

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

June 21st, 2011 7PM

ITEM 1 - ROLL CALL

Present: Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Dennis Lentz, Chris Place, Dwight Snow, Larry Bouchard – Alternate, and Greg Whalen – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Dennis Lentz made the motion to approve the minutes of the May 17th, 2011 Planning Board meeting, as amended.

Jeff Duncan seconded the motion.

Vote: 3-0 (Dwight Snow abstained due to absence from the May 17th meeting), Chair concurs.

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

None.

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

- A Public hearing – and continued review of an application for a Site Plan Review to construct 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 Engineers represented the applicant. He stated that PSNH is proposing to construct a 345 kV switching station off Worster Road on a piece of land that is about 17 acres. The site is located near the junction of the existing PSNH and CMP transmission line corridors and the existing Three Rivers substation. He explained that generation, transmission and distribution are the three requirements for electricity and that going from transmission to distribution requires a switching station. This switching station is necessary to provide a connection point between PSNH's and CMP's bulk power systems as neither stand in isolation. He explained that the project is proposed as a result of the Maine Power Reliability Program (MPRP), which is an effort to increase the capacity of the system based on current and future needs and requires that any deficiencies be fixed. All electric utility providers are required to solve issues with the most technically sound, cost effective

solutions the site off Worster Road was a good fit. The site was chosen for its proximity between the two lines, for its cost, technical feasibility, and limited environmental impacts. He stated that the site has no regulated wetlands or vernal pools and that the soils were good to build on with a total estimated cost of about \$36 million. The developed area will be about 652' x 384' with a 250' paved access driveway and secondary gravel access from the transmission line corridor. In addition to the switching station, a 28' x 60' control house is proposed within the switching station yard, which will house the protective equipment and controls required to ensure safe transmission of electricity between CMP and PSNH. This is essential for the MPRP, which has already received approval from the town. He stated that there would also be an 8' chain link fence with 1' of barbed wire along the top. He stated that erosion, sedimentation and stormwater controls are described in detail in the application and have been designed so as not to impact surrounding properties. Also, a planting plan to buffer the view from motorists on Stacy Lane, Worster Road, and abutters has been provided in the application.

Jeff Duncan asked if all property lines were shown on the application.

Doug Ide stated that Exhibit #5 shows all property lines but the northern line and Exhibit #2 is a full perimeter survey.

Jeff Duncan asked if there was a wetland on the property.

Doug Ide stated that there was but it was not regulated and not within disturbed area.

Dennis Lentz stated that it appeared there was a structure located on Map 86/Lot 3 and asked if any attempt had been made to leave the trees in that area to provide a visual buffer.

Doug Ide stated that as much vegetation that can be maintained will be left in its original state. He explained that the stormwater management plan requires some disturbance beyond the fence line, so PSNH will plant balsam firs 15' in height, which will mature to 60'. Also, rhododendrons and pepper bushes will also be utilized to create a visual buffer.

Chris Place asked how deep this vegetative buffer would be.

Doug Ide stated that it would vary from between 40-50' down to about 20'.

Chris Place asked the applicant to describe the narrowest part of the buffer.

Doug Ide stated that within a 20' buffer strip you could get a double row but some is over-story comprising the tallest section with other smaller plantings filling in the gaps.

Chris Place asked if this would be a single row of plantings or staggered.

Doug Ide stated that Exhibit #5 shows the planting plan in detail with photo simulations, but the goal is to do staggered rows with an understory of lower growing shrubbery.

Greg Whalen asked the applicant to explain the reasons for disturbing between the facility and perimeter fence line.

Doug Ide stated that the electric grid is regulated by a regional entity called ISO New England who have developed guidelines that say future planning needs to be incorporated into site plans even if those plans aren't for two or three decades out. This way as the need for electricity continues to grow the utility companies will be ready for it.

Greg Whalen asked if the clear cutting has to happen now as well or if it can wait until future development happens.

Jim Clark of TRC explained that the ISO guidelines require that they clear cut once to minimize the impact on abutters in terms of bringing in equipment to cut, noise, etc. This way it all gets done in one shot.

Chris Place stated that it seemed like clear cutting would have a greater impact on abutters.

Jim Clark stated that PSNH and TRC try to accommodate the needs of abutters as best they can but they can't give everyone a 1,000' buffer. He stated that the current plans are in compliance with the ISO guidelines.

Jeff Duncan suggested locating the fence closer to the facility until future development happens. He stated that there have been general issues regarding runoff from this site and the Conservation Commission has concerns about suspected resources and habitats on the property.

Doug Ide stated that regarding the Conservation Commission's comments, they said that TRC suggests no environmental impacts, which was not said. He clarified that while there is a wetland on the property it is not regulated by the town or state. In 2010 a survey was done that found no rare and/or endangered species or plants. Regarding the stormwater issue the Code Enforcement Officer asked several questions for which answers were provided in a written response to the Board. He stated that Pat Martin who designed the system is available to answer any questions.

Dennis Lentz asked if there would be a turnaround area for anyone who happens to inadvertently drive down the access road since there will be no gate at the beginning of it.

Doug Ide stated that the driveway is 24' wide and 250' long. A normal sized vehicle could turn around and/or back out if needed. He stated that they could add signage about it being a private access way if the Board so desired.

Dwight Snow asked if the clear cutting was an ISO guideline or requirement.

Doug Ide stated that they are all guidelines.

Larry Bouchard asked what the timeline of this project would be.

Doug Ide stated that the timing of the project is very much dependent on subcontractors and weather. He stated that the estimated start of construction including clearing and site

preparation is spring 2012. He stated that PSNH hopes to complete the project by fall 2013.

Larry Bouchard asked what the expected life of the upgrade would be.

Doug Ide stated that the MPRP upgrades will last about 20-30 years, however it's nearly impossible to predict and depends on population, electrical consumption, etc.

Larry Bouchard asked the applicant to talk about any noise generated from the project.

Doug Ide stated that this project is a switching station as opposed to a substation with transformers so the lines would not produce any continuous, regular or frequent sound. On a dry day the switching station would not make any noise. On humid days or in foul weather a hum or slight crackle can be heard but is mostly drowned out by rain, wind, etc. He stated that the maximum noise levels would not exceed the Town's or DEP's maximum levels. He explained that switching stations have switches and associated equipment that can be used to shut off or reroute power through the station. Noise making equipment in switching stations is limited to the switches or breakers, which may produce a popping sound for a short duration very infrequently. He also stated that there would be backup generators onsite with propane tanks. These generators will need to be cycled on and off periodically for operational testing about once per month for about 15 minutes. In addition, a functional test will be performed about once per year producing about as much noise as a lawnmower for a duration of about 30 minutes.

Greg Whalen asked if the control house would be manned.

Doug Ide stated that workers visit the site infrequently but when they did they would park in the vicinity of the control house.

Jeff Duncan asked the applicant to give a summary of the stormwater plans.

Doug Ide stated that Exhibit #10 of the application provides extensive detail on the stormwater design. At the last meeting the Planning Board agreed to accept the applicant's DEP Site Location of Development Act application with the exception of the 50-year storm modeling not required by the DEP. He stated that the 50-year storm analysis is discussed in the design memorandum from TRC submitted on April 29th. He stated that Pat Martin was present to answer any questions.

Pat Martin, Engineer for TRC explained the yard will result in an increase in peak rate of runoff. This increase will only affect subcatchment SP-1, which drains directly to the adjacent stream. He explained that the site slopes at about .5% thus allowing for runoff. Runoff will be managed by vegetated sales along the perimeter of the site, which will be constructed with a shallow gradient to minimize stormwater velocity. Outflows from the sales will be discharged through energy dissipaters like level spreaders and plunge pools to minimize erosion.

Jeff Duncan asked if the wetland would be able to prevent runoff from running onto adjacent properties.

Pat Martin stated that the DEP is making that determination now but he believed it would prevent runoff from entering adjacent properties as the stream would take the water downstream to the Piscataqua River.

Dwight Snow asked what the pre and post flow rates were.

Pat Martin stated that an increase of about 6 cfs is anticipated for the 50-year storm event post development, which is within the acceptable range.

Dwight Snow asked why there wasn't any onsite detention proposed.

Pat Martin explained that aside from there not being enough space, onsite detention of runoff is impossible due to other site constraints, however no properties or conveyance systems exist between the points of discharge and the receiving stream. The stream discharges to the Piscataqua River and no structures such as culverts or bridges exist between the site and the confluence so there aren't any negative impacts resulting from the proposed increase in flow.

Dennis Lentz asked the applicant to describe the temporary construction entrances.

Doug Ide stated that it will be determined by the contractors how to best access the site for construction. He stated that there would be a secondary gate located at the PSNH corridor.

Dennis Lentz stated that he was concerned that the roads in the general area wouldn't be able to handle the heavy equipment that will be brought to the site.

Doug Ide stated that contractors would comply with any and all weight restrictions imposed by the Town or State.

Dennis Lentz asked how any damage to the roads would be mitigated.

Doug Ide stated that it's common contract language and what some of the Planning Boards in other municipalities do is a condition on the approval that PSNH pay for a survey of the road pre and post construction and then fix any damage.

Steve Beckert asked if the Board had any additional questions before opening the public hearing.

The Board had no additional questions for the applicant.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

George Larenas, 34 Stacy Ln., read Sec. 45-417 of the Eliot Code as follows:
" Buffers and screening shall be provided for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties, visual quality, or any type of nuisance affecting the health, safety,

welfare, and property values of the residents and landowners of the town." He also stated that there is a lot of talk about EMF's and the potential dangers of living near a facility like the one proposed here. He stated that his property is located 30' away from the fence, which he believed significantly devalued his property. He stated that Maine has laws about utilities using eminent domain to take land, however, that land cannot be within 300' of a dwelling. He stated that the town has another ordinance about telecommunications structures that limits the height of these structures and establishes a fall radius for additional protection, which he is particularly concerned with. He stated that PSNH paid \$1.15 million for this property, which was curious since the most expensive piece of land around the same size in this area was \$640,000. He stated that if they can spend that much money on the property then they could certainly afford to put it somewhere else.

Ron Lund, 29 Stacy Ln., stated that his biggest concern was the health issue. He stated that his windows look out at the proposed fence and suggested that any expansion be done toward the north of the property instead. He stated that Stacy Lane is a private road and that he was concerned about construction vehicles tearing it up. He suggested that since they already own the access road near the intersection of Worster and Houde Roads that they use that area as the staging area. He also suggested that the Town require money be set aside in a special fund to repair any damage to the road. He asked what size the proposed generators would be.

Jim Clark stated that he didn't have any specifics on that yet but could get them. He stated that he would guess it was a 100 kVA generator but stated that it would be limited to whatever is required to bring the power back on after an outage.

Ron Lund stated that a typical generator for a single family home was only about 14 kVA.

Doug Ide added that the generators would be covered at all times by a weather and sound enclosure.

Ron Lund stated that he had two suggestions. One would be to move the fence line so that future expansion could be done toward the north of the property and the second would be that the town restrict access to the site from Stacy Lane and require it from Houde Road instead.

Doug Ide stated that since PSNH will be a property owner on Stacy Lane they would become a dues-paying member of the association. He stated that they are willing to work out the access concerns and provide an alternate access route. Regarding the suggestion to move the developed area to the north of the property, there is a forested buffer that is a stormwater feature to the west of the property. Also, the King family estate retained an easement in that general location, which would be compromised if that area were developed. Regarding the concerns about EMF's, this issue had been thoroughly addressed in the MPRP process. He stated that TRC had done some modeling and could give

anyone interested the projected readings. He explained that electric fields are blocked by objects like trees and fences. Magnetic fields are not blocked and are what most people are concerned with. He stated that magnetic fields are generated by electric devices we use on a daily basis that generate power like computers, fans, appliances, etc. The switching station isn't going to magnify or generate additional EMF's and serves only as an interconnection point between PSNH's and CMP's bulk power systems. He added that EMF's decrease exponentially as you move away from the source and at 100' away those levels diminish to almost nothing. A maximum of 2.5 Miligauss are projected for this project, which is well below anything regulated in the world. He added that EMF's have proven to be harmless and aren't regulated anywhere in the United States.

An unidentified representative of PSNH stated that EMF's are usually concentrated in distribution lines. Switch yards tend to be lower in EMF's than the actual power lines since the flow of power going in both directions cancels them out. He stated that he wanted to make it clear that there was no eminent domain happening here. This was a private sale of private property. Other properties and locations were examined but the costs were higher, there were greater environmental impacts and other technical reasons why those properties were ruled out. Regarding the concerns about the fall radius, he stated there had never been a switching station that fell or was even damaged after any storm. He stated that the structure is designed to follow the National Electrical Safety Code, meaning that it can withstand 1 ½" of ice and 100 mph winds.

John Heath, 54 Worster Rd., stated that if PSNH could somehow make the yard area smaller it would disturb the abutters much less.

Ron Lund stated that PSNH is a for-profit company and is not even American owned.

Joanne Ferguson, 23 Stacy Ln., stated that she has a 30" gas pipe behind her house, which was proposed to expand but never did because the need for natural gas dropped. She asked if every switching station ends up being expanded down the road.

Doug Ide stated that alternative energy doesn't impact the need for transmission. The general reliance on energy will not be decreasing and the MPRP expansions allow for alternative energy but you still have to somehow get that energy to the customers. The ISO Planning Guidelines say to absorb all of the impacts initially at one time to lessen the impact on abutters, etc.

Joanne Ferguson stated that they could move the fence if they wanted to later down the road without much impact to abutters at all.

Doug Ide stated that changes to the current regulations could occur, however the site is available now and the switching station is expected to be needed.

Peter Paul, 86 Heron Cove Rd., stated that he owned the right of way over the King's property and asked if the work proposed would require the right of way to be clear cut all along its edge.

Doug Ide stated that was a possibility. He explained that the site plans depict the edge of where the clearing will be done along the right of way Mr. Paul mentioned. He stated that you can't have mature trees, which are called capable species, underneath transmission lines. There will instead be incapable species in these areas so that they won't interfere with the lines. He stated that if the abutter felt more screening was needed then PSNH could add some buffering there.

Jim Clark stated that the MDEP is requesting more stormwater infrastructure so they may not be able to leave the vegetation. He stated that once they complete their review he would be able to determine what vegetation could be left.

Joanne Ferguson asked if PSNH was working with the gas line company.

Doug Ide stated that they are well aware of the gas line and area working with the company.

Joanne Ferguson asked how close the proposed fence was to the gas line.

Pat Martin stated that the grading stops before the fence line and that the fence complies with all setback and other town regulations.

Jim Clark added that all work will be done within the bounds of the easement.

Mary Fournier, 16 High Meadow Farm Rd., stated that the take-off structures are 100' plus whatever the height of the lightning mast is on top of that. She stated that it was her opinion that these should be considered structures and subject to the maximum height requirements in the Eliot Code. She stated that the proposed switching yard supplies absolutely no electricity to the State of Maine. The proposed switching yard is located in the Rural zoning district, which is defined in the code and is the most protected district in Eliot. She read Sec. 45-486 as follows, *"The purpose of the Rural district is to: (1) provide low density rural housing and (2) protect from suburban development pressures, agricultural and forest land capable of economic production, so as to safeguard this sector of the town's economic base and to avoid the irretrievable loss of land well-suited for food and fiber production; and to help maintain the essentially rural and open character of the district."* She stated that there are other performance standards in Chapter 45 such as dimensional requirements like height, traffic standards and noise that should be applied to this project. She stated that she was concerned about the potential noise from the large back up generators especially since she could hear her neighbor's generator small generator. She read Sec. 45-413 (Preservation of landscape) as follows, *"The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. Proposed structures shall be related harmoniously to the*

terrain. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.” She stated that for this particular proposal five acres would be dedicated to the yard, which is much bigger than others that have been approved. She also stated that balsam firs grow to 50-75’, which could pose a threat in poor weather and fall into the yard, which she didn’t believe the National Electrical Code would allow. She stated that ISO New England works with CMP and PSNH and that she had never heard that PSNH is required to build all they are proposing at one time. It was her understanding that the ISO planning horizon is only 10 years. She recommended that the Planning Board approve half of the proposed project only. She also asked the Board to consider requiring a performance bond for the private road involved. She also asked that the Board ascertain what amount of excavation will occur and what the grade will be since there is not enough space for gradual stormwater flow and she was concerned that the neighboring properties would be flooded.

David Fournier, 16 High Meadow Farm Rd., asked what the timeline for construction was.

Doug Ide stated that they anticipated starting construction in Spring 2012 with completion in Fall 2013. He stated that again, these timeframes tend to change and that there are many variables that can change things.

David Fournier asked if any ozone protection was proposed.

Jim Clark stated that he was not familiar with that requirement.

David Fournier asked what the proper name of the structures were.

Mike Smallwood of TRC stated that some are called dead ends and some are called bus supports to name a few.

Doug Ide added that transmission line components don’t require permitting from the town.

Joanne Ferguson stated that EMF’s, by perception, lower property values and that the Board should take this into consideration.

Public hearing closed.

Steve Beckert stated that all further discussion would be between Planning Board members.

Jeff Duncan stated that the Conservation Commission submitted a letter to the Planning Board that talked about the sensitive nature of the lot as it relates to wildlife habitat and natural resources. They suggest in the letter that any remaining land be put into a conservation easement. He stated that while the Planning Board can’t force the applicant to do that he would like to hear a response to the comments.

Doug Ide stated that things like the comprehensive plan and open space plan are a guideline only and not a requirement of the ordinances. He explained that the stormwater management area/forested buffer, which is 2.2 acres, will be put into an easement. This area must remain undeveloped unless written review and approval from DEP is obtained. The area is currently in tree growth status and will be taken out and penalties paid, which is all perfectly legal. He stated that rare, threatened and endangered plants or species do not exist on this lot.

Chris Place asked if the applicant had looked at the line of sight from the abutters land until the proposed trees have matured.

Doug Ide stated that they would only have been able to do that if the owner allowed them to go onto his land. He stated that TRC could put together a visual simulation of what the abutter would see if that's what the Planning Board wanted.

Jeff Duncan asked what the tallest structure at the Three Rivers substation was.

Doug Ide stated that they were about 45-50' with the tallest part being up to 60' in height.

Jeff Duncan asked how tall CMP's wire towers were.

Dough Ide stated that they were about 75'.

Chris Place stated that he was struggling to understand why it's beneficial to plan for any future expansion according to the ISO requirements. He asked if there was any sort of penalty for not complying with the ISO recommendations.

Doug Ide stated that ISO would have to look at whether or not a smaller yard is necessary. They've expressed their preference that it be done as planned to accommodate future needs.

Larry Bouchard asked what drove the ISO guidelines.

Doug Ide stated that financial costs of development like this directly affect rate payers. That, coupled with the environmental impact and impact on abutters of multiple phases of development is what is behind those requirements.

Jim Clark stated that before tonight TRC or PSNH had not heard from Mr. Larenas about his concerns. He stated that he would be willing to work with him to provide additional plantings on his property. He also stated that Mrs. Fournier is correct about the 10-year planning horizon, but it's good practice to look decades out.

Greg Whalen asked why the yard couldn't be angled differently to create a larger buffer area.

Doug Ide stated that the intermittent stream and easement are limiting and make it necessary to use the proposed area.

Jim Clark added that the located of the woods road and riparian buffer are limiting factors as well.

Mike Smallwood stated that there are limitations of angles of the transmission lines as well. Not much more than a 15-degree angle can be used.

Greg Whalen asked why the yard couldn't be moved north slightly just to get a little more distance between the site and the abutter.

Steve Beckert stated that the Board has to consider whether or not the application meets the legal requirements of the ordinance. The Planning Board cannot dictate or design the site beyond what is required by the ordinance.

Larry Bouchard read Sec. 45-417(b) as follows: *"Buffers and screening shall be provided for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties, visual quality, or any type of nuisance affecting the health, safety, welfare, and property values of the residents and landowners of the town."* He stated that he was concerned about the abutting property values being affected by the proposal.

Kate Pelletier stated that recent court decisions have said that Planning Boards don't have the authority or expertise to know whether or not property values are affected by various factors. She also stated that it was her opinion that projects requiring site plan review would be subject to the landscaping requirements in Sec. 33-175 and not 45-417.

Greg Whalen stated that he would have liked to see the applicant consult with the Public Works Director to plan the access/egress and use of heavy trucks on the town road.

Doug Ide stated that PSNH would comply with any town weight restrictions on town roads, but he wasn't aware of any requirement in the ordinance to do so.

Jeff Duncan stated that he would like to see something done to mitigate the five fold increase in runoff that is currently proposed.

Chris Place stated that he would like to see what the DEP proposes in their review of the stormwater permit.

Kate Pelletier stated that since the Board already agreed to allow the DEP approval to serve as the stormwater management plan for the project, the DEP approvals could be a condition of approval. Then, if anything changes the applicant could just come back before the Board for an amendment instead of holding them up waiting for the approvals to come in.

Larry Bouchard asked whose responsibility it is to oversee the condition of the roads.

Jim Clark stated that PSNH is responsible for overseeing the roads but the contractors will be held responsible for maintaining them and fixing any damage.

Larry Bouchard stated that he would be in favor of a condition of approval that requires a survey of the road conditions before and after construction from State Road in to the site.

The Board agreed.

Greg Whalen suggested that the applicant work with Mr. Larenas to come up with a reasonable screening solution.

Jim Clark proposed tabling the application until they can meet with Mr. Larenas to work out any additional buffering.

The Board agreed.

MOTION:

Chris Place made the motion to table the application at the applicant's request until such time an agreement for additional buffering/screening can be reached between the applicant and Mr. Larenas.

Dwight Snow seconded the motion.

Vote: 4-0, Chair concurs.

B Shoreland zoning application to construct a 6' x 10' pier, 3' x 32' gangway, 10' x 20' float, 6' x 6' landing and 3' x 34' ramp at 17 Eldredge Rd. Applicant/owner is Daniel Bogannam (mailing address: 17 Eldredge Rd., Eliot, ME 03903). Property can be identified as Map 1/Lot 45. (PB11-8)

Zack Taylor of Pickering Marine represented the applicant. He explained that the owner wanted to access the water for recreational use. There are some navigational constraints due to the lot size and the entrance to the shoreline is a steep rock cliff. He stated that the access plan utilizes an access ramp north of the centerline of the pier orientation as opposed to a set of stairs down a steep cliff. The location of the pier and associated structures was the best option for this site and it meets all riparian setbacks.

Steve Beckert stated that Kate Pelletier submitted a memo to the Board regarding her concerns about the property already exceeding the 20% lot coverage allowed by ordinance. He asked the applicant to address this issue.

Zack Taylor explained that he used 44-35(b)(6), which states, *"Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the code enforcement officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width, that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the department of environmental protection pursuant to the Natural Resources Protection Act, title 38, M.R.S.A. section 480-C), and that the applicant demonstrates that no reasonable access alternative exists on the property."*

The Board discussed the issue of lot coverage and decided to seek a legal opinion from the town's attorney on whether or not the proposed structures would make an already nonconforming lot more nonconforming.

The Board agreed to continue their discussion of this application after the legal opinion has been received.

C Application for site plan review to construct a two-story 45' x 80' professional office at 26 MacLellan Ln. Applicant/owner is Booth Hemingway of Piscataqua Landscaping (mailing address: 26 MacLellan Ln., Eliot, ME 03903). Property can be identified as Map 37/Lot 5. (PB11-9)

Booth Hemingway, owner, stated that his business is growing yearly and needs more space. He stated that he needs an office area and to hire more people eventually. He explained that the three greenhouses currently onsite will be moved offsite to a new location. The new office building will take up the space the greenhouses occupied. Also, a mobile home used to house seasonal employees will also be removed. He explained that all infrastructure is already in place including utilities and wells, and that Peter Drummond signed off on the septic system's capacity. He stated that he included in the application an email from Bill Bullard at DEP about the amended permit DEP permit.

Jeff Duncan asked what the height of the building would be.

Booth Hemingway stated that it would be a duplicate of the existing building and would be less than 35' in height.

Jeff Duncan stated that sheet C2 showed the proposed parking area and asked the applicant to explain which areas were new and which were existing.

Booth Hemingway explained that to the left and at the top of the building were new spaces and the existing spaces were shown at the bottom of the plan.

Jeff Duncan asked how many total employees there were now.

Booth Hemingway stated that he has a total of 65 employees including the seasonal laborers. That number goes down in the winter. Most employees report to the building in the morning and immediately go offsite to work for the rest of the day.

Jeff Duncan asked where the employees park.

Booth Hemingway stated that the employees park on an adjacent lot across the street.

Larry Bouchard asked how many company vehicles are parked onsite.

Booth Hemingway stated that about 40 company vehicles are parked onsite.

Steve Beckert stated that it was his opinion that the application could be reviewed administratively and did not require full site review. He also stated that since the proposed building replaced several existing structures he didn't think the proposal had any greater impact on abutters and didn't need a public hearing.

The Board agreed.

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

The Board had no additional questions for the applicant.

MOTION:

Jeff Duncan made the motion to approve the application as submitted and 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. 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.
5. The building plans shall be reviewed by the State Fire Marshall prior to the issuance of a building permit from the Code Enforcement Officer.
6. The applicant shall obtain a flood hazard development permit from the Code Enforcement Officer and shall demonstrate compliance with Chapter 25 (Floodplain Management Ordinance) prior to the issuance of building permits.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal process.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

None.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regularly scheduled Planning Board meeting was scheduled for July 5th, 2011.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 10:40 PM.

Chris Place seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary