

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

July 5th, 2011 7PM

ITEM 1 - ROLL CALL

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

Absent: Chris Place

Steve Beckert appointed Greg Whalen and Larry Bouchard as voting members for this meeting.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – ELECTION OF OFFICERS

Jeff Duncan nominated Steve Beckert as Chairman
Greg Whalen seconded the nomination.

Vote: 4-0.

Dennis Lentz nominated Jeff Duncan as Vice Chairman.
Larry Bouchard seconded the nomination.

Vote: 4-0, Chair concurs.

ITEM 5 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

None.

ITEM 6 - REVIEW OF "NOTICE OF DECISION" LETTERS, AS NEEDED

The Board reviewed the decision letter Piscataqua Landscaping and issued it as written.

ITEM 7 - PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

A. 10-minute public input session

Connie Weeks, 34 Odiorne Ln., stated that she was here on behalf of the Conservation Commission and that it would benefit the Town if the Conservation Commission and Planning Board could talk about their mutual interests and work more closely together. She urged the Planning Board to get and read a copy of the new Open Space Plan that was prepared over the course of a year by a group of volunteers. The plan identifies areas of interest to the public and protection of those areas. She stated that SMRPC, who also works closely with the Planning Board, wrote and published the plan.

Jeff Duncan asked what the status of the plan was.

Connie Weeks stated that the Board of Selectmen had seen it and were in support of it.

Jennifer Fox, 34 Drake Lane, added that some map updates are being finalized by SMRPC and that a final draft would be ready soon. She also stated that as part of the site plan review process the Planning Board has the authority to require open space. She encouraged the Planning Board to familiarize themselves with the Open Space Plan and consider it during the planning process. She stated that under Article IV of the Subdivision chapter the Board has the authority to require open space when it's a benefit to the Town.

Steve Beckert asked if the Open Space Plan would be voted on by the Town.

Jeff Duncan stated that he didn't think so.

Steve Beckert asked what would make it enforceable if it's not an ordinance.

Jennifer Fox stated that it was just a recommendation and not a requirement.

Connie Weeks added that the Open Space Plan was a recommendation of the Comprehensive Plan.

Kate Pelletier stated that it's the subdivision chapter (41) and not the site plan chapter (33) that allows the Board to require up to 10% of the total area of the subdivision for recreation.

Jennifer Fox stated that the site plan chapter links you to the subdivision chapter.

Kate Pelletier stated that the subdivision chapter is referenced in the site plan chapter because the site plan chapter is where the section on performance guarantees is. She stated that the Planning Board can't just use any ordinance from any chapter unless the code expressly allows them to.

Jeff Duncan offered to provide copies of the Open Space Plan for the Planning Board once it's finalized.

- A Continued review of a 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 Riverside & Pickering Marine represented the applicant. He stated that at the last meeting the Board discussed the applicability of Sec. 44-35(b)(6) and whether or not the area of the access landing and ramp would be counted toward the lot coverage requirements. He stated that he still contends that the access to the pier is exempt from the 20% maximum lot coverage requirement and that the homeowner cannot access the proposed pier without the landing

and stairs. He stated that no reasonable alternative access is possible given the steep slope on the property.

Greg Whalen asked if the total square footage of the ramp and landing was 113 sq. ft. as noted in box 18 of the application.

Zack Taylor stated that was correct.

Greg Whalen asked if the total square footage of all non-vegetated area was 5,460 sq. ft.

Zack Taylor stated that was correct.

Greg Whalen stated that even without the addition of the ramp and landing the lot already exceeded the 20% maximum lot coverage and asked how the Board gets beyond the fact that this is already a nonconforming lot.

Jeff Duncan stated that the applicant is arguing that the ramp and landing should be exempt from that calculation per Sec. 44-35(b)(6) and so the issue of increasing the nonconformity becomes moot.

Greg Whalen asked if Sec. 44-35(b)(6) was even within the purview of the Planning Board as it says, "...stairways or similar structures may be allowed with a permit from the code enforcement officer.."

Steve Beckert stated that the town's attorneys have said that any approval granted by the Planning Board must be permitted by the Code Enforcement Officer without being changed.

Dennis Lentz asked if the landing and ramp as they are currently proposed was the only way to access the pier and shoreline.

Zack Taylor stated that no other alternative existed.

Larry Bouchard asked if the DEP permit had been approved yet.

Zack Taylor stated that DEP had conducted a preliminary review of the application and said nothing jumped out as being an issue to them.

Dennis Lentz stated that he had concerns about the 105' navigational channel setback and asked if it had been approved yet.

Zack Taylor stated that the Army Corps of Engineers would make that determination and usually don't approve their applications until after Maine DEP reviews and approves it. He stated that the rule is you take the project depth plus 2' and multiply that number by 3, which equals 105' in this case.

Greg Whalen stated that the first sentence in Sec. 44-35(b)(6) states, *“Notwithstanding the requirements stated above...”* and asked if that could possibly refer to subparagraph (5) above it as opposed to subsections (1) through (5).

Zack Taylor stated that the language in that paragraph is pulled directly from the DEP rules and the municipalities had the option to include that paragraph or not when they updated the Shoreland zoning rules in 2008. He stated that he believed it was a stand-alone paragraph and that there is no reference to stairways or access ways within it.

Jeff Duncan disagreed and stated that if it was specific to paragraph (5) then it would be a subparagraph to (g) directly above it and not a separate paragraph.

MOTION:

Jeff Duncan made the motion to exempt the ramp and landing as “stairways or similar structures” per Sec. 44-35(b)(6) and is therefore exempt from lot coverage requirements.

Dennis Lentz seconded the motion.

Vote: 2-2 (Chair votes in favor of the motion), motion passes.

The Board scheduled the public hearing for July 19th, 2011.

B Application for site plan review to replace a 3' x 7' commercial wall sign with a new sign of the same dimensions at 51 H.L. Dow Highway (Units 2 and 3) of the Eliot Commons. Applicant is Carey Bradbury (mailing address: 32 Woodside Meadow Rd., Eliot, ME 03903). Owner is Sea Dog Realty, LLC (mailing address: 28 Levesque Dr., Eliot, ME 03903). Property can be identified as Map 29/Lot 27. (PB11-10)

Steve Beckert stated that it was his opinion that the application for a Commercial/Industrial sign could be reviewed administratively as the replacement sign would have no greater impact on abutters than the previous sign.

The Board agreed by consensus that the application could be reviewed administratively and did not require a public hearing or site review.

Ken Wood of Attar Engineering represented the applicant. He explained that Ms. Bradbury leases units 2 and 3 at the Eliot Commons, which was previously occupied by Bizarre Bazaar and Courtney Cleaners. The proposed 3' x 7' sign would go under the building's eaves. He stated that at 21 sq. ft. the sign is well below the maximum size of 50 sq. ft. allowed by the ordinance.

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

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

MOTION:

Jeff Duncan made the motion to approve the sign as proposed in the application. Greg Whalen seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the procedure for appeals.

C Application for site plan review to construct a 12,000 sq. ft. office/maintenance building at 434 H.L. Dow Highway. Applicant/owner is Aggregate Recycling Corporation (mailing address: PO Box 363, Eliot, ME 03903). Property can be identified as Map 46/Lot 5 (PB11-12)

Scott Collins of St. Germain Collins represented the applicant. He stated that the applicant is proposing a 12,000 sq. ft. office/maintenance garage for the existing construction and demolition materials processing facility approved on March 22nd, 2002.

Jeff Duncan asked if the new building would replace the trailer shown on the site plan.

John Doherty, owner, stated that it would replace one of the temporary trailers.

Scott Collins continued presenting the application and stated that the new 12,000 sq. ft. building would have about 4,000 sq. ft. dedicated to office space, a reception area, conference area, bathrooms, storage, and locker rooms with showers. The remaining 8,000 sq. ft. would be a typical metal maintenance garage with four drive-through bays, one of which would be used for washing vehicles. He explained that the facility would be used solely by ARC and that all wash water would be collected in a dedicated holding tank. The plan also includes 14 additional parking spaces and there will be three additional employees. A new septic system is proposed, the design for which was included in the application. There will be a 1,000 gallon tank with a pump station and leach field. He stated that because only three additional employees are anticipated there will be little to no traffic impact and that he had included a 2007 Traffic Assessment Update Letter Report in the application. Regarding stormwater, the existing stormwater infrastructure was sufficient to handle the insignificant flow increase from the new building and associated parking area. A complete stormwater management report describing the method of analysis and a description of the post development conditions was included in the application. He added that there will be no wetland disturbances associated with this project. Also, a revised solid waste permit was submitted to Eric Hamlin at Maine DEP on July 20th, 2011.

Jeff Duncan asked where company vehicles are cleaned and stored presently.

Scott Collins stated that they are cleaned and stored in the yard area and that dealers come to the site to perform vehicle maintenance. He stated the John Doherty has been hoping to move all vehicle maintenance indoors and that it's much cheaper to hire a staff person to perform the maintenance rather than having the dealers come to the site.

Jeff Duncan asked if the building would be heated.

Scott Collins stated that there may be radiant heat in the floors at some point, otherwise it will be electric or propane, but no oil.

Steve Beckert asked Kate Pelletier if the proposal would have to meet the requirements of Chapter 35 (Post Construction Stormwater Maintenance).

Kate Pelletier stated that if the project disturbs more than an acre then it would have to comply with Chapter 35, which requires the applicant enter into a maintenance agreement for all stormwater infrastructure and pay a reasonable annual fee for an inspection of the stormwater features.

Larry Bouchard asked if any building plans were available yet.

Scott Collins stated that they are still gathering that information and getting estimates.

Jeff Duncan asked how tall the building would be.

Scott Collins stated that it would be about 24' for the garage portion and 14' for the office portion with a peaked roof.

Greg Whalen stated that Attachment #2 of the application includes a stormwater maintenance plan for stormwater facilities onsite and asked who enforces that plan and checklist, and what happens to the plan once the project is complete.

Scott Collins stated that the checklist is an internal document used and maintained by the owner. The Code Enforcement Officer will conduct an annual inspection of the stormwater features after construction is complete.

Greg Whalen asked why the checklist was included in the application if it was an internal document only.

Scott Collins stated that all of Attachment #2 is required by DEP anyway so he included it in the application for the Planning Board's benefit.

Greg Whalen asked if the post construction inspections would be submitted to DEP.

Scott Collins stated they would not be and that they are all handled internally, however, the DEP can come and inspect the property whenever they want to.

Jeff Duncan asked what would happen to the wash water in the holding tanks.

Scott Collins stated that the tank is equipped with a high level alarm and water is pumped out by a septic collar. It's then tested and treated by the waste water treatment plant.

Jeff Duncan asked if any water would be treated onsite.

Scott Collins stated it would not be treated onsite.

Jeff Duncan asked if the garage would have any hydraulic lifts in it.

Scott Collins stated there would not be any hydraulic lifts installed in the garage.

Jeff Duncan asked how any hazardous materials are stored.

Scott Collins stated that fluids such as hydraulics, oils, lubes, and brake cleaners are stored in 55-gallon drums.

Jeff Duncan asked if there would be any onsite fueling done.

Scott Collins stated there would not.

Dennis Lentz asked the applicant to provide some rationale for why a waiver to the high intensity soils survey should be granted..

Scott Collins stated that he would provide that to the Board in the next submission.

Steve Beckert stated that it appeared the application met the requirements of a sketch plan and asked if the Board had any additional comments or questions.

The Board had no additional comments or questions.

MOTION:

Jeff Duncan made the motion to approve the sketch plan for PB11-12 and to schedule the site walk for July 19th, 2011.

Greg Whalen seconded the motion.

Discussion:

Steve Beckert stated that if the applicant wishes to be on the July 19th agenda then any information would have to be submitted by Monday, July 11th.

Vote: 4-0, Chair concurs.

The Board agreed to schedule the site walk for 5:30 on July 19th and asked the applicant to stake the building corners prior to the site walk.

ITEM 8 - ACTION ITEM LIST

ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED

Steve Beckert stated that the Comprehensive Plan Implementation Committee is still putting together a spreadsheet of all of the different suggestions broken out by the Board or Committee responsible for implementation, but it's not complete yet. He stated that the committee meets again on Thursday, July 7th at 4:15 if anyone was interested in attending.

ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for June 21, 2011.

ITEM 11 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 8:34 PM.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary