

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

September 20th, 2011 7PM

ITEM 1 - ROLL CALL

Present: Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Dennis Lentz, Larry Bouchard and Greg Whalen - Alternative.
Also present: Kate Pelletier, Planning Assistant.

Absent: Chris Place, Alternate.

Steve Beckert appointed Greg Whalen 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 July 19th, 2011 Planning Board meeting, as amended.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

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

The Board reviewed the notice of decisions letters for the following applications:

- Tim Pickett – Commercial/Industrial sign
- Great Works Regional Land Trust – Shorey's Brook dam removal

No changes were made to the decisions letters and they were issued as written.

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

- A. Public hearing –“Amendments to Chapter 45, Zoning, of the Municipal Code of Ordinances of the Town of Eliot, Maine to allow the Code Enforcement Officer to review and approve permits for signs located within the Commercial/Industrial zone and eliminate the need for Site Plan Review by the Planning Board for such signs.”**

Public hearing opened.

Mary Fournier, 16 High Meadow Farm Rd., asked if giving the Code Enforcement Officer the authority to review and approve applications for proposed signs in the Commercial/Industrial zone could cause any harm to the town.

Steve Beckert stated that the Code Enforcement Officer would be using the same review standards as the Planning Board does and that none of the standards about signs were changing. He also stated that any aggrieved party could appeal the Code Enforcement

Officer's decision, just as they could a Planning Board decision. He explained that the rationale behind the change is to save the applicant the time, money and effort of having to come before the Planning Board, which would likely take a minimum of two months to approve.

Public hearing closed.

Steve Beckert asked if the Board had any additional comments or questions on the proposed amendment.

The Board had no additional comments or questions.

MOTION:

Jeff Duncan made the motion to forward the amendment titled, "*Amendments to Chapter 45, Zoning, of the Municipal Code of Ordinances of the Town of Eliot, Maine to allow the Code Enforcement Officer to review and approve permits for signs located within the Commercial/Industrial zone and eliminate the need for Site Plan Review by the Planning Board for such signs,*" to the Board of Selectmen for review and inclusion on a future town meeting warrant.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

B. 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)

Steve Beckert stated that comments from the public would not be allowed for this application as it is not an advertised public hearing. Any discussion tonight would take place between the applicant, staff and Planning Board.

Doug Ide of TRC Engineers represented the applicant. He stated that the Planning Board deemed the PSNH application complete in May. In June a public hearing was held but the application was tabled so that the applicant and Mr. Larenas, an abutter who spoke at the public hearing in May, could work together to resolve some of his concerns. He stated that he believed an acceptable compromise was reached between the applicant and Mr. Larenas and those changes were added to the most recent set of plans the Board received. He explained that as a result of the discussion with Mr. Larenas, PSNH decided to limit the size of the yard area to that which is necessary for current needs only as opposed to future needs. The yard size will be reduced by about 1½ acres from 5.3 acres to 3.8 acres. Doing so will result in the retention of a significant amount of vegetated buffer between the developed part of the site and the closest neighboring properties. He noted that the stormwater management plan had also been revised to include the changes in yard size. He stated that he also submitted a written response to the Public Works Director's comments. He stated that Joel Moulton didn't have any serious concerns about the project but suggested an access route be constructed from the site out to Route 236. PSNH

proposes to install and maintain an asphalt paved access apron with adjoining track mat designed to accommodate heavy construction equipment. Mr. Moulton also recommended that the site only be accessed along Worster Road from Route 236 to minimize any impact to other town roads. He stated that PSNH is agreeable to that as well as pre and post construction road surveys and/or video recordings of Worster Road and Stacy Lane. He noted that PSNH agrees to repair any pavement that is damaged during the construction phase of the project. Mr. Moulton also recommended signage indicating the presence of the construction site, entrances and exits for truck traffic be posted in the general area, which PSNH agrees to do. Finally, Mr. Moulton recommended a performance guarantee be in place to fix any damage caused by the applicant. He stated that PSNH is willing to post a road repair bond in a reasonable amount if required by the Planning Board.

Jeff Duncan commended the applicant for working with Mr. Larenas and addressing his and the Planning Board's concerns so thoroughly.

Greg Whalen asked the applicant what would be the conditions for a future expansion.

Mike Smallwood of TRC Solutions stated that the yard as currently designed would accommodate three lines now and one more in the future. It's not known yet when that expansion would happen or when the increased need for capacity would happen. It could very well be several decades before that happens.

Greg Whalen asked if Mr. Larenas had been made aware of that.

Jim Clark of TRC Solutions stated that he didn't make that specific comment to the abutter but PSNH understands that any expansion to the site would require a new application to the Planning Board and as an abutter, Mr. Larenas would again be notified by the Town.

Dennis Lentz stated that he agreed that the applicant had worked diligently to address all of the Board's concerns as well as the concerns of the abutter, however, he would be more comfortable if a second public hearing could be held due to the all the changes.

Jeff Duncan agreed.

Doug Ide stated that he believed the changes made were minor in nature and that all impacts had actually been reduced from the original plan.

Steve Beckert asked the Board how they would like to proceed.

MOTION:

Dennis Lentz made the motion to schedule a second public hearing on October 4th, 2011 to receive comments on the changes to the proposed switching station yard.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

- C. Application for a Shoreland Zoning Permit to expand an existing nonconforming structure located at 374 River Road by constructing a 16' x 28' addition. Owners/applicants are Peter Egelston and Joanne Francis (mailing address: 374 River Rd, Eliot, ME 03903). Property can be identified as Map 25/Lot 10 and is located in the Limited Residential Shoreland zoning district. (PB11-15)**

Al Boudreau, contractor, represented the applicants. He explained that the owners of the property are proposing to construct a 16' x 28' single story addition on the rear of an existing, two-story, colonial style home, which will be used as a dining area. There will not be any clearing, road or driveway construction, septic system or well work required.

Kate Pelletier stated that per Section 44-32, existing structures in the Shoreland Zone that do not meet the setback from the normal high-water line are allowed to expand up to a 30% in total floor area or volume so long as the shoreline setback is maintained to the greatest practical extent.

Al Boudreau stated that he calculated a 29.06% expansion.

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

The Board had no questions for the applicant and scheduled the public hearing for October 18th, 2011.

- D. Application for a Home Business Permit to establish an auto detailing business at 1066 State Road. Owner/applicant is Steven Robinson (mailing address: 1066 State Rd., Eliot, ME 03903). Property can be identified as Map 7/Lot 63 and is located in the Village zoning district. (PB11-16)**

Steve Beckert stated that case PB11-6 had been withdrawn by the applicant.

- E. Application for Site Plan Review to construct two residential driveways to create an 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 Limited Residential Shoreland zoning district. (PB 11-17)**

Ken Markley of Northeasterly Surveying represented the applicant. He explained that Section 44-35(h)(3) of the Eliot ordinances require driveways in the Shoreland Zone to be reviewed and approved by the Planning Board. He stated that the subdivision, located on Eventide Cove Lane and River Road had been approved several years ago however they weren't aware at the time that driveways required approval. He explained that the proposed driveways are 12' in width and not closer than 140' from the normal high water line. He noted that all trees over 2" in diameter had been inventoried and shown on the site plan. Very few trees will need to be disturbed to construct the driveways and that any clearing of vegetation would be done in accordance with Sec. 44-35(p). He stated that the driveway proposed on Eventide Cove Lane would be

constructed off the end of the emergency turnaround area. The shorter driveway proposed to come off River Road has more than adequate site distance. He stated that he received comments from the Public Works Director today who recommended using culverts with stone headwalls, however, the applicant may want to use riprap instead. The only other comment from Joel Moulton was the suggestion to remove one additional tree that could potentially cause a blind spot, which the applicant is agreeable to. He explained that the driveways would be constructed to promote sheet flow through the forested wetlands. A hay bale barrier will be used on the downstream side of the wetland crossing to reduce silt from coming downstream. Also, silt fencing will be utilized to stop any suspended solids from entering the water.

Dennis Lentz asked if lot #53 also used Eventide Cove Lane.

Ken Markley stated it did.

Greg Whalen asked what the septic easement areas were.

Ken Markley explained that those areas were approved in 2009 when the subdivision was approved and were not part of this application.

Steve Beckert asked if the Board if they were ready to approve the application or if they wanted to schedule a public hearing.

MOTION:

Greg Whalen made the motion to schedule the public hearing for October 4th, 2011.

Jeff Duncan seconded the motion.

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

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for October 4th, 2011.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:20 PM.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary