Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES August 7th, 2012 7PM

ITEM 1 - ROLL CALL

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

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 April 3rd, 2012 Planning Board meeting, as amended.
Dennis Lentz seconded the motion.
Vote: 4-0, Chair concurs.

MOTION:
Dennis Lentz made the motion to approve the minutes of the April 17th, 2012 Planning Board meeting, as written.
Jeff Duncan seconded the motion.
Vote: 4-0, Chair concurs.

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

The Board reviewed the following notice of decision letters:

- Robert Laltoo – Shoreland zoning application
- Michael Thompson – Home business

The Board issued the letters as written.

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

A. 10-minute public input session

Public input session opened.

No comments.

Public input session closed.

B. Public hearing – and continued review of an application for a request for planning board action to amend a previously approved site plan by constructing a new 11,556 sq. ft. industrial 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 and is located in the Commercial/Industrial zoning district. (PB12-6)

Steve Beckert asked the applicant to give a summary of the application before he opened the public hearing.

Scott Collins of St. Germain Collins represented the applicant. He stated that ARC is seeking approval to construct a one-story, 11,556 sq. ft. building over an existing 100' x 100' concrete pad, for a municipal solid waste (MSW)/single-stream recycling transfer building. He explained that this approval would be an amendment to ARC's site plan approval for the construction and demolition materials processing facility, originally approved on March 26th, 2002. The new use, if approved, will allow ARC to transfer MSW and single-stream recyclables from collection vehicles to larger trailers for final recycling, processing and/or disposal off site. The proposed structure will be metal with a metal roof and will have power for several exterior wall mounted light fixtures, which will be shielded and will not create any glare. The building will not have heat, water or sewer. He explained incoming loads of MSW and single-stream recyclables would enter through a 25' paved apron in front of the overhead doors and be deposited on the tipping floor and loaded into transfer trailers. Once the trailers are full they will be tarped and transported offsite or staged temporarily, typically less than 24 hours, at the dedicated trailer parking area shown on the plans. He stated that Gorrill-Palmer Consulting Engineers provided a traffic assessment letter, which is included in the application package and was discussed at the last meeting. Their determination was that the estimated 10 additional truck trips per day would have little to no impact on nearby roadways. He stated that the new building would not change the runoff coefficient and would therefore not affect runoff rates or quality due to the fact that the 100' x 100' concrete pad was existing at the time the stormwater management report was prepared. He stated that the Board waived the requirement for a high intensity soils survey at a previous meeting and that they conducted a site walk on July 3rd. The only pending issue from the last meeting was whether an amended entrance permit would be required. He stated that he received a response from MeDOT on July 23rd, which was included in the most recent submission, which stated a revised entrance permit was not necessary.

Jeff Duncan asked if there would be any safeguards in place to keep the waste stream from spilling out of the building.

Scott Collins stated that the building will have a tipping floor and perched area for top loading of up to two transfer trailers at a time. There will be a concrete ramp and landing, which will be elevated 4' where the excavator will sit and have the ability to move up and down the ramp. All material transfers will be conducted inside the enclosed building, which will have a floor drain that discharges to a 2,500 gallon holding tank. Facility personnel will clear the tipping floor at the end of each day, rake any material out of corners, wash down the floors as necessary and regularly inspect the facility for any litter that may have blown away or fallen off transport vehicles.

Greg Whalen asked if there was any management plan for the maintenance of the holding tank.

Scott Collins stated that the holding tank would have an alarm that sounds when it reaches 90% capacity. Collected liquids will be taken offsite and treated.

Jeff Duncan asked if the holding tank was fiberglass or concrete.

Scott Collins stated that it was concrete.

Jeff Duncan asked how the applicant would know if they had inadvertently accepted contaminated or hazardous material.

Scott Collins stated that staff would be trained to detect hazardous and special waste including asbestos, bio-medical wastes, calcium hypochlorite, electrical capacitors/transformers, industrial and laboratory chemicals, waste oil and sandblast grit and what to do in the event any are found. He stated that an operations manual was submitted as part of the application that includes a hazardous and special waste handling and exclusion plan outlining those policies and procedures in detail.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

John Chagnon, 585 Goodwin Road, asked what the 100' buffer around the perimeter of the property was for.

Scott Collins stated that the 100' buffer was a requirement of the Maine DEP solid waste permit.

John Chagnon asked what activities are allowed to take place within that 100' buffer.

Scott Collins stated that things like truck traffic, office space and parking are allowed within the buffer but that any sort of processing is prohibited.

John Chagnon asked what the proposed hours of operation are.

John Doherty, applicant, stated that the hours would be the same as the original approval from 2002, which he believed was 7:00 AM – 5:00 PM.

John Chagnon suggested the hours of operation be added to the final approved plan.

Public hearing closed.

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

Larry Bouchard asked the applicant to describe what MSW waste was.

Scott Collins stated that municipal solid waste is household and business generated waste such as paper, cardboard, plastic, food, glass, and yard trimmings. It does not include construction or demolition debris.

Larry Bouchard asked if this activity was taking place on the property at the present time.

Scott Collins stated that ARC was approved for and currently accepts construction and demolition material, but they do not currently accept MSW waste.

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

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

MOTION:
Dennis Lentz made the motion to approve the application, as presented, 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.

Greg Whalen seconded the motion.

Discussion:
Steve Beckert suggested that an additional condition of approval be imposed that the hours of operation be consistent with those of the 2002 approval.

The Board agreed.

MOTION:
Dennis Lentz made the motion to amend his previous motion.
Greg Whalen seconded the motion.
Vote to amend the previous motion: 3-0 (Jeff Duncan abstained), Chair concurs.

Dennis Lentz amended his original motion to add the following condition of approval:

5. Hours of operation shall be consistent with the hours of previous approvals granted by the Planning Board.

Vote on the amended motion: 3-0 (Jeff Duncan abstained), Chair concurs.

Steve Beckert explained the 30-day appeal period.

C. Continued discussion on clarifying the definitions of "Agriculture" and "Animal Breeding and Care." (Draft #3)

Kate Pelletier stated that the Board should have Draft #3 of the proposed amendments, dated August 6th. Since the last meeting she added a definition of "*commercial gain*" to further clarify the definition of *"Agricultural operation, commercial*", changed the table of land uses to allow agricultural operations in the Commercial/Industrial zone with site plan approval where they were previously prohibited and removed *"Plant nurseries"* from the table of land uses as they're now included under the definition of *"Agricultural operation, non-commercial."* Lastly, following a meeting with Eliot's Animal Control Officer, Tina Buckley, she added language referencing the Town's animal control ordinance, language to prohibit roosters town-wide and increased the setbacks (from the previous draft) for buildings housing animals.

The Board discussed the exclusion of roosters but were unable to reach a consensus.

MOTION:
Jeff Duncan made the motion to exclude roosters in non-commercial agricultural operations only.
Dennis Lentz seconded the motion.

Vote: 3-1 (Larry Bouchard opposed), Chair does not concur with the majority.

Kate Pelletier stated that she would make the appropriate changes to the next draft.

Steve Beckert asked Kate Pelletier to explain the changes to the setback requirements.

Kate Pelletier stated that currently the only setback requirements related to buildings housing animals are in the table of land uses as a footnote to the use "*Animal breeding and care."* In the Rural and Suburban zones, which are the only zones that allow *"Animal breeding and care",* the ordinance currently requires a 100' setback for buildings housing animals. The problem with the existing ordinance language is that it lacks a definition of *"Animal breeding and care,"* leaving it open to interpretation. She stated that previous code enforcement officers only applied the 100' setback to animal breeding/animal care operations such as dog breeders and kennels and not to structures associated with agricultural operations such as chicken coops and horse barns. In those instances, the 10' accessory structure setback was applied. The new code enforcement officer, however, interprets the ordinance differently and believes the 100' setback applies to any structure housing an animal regardless of the land use associated with it. She stated that she had previously proposed a 25' setback for buildings housing animals/livestock associated with any "*Agricultural operation (non-commercial"* and "*Animal husbandry*" use and a 50' setback for "*Agricultural operation (commercial),"* but that Tina Buckley had recommended those setbacks be increased to 50' and 75', respectively.

The Board discussed setback requirements for structures housing animals and agreed to reduce the minimum setbacks as follows:

MOTION:
Dennis Lentz made the motion to include the following structural setbacks for buildings housing animals and livestock:

Buildings housing animals and livestock associated with the following uses:	**Rural**	**Suburban**	**Village**	**C/I**
▪ *Agricultural operations (commercial)*	50’	50’	25’	50’
▪ *Agricultural operations (non-commercial)*	50’	50’	25’	50’
▪ *Animal husbandry*	50’	50’	25’	50’

Greg Whalen seconded the motion.

Discussion:
Kate Pelletier asked if the reduction clause would still apply that allows relief from those setbacks with approval from abutting landowners.

The Board agreed the reduction clause would remain in the proposed amendment language.

Larry Bouchard stated that he believed the minimum setbacks being proposed were still too high.

Vote: 3-1 (Larry Bouchard opposed), Chair concurs with the majority.

Kate Pelletier stated that she would incorporate these changes into the next draft.

D. Continued review of proposed fee schedule amendments.

Steve Beckert stated that the Board should have Draft #3 of the proposed fee schedule amendments dated August 3rd.

Kate Pelletier stated that she changed the format of the fee schedule since the last meeting in an attempt to make it more user-friendly. She stated that fees are grouped by department/board, then by the type of permit. For example, under the Code Enforcement department’s fees there is a category for building permits with various subcategories for specific types of building permits such as foundations, accessory structures, principal structures, or piers. She stated that specifying as many permit types as possible allows is an opportunity to establish fees for each based on that department’s cost of reviewing plans/permits and administering/enforcing the ordinance.

The Board agreed to discuss the draft in greater detail at the next meeting.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Jeff Duncan stated that he had a conflict and could not attend the September 4th meeting.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for August 21st, 2012.

ITEM 10 – ADJOURN

MOTION:
Dennis Lentz made the motion to adjourn at 8:20 PM.
Jeff Duncan seconded the motion.
Vote: 4-0, Chair concurs.

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Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

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Kate Pelletier, Recording Secretary