



ITEM 1 - ROLL CALL

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

Also present: Kate Pelletier, Planning Assistant.

Absent: Melissa Horner – Alternate (excused); Dutch Dunkelberger – Alternate (late).

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Bouchard, to approve the minutes of June 16, 2015, as amended.

VOTE
4-0
Chair concurs

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

There were no “Notice of Decision” letters.

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

A. Public Hearing – and continued review of an application for Site Plan Review to construct two (2) 10,000 sq. ft. industrial buildings on a vacant parcel located on Harold L. Dow Highway between Sunrise Street and Bolt Hill Road. Applicant is Chloe Allegra Holdings, LLC (mailing address: 647 US Route 1, Suite 14-101, York, Maine 03909). Owner is Sail Away, LLC (mailing address: PO Box 266, Eliot, Maine 03903). Property can be identified as Map 17/Lot 33 and is located in the Commercial/Industrial zoning district. (PB15-06)

Mr. Beckert reviewed the rules format for the Public Hearing. He said that the PB did a site walk for this application. He invited the applicant’s representative, Matthew Randall of Attar Engineering, to give a summary of the project.

At this time, Mr. Whalen recused himself and stepped down from the bench.

Mr. Randall said that we are proposing two buildings; that one is 10,000 square feet and one is changed to 6,600 square feet (from 10,000 square feet); that they will be located right off of Route 236 next to the new NAPA building. He added that the entrance will be the NAPA entrance; that there will not be a new curb-cut from this project; that the

applicant does have an easement to go across the NAPA property to enter their lot. He said that there is parking for the proposed use; that it is an industrial use so parking is based on the number of employees. He said that it has been reviewed by the Fire Department and there are fire lanes that go around three sides of each building. He explained that the project would be in two phases – the first would be the 10,000 square-foot building, the loading area, and the fire lane, which is currently where the second proposed building will be. He said that Phase II would complete the second building and push the fire lane out a little further. He added that, during Phase I, two stormwater ponds will be constructed; that currently the site is pretty much wide open; that there are some small shrub trees that look like they have been cut down in the past ten years, or so; that the small shrub trees are about seven to eight feet tall. He added that, around the perimeter of the site, there are wetlands, for the most part; that they border Route 236, they run in between the NAPA property and this parcel down to a stream in the rear; that we won't be disturbing the stream, at all, but we will be slightly inside the 75-foot setback, which requires us to get a Permit Rule-By-Notice from the DEP. He said that we would most likely be submitting for those applications later on in this week. He added that there are some residential properties behind there and, because this is a Commercial/Industrial District, we have a 100-foot setback for the buildings from those properties. He said that, currently, the tree line is about 40 feet from the property line and we will be pushing that back to about 25 feet. He said that all the proposed lighting is either on the sides of the building or in the front of the buildings so none are on the back side, which abuts the neighbors. He added that we are proposing to connect into a force main at Route 236 so there won't be a septic system; that proposed water and electric will also be going to Route 236. He added that there is a potential to connect our water line through the back to the Villages at Great Brook, which is on the back side of the NAPA parcel; that we are working through that at this point. He said that those were the major points and, if anyone had anything specific, we'd be happy to answer.

7:11 PM Public Hearing opened.

Mr. David Damon, 5 Sunrise Street, said he is an abutter to the back side of the proposed project. He said that he heard that there would be a natural gas line put in and he was curious if it was going to affect the tree line.

Mr. Randall said that there would be a natural gas line. He added that we are not proposing to do anything to the trees but they will have to dig into the ground in order to put that in.

Mr. Damon said that he knew that, in the past, when natural gas is put in whatever is in the way is gone.

Mr. Randall said that he hasn't dealt with that with the seller at this point.

Mr. Damon said that that was where his biggest issue is; that he wants to make sure that tree line stays there so we have something to protect us from the trucks pulling in and around, and all that.

Mr. Duncan asked where the gas line currently comes in.

Mr. Randall said that it was off of Route 236; that it shows that it is approximately 10 - 12 feet off from the Damon's property line.

Mr. Damon said that was about where the tree line is.

Mr. Duncan asked if you can't have growth over the gas line; that it would be interfering with the integrity of the line with the roots.

Mr. Randall said that you would probably have to cut through the roots in order to place that gas line.

Mr. Duncan asked, in the future, would they have to maintain that as a clearing.

Mr. Randall said that he wasn't sure how the gas company would do that; that it is highly possible that they would want that clear.

Mr. Damon said that his next question is how he knows where he stands in this situation.

Mr. Randall said that, per the Town of Eliot regulations, the vegetative buffer requires, for a commercial/industrial district in the residential, about 10 feet; that as long as that gas line is kept at least 10 feet away from his property and provide adequate screening, we meet the Town of Eliot regulations.

Mr. Damon asked if the 10 feet includes the tree line.

Mr. Beckert said that it would be a 10-foot buffered area.

Mr. Damon asked if 'buffered' means they can take all the trees down.

Mr. Beckert said no; that 'buffered' means that there would be something there between Mr. Damon's property and the gas line – some type of trees, screening, shrubbery – something so that you aren't going to see.

Mr. Damon said that, right now, there are 30-foot trees. He asked if 'buffered' was whacking all those down and just leaving a brush line across there.

Mr. Beckert said that it depends on what the PB requires but, as Mr. Randall stated, the zoning requirement is a 10-foot buffered zone. He added that the PB can require certain height in trees, if they want to, shrubbery, as long as the applicant agrees to it; that it's what the PB can require.

Mr. Damon said that, in other words, he doesn't have any issue to stand on, at all, here; that he just pays his taxes and, then, you guys decide a couple of trees left there is fine.

Mr. Beckert said that nobody is saying that.

Mr. Damon said that he was just asking – how does he know where he stands.

Mr. Bouchard said that we take the application and we fit it to the ordinances that are in the book; that we don't make the decision on the ordinance, we make the applicant comply with the ordinance so, if it says 10 feet, that's what we require, then that's what he needs to do.

Mr. Damon asked if it was 10 feet of what's already growth there or can 10 feet be what they want to leave.

Mr. Bouchard clarified that it is 10 feet; that if they take it down, then they will be required to put it back up before they're done, if it's within the 10 feet.

Mr. Damon said that there are 30-foot pine trees that go the whole length of the stone wall that breaks two pieces of property up. He added that this has been an issue in Town before; that they broke he didn't know how many well lines that they never fixed; that he had one of them that they never fixed. He said that he didn't want them to come and wipe everything out to put their line in just because they can.

Mr. Bouchard said that, when the application first came to us, that was one of our concerns.

Mr. Damon reiterated that this has been an issue in the past.

Mr. Lentz said that the PB walked the site.

Mr. Damon said that, then, the PB knows what there is for trees there; that it was kind of nice that the previous person left that big tree line and he was hoping it could stay.

Mr. Mike Fetterolf, an abutter and Mr. Damon's neighbor, said that he voiced Mr. Damon's opinion on the tree line; that he agreed with him on the need for privacy between the buildings and our private property. He asked in which direction the sediment ponds would be draining, as he was concerned that they might drain towards his property. He added that he noticed on the map that it showed a leech field and, with the proposed amount of parking of 28 individuals, he saw no leech field on their property and was curious of the intention; that he thought, from previous conversations, that they were planning to tap into the existing sewer line, which he believes has been having problems for the past multiple years.

Mr. Randall said that of the two ponds that we have, one is between NAPA and our property and it is about 60 feet from the culvert to the stream; that it flows naturally down there; that it is a low spot and why we chose it. He added that, for most of the parking area, it does flow towards 'this' one pond. He said that some of the roof goes towards the back but roof water is typically a lot cleaner than a parking lot; that the

parking lots all go towards 'this' pond, this building and this fire lane go towards 'this' wetland out front and kind of sheet-flows around and make a lazy way through the marshes up there. He reiterated that the back pond gets mostly roof water, as well as some of the disturbed area and the outlet appears to be 65-75 feet from Mr. Fetterolf's property; that it follows the contours and sheet-flows off the back property line so it doesn't go towards Mr. Fetterolf's property.

Mr. Fetterolf said that it was his understanding that this project would tap into the existing sewer line going across NAPA onto Bolt Hill Road; that everything we've been talking about for 10 or more years, the sewer line that goes down Route 236 and up Bolt Hill Road we have problems with and making another tap into this system he asked how this issue was being addressed with this building. He clarified that he has no problems with the building being there and businesses coming in; that it's just hitting our current infrastructure and that infrastructure is having problems.

Mr. Randall said that he's not completely aware of all the Town's issues with this sewer system; that he does know it's a private force main so it's not really the Town's responsibility; that he believes it is Eliot Commons and The Shipyard that own it so they are the ones who maintain it and all the people who tie into it maintain it, as well; that as far as he knows it is not a Town burden. He clarified that they are proposing to tap in right at Route 236 'here' and they are not proposing to go across NAPA to Bolt Hill Road. He added that he believes it is 4 inches then 6 inches where it turns the corner. He reiterated that they are working on a private force main sewer agreement with the Shipyard and the other people. He said that, if that doesn't come to fruition, then they may have a leech field back here but we haven't really gone down that road, yet, because we're pretty confident that we'll be able to make something work.

7:22 PM Public Hearing was closed.

Mr. Bouchard asked Mr. Randall, regarding the gas line, if that was going in or what was the purpose of that.

Mr. Randall said that that is for the Villages at Great Brook and that's a seller's requirement; that he hasn't really gotten into them too much about the location of that; that there has been a lot of history with these three parcels – the Villages at Great Brook, NAPA, the proposed Modernist Pantry lot – so, when they were breaking it up, they had some easement agreements they were working through and part of their master plan, which he wasn't aware of when he was doing the NAPA parcel, was to bring in a gas line so they could feed the Villages at Great Brook so that, if that was ever to be developed, then they would have natural gas. He added that the natural gas doesn't actually feed this property so the location that it is on the property he guessed was kind of variable and we can talk to the seller to see if there is any movement of that. He said that, without knowing what the requirements were from Unitil in order to connect, he can't give the PB a definitive answer; that it does appear there is a little bit of leeway to the property line where we can push it back, at least, towards the front of the property and, then, we'll have to see what they require for clearance from the stormwater pond in

the back. He added that that would require a little bit more discussion with the seller between the proponents of the site.

Mr. Duncan asked if it was just an easement at this point or will there actually be pipeline construction.

Mr. Randall said that it's just an easement, at this point, to give potential for natural gas at the Villages at Great Brook.

Mr. Bouchard asked Ms. Pelletier what the requirement was if they do install a pipeline through the buffered area; that it's a 10-foot easement, asking if they would have to restore it back to natural.

Ms. Pelletier said that she didn't think it was anything the Town regulates; that she thought that was probably regulated under FERC rules; that there is nothing in the Town's ordinances that specifically regulates gas line installations. She added that it may be under the State Plumbing Code but it's not in the zoning.

Mr. Duncan said that he personally could not see revegetation with 30-foot trees on top of a gas line; that that would create root systems that would create problems with the integrity of that line. He added that it would be low-lying stuff if it's anything other than grass.

Mr. Bouchard said that that was the PB's concern, with the buffer and screening on that side of the property. He added that if, at some point, a gas line is allowed to be blasted through there and they are not required to put everything back the way it was...

Mr. Randall said that the way the gas line is shown on the plan is greater than 10 feet off the property line so any buffer and screening could be put back in between the gas line and the property line. Mr. Randall suggested we first talk to the seller to see if we can move the location of it.

Mr. Bouchard asked if we had a map that shows exact footage because it does look close to the Damon line.

Mr. Randall said that he checked it right before coming tonight; that right at the Fetterolf corner it is 12 feet off there and the farther end for the Fetterolf it is about 15 – 17 feet off; that it looks like it mimics the 12 feet across the Damon property.

Ms. Pelletier said that, if they do clear an area that is shown on the plan to be a buffer and be preserved, then that is a change to the site plan and would require an amendment by the PB; that whatever the PB approves is what has to be constructed and any change to that needs to come back for an amendment, including removing vegetation.

Mr. Duncan said that he didn't have anything in particular but, having walked that site, and he knows Mr. Randall shows the center to be upland, but he has a hard time

believing it. He added that he can only go by the professionals, in this case. He added that the buffer is certainly an issue from walking that site; that there is natural vegetation out there but it's all pretty well old growth trees with very little undergrowth. He said that he could definitely see that there's going to be visibility issues that aren't an issue today because of the minimal activity in there. He asked the neighbors if they saw traffic, at this point, from NAPA through that existing vegetation.

Mr. Damon said that you can't see anything.

Mr. Fetterolf said that you have to really look for it and be in the right spot to see traffic running through.

Mr. Damon said that the trees are pretty dense right now and, if they start taking a lot of trees out, because it is trees you are going to be able to look right through and sound is going to travel right through; that there is little undergrowth because of the trees.

Mr. Beckert said that it is within the purview of the PB to make a requirement that that buffered area of 10 feet minimum from the property line be maintained, regardless; that if that means that someone has to go in there and take out the trees to put something in then they have to put it back, whether that be a pitched row of arborvitaes, or something that's thick, that deadens sound and blocks views; that he has seen that done before. He said that he was suggesting that; that we are hearing that from the neighbors up there and proposed it be the suggestion of the PB that when you make your final decision that you make a requirement that that 10-foot buffer be maintained, however it needs to be, to be the least obtrusive to the abutters, and block noise and sight.

Mr. Randall said that he would suggest two things; that he can go back and talk with his clients about different options for buffering; that it might be good in talking with the seller with the thought to figure out what to do.

Mr. Beckert said that it might constitute the necessity of a planting schedule that would come back before the PB so that we are satisfied that it can be maintained.

Mr. Duncan asked Mr. Randall if he had any mapping of the existing trees that are in that 10-foot zone.

Mr. Randall said no; that we haven't counted the trees; that the only thing that we saw was that it's pretty shaded and that's his only concern with specifying a lot of plantings underneath there, in its current state, because it won't get enough sun, as well as the height difference between our property line and the Fetterolf's; that the Damon's property seem to be a little more even with our property. He added that there is about a 2-foot difference so, if we are going to get what we want for screening, then it may even be better to put them on their property if they would be willing to do that.

Mr. Fetterolf said that that takes a bit more of his usable yard.

Mr. Bouchard asked if the PB could require a fence to a height.

Mr. Beckert said that we could.

Mr. Randall said that we would probably rather try to do a natural screen; that he would guess the neighbors would appreciate something more natural.

Mr. Damon said that his issue with that is that this, naturally, was wetlands and to have something grow there that they are going to plant later on and maintain is going to be difficult, to say the least. He added that even if you put a fence up there it's going to be a problem to maintain because it's wet; that the trees grow there, it's natural, it works; that if you go taking them down and put something back, it's going to be really difficult.

Mr. Duncan asked, if this potential gas line did not exist, are the trees in the buffer okay the way they are.

Mr. Damon said yes.

Mr. Randall said that, just to be clear, even if the natural gas line was not indicated there, we would be impacting the trees at the Fetterolf's by about 10-15 feet.

Mr. Bouchard asked if they were still going to go to the 10-foot buffer no matter what.

Mr. Randall said no; that they would have at least 25-30 feet.

Mr. Bouchard asked for confirmation that they would not be clearing up into the 10-foot buffer.

Mr. Randall said not without the gas easement; that it is the gas easement that adds to this.

Mr. Lentz said that that is the root issue.

Mr. Randall said that that was right but that was not our call.

Mr. Lentz asked if Mr. Randall would do some research on that gas line.

Mr. Randal said yes.

Mr. Duncan asked if there was any alternative routing for it that works.

Mr. Randall said that this was proposed the seller and by Unitil, that they had already looked at it. He added that he believed that there is a gas valve in the street right here, which is why they are connecting at that point but he can't speak to that at this point; that otherwise we will do our best to maintain that 10-foot buffer and we'll do whatever

is required to screen. He added that, again, he will push them as much as possible to see if we can push that out and maintain as much of the existing tree cover as possible.

Mr. Duncan said that the buffer is his big issue.

Mr. Beckert said that he is hearing that the buffer is a big issue; that he is hearing that we are probably not going to be making a decision tonight until there is more information on the buffering potential of that gas line going through there. He asked Ms. Pelletier if there was anything the PB could do to stop that gas line from going through that area and make them remove it. He added that he knew that the main transmission line (high-pressure line) that came through Town was controlled by the Federal Energy Regulatory Commission (FERC); that the PB had no say in that other than they had to come before us for the river crossing, which was in the Shoreland Zone. He added that this line goes down Route 236, which he believes now feeds the Portsmouth Naval Shipyard. He said that he was wondering what flexibility we have, as a Town board, to recommend a different route be looked at for that gas line to go in to the property that's out back.

Ms. Pelletier said that she didn't know but she could find out.

Mr. Lentz asked if an easement already exists.

Mr. Randall said that he was not positive; that, again, in talking to the sellers and agents all he knows is that it is required to go through there; that he wasn't sure it was part of the deed.

Mr. Bouchard said that he would like to know, if it is required to go through there and the cock is right at that location, can it maybe be turned and brought closer to the building so we're not disrupting the buffered area at all, or any other option – relocating it completely.

Mr. Randall said that, just so he's aware of the Board's purview, if that was to be moved outside of where the tree line is showing 'here', are you satisfied with how far off we've kept it, given the stormwater pond, because he doesn't want to start moving that and come to the issue that it's still not enough; that he just wanted to make sure he was aware of all the concerns of the PB. He added that we are leaving about a 25-foot buffer, at this point, without the gas line.

Mr. Duncan said that he understands that that technically meets the code - the more generic part of the code that says, you know, visual esthetics can't be disturbed or disrupted – a little qualitative, not very quantitative. He added that he would ask that Mr. Randall take a look at the understory of that and take a look at what sort of visibility you're going to have once that pond goes in there.

Mr. Beckert said that he's hearing that the buffer zone is the big sticking point and whether the gas line actually needs to go through there, or not; that it might be 'nice to

be' but it may not be a 'need to be'. He asked Ms. Pelletier if this project is approved without that gas line in there and that gas line has to go through, that gas line has to come back.

Ms. Pelletier said that the ordinance says any change.

Mr. Beckert asked Mr. Randall if he could be back and ready in two weeks.

Mr. Randall said yes.

Mr. Beckert said that we will reschedule this application for two weeks from tonight (August 4).

The PB agreed.

At this time, Mr. Whalen moved back to the bench as a voting member.

Note: Mr. Dunkelberger was present at this time.

B. Public Hearing – and continued review of a request for Planning Board Action to amend a previously approved site plan (PB01-30) by constructing a 6,000 sq. ft. bus garage/maintenance building at Marshwood Middle School (180 Depot Road). Applicant/owner is Maine SAD 35 (mailing address: 180 Depot Road, Eliot, ME 03903). Property can be identified as Map 63/Lot 19 and is located primarily in the Suburban District with a small portion of the property being located in the Limited Commercial and Resource Protection Shoreland Zoning Districts. (PB15-09)

Mr. Beckert said that representatives from the school district are present, school board members are also present, and the gentleman from Civil Consultants. He asked Mr. Aleva to summarize the project.

Mr. Aleva, Civil Consultants, said that we propose to build a 6,000 square foot bus maintenance garage to the rear of the property in an area that contains existing pavement and existing storage buildings that will be removed. He added that we have associated site work around the back of the area for bus access, bus driver parking, bus parking along the sides. He said that access would continue, in and out, from Depot Road for bus traffic and one-way (entering) off of Route 236. He said that buses come in, they have the maintenance area for the work for the day, and then buses are out doing their routes for the school. He added that we had a Site Walk a couple of weeks ago with the PB to show the limits of the construction and the site impacts; that based on the previous PB meeting, he had a meeting with the DPW Director to go through the issues that the DPW Director had and certain he is all set. He said that he also met with DOT and forwarded off an email correspondence where the DOT is not concerned with any impacts of traffic with the additional bus garage coming to 'this' back area. He said that the building will be metal and have a skin that will match the recent school addition; that the base will have a

masonry face to give it some accent on the structure. He said that he would answer questions.

7:44 PM Public Hearing opened.

Beverly Hooper, 9 King's Highway South, asked if he could tell her what the footage is from the building to where the bus drivers are going to park.

Mr. Aleva said that the proposed maintenance garage is going where the two maintenance sheds are, currently, and the bus driver parking is right behind that building adjacent to the ballfield.

Ms. Hooper asked how large that area is.

Mr. Aleva said that there is room for 18 parking spots; that from the back edge of the garage to the furthest edge of the parking area is 60 feet.

Ms. Hooper asked if he was going to have cars and buses come out that back entrance.

Mr. Aleva said yes; that there is a drive-through entry from the front of the building, out through the back of the building, and there is adequate clearance to have a bus turn around and make a one-way loop around the building.

Ms. Hooper said that you have 60 feet and a 40-foot bus and cars parked there and you feel it's going to be an adequate turn.

Mr. Aleva said yes.

Ms. Hooper asked how many parking for buses.

Mr. Aleva said that we have room for 24 buses on-site.

Ms. Hooper asked if he was down-sizing the buses.

Mr. Aleva said no.

Mr. (Randy) Stewart said that we have 28 buses and, currently, 8 are parked at the driver's homes and we will continue with that policy.

Mr. Aleva corrected himself and said that we have spaces for 27 buses.

Ms. Hooper asked about emissions from idling buses; that she knew there was an idle policy of five minutes but, when you start a diesel bus in wintertime, it's going to be longer.

Mr. Aleva said that there is an idle time to warm a bus up in the morning; that the buses will be off-site doing their pick-ups before school starts and they will be gone between 6AM and 6:30 AM, if not earlier than that; that the buses won't be idling when students are in the school.

Ms. Hooper said that it leaks in; that it goes in through doors, windows, and the air vents. She asked what the policy was on the buses and the traffic coming in, back and forth, and the vendors coming in, and all the traffic that comes in to a bus garage; and the noise level.

Mr. Aleva said that, during the day, there won't be bus storage here during the school day; that the drivers will be directed to the high school for storage in between runs and shifts during the day. Using the plan, he said that there would be parking for the Superintendent's staff on 'this' side; that there is currently a drop-off for parents that make 'this' loop 'here' and we've delineated that area on the site plan with 'this' paving. He added that we've also made some changes along the site to indicate a curb buffered area to direct students coming out of the school for recess (infrequently) to direct them away from the bus garage. He said that a question at the last PB meeting was regarding parking for after-school events and we have a plan in there that shows the parking delineation that will be striped that will hopefully clear up the free-for-all parking out there. He added that there would be delivery trucks coming in and out on Depot Road for deliveries of parts and equipment to the bus maintenance garage.

Ms. Hooper said that the drivers will park their buses, in between routes, at the high school.

Mr. Stewart said that the drivers that don't park their buses at home and don't need to come back to the site for maintenance will be parking between routes at the high school; that that's currently the plan.

Ms. Hooper asked if it was an operating maintenance garage.

Mr. Aleva said that that was correct.

Ms. Hooper said that she understood that there would be a wash bay.

Mr. Aleva agreed there was a wash bay.

Ms. Hooper asked when they were supposed to wash their buses if they are not supposed to come back.

Mr. Aleva said that washing the buses is part of a maintenance routine and he believes they get washed once or twice a week. He added that currently they go up to the SAD #60 wash bay for that cleaning; that there would be a similar wash bay in this proposed building and that bay captures and recycles all the wash water; that none of that wash water will be discharged off-site.

Ms. Hooper said that it is a waste of time to recycle the water because the grime sticks to it and it will rust it out faster. She asked what he was going to do about the emissions when the mechanic is running a bus in the garage.

Mr. Aleva said that there is an exhaust system that hooks up to the exhaust on the bus and discharges that out through the roof vent.

Ms. Hooper said that it still goes into the air by the school. She asked if anyone has looked into the EPA guidelines on constructing a site near a school.

Mr. Aleva said that this is an acceptable location for a bus garage.

Ms. Hooper said that the EPA guidelines say that you shouldn't put a new building that could cause potential hazards within a mile from a school.

Mr. Aleva said that he was not aware of those guidelines.

Timothy Marshall, 125 Tidy Road, asked what safety measures you are taking to keep the kids away from the bus after school hours, as there are a lot of sports going on. He asked if there was a big fence protecting these buses at night.

Mr. Aleva said that the buses would be parked around the building perimeter; that there is a fence that wraps itself around the back side of 'this' parking area that, when students go out to recess to use the fields, there is a new walkway following the fence that brings the students out around to the fields; that there is fence protection over 'here' and, when the buses are parked, the buses are parked and there is no fence around the buses.

Mr. Marshall said that Mr. Aleva was telling him that, if mom is at a track event with the older brother and she has her little one with her and they want to go play with a friend, there is nothing keeping that little kid from opening those doors on those buses and getting on them – because those doors don't lock. He added that there is an air brake on there that, if they push it in, then the bus is rolling and you can't stop that. He asked if there was any consideration regarding that; that kids are going to be around it and there is nothing keeping them off those buses.

Mr. Aleva said that he didn't know the answer to that question; that he does know that buses aren't locked but that they are routinely parked at schools and in the vicinity of athletics where students and parents are; that he thinks it is just a situation that needs to be reviewed by the parents and watching their kids.

Mr. Stewart said that we have about 7 buses that park on that site, currently, and we have not had an issue with that.

Mr. Marshall asked, when we park at the high school, is there a shuttle that brings us back to our cars.

Mr. Stewart said that we haven't worked those details out but that is one of the proposals we are considering.

Tim Straz, 185 Depot Road, said that he lives across the street and has a couple of concerns; that one is the condition of the entrance to the middle school; that there is a catch-basin located right there at the corner of Depot Road and the entrance and has been very poorly maintained over the past few years; that the road surface is very much degraded, as such. He added that the concern would be that, with this volume of traffic increasing; that that would continue to degrade the basin and the culvert would be compromised.

Mr. Aleva said that that was something that came up during the site visit with the DPW Director; that that's not one of the things shown on the plans but we want to talk about it because there is some erosion happening down around 'here' on 'this' side; that that is something we are going to look at making repairs to that intersection.

Mr. Straz said that his other concern was more based on location and the selection for it. He said that, as the neighbor, he sees a lot of great community activities take place at the middle school, whether it be youth activities, team sports; that in the fall it's a tremendous destination for the youth football league and that parking lot will be absolutely saturated with people from Southern Maine communities coming to partake and enjoy Sunday football, Saturday football; that we also have Town Meeting and many functions that occur at the middle school where the parking lot is completely saturated with attendees. He added that he looks at a project like this and sees it as kind of a compromise of what we have as a community, as a place where people can go and enjoy the track and the nice, scenic wetlands, and the beauty of the area; that it's kind of a gift to the community to have that resource to be able to enjoy; that this project is kind of damming up that area; that when he looks at the site plans he thinks it makes it more uninviting for the many activities to take place and takes away from the site location.

Mr. Aleva said that the only impact to the fields will be 'this' section behind the bus garage where we have to slide the softball field down; that there will be bus parking and that's why we've tried to locate the buses around the perimeter where they currently stage during the day; that you still maintain the parking for athletic events in 'this' area; that we are trying to combine our situation in as tight a footprint as we can on this site, realizing that the current lease for the maintenance building is going to expire in a year; that the most cost-effective situation for the district is to put it on a piece of their own property so they didn't have to have the expense of buying another piece of property. He added that we looked at other school districts and this was the best of the options based on the different school districts – locate it 'here', tuck it behind the school where we can control the space.

Mr. Straz said that he absolutely appreciates where Mr. Aleva is coming from with that but he also feels this is a resource for the community and it's a meeting place for those that live here to enjoy the outdoors, to enjoy athletics, to be able to have the healthy lifestyle and he looks at the project as kind of imposing on the ability for them to have

that; that you are actually kind of choking that area with an industrial building and equipment and buses where, now, it's an open, inviting area for people to come and park and go enjoy.

Mr. Aleva said that will still continue. He added that this bus garage operation is from 7AM to 3:30PM, Monday through Friday; that it's not open on the weekends; that it will still allow people access to come and use these fields all the time. He added that it's a quiet spot on the weekend; that there's no activity going on in here, off-season, other than buses are parked in that location.

Mr. Straz said that he appreciates that but, once it's built, it's there.

Dan Hale, 216 Depot Road, said that he is on the other side of the marsh/creek area. He said that he is opposed to this; that he thinks it's unprecedented to have a school zone, which was always designed and the land was given to the Town as a school zone by the Thompsons. He added that he thinks it's kind of crazy because it sounds like it's a budgetary thing, only. He said that this is going to be extremely disruptive for traffic; that he knew there were some buses already being parked there and you are talking an additional however many buses going in there; that the additional traffic going in and out of that one entrance onto Depot Road is just going to be unbelievable, and you're talking about a school zone, not a garage and maintenance facility. He said that he doesn't know of any other school, and he doesn't go around looking for this, but he has never seen a school that had a bus storage and maintenance facility on the same piece of land that close to the school; that he could be wrong but that seems kind of crazy. He added that this is an area where kids need to learn, play, and develop, not be working on buses, listening to buses – running, tuning them up; that there's no question that there's going to be additional exhaust from those buses – the traffic, the septic. He said that you said that you were going to recycle the water and that's kind of crazy; that the septic system there at the school going into that leech field is antiquated, at best; that it is slowly sinking and there is also a large pipe that pumps water directly into Sturgeon Creek; that he's been told by someone at the school that the EPA is on top of it and that that water is completely clean; that he would love to see anyone here drink that water coming out of that pipe. He said that this is only going to increase the amount of water that's going to be going into this leech field, he's assuming; that he did see on the plan that there are some holding tanks and maybe that's been addressed but it just seems that the leech field is something to be concerned about with the extra wash bay, and whatnot. He discussed his concern for the smoke and noise. He reiterated that he thought this was unprecedented and would think there are better places for this, whether it's the high school – the high school seems like it has more land, more wooded areas, where you could tuck this away and not disrupt a school zone; that, to him, to put it here at the middle school is crazy.

Sarah Straz, 185 Depot Road, asked what facility has been used to store the buses for the past 10 years that she has lived there.

Mr. Aleva said that the buses have been stored up in Berwick, Maine up on Route 4; that that's where the school district has been leasing a garage facility for the maintenance.

Ms. Straz asked if that property was still available for us to use.

Mr. Aleva said that, as far as he knows, it is but the rent has been exponentially increased.

Ms. Straz asked if it was increased more than the budget.

Mr. Aleva said yes.

Ms. Straz said that, being a school teacher and leaving around the same time when the middle school parents are trying to drop their kids off and having been in a car accident on Depot Road where it meets Route 236, she is imagining adding 20 buses is going to impact not only the people that go to school there but also the residents.

Mr. Aleva said that he wanted to clarify the traffic issues. He said that, currently, there are 14 to 17 bus trips that come in there a day; that the additional buses that are going to be there, again as indicated, there are 8 buses that stay on people's property that don't come back here in the evening; that there are 17 buses that come in and out twice a day to pick up and drop off students. He added that these buses that are out on their routes are gone before students and staff come into the building so there's not really going to be a big increase in bus traffic coming in at that time; that something that needs to be clarified is that the bus traffic that you'll see when parents are dropping off and students are coming through will be the same; that that's not going to change, it's just that early morning when the bus drivers come there to pick up their buses and go out on their routes; that the increase during the days is if a bus driver has an issue with a bus and needs to come in to get it repaired.

Ms. Straz said that being a person who bought the house because of its location to Sturgeon Creek and that is the side of the house that we look to when we want to feel good where we live, not necessarily the traffic side, she would be really curious to have more information about that EPA, just the residual effects that this plan will surely have on the wildlife, property value, etc.

Mr. Aleva said that he met with a regional wildlife biologist; that he and the biologist walked the site to get his input because we are close to a cottontail habitat; that he has a letter from them indicating that this project will not be an impact to the habitat in the area; that that is on file with Ms. Pelletier. Mr. Aleva talked about the septic system. He said that that septic system was recently re-approved for another 5-year term back in 2013 by DEP; that there is a sand filter and a chlorination pump so that effluent is chlorinated before it goes back out into Sturgeon Creek; that the system has a capacity for 15,000 gallons/day and, based on students and staff, with this bus garage projected to have 3 permanent employees, we'll have a septic loading of right around 11,000 gallons/day; that we are still below the limit allowed by the DEP for the sand filtration/chlorination system that's out there.

Stacy Davis, 181 Old Fields Road, said that she drives a school bus. She said that, during the school year, you have some nights that there might be a baseball game going on, a softball game, and lacrosse, all together; that there were only four of us parked along the side, and that worked out perfect. She added that she didn't come in until 4:20PM and there are buses from other schools there, they are parked up Depot Road, they are parked across the street at Cedar Road, so how is she going to get her bus in there at 4:20PM if there's no additional parking for parents, for...

Mr. Aleva said that that's why we wanted to try to make sure we delineate the parking with some striping to kind of push people into the right way; that that's the best you can do other than having the police there and towing cars away, which may be the case, and having these spaces off to the side labeled as bus parking only.

Ms. Davis said that, if you've got 20 buses coming in at the end of the day and they can't get into their parking spaces, then that could be an issue; or everything's going to be tight, asking if it's going to be too tight for us to get in and make that swing to back our buses in.

Mr. Aleva said that there's more than enough adequate room for turning a vehicle in there; that we've made sure of that. He added that it is a tight site and he was not going to say that it isn't.

Ms. Davis said that it's just pulling in and out in the front, parents are out there, it's tight; that you're 'this' close to someone's car; that if she hits that car, then that's on me; it's on her record.

Caroline Hale, 216 Depot Road, said that it seems like we keep side-stepping that noise issue and she hears the announcements in the morning; that the noise issue when you fire up 26 buses is an issue. She added that she thinks that anybody who lives there, and is in that neighborhood, hears that and they understand that that's going to happen. She added that in your back yard, when you already hear all the announcements – she knows who got an 'A' or got called out for whatever; that she hears all this so, now, you're going to fire up 26 buses at 4 in the morning.

Mr. Stewart said it would be 6 AM, 6:30 AM.

Ms. Hale said that she felt that would be difficult; that she really felt that she needed the PB to understand that it's quality of life, as well; that it's not just about that. Discussing the traffic, she said that the traffic on Depot Road, because they come from South Berwick down Depot Road into the school, is chaotic, and then adding more buses through there.

Anita Crosby, 4 Park Street, said that she has heard Mr. Aleva mention 'compact' and 'tight' and 'fit it in well'; that in her opinion you can't do that with a maintenance garage for a fleet of buses; that you can't tuck them in neatly and expect that that compact little space is going to be adequate for what we use our maintenance facility for. She added

that, if any of you have ever gone up to Berwick and watched what happens on a daily basis of the buses going in, going out; the traffic that comes in; the vehicles that are delivering parts; buses needing fuel; buses going in for washing; buses going in for maintenance; parking during the day. She said that you park your bus and you go home in the morning but you have to be back there to start it up in the afternoon; that you have several drivers that do that routine; going in to do paperwork; being called into the office for a meeting. She said that it's not just that they start their buses at 6 AM and they are gone for the day and come back at 4 PM, when their day is over; that it's a constant traffic going into our bus barn on a daily basis, Monday through Friday, and we do use our maintenance facility on some weekends for special trips, sporting events, so it's not just a compact time that you can say, "Okay. The bus is going to sit here nicely."; that we use that facility and, to put it beside a school building, and beside the Superintendent's office, where there's business being done, it doesn't make any sense to her. She reiterated that she keeps going back to that compact area; that it doesn't make sense when you have these large buses, several of them, and you expect them...on paper, okay, you've got this many spots...but it doesn't work that way. She reiterated that it might look good on paper but, in all reality, if you sat and watched what goes on in the bus barn with the vehicles coming and going; that it doesn't look right on paper as it does to what's really going to be happening; that for the people that live there and for all the children and teachers that are in that building that are going to have to go with that – that once we're there, we're there; that you can't say, "Okay. I guess it doesn't work.", now; that once it's done, it's done. She added that, to her, to live in this Town and to work for the district, she doesn't see how that is really going to be beneficial to any of us.

Paul Berry said that he doesn't live in Eliot but he is going to be working that garage and asked if it was alright if he asked a couple of questions about the garage.

Mr. Beckert said yes.

Mr. Berry said that you were talking about the exhaust system in the garage, itself. He added that he hasn't seen an exhaust system, yet, that can be used on a bus when it regens. He asked if they made one, now, that will withstand the heat of a regeneration of a bus.

Mr. Aleva said that he didn't believe so.

Mr. Berry said that when you regen the bus, it's on fast idle and the exhaust coming out of it is approximately 1,200 degrees; that it has to run anywhere from 30 to 45 minutes. He asked where that can be done.

Mr. Aleva said that that was a good question; that we had a bunch of meetings with the Transportation Director and Tim Dube in talking about that; that they are the ones that helped set us up with the layout of the bus garage, itself. He added that he doesn't have enough information to answer that question.

Mr. Berry said that that is one concern because, on the newer buses to eliminate a lot of the emissions, which around a school you want the newer ones doing this, they've got to be regenerated. He added that, whenever the light comes on, it tells you; that if it's on for too many miles the bus shuts down and you have to be towed; that somewhere on the property we're going to have to have a place to have that done; that he didn't know if that was taken into consideration, or not. He said that the other question he had was, when you talk about the buses being left at the high school during the day, is there anything as far as plugging them in to keep the block heaters warm at the high school that has been looked into.

Mr. Aleva said that we are proposing to put them around the perimeter of the building at the middle school.

Mr. Stewart said that we haven't planned for that, yet, but that's something that we can do.

Mr. Berry said okay; that in December and January just that time between dropping off in the morning and going in the afternoon, if they're not plugged in, many of them are going to have a hard time starting, or won't start; that he didn't know, in this whole process, if that had been taken into consideration, or not, because if they are gone all day and left at the high school cold, some of them will not start without having the block heaters plugged in.

Mr. Stewart said that we will have plug-ins in the planned parking areas and, he supposed, one thing we could do is, on those very cold days, we could have them park in a plug-in right at the school while school is in session; that that wouldn't be disruptive, at all.

Keith Blake, 50 Flynn's Lane, said that he and his wife are bus drivers. He said that Mrs. Crosby brought up an interesting subject –where we would be refueling.

Mr. Aleva said that you are not refueling at the middle school; that based on the public water supply for the school we cannot have a refueling system there. He added that the district is looking into different alternatives for where refueling will occur.

Mr. Blake asked if it they were looking within the district.

Mr. Aleva said yes.

Helen Sullivan, 747 Goodwin Road, said that she owned property across Route 236 in the farmland, there. She said that she has already met with the Superintendent on this and she has just not been happy about this situation, at all. She added that she looks down on the school every day, she takes grandchildren to school; that the traffic is just atrocious going in there and turning around, trying to get out. She added that, then, she thinks, "What happens when it snows?" and you've got all these buses there. She said that that school got a lot of snow last year and there is no place to put it; that it's just one of those other

things you need to think about. She added that she walks down that road every day and she sees kids out for fire drills, and everything, and they're right in the direction of where the buses would be coming out of the garage. She said that she used to work in the Superintendent's office; that buses would come in there and pick up the students, park right in front of where the Superintendent's office parking was, people would come and go, they would need to get out, and they couldn't leave because the buses were right there; that you had to wait because their red lights were on picking up students, and things like that, so there are so many things to think about; that to her it's taking away from the students; you have the smell of the fumes, and everything, plus, you are making athletic fields smaller because of this bus garage. She said that she really did believe that this should be reconsidered; that it's just, to her, not a good solution.

Jay Dodier, 179 Depot Road, said that it was his understanding that the buses will be mainly be parked in that grey area, or are they going to be around the perimeter.

Mr. Aleva said that they are going to be around the perimeter, 'here', and then around 'these' two spaces on 'this' side, then parking, as needed, in the front of the building.

Mr. Dodier said that, then, there are going to be more buses in front of his house starting up by 6 AM.

Mr. Aleva said that that was correct.

Mr. Blake asked if any of this problem, or situation, approached while the school was still in session.

Mr. Aleva said yes; that we've been working on this project for a while.

Mr. Blake asked if you could see the traffic, the amount of kids, and how it is going to agree.

Mr. Aleva said yes; that we have reviewed the traffic flow during the school day; that we've been up to the Berwick facility and been over and talked with the SAD #60 facility to get a handle on how this flows around here.

Mr. Blake said that he didn't quite understand what SAD #60 has to do with this because we're dealing with a building that is so close to a school building and SAD #60's is not; that he knows that situation.

Mr. Aleva said that looking at the accesses of the buses getting around that facility and around that building, because this facility is similar to that in size and shape.

Mr. Blake agreed that it was similar but he could guarantee that the back space coming out of that garage is probably 20, 30, 40 feet, or more.

Mr. Aleva said yes; that they have a lot more space in that back area of the SAD #60 compared to what is available here.

Mr. Blake said that coming out of the back of that facility is going to be very tight, especially with cars on the back side.

Mr. Aleva said that there is 60 feet from the building to the edge of the parking.

Mr. Blake said that 60 feet is 60 feet but, when you take up 40 of that with a bus...

Ms. Denise said that she lives in South Berwick and asked if she could speak.

Mr. Beckert said that she could.

Ms. Denise asked if the vans had been allotted in the parking; that we have 8 vans.

Mr. Aleva said that they have.

Ms. Denise said that her big concern is the exhaust emissions from the buses; that there are laws in the State of Maine against idling on school property; that we are only allowed 5-minute idling. She added that she knew of an incident that happened over in Berwick, and their facility is separate; that during the wintertime, the air is dense and, when you idle your bus in the morning it takes more than 5 minutes to warm it up; that it's a diesel engine. She said that what had happened is that they were idling their buses and the air, and it was an odd thing that happened, traveled over to the school yard; that this is going to happen with these students because they are right here, they are right here next to this facility. She added that when you look at where this facility is going to be, it sits 'here', the buses are going to pull in and they're going to turn around and that's how they are going to come out; that there's no room for turn-around; that the guys are going to be parked 'here' is what she was told.

Mr. Aleva said no; that you're going to be able to back out and pull out and go directly through 'here'.

Ms. Denise said that it's against the law to back up on school property with a school bus; that we can if someone watches us; that there are buses that go in and out after 6:30 AM because there are students with special needs and other different groups.

Mr. Stewart said that these are a lot of the drivers that are making comments, here, and he would just like to say that we've got some of the best-trained and skilled drivers in the State of Maine; that he knows that this is a different situation for them and a bit of a tighter parking and maneuvering area than they had in the Berwick facility but he has every confidence that they are going to be able to handle this situation once they see it constructed and start operating with it; that he has no concerns in that area because they are very skilled, very careful drivers.

Mr. Marshall asked if we are building it there to just save money by sacrificing safety because, let's be honest, if we put this garage somewhere else and found land, it's going to be a lot safer than putting it on the school yard; regardless of how you look at it, safety should be first; that this is a school and there are kids all the time; that these big vehicles are putting safety at risk for those kids; regardless if it is at night, there are still kids there doing sports and there are buses just sitting there; that 4 versus 27 buses there at night is a big difference; that kids were going to have a little more room to sneak in between buses if they want to sneak onto one. He reiterated that it just seems we are sacrificing safety for financial, and that doesn't seem right.

Ms. Hooper asked for confirmation that buses would be parked in the front and all the way around, with electrical outlets, in the fire zone.

Mr. Aleva confirmed that that was correct. He added that there was no restriction against that in the fire zone.

Ms. Hooper said that you're trying to get away from one problem and creating two; that she has every trust in the drivers. She said that you are trying to solve an issue by creating a bigger one; that you are going to take up two parking areas – one at the high school and one at the middle school; that she would suggest you go back to the owner and ask for an extension until you can find a sizable site because, when she looked into starting a bus garage, it was at least three acres, not a postage stamp.

Michelle Myer, 58 Odiorne Lane, asked if any of the DPW vehicles were going to be utilizing the wash bay.

Mr. Aleva said that the district did make a statement that they would allow the Public Works to use the bus wash.

A member of the audience said that this was a pretty simple decision for the PB, he would think.

Mr. Beckert said that this Board is here to see if this application meets the requirements of the zoning, whether you like what it is or you don't like what it is; that 'this' book is the law that exists right now that this Board has to go by; that if the applicant, and it doesn't matter if it's this application or any other zoning application, meets the requirements of the law, then this Board has no alternative other than to approve it; that you need to understand that.

A member of the audience said that he totally understands and feels bad that the PB is even put into the position to start with; that this is a decision, like someone said, of children's safety, or money; it's one or the other and he's very surprised that the Superintendent has come forth with this plan and spent the time and money to even go forward with this; that it's ludicrous.

8:30 PM Public Hearing closed.

Mr. Duncan said that we have one response from the Police Chief and asked if we had received anything from Fire.

Ms. Pelletier said that we had one from Public Works last time.

Mr. Aleva said that he thought there was something from Fire saying that it had to go to the Fire Marshall, and that was it.

Ms. Pelletier said agreed.

Mr. Lentz said that we did hear from the Road Superintendent and asked if those had been mitigated.

Mr. Aleva said yes.

Mr. Lentz said that, certainly, we've heard environmental issues of focus between the State and the CEO and there is mitigation for those, he thinks; that he understands the concern. He added that he is still worried about safety; that the last time we were together he asked about that 6-inch curb that's going to protect the children from the buses when they go out the door and he sees that it hasn't been changed. He said that he would go on record that he will not approve it unless something is put up there.

Mr. Aleva said that we have 'this' area, here, that has...it's not a curb; that he thought he would like to talk to the owner about that but there is definitely a division; that right now there is nothing out there that divides students from the school; that right now we are proposing a fence line that starts at the end of the school, wraps itself around, and a painted area around 'here' that protects us. He added that he thinks that one of the things he may have misrepresented the last time is that the students don't come flying out of this door at recess; that they are controlled as they come through 'here'; that there can be a teacher 'here' to direct them to go down 'this' side.

Mr. Lentz said that that is a 6-inch curb that projects up.

Mr. Aleva said that that's correct but there would be bus drivers driving through 'here' that would be driving slow.

Mr. Lentz said that he would not want to hold a teacher responsible for a bunch of kids that could be running out for recess.

Mr. Aleva said that he thinks we've provided a plan that provides a safe delineation between students and traffic where it currently does not exist; that he knows there will be more bus traffic coming through; that the buses will be driving slow through that area; that he thinks it's safe for students.

Mr. Lentz said that we can agree to disagree on that.

Mr. Bouchard asked if we knew where we find out about this law about them not being allowed to back up on school property.

Mr. Beckert asked if this was something the PB should delve into.

Ms. Pelletier said that there is nothing in our ordinances.

Mr. Beckert said that that sound like a policy provision and may be something that is governed by the State through the DOT because they are the ones that license the drivers and inspect the buses.

Mr. Bouchard asked if, regarding Mr. Lentz's concern about safety with the height of the buffer, that has something to do with us; that it's a safety issue.

Ms. Pelletier said that we have asked for Police and Public Works to weigh in; that they didn't bring it up as an issue; that if the PB would like, she can go back to them and ask the specific question.

Mr. Bouchard said that they didn't sit through any of these meetings, either; any of the specifics of this. He asked if we can require another meeting to have the Police and Fire be at one of the meetings.

Ms. Pelletier said yes.

Mr. Bouchard said that plugging the buses in is another safety issue he has. He asked, from where the buses all sit, how are they going to be plugged in and where it the electricity going to come from, and how are the cords going to be managed.

Mr. Aleva said that the cords will be managed by the bus driver when they unplug; that there will be outlets along the edge over 'here', on this side, and remember this is fenced in on the back side, and then on posts along 'this' area. He added that they would be fed by underground wires that will come up and have a post for the plug.

Mr. Bouchard asked if there was existing wiring, now, for the buses that are parked along the outside.

Mr. Aleva said no.

Mr. Bouchard asked if the vans were part of the count of the buses.

Mr. Aleva said no; that they were in addition to that; that, as was mentioned, there are 8 vans and they come through there.

Mr. Bouchard asked if they were parked there or do they come through there.

Mr. Stewart said that 6 of them are parked there and the Food Service Director has the other vans park at the high school.

Mr. Bouchard said that, then, the count on the plans is wrong.

Mr. Stewart said that we don't anticipate more than 20 parked on the site because 8 of them are currently going home with the drivers, and we will continue with that policy.

Mr. Bouchard said that he counted 22, not counting the bus parking in front of the garage doors. He asked if it would be 22 buses plus 8 vans.

Mr. Aleva said 8 vans that we were going to have on the back side of the back portion in the new parking to the south of the building (softball field).

Mr. Bouchard asked if that was the parking for the bus drivers, also.

Mr. Aleva said that it is; that it is shared for that.

Mr. Bouchard asked what time the first bus started in the morning.

Mr. Stewart said that it was usually around 6 AM.

Mr. Bouchard asked if nothing started before 6 AM.

Mr. Stewart said that he would not say never; that they will start a little before that because of their pre-trip preps.

Mr. Duncan said that Mr. Stewart was saying that the engines will be starting pre-6 AM.

Mr. Stewart agreed.

Mr. Duncan asked if the first trip out is between 6 AM and 6:30 AM.

Mr. Stewart said that we give the drivers 15 minutes prior to their route time for the pre-trip, pre-inspection, and to start up their buses.

Mr. Bouchard asked Ms. Pelletier if we had an abutters' map for this.

Mr. Aleva said that we don't really have one that indicates the abutter lines on Depot Road.

Ms. Pelletier said that she has an abutters' map she did for the mailings and asked if the PB would like to see that.

Mr. Bouchard said that he would like to see that.

Mr. Dunkelberger said that he is looking at this parking plan and he would have a hard time if the Fire Chief approved it with the buses parked the way they are parked; that it certainly limits access for equipment to get to the buildings necessary to fight a fire. He asked if they would always have 8 buses that go home with drivers, is that an always.

Mr. Stewart said no; that we could have more.

Mr. Dunkelberger said that he was concerned about less because that kind of maxes out your capacity.

Mr. Stewart said that we have had 8 for a long time; that it depends on where the drivers live and where they start their routes. He added that that could change.

Mr. Dunkelberger said that it actually could be less and asked what he would do with the buses.

Mr. Stewart said that we have some spare parking spaces.

Mr. Aleva said that we have spaces on-site for 27 buses and, then, three additional inside the building.

Mr. Dunkelberger said that he thought there was some discussion on whether we have, as a PB with regard to whether safety is a factor; that he thinks that if safety prohibits the operation for which the applicant has intended, then he thinks that safety is a factor.

Mr. Beckert said that safety is always a factor no matter what the application is; that it depends on the agency that governs it.

Mr. Dunkelberger said that he doesn't know that it's a fact that you can't back a bus up on school property but, for the sake of argument and assuming that is correct, he asked, if you can't back a bus up in this plan then can you effectively use this for the purpose for which it is intended.

Mr. Beckert said that he heard somebody say that they could back up a bus with a spotter; that he knew that they can do that in construction with dump trucks that don't have the beepers and the bells on them; that we have had that before us, too.

Mr. Dunkelberger said that he was just saying, for the sake of argument, of safety prohibits them to operate this for the site that is intended, then he thinks the PB does have some say in it; that's all.

Mr. Lentz said that we do have some ordinances, here, in 45-408 and 45-409 that talks about fumes and odor. He said that the answer we got on the application is "The school currently has buses warming up in the vicinity of the proposed parking area. The fumes exhaust production is expected to be similar to existing conditions." He said that he really had trouble with that answer; that if we have that many more buses sitting there and are

warming them up at the same time; that he didn't know how we check that, other than to accept what is written, until it's too late.

Mr. Whalen said that, as a follow-up to Mr. Dunkelberger's comment about the safety issue, our zoning regulations state in Item #1 on the Purpose that they "are created to promote the health, safety, and general welfare of the residents of the Town."; that he will just go on record, for the time being anyway, stating that he does not believe that this application cannot not take into account the issues of health and safety and general welfare.

Mr. Beckert said that he didn't think he said that anyone didn't take that into account; that his statement was that the safety issues with the backing of buses, so on and so forth, are governed by a certain agency within this State. He added that, if the PB wants to require that somebody come down from the DOT that licenses these drivers and inspects the buses and wants to tell us exactly what the rules are, the PB can ask for that information; that there are other agencies that govern each and every aspect of what this Board doesn't cover in the zoning.

Mr. Whalen said that it's no different than the previous application in which there was great discussion of what, in essence, is a civil matter between the parties, not a land use matter with regard to this Board regarding that gas line easement. He added that he would concur that the issue of whether or not a bus driver is allowed in the State of Maine, by law, to back up a bus is no jurisdiction to this particular Board; it's not an issue; it's a similar matter; that it's not a civil matter but it is a law that governs some of the statutory regulations with regard to bus drivers in which this Board, and again it's not a land use matter to begin with for this Board, has no oversight or jurisdiction with regard to that particular matter. He said that that, however, in his opinion is separate from the spirit of the ordinance, which, again, in further reading down, promote traffic safety and is, again, one of the elements..."encourage the most appropriate use of land throughout the Town."; that he would, again, indicate to everybody that it's not just the issue of whether or not we have to deal with regulations that are beyond but we've got an ordinance that dictates your statement earlier about the fact that this Board is entrusted with the responsibility of enforcing land use ordinances in the Town; that we didn't write them, we didn't create them; that it is our job to enforce them. He said that, however, in consideration of those enforcement issues, there are these what we refer to as 'in the spirit of the ordinance' and, in his opinion, every time we receive an application, the spirit of that ordinance under which we're tasked with the responsibility of enforcement, has to be taken into consideration.

Mr. Bouchard asked Ms. Pelletier, to clarify, if this this application falls under Site Plan Review.

Ms. Pelletier said that he was correct.

Mr. Duncan said that he has nothing different from what other members have stated but he would definitely like to get the Fire Department to weigh in on this from a building

safety perspective, with the parked vehicles; that he, like Mr. Whalen, would like to reiterate his concern about the safety of this activity.

Mr. Beckert asked Ms. Pelletier to send another memo to the Fire Chief asking him to weigh in on the plan and the parking, as it is laid out on the application, on whether we can operate our fire apparatus within the measurements that are on that drawing, with parking the way it is; understanding that people park pretty much where they please, unless it's enforced, as it is done in the winter around here. Mr. Beckert said that he is hearing that the PB wants clarification from the Fire Chief and asked if the PB was concerned with the fact that it's been brought up that they cannot legally back buses up.

Mr. Duncan said that he isn't sure who the authority is that regulates that; that it may be the Maine DOT but he would like to get some review of this by their department.

Ms. Pelletier said that she believes the DOT has already commented.

Mr. Beckert agreed that they had something from the DOT that they reviewed the project but let's take another look at that review and see what it covers.

Mr. Bouchard asked if we got the results from the DOT.

Ms. Pelletier said that we don't send the package; that we ask the applicant to check to see if they needed to get a traffic movement permit and they wrote back and said that they do not.

Mr. Duncan said that that's a lot different than issues that are being brought up tonight.

Ms. Pelletier said that she wasn't sure they would weigh in on local things like this; that she wasn't sure what they would be looking at it for, outside of the roadways.

Mr. Duncan said that, if they are the authority that regulates whether or not a bus can back up on school property, then he would think that they would have some input on it.

Mr. Bouchard said that his question would be we need to find out who is or if it is...because the issue isn't the bus garage the way it's set up; that the issue of safety is a fully functional bus garage being set into a school, with children around; that that's the issue and, beyond that, is the addition of the buses and putting a full, functional, commercial repair shop in the Suburban Zone right in the middle of houses; that he understands that, if it falls within the ordinance, that it's legal but he thinks we have a safety issue here; that he wants clarification.

Ms. Pelletier asked if Mr. Bouchard could tell her exactly what he wants her to ask DOT.

Mr. Bouchard said that he didn't even know if it was DOT; that he was asking for guidance; that, maybe, we can talk to the Police Chief or we can get the Maine State Police Truck Team and ask them a question about backing up commercial vehicles or

buses, or what the regulations are on school property. He added that he's guessing there is one because not every school, from what he hears, not a lot of schools have bus garages on their property.

Ms. Pelletier clarified that it is just about backing up and not about anything else.

Mr. Bouchard said that that was his concern; that Mr. Lentz has his issues.

Mr. Lentz said mainly safety.

Mr. Bouchard said that the other thing he would like to indulge in is, because he does have some experience with these new vehicles with the regen systems, whether the idle times are allowed to be compromised due to a vehicle regeneration on school property, or otherwise.

Mr. Lentz said because it's on school property.

Mr. Bouchard said exactly.

Mr. Whalen said that he asked the question of the PB member that was present at the walk if, in fact, the school board had signed off on this proposal; that the answer, as he recalls, was yes. He added that he thought that, for the benefit of this application, somewhere along the line the applicant should attempt to defend the compatibility issue of this facility on a school property; that he hasn't heard any of that yet. He said that, with all due respect to the Civil Consultant side of it, he thinks they produced a plan that, to their credit, is probably as good as it gets; that that doesn't mean it's the right thing to do or the wrong thing to do; that he thinks that, from a planning standpoint, the restrictions of the site, with the limitations with the site, they have certainly done the best that they possibly could. He added that that doesn't deal with the issue of, again, the compatibility side of it and the reasonableness, using that whole guideline of the "reasonable man" rule, as to how and why the PB, in its infinite wisdom, decided that this was the best alternative moving forward. He said that it would help, he thinks, not only the citizens of the Town but, certainly, this Board, if we had a better understanding as to why this was the proposal you felt in the best interest, again, of your district, of the operation of the school, of the citizens, the taxpayers, etc.; that this is the best there is. He added that he offers that, again, as his editorial comment and, while it may not be within the purview of this Board to be able to make a decision based upon those issues because, again, we have a three-ring binder that we have to deal with; however, we have to work our way through this whole thing and we are dealing with the land use side of it, the bricks and mortar side of it, but there's another side, as well, that has to be taken into consideration; that he is suggesting that the applicant deliver an appropriate defendability because, at this particular point in time, he hasn't heard it.

Mr. Beckert asked Mr. Stewart if he wanted to address that tonight or two weeks from now.

Mr. Stewart said that he thinks two weeks from now; that he wasn't aware that that was going to be a requirement of the PB; that it would take some time and thought.

Mr. Beckert said that he wasn't, either, until tonight.

Mr. Bouchard asked, if every single bus in the fleet, and the vans, is to be parked at that facility, is there adequate room to park everything.

Mr. Aleva said yes.

Mr. Bouchard asked in the count.

Mr. Aleva said yes, based on the ordinance for requirements for the students, staff, buses, and vans.

Mr. Bouchard asked how many buses and vans, total.

Mr. Aleva said that there are 8 vans and 27 buses.

Mr. Beckert said that that was a point of clarification he was going to ask earlier that slipped his mind; that when we are talking about 'fleet of buses', we are talking about a fleet of 40-foot vehicles, correct.

Mr. Stewart said that most of them are; that there are some smaller, 23-passenger buses.

Mr. Beckert clarified that we are not talking the vans.

Mr. Stewart said no.

Mr. Bouchard said that he had one more sticking point regarding the time they start in the morning.

Mr. Stewart said that that varies, depending on the routes.

Mr. Bouchard said that the noise ordinance says that, to a certain decibel, is 7 AM; that 6 AM was said but is there any earlier.

Mr. Stewart said that it would be earlier for a route that has to start at 6 AM; that it would be 15 minutes prior to that.

Mr. Bouchard said 5:45 AM.

Mr. Stewart said probably, at least.

Mr. Duncan asked if it would earlier in the winter because of warm-up time.

Mr. Stewart said that we give them 15 minutes for the pre-trip inspection.

Mr. Beckert asked the applicant if he understands what the PB is asking.

Mr. Stewart said yes.

Mr. Beckert said that Ms. Pelletier will schedule this for continued review on August 4; that there will not be any more public hearings.

C. Application to reconstruct a non-conforming single family dwelling located at 403 River Road. Applicant/owner is: John Valentine Homes, LLC (mailing address: 407 River Road, Eliot, ME 03903). Property can be identified as Map 25/Lot 2 and is located in the Suburban District and Shoreland Limited Residential Zoning District. (PB15-10)

The Valentines and Ken Markley, Northeasterly Surveying, were present for this application.

Mr. Markley said that the existing is basically a 10,780 square-foot lot, within the Shoreland Zone; that it has 55.8 feet of frontage on the road; that it has about 81 feet of frontage on the Piscataqua River and the existing dwellings cover about 36.2% of the lot. He added that the proposed building is going to be about 34.82 feet in height and the base floor elevation will be about 4 feet, plus or minus, above the flood zone. He said that what exists now are two single-family dwellings, one is an accessory dwelling and one is a principle dwelling and, basically, a non-conforming septic system. He said that the septic system is within 25 feet of the river; that what they are proposing to do is move the septic system from the close proximity to the river up alongside the lot line to the side with a 75-foot setback; that that has already been designed and approved by the State. He added that they want to demolish the two existing dwelling units and reconstruct the building in compliance, to the maximum extent, for the setbacks; that they want to meet the setbacks to the maximum, reasonable extent. He added that it is not an expansion or relocation; that it is a reconstruction. He said that, as far as floor area and things like that, he is planning on using his 36.2% coverage by expanding the driveway, and such things, mostly outside the 75-foot setback. He added that it is pretty much a win-win situation; that we get the building farther away from the river, we get the septic system away from the river. He said that the reason was to have a little bit wider driveway was because he doesn't want to back out onto River Road; that it would be a stackable situation the way he's got it now.

Mr. Lentz asked if it was the existing footprint.

Mr. Markley said that we do have an existing footprint but it doesn't really matter because this is a reconstruction; that he is hear today to argue that this meets the setbacks at its most practical extent.

Mr. Lentz said that Mr. Markley is 3 inches too high, he thinks; that 35.3 inches is what is on the plan.

Mr. Markley said that he has it on the application as 34.82.

Mr. Lentz said that it's in the book, the house that was designed by Mr. Holmes.

Mr. Whalen said that, in regards to your dock and deck and float, existing is fine or are you intending to come back at some later date to deal with that.

Mr. Valentine said that the intent is probably for us to resurface the dock but that's it.

Mr. Whalen asked if they were going to change the size or the width or have an expansion.

Mr. Valentine said no; that it's mud flats and low tide; that you can't put a boat there.

Mr. Beckert asked if this needed a public hearing.

Ms. Pelletier said yes.

Mr. Beckert asked if the PB wanted a site visit.

It was the **consensus of the PB** that they did not need a site walk.

The Public Hearing was scheduled for August 4th.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items discussed.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Mr. Beckert said that he had a letter, here, from Mr. Dunkelberger that he read.

The letter said that, as of August 19th, the Dunkelbergers will no longer be residents of Eliot and that Mr. Dunkelberger was tendering his resignation from the PB.

Mr. Beckert thanked Mr. Dunkelberger and said that it has been a pleasure.

Mr. Dunkelberger agreed and that he has truly enjoyed it.

Mr. Beckert said that we will forward this on to the Selectmen so that they are officially notified.

Mr. Duncan asked if we'd still see him at the golf course.

Mr. Dunkelberger said yes.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for August 4, 2015 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 9:10 PM.



Steve Beckert, Chairman
Date approved: 8/4/15

Respectfully submitted,

Ellen Lemire, Recording Secretary