

**Town of Eliot  
REGULAR PLANNING BOARD MEETING MINUTES**

**October 4<sup>th</sup>, 2011 7PM**

**ITEM 1 - ROLL CALL**

Present: Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Dennis Lentz, and Larry Bouchard.

Absent: Greg Whalen & Chris Place.

**ITEM 2 – PLEDGE OF ALLEGIANCE**

**ITEM 3 – MOMENT OF SILENCE**

**ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED**

None.

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

None.

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

**A. 10-minute public input session**

**Public input session opened.**

Mary Fournier, 16 High Meadow Farm Rd., stated that the Board of Selectmen meetings are videotaped and posted on the Town's website. She asked if the Planning Board was planning to do the same.

Steve Beckert stated that the Board hadn't discussed videotaping meetings yet but that he expected they would soon and a decision would be made at that time.

**Public input session closed.**

**B. Public hearing – and continued review of an application for Site Plan Review to construct a public utility facility consisting of a 345 kV electrical switching station. Applicant/owner is Public Service Company of New Hampshire (mailing address: PO Box 330, Manchester, NH 03105). Property can be identified as Map 86/Lot 4-1. (PB11-6)**

Doug Ide of TRC Solutions represented the applicant. He stated that since the public hearing last month, PSNH successfully negotiated with the abutter, Mr. Larenas, to address the concerns he brought up at the hearing. PSNH has agreed to eliminate the open area reserved for future expansion of the switch

station. Shrinking the yard area from 5.3 to 3.8 acres and increasing the size of the natural buffer by four times has remedied the concerns about visual impact. He noted that these changes have been incorporated into the site plans and that the planting plan had been modified to reflect those changes as well. He stated that he also submitted the revised DEP permits, which the Board had requested at the last meeting.

Steve Beckert explained the rules of a public hearing and noted that since this is a second public hearing, only comments related to new information submitted since last month's hearing would be heard.

### **Public hearing opened.**

Attorney J.P. Nadeau stated that he represented Mr. & Mrs. Larenas. He stated that many of his clients' concerns had been addressed by the most recent submittal. The yard area was reduced by 1.5 acres and the setback between Mr. Larenas' property and the PSNH property had increased by 84'. He expressed his clients' appreciation for the applicant's willingness to listen to their concerns and make changes.

JoAnn Ferguson, 23 Stacy Lane, stated that she lived across the street from Mr. Larenas. She stated that she still has concerns about a non-rural use being placed in a rural area of town. She stated that she's concerned that property values may be decreased because of this property. She asked how she could determine if her property value is affected.

JT Lockman of Southern Maine Regional Planning Commission stated that issues of property values are civil matters and that the Planning Board doesn't have the authority or expertise to make those determinations or even get involved.

Ron Lund, 29 Stacy Ln., stated that he was also pleased with the reduction in size of the proposed yard area but when he purchased his home no one told him a utility would be allowed behind his property.

Mary Fournier, 16 High Meadow Farm Rd., stated that she believed the proposed switch yard met the definition of a 'structure'

Steve Beckert stated that the Board is only taking comments on the new information. The structure Mrs. Fournier is referring to has not changed since the original public hearing.

Mary Fournier stated that she was also concerned about trees falling and taking out the substation altogether.

Steve Beckert stated that these issues were already addressed at the first public hearing and asked Mrs. Fournier if she had any comments pertaining to the newly submitted information.

Mary Fournier stated that there are some wetlands on the PSNH property that she was concerned about and the potential for basement flooding in the general area because of the proximity of the switch yard to the river.

Steve Beckert again noted that Mrs. Fournier's comments were not relevant to the newly submitted information.

Mary Fournier asked what the need for a switch yard was and why it needed to be so large. She stated that the height of the structure is wrong and the buffers are wrong and that the ordinances are not being met by the application.

Steve Beckert stated that Mrs. Fournier still had not commented on anything having to do with the newly submitted information and instructed her to sit down and stop talking or he would have her removed by the officer present.

Jeff Tavares, 23 Stacy Lane, asked the applicant to explain the changes that were made to the stormwater design.

Doug Ide stated that the stormwater design had been amended to reduce the amount of runoff that would occur and explained the new calculations.

J.P. Nadeau asked if any future changes were made to the site plans if PSNH would have to come back before the Planning Board.

Steve Beckert stated they would.

David Fournier, 16 High Meadow Farm Rd., asked if the planting plan and existing natural buffer would be tall enough to fully shield the switch yard from being seen.

Doug Ide stated that the planting plan and natural buffer will certainly help to shield the yard from abutters, however, the ordinance does not require it be completely invisible.

David Fournier asked what steps had been taken to guarantee that the newly designed stormwater drainage plan wouldn't fail.

Steve Beckert stated that no drainage plan is guaranteed not to fail.

**Public hearing closed.**

Dennis Lentz asked the applicant to comment on the comments received from the Public Works Director, Joel Moulton.

Doug Ide stated that he had exchanged several emails with Joel Moulton and that he believed all issues had been addressed. He stated that he would address each comment for the Board. He read Joel Moulton's first comment as follows:

*"I am concurrence with the sight study evaluation criteria as it relates to the proposed driveway location. Other aspects of the driveway that should be considered are how the storm water runoff could be impacted by construction (i.e. driveway culvert). This can and should be addressed during construction. It would be my recommendation that a suitable driveway access be constructed at the onset of construction. The driveway access should and shall be maintained throughout construction to minimize the presence of silt and soils within the travel way of the Town owned road. The stable driveway access will also insure the transition from the roadway to the site with less impact on the edge of pavement."*

He stated that per Northeast Utilities Substation Site Development Specifications, PSNH proposes to install and maintain an asphalt paved access apron with adjoining track mat designed to accommodate all truck and equipment traffic and limit the presence of mud, silt, and soils on Worster Road as a result of the construction vehicle use. This entrance will be gated to prevent unauthorized vehicle entry during non-working hours and will have a track mat constructed with a minimum of 8" thick layered angular stone on a woven geotextile fabric. In addition, runoff on Worster Road should not be impacted by the driveway because the entrance is on the crest of the hill. He stated that drainage swales on both sides of the driveway will be constructed, and a stabilized construction entrance shall be constructed. He read Joel Moulton's second comment as follows:

*"It is my understanding that the Substation will be constructed through many seasons, thus the impact on the Town road shall and should be monitored prior to and at the conclusion of construction. The roadway should be videotaped at the onset of construction and at the conclusion of construction to document any and all damage, if any. The contractor shall and will be held responsible for any damage that may occur on the Town owned roadways. The pavement inspection is recommended to be performed by an independent engineering consultant licensed in the State of Maine. It is my recommendation that the site only be accessed along Worster Road from MeDOT Rte. 236, thus minimizing the impact on other Town roads."*

He responded that, during construction, per Eliot DPW recommendation, PSNH proposes to utilize State Route 236 and Worster Road as primary access to the proposed 345-kV switching station parcel. Consistent with historic use for construction and maintenance purposes Houde Road and Stacy Lane may also be used to enter the local Central Maine Power (CMP) and PSNH transmission line rights-of-way (ROW) during construction of the proposed switching station for transmission line components of the project. As such, PSNH will conduct pre- and post-construction road surveys and/or video recordings of Worster Road and Stacy Lane. This will be completed by an engineering consultant licensed in the State of Maine and PSNH agrees to repair any pavement that is damaged during the construction phase of this project. He read Joel Moulton's third comment as follow:

*"Worster Road is recommended to be signed appropriately denoting the presence of the construction site as well as, entrance and exiting of truck*

*traffic. The signage should be maintained by the contractor throughout construction.”*

He stated that PSNH will ensure Worster Road is adequately signed to indicate that construction is in progress and that trucks/construction vehicles will be entering and exiting Worster Road via the defined access driveway. He read Joel Moulton’s final comment as follows:

*“The Town may want to constitute the request of a bond for the protection of the roadway or come to an agreement for a resurfacing of the section of Worster Road which will be impacted by construction.”*

He responded that PSNH is willing to post a bond for a reasonable amount to repair any damage caused by construction vehicles.

Kate Pelletier confirmed that Joel Moulton had agreed to all PSNH responses and had no additional concerns.

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

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

**MOTION:**

Jeff Duncan made the motion to approve the revised PSNH 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. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
3. 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.
4. The applicant authorizes inspection of the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
5. The applicant shall post a road bond in an amount to be determined by and negotiated with the Public Works Director prior to the start of

construction to cover any damage caused by construction vehicles associated with the development of the site.

Dennis Lentz seconded the motion.

**Vote: 3-0, Chair concurs.**

Steve Beckert explained the appeals process.

**C. Public hearing – and continued review of an application for Site Plan Review to construct two residential driveways to create a access to two previously approved subdivision lots located on Eventide Cove Lane and River Road. Applicant/owner is Raymond C. Green Trust (mailing address: 111 Huntington Ave., Suite 600, Boston, MA 02199). Property can be identified as Map 42/Lots 54 & 55 and is located in the Resource Protection Shoreland zoning district. (PB 11-17)**

Ken Markley of Northeasterly Surveying represented the applicant. He stated that since the last meeting he spoke to the Public Works Director about his September 19<sup>th</sup> comments regarding the removal of a tree on the outer limits of the driveways and about the possibility of adding a culvert with stone headwalls. He stated that they had come to an agreement that Joel was in agreement with.

Kate Pelletier stated that she spoke to Joel Moulton this afternoon and he confirmed that he no longer had any concerns about the application.

Jeff Duncan asked who would maintain the right of way.

Ken Markley stated that the developer would maintain the right of way until the lots were built on and sold, at which time, the new owners would take over maintenance.

**Public hearing opened.**

No comments.

**Public hearing closed.**

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

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

**MOTION:**

Jeff Duncan made the motion to approve the application, as submitted, 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. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
  4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Larry Bouchard seconded the motion.

**Vote: 3-0, Chair concurs.**

Steve Beckert explained the 30-day appeal period.

**ITEM 7 - ACTION ITEM LIST**

**ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED**

**ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board meeting was scheduled for October 18<sup>th</sup>, 2011.

**ITEM 10 – ADJOURN**

**MOTION:**

Dennis Lentz made the motion to adjourn at 8:35 PM.

Larry Bouchard seconded the motion.

**Vote: 3-0, Chair concurs.**

---

**Stephen Beckert, Chairman**

**Date approved:** \_\_\_\_\_

**Respectfully submitted,**

---

**Kate Pelletier, Recording Secretary**