

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

August 2nd, 2011 7PM

ITEM 1 - ROLL CALL

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

Absent: Greg Whalen - Alternate

Steve Beckert appointed Larry Bouchard as a voting member for this meeting.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Jeff Duncan made the motion to approve the minutes of the June 21, 2011 Planning Board meeting, as written.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

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

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

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

A. 10-minute public input session

Public input session opened.

John Chagnon, Chairman of the Business Development Committee, stated that they are hoping to find a replacement to step up and fill the Planning Board liaison role since Dwight Snow resigned from the Planning Board. He stated that the BDC meets once per month on the fourth Wednesday of the month and that the next meeting was on August 10th.

Steve Beckert stated that if any Planning Board members were interested to let him know so the Planning Board could appoint that person to act as a liaison.

Public input session closed.

A Public hearing – and continued review of an application for a request for Planning Board action to amend a previously approved permit by establishing an auto recycling operation at 820 H.L. Dow Highway. Applicant is Tracy Shejen (mailing address: 16 Knights Pond Rd., South Berwick, ME 03908). Owner is Michele Duval (mailing address: 170 Brixham Rd., Eliot, ME 03903). Property can be identified as Map 79/Lot 21. (PB11-11)

Steve Beckert explained the rules of a public hearing.

Ron Hines, 853 Goodwin Rd., asked what the definition of auto recycling was and whether or not the proposed use would be similar to Lin-Cor facility on 236.

Tracy Shejen stated that her operation would focus on the auto sales component of the auto recycling definition and that all cars for sale would be neatly displayed.

Steve Beckert read the definition of 'auto recycling operation' as follows: "*Auto recycling operation means the dismantling of motor vehicles for the purpose of reselling the component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles.*"

Mark Phillips, owner of Marshwood Estates, stated that he was representing over 100 homeowners who are concerned about their wells because of the proximity to this facility. He asked where fluids like oil and transmission fluid would go, especially since no portion of the lot appears to be or is proposed to be paved. He noted that there are three community wells located directly across the street that serve over 150 residences and that he was concerned about the potential for contamination. He referenced Maine State Law does not allow auto recycling operations within 300' of a community well and asked how the Planning Board could approve a direct violation of that law. He also requested that the Planning Board restrict any sales of salvage parts.

Michele Duval, property owner, stated that there would be no dismantling, repairing of salvage vehicles or sales of salvage parts. She stated that the operation would focus mainly on the resale of used vehicles.

Public hearing closed.

Jeff Duncan stated that he didn't think it was within the Planning Board's purview to enforce State laws such as the one Mr. Philips referenced.

Steve Beckert agreed and stated that if the Planning Board chooses to restrict they could do so through a condition of approval.

Jeff Duncan asked if the applicant would be willing to stipulate in the approval that operations be restricted to the sale of salvage vehicles and refurbishing salvage vehicles for resale even though the sale of salvage parts is allowed under the town's definition of Auto Recycling Operation.

Tracy Shejen stated that she would be agreeable to that.

Larry Bouchard asked if any vehicles would be crushed or destroyed onsite and if any associated fluids would need to be disposed of.

Tracy Shejen stated that there would be no onsite crushing and that no fluids would need to be disposed of.

MOTION:

Jeff Duncan made the motion to approve the application for an Auto Recycling Operation 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 premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
5. Per the July 28th, 2011 memo from the Eliot Fire Chief, prior to an occupancy permit, the applicant shall demonstrate compliance with applicable operational and safety controls per NFPA 1 (2009 edition) - chapter 22 and applicable portions of NFPA 101 (2009 edition). In addition, all permits, containers and operations shall be approved by the State of Maine Department of Environmental Protection.
6. Operations of the facility shall not include the gross dismantling of vehicles for the sale of parts, vehicle crushing, or the sale of junk vehicles and/or scrap metal.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

B. Continued review of an application for Site Plan Review to establish a business at 306 H.L. Dow Highway selling coal and wood pellets retail and wholesale, and compost made from onsite materials. Proposed uses are Retail, Wholesale, Manufacturing, Business Office and Warehouse. Owner/Applicant is James Powers (mailing address: PO Box 12, Kittery Point, ME 03905). Property can be identified as Map 37/Lot 21. (PB11-7)

John Chagnon of Ambit Engineering represented the applicant. He stated that the Board had some questions at the last meeting that he had answered in the latest submission including the amounts of material proposed to be stored on the site. He explained that page C2 of the most recent site plan illustrates the proposed site uses and quantities of materials. The applicant proposes to store around 20 tons of coal, about 10 tons of wood pellets, 30 cords of split firewood, about 100 yards of bark mulch, 300 yards of aggregates such as stone and gravel, and up to 5 truck trailers. The applicant also proposes storage of up to 4 dumpsters, which can be rented out and delivered to customers. He stated that he received the memo from the Fire Chief dated July 28th in which he indicates that the project would have to meet the requirements of NFPA 1 (2009 edition), Chapter 31 Forest Products and that the applicant would be agreeable to a condition of approval stating so. He stated that the applicant will also provide fire extinguishers for the 16' x 16' shed.

Dennis Lentz asked if there would be a retail sales component to the proposed use.

John Chagnon stated that the applicant is only applying for wholesale sales at this time.

Jeff Duncan asked where the waste from the dumpsters would go.

James Powers stated that most would go to ARC. He stated that he would be responsible for the disposal of yard waste, construction and demolition materials. He stated that he would also be composting any leaves he received at the facility. Otherwise, he would buy pre-made compost to offer to his customers.

Jeff Duncan asked if the applicant proposed to add a roof to the existing structure.

James Powers stated that he would like to and is trying to secure financing at this time.

Jeff Duncan asked if the office was heated.

James Powers stated that there was no electricity onsite and that if he were to heat the office he would use coal and/or wood pellets.

Jeff Duncan asked if the applicant intended to ever have underground fuel storage.

James Powers stated he did not.

Larry Bouchard asked how coal is brought on and off the site.

James Powers stated that coal is usually brought in on dump trailers from Pennsylvania and stored in the containment area where it would sit until it's loaded into smaller trucks for delivery to customers.

Jeff Duncan asked the applicant to describe the current condition of the existing asphalt.

James Powers stated that there were a few rough spots but for the most part the asphalt was in decent condition.

Steve Beckert asked the Board if they wanted to have a site walk.

The Board agreed by consensus to waive the site walk due to their familiarity with the property.

Dennis Lentz asked if the applicant had received a driveway permit yet.

James Powers stated that he did receive DOT, MDEP and Town approval for the driveway entrance and for the filling of some wetlands associated with the driveway.

The Board agreed to schedule the public hearing for August 16th, 2011.

Chris Place asked if there were any issues associated with the coal getting wet.

James Powers stated that he would deal in anthracite coal, which isn't very soft and doesn't create as much dust as other varieties of coal.

Larry Bouchard asked how any possible dust would be controlled.

James Powers stated that all coal would be stored in the existing building.

Larry Bouchard stated that he didn't have an issue with that.

Steve Beckert asked the applicant to revise the site plan application to include all uses being sought.

The applicant agreed.

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Steve Beckert stated that the Board received a letter from attorney JP Nedeau representing the closest abutter to the proposed switching yard.

Kate Pelletier noted that PSNH communicated that they would not be ready to proceed with the review of their application until September.

Steve Beckert stated that JT Lockman of SMRPC would be attending the first September Planning Board meeting to talk about the next steps in amending the transportation ordinances.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for August 16th, 2011.

ITEM 10 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 7:43 PM.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary