated that the ordinance says, "*The Planning Board may accept restrictive easements on abutting parcels to satisfy setback requirements.*" He stated that in his opinion, this meant that the Board didn't necessarily have to require an easement and could accept the letter from the abutter to satisfy the setback requirements.

The Board agreed.

Steve Beckert stated that this is a new ordinance and that the Board can never foresee all the kinks until they apply it to an application. He stated that it's not clear if it the intention of the ordinance is that the Board require a restrictive easement in a case like this.

The Board had no additional questions for the applicant and scheduled the public hearing for February 17th.

G Application for a conditional use permit to construct a small wind energy system at 747 Goodwin Rd. Applicant/owner is John & Helen Sullivan (mailing address: 747 Goodwin Rd., Eliot, ME 03903). Property can be identified as Map 80/Lot 2 and is located in the Rural zoning district. (PB09-4)

Steve Beckert stated that the Board received comments from the Code Enforcement Officer on this application and read them as follows:

1. Only one system has a professional engineers stamp and that engineer is not licensed in Maine.
2. No overhead utilities shown or located. ((b) (1) c. requires written permission be granted by the utility)
3. No analysis for ice and wind loading.
4. Foundations do not meet IBC code for frost depth and have not been reviewed by a PE locally.
5. Electrical detail is not sufficient to determine compliance with NEC
6. Information supplied and not supplied for radio interference is insufficient to determine compliance
7. No evidence of compliance with State and Federal requirements.
8. No plan described under (e) (1)
9. It appears the applicant did not understand the access question (d) (1) b (the tower shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 12' above ground).

John Sullivan stated that regarding the step bolts, it's a smooth pole with no ladder or step bolts but that he would state that on the plan.

Chris Pollard stated that the plan also needed to include a title block, the zoning information, the utility lines and where they come in from the road to the house.

Michael Mann stated that he would provide the rest of the information to the Board for their next meeting.

The Board had no additional questions for the applicant and scheduled the public hearing for February 17th.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Chris Pollard updated the Board on his conversation with Code Enforcement Officer, Paul White, on several ongoing issues.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for February 3rd, 2009.

ITEM 10 – ADJOURN

MOTION:

Dutch Dunkelberger made the motion to adjourn at 8:50 PM.

Paul Burke seconded the motion.

Vote: 3-0, Acting Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary