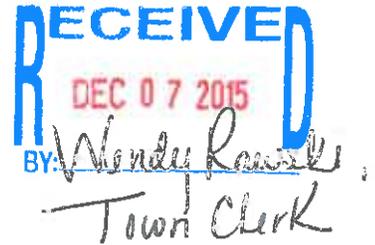


**ITEM 1 - ROLL CALL**

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

Also present: Kate Pelletier, Planning Assistant.

Absent: Melissa Horner – Alternate (excused).



**ITEM 2 – PLEDGE OF ALLEGIANCE**

**ITEM 3 – MOMENT OF SILENCE**

**ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED**

No minutes were reviewed.

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

**Modernist Pantry SPR (PB15-06)**

**Valentine Shoreland Zoning Permit (PB15-10)**

Mr. Beckert said that these would be reviewed at the next meeting.

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

**A. Continued review of an application for Subdivision/Site Plan Review to construct a 21-unit elderly housing development off State Road. Applicant is Joseph Falzone. Owner is Barbara Libbey (mailing address: 1372 State Rd., Eliot, ME 03903). Property can be identified as Map 20/Lot 13 and is located in the Village and Suburban zoning districts. (PB15-03)**

Mr. Beckert recognized Ms. (Jennifer) Fox.

Ms. Fox asked if there was still a 10-minute period at the beginning of the meeting.

Mr. Beckert said that that was not on tonight’s meeting agenda; that that is usually reserved for the first meeting of the month.

Mr. Falzone, Mr. Randall, and Mr. Libbey were present for this application.

Mr. Duncan asked if he could ask a procedural question.

Mr. Beckert said yes.

Mr. Duncan said that he was asking if this is a timely submission of this application for consideration at tonight's meeting; that it was received only 7 days ago; that he believed it was not in compliance with our ordinance that says it needs to be here 14 days prior to this meeting.

Mr. Randall said that he has a written waiver request for that submission requirement.

Ms. Pelletier said that that was her fault and that the Board could elect not to hear it, if they want; that she didn't realize the subdivision chapter had a different submission time from all the other chapters. She added that she advised Mr. Randall to request a waiver to that.

Mr. Beckert asked for the pleasure of the Board. He said that everybody is here; that Mr. Duncan has brought up a point but the applicant has requested a waiver and Ms. Pelletier has stated the reasons for it.

Mr. Duncan said that he believed one of the reasons for the requirement is to give us adequate time to review the application before the applicant presents his case; that he didn't believe he had had time for that, at least. He recommended that we postpone this until at least the following meeting.

Mr. Bouchard asked if there was a public hearing scheduled.

Ms. Pelletier said no.

Mr. Bouchard agreed we should follow the ordinance.

Mr. Lentz said to follow the ordinance.

Mr. Whalen said that he would be in favor of continuing with due process tonight with the understanding that we will continue the discussion and not schedule a public hearing for the next meeting.

Mr. Randall said that there are a couple of questions on the plan that are specific to the plan that we would like the Board to discuss tonight.

Mr. Beckert said that he has to deal with the point that Mr. Duncan has brought up at this point in time. He added that he doesn't see consensus because we have 3 to 1, at this point; that Mr. Whalen has said he is willing to go forward and the other three, he is hearing, are not; so, the Chair will request a motion.

Mr. Duncan moved that the hearing of this application be postponed until at least the following regularly scheduled meeting to allow compliance with §41-141, which requires at least 14 days prior submission to our regularly scheduled meeting.

There was no second and the motion fails. The review proceeded.

Ms. Fox asked if that meant the waiver was accepted.

Mr. Beckert asked Ms. Fox to please refrain.

Ms. Fox said that she was just hoping that the ordinances and procedures are followed; that they are in place for a reason.

Mr. Beckert said that the PB made a decision.

Ms. Fox said that she didn't hear that a waiver was approved.

Mr. Beckert said that he didn't hear that it was, either. He said that he was not going to continue arguing for the rest of tonight's meeting and asked Ms. Fox to be silent.

Mr. Randall said that the applicant does have a letter with about four different waiver requests; three of them are in the cover letter and the fourth one is the 14-day submission period requirement. He said that the four waivers are §41-310 (f) Served by public water and sewer, §41-150 (11) Requires a High Intensity Soil Survey, §41-141 Submission of application and required notices, and §41-37 Streets and Sidewalks, which we'll get into with the presentation. He added that there are temporary waivers once we get past the initial presentation for acceptance as a preliminary plan; that there were a few things that were not known at the time we submitted this and we are requesting a temporary waiver for those things when we start talking about accepting it as a preliminary plan.

Mr. Beckert asked the PB how they wanted to handle the waivers.

Mr. Whalen recommended that with regards to all the other waiver requests, excepting the 'Submission for application and required notices', they be put on hold until the next meeting.

Mr. Whalen moved, second by Mr. Lentz, that the Planning Board waive §41-141 'Submission of application and required notices' 14-day submittal period.

**VOTE**

**3-1 (Mr. Duncan)**

**Chair concurs in the affirmative**

Mr. Beckert said that the waiver is granted and the other three we will deal with at the next meeting.

Mr. Randall asked the PB why they wouldn't consider waiving the other three.

Mr. Whalen said that we have given you a waiver so that you can make your presentation tonight but, with deference to Mr. Duncan's comments earlier, this is giving you an opportunity to present your case to the Board and, at the same time, it will give us an opportunity to extend the ability to review those and we can deal with them at the appropriate time. He added that, with regards to Mr. Duncan's request initially, he

concur; that this application came in late; that some of us have not had the opportunity to review it, so this is a compromise and that's the way it works.

Mr. Randall said that he believes Mr. (Ed) Brake was here back in February and he went through a sketch plan submission of that; that since that presentation, there was an 'existing conditions plan' that was done by Doucet Survey and a couple things have changed since then, He said that the wetland areas have grown a little bit so we had to shrink up the lots and, also, the setbacks changed a little bit; that the roadway has changed and now is more a pea cul-de-sac, which is sort of a tear-drop cul-de-sac. He added that a couple of the houses that were in the rear lot got moved and some of the houses got jostled around, depending on where the wetlands encroached on where they used to be. He said that the main goal tonight is to get the PB's opinion about the proposed road at the front of the proposed Libbey Lane; that there are five houses that are proposed to be on that road, in essence a horseshoe; that there are a couple street waivers we will need from the 'Street' sections; that one is going to be the radius, saying that the radius for a road such as that is typically 100' and we have a radius of about 76'. He explained that the reason this was done is to most efficiently use the land as possible and, also, to create a more esthetically-pleasing development as you drive in; that it's kind of the best of both worlds in doing that. He added that it also reduces the number of curb-cuts on the main street and funnels into these two more pronounced entryways. Mr. Randall reviewed the 'existing conditions plan', saying that he wasn't sure how complete the previous one was. He said that the Libbey lot is approximately 82 to 83 acres and we are going to be using about 21.7 of those acres; that we will be splitting it into two lots, which basically coincide on either side of the stone wall and existing woods growth that goes through the entire parcel. He said that there are two pages to the 'existing conditions plan'; that 'this' is the front set, which goes by State Road and continues all the way back to the power lines in back so it's a pretty long and skinny site; that we are only proposing to develop the front 21.7 acres at this time. He added that, right now, it's part of the Libbey house, which fronts State Road; that there's also an access easement for a couple of the abutting lots and a 30-foot wide ROW that comes off of State Road and abuts the Davies' property. He said that the proposal is to add a property line behind the Libbey parcel to kind of separate this and, also, provide a property line that separates the 30-foot ROW from the rest of it; that that 30-foot ROW is going to be deeded to the Davies' family as that is their access to their house at this point. He added that the 'existing conditions plan' shows you a lot more than you probably saw before; that there is a stone wall that cuts straight up and down the parcel. He added that the test pits we have shown and submitted to you, which prove that the soils are pretty adequate for the septic systems, are shown on here, as well. He said that the wetland line has enlarged a little bit and we have shrunk down where we may be able to put some lots and where the road was going to be placed; that given that and the 1,000-foot criterion that we have for a cul-de-sac we did our best and that's what got the pea cul-de-sac used rather than the tear-drop. He said that you can follow the tree line; that, for the most part, these lots are not wooded. He pointed to the tree line location and said that there is an existing stand of trees that split the existing woods road and kind of follows it the whole way back until the forest kind of engulfs it and the tree line on the other side of the parcel is 'there'. He described, using the plan, that the access from State

Road would come in, kind of miss those wetlands, and have the cul-de-sac 'here'; that there will be a couple lots in the back right behind the tree line, which was a request from the Libbeys, and also a couple over 'here' and, then, our stormwater wet pond is going to be right above the wetlands. He said that there were some vernal pools on-site but they are at the back of the lot; that we won't be getting close to them with the work won't have an impact on this part of the project. He added that the DEP and the Army Corps of Engineers (ACE) are aware of them; that he went out with the Maine Department of Inland Fisheries & Wildlife (DIFW); that we walked the site and they looked at both the vernal pools and they were looking for cottontail rabbits, some bat habitat, as well as some butterflies. He added that, as far as he knows, they didn't find any butterflies or any signs of cottontails; that he hasn't gotten a specific report from them yet. He said that the long-eared bat has just been put on the US Endangered Species List so there are some requirements for when we can cut down the trees but, again, the only trees we will be removing are along that woods road. Mr. Randall discussed the preliminary grading plans, saying that the roadway width is going to be 20 feet and will have the sidewalk, which is directly adjacent to that roadway and some roadside ditches. He said that the high point is right about at State Road and everywhere else kind of funnels back into the property; that the two low points on the property are going to be at the wetland area 'here' and the wetland area 'here'. He said that, until we figure out what the Board's pleasure is with this road and the other lots, our intent is to get the drainage to go to the road and some of the roadside ditches; as was explained in the Stormwater Report, it goes back to the cul-de-sac; in order to meet DEP requirements and the treatment requirements and the Town's 50-year storm requirement it will be funneled into 'this' wet pond at the end; that we'll have two roadside ditches, which basically gets almost all of the house lots and the developed area funneled to the road and leads it back to the wet pond. He added that at the top of this plan, which is on the back side of this sheet, are the two lots which are just beyond the tree line so that, when these lots get built, they will get built into the tree line a little bit and that is more to screen for the Libbeys, which they had requested. He said that there is a future ROW, which we have, that goes to the rear, main parcel; that he believes the acreage is about 53 or 54 acres in the back, which will be developed at a later date. Mr. Randall said that we are proposing septic and is one of the waivers; that it is not explicitly clear in the code but under Senior Housing it does say that it needs to be served by public water and sewer so that would be a waiver that we would need addressed at some point; that preliminary test pits that we have done show that the soils are pretty adequate for handling that. He added that there will be more test pits done in the future and we'll need some over by the wet pond but, initially, we have good signs on those. Mr. Randall discussed erosion and sediment control, saying we would have either a single- or double-cell fence depending on what's required on the wetlands; that there will be a construction entrance and, in the detail sheet, it outlines our typical construction practices and erosion controls, which need to be addressed. He discussed the road profile, saying it peaks right about 65 feet beyond the center line of State Road and, then, kind of follows the terrain of the earth towards the back and that's where we're getting the drainage from. He reiterated the low point drainage plan and everything in front of the houses goes up to the street and, at this point, he thinks mostly infiltrates into the ground. He added that there is one lot where it kind of goes to the front and then

there's a driveway cut where it makes its way into the street and the storm system. Mr. Randall said that he would kind of like some discussion from the PB on the layout of these lots, if that was something you would be acceptable to. He said that, again, it would be somewhat similar to a private road; that there wouldn't be a ROW attached to it because we don't want to include a separate lot in here and, if we had a ROW straddle it, then you would be creating a separate lot; that that is something we are shying away from. He said that maintenance and access would be dealt with either by easement or in the homeowners' documents. Mr. Randall said that he believed, at the sketch plan, the PB had talked about the 1,200 square-foot requirement for each unit and we have dealt with that, for the size of the senior housing. He added that he can't think of anything beyond that that we would need to discuss at this point. He said that we are asking for a waiver from the High Intensity Soils Survey; that we've done 20, or so, test pits at this point; that we are going to have septic but we will need a test pit at every septic location as well as the proposed pond in the back; that we don't feel it is necessary for the High Intensity Soil Survey. Discussing the public water and sewer, he said they are asking for a waiver. He said that they are connected to public water; that there is a letter in the Board's packets from the Kittery Water Department saying that they do have enough flow capacity in order to meet that; that he doesn't believe there is any sewer along State Road in this location so that would make it very difficult to connect in anywhere. Mr. Randall said that, other than that, we would like, if possible, to get accepted as a preliminary plan; that we know there are some changes that we have to do going forward but he thinks we meet most of the basic requirements.

Mr. Lentz said that the last time we were here he brought up the fact that he read two different things on the application – one was Senior Housing and the other was Elderly Housing; that it still hasn't been corrected so he is not sure what we're really talking about here, at this point.

Mr. Randall said that he was unaware of that conversation; that he believed it was Senior Housing; that it's 'over 55'.

Mr. Lentz said that he understands but he understands the difference; that he just wanted to make sure that what we are applying for is one or the other.

Ms. Pelletier said that we don't have any special regulations for just '55 and over'; that there has to be an assisted living component or a HUD element to the construction.

Mr. Randall said that he believed Mr. Wood had been talking to the applicants about making sure that follows the requirements of the State.

Ms. Pelletier added for HUD being operated or financed.

Mr. Randall said that that was correct; that he believed it was going to be financed in some manner.

Ms. Pelletier said that Elderly Housing would be the correct term.

Mr. Whalen said that, looking at the application here, it does refer specifically to constructing a 21-unit elderly housing development; that if we go to the definition of elderly housing in our zoning ordinance, he asked how we get beyond because he is not understanding that this project is being constructed as part of a life care facility.

Ms. Pelletier said that it is not; that it is being constructed the other way.

Mr. Whalen quoted, “constructed, operated or financed wholly or partially with state or federal funds” and asked if that was what defined it as elderly housing.

Ms. Pelletier said that that was correct.

Mr. Lentz said that, just for the record, this application is strictly for the 20.9 acres.

Mr. Randall said yes.

Mr. Bouchard confirmed this was being called elderly housing.

Ms. Pelletier said yes.

Mr. Bouchard asked if we have public sewer on State Road.

Mr. Beckert said no, not that far.

Mr. Bouchard asked if each lot was going to have its own sewer system or are you doing a central system.

Mr. Randall said that we haven’t decided if each unit is going to share; that it kind of depends on the spacing requirements; that when we get the location of the houses, which depends on whether or not we can put the houses around that horseshoe, then we’ll determine on whether or not two or three units will share a septic field. He added that we are not proposing one large centralized septic field.

Mr. Duncan said that that certainly is not what’s on the drawing; that it looks like a dozen different septic system areas.

Mr. Falzone said that they are separate, as shown; that each building will have its own.

Mr. Bouchard said that we will then need a soil test for each proposed location.

Mr. Randall said correct.

Mr. Duncan discussed the square footage of the building and asked why they were not requesting a waiver for that.

Mr. Randall said that he was told we had requested that during the sketch plan application and asked if that was not correct.

Mr. Duncan said that he didn't think it was granted then, either.

Ms. Pelletier said that she didn't think you decided on it.

Mr. Lentz said that we had a discussion about 1,200 feet, if he remembers correctly.

Mr. Duncan agreed, which is what the ordinances require.

Mr. Randall said that he had notes that said that it was discussed and dealt with.

Mr. Lentz said that, at the time, he believed the answer was that you might want to put a sun porch-type of thing on; that some people will require that and some people won't; that he didn't think there was ever any final decision.

Mr. Randall said that we would be asking for a waiver for that.

Mr. Lentz said that, if he looks at the street layout requirements §37-69 (e), it says, *Subdivisions containing 15 lots or more shall provide a minimum of two access points to public streets or public roads...*. He asked what we were doing about that.

Mr. Randall said that these are only two lots proposed; that there are multiple units on each lot.

Mr. Falzone said that they are condominiums.

Mr. Lentz said that he understands completely. He added that that ordinance is there from a safety standpoint and a safety reason, we understand that. He said that we have a lot of people living in there and should have another access to get in and out; that he thinks that is why the ordinance was written; that, perhaps, he is overstepping his bound.

Mr. Randall said that he can't speak to why the ordinance was written.

Mr. Whalen confirmed that the parcel is being divided into two lots.

Mr. Randall said correct.

Mr. Whalen, speaking to Ms. Pelletier, asked, besides going through the process of improving the project, if you will, does it simultaneously track that automatically, by approving the project, we approve the division of land moving forward or do we not have to deal with it because it's already being divided in half.

Ms. Pelletier said that it has to be, under State law...she asked if it was okay is she shared what Mr. Libbey had talked with her about today about transferring it.

Mr. Libbey said that he had asked her about allocation of the 'old' Libbey Lane section, which is a non-conforming lot that will be sold to one of the abutters.

Ms. Pelletier said that, if it's transferred to an abutter, it is exempt from review under subdivision law; that it has to be shown on the plan but is not under review by State statute.

Mr. Randall asked if it was a non-conforming lot right now.

Ms. Pelletier said yes; that you can't create a new non-conforming lot.

Mr. Randall asked if that wasn't part of Tax Map 22, Lot 13.

Ms. Pelletier clarified that, under the law, a dwelling unit, whether it be a condo lot or a regular lot, is still counted as a lot under the subdivision law. She added that Mr. Libbey asked her today if he could transfer that section to an abutter.

Mr. Libbey directed then to a particular sheet of the plan and said that that plan shows Old Libbey Lane on the left side. He explained that we are proposing that that be allocated to one of the neighbors, either Mr. Davies or Mr. Fuller.

Mr. Whalen asked what happens on the rest of the property. He discussed assuming that parcel is transferred, saying that that's a lot line relocation that doesn't require subdivision review. He asked how we get from a single 82-acre parcel to this development without going through a subdivision.

Ms. Pelletier said that you are going through subdivision; that even though there aren't lot lines it's still reviewed as a subdivision; that how they are owned is not under the PB's review; it's just under the law they are treated the same.

Mr. Randall said that, with the subdivision plan, they are being treated, in essence, as four lots with that one conveyance to the neighbor; that the four lots are the existing Libbey house; Lot 1, which is on the westerly side of the development; Lot 2, which is on the easterly side and, then, the remaining land, so we are going through subdivision approval because it's three or more lots within five years.

Ms. Pelletier said that it's essentially a 21-lot subdivision plus what you're hacking off at the top; that that's how the law views a condo unit versus a house on its own lot.

Mr. Whalen asked if there is additional development potential for the remainder land.

Mr. Randall said yes, beyond the cul-de-sac; that future development possibility is there out to the property line and he thinks that was shown on the sketch plan.

Mr. Whalen asked how far it was from the cul-de-sac out to the power lines.

Mr. Randall said that it looks like about 1,300 feet, or so.

Mr. Whalen asked, under the current zoning ordinance, how does the road extension get approved beyond that cul-de-sac, which he understands is at the 1,000-foot mark.

Ms. Pelletier said that that would come back to the PB; that it goes all the way out to Route 236; that it's the only parcel that goes all the way through.

Mr. Falzone said, to answer Mr. Whalen's question, the next extension in accordance with law has got to have a second point of access, and that is Route 236; that that's what we'll come in for. He added that it looks like that will be market-driven.

Mr. Whalen asked if the road was intended to be public or private.

Mr. Randall said that it would remain a private road.

Mr. Falzone agreed that was the plan; that it would be built to Town standards but would remain private.

Mr. Whalen said that Mr. Randall had indicated he wanted some feedback on the size of the lots.

Mr. Randall clarified he was looking for feedback on the location of the lots because we have that horseshoe road; on whether or not we can have a road that horseshoes with 4 to 5 lots on that road, greatly depends on where we put that.

Mr. Lentz asked if Public Works was involved in this at all.

Ms. Pelletier said that he is reviewing the plans and fire and police, as well.

Mr. Bouchard asked if they knew which way they were going on the sewer, or not. He added that it looks like you've got it pretty tight together and was just wondering.

Mr. Randall said that we were going to do our best to do individual units.

Mr. Lentz asked if any of those test pits failed.

Mr. Randall said that he didn't believe any of them did; that they were all 16" above the restricted layer.

Mr. Lentz asked if he was aware of the Stormwater Management Plan.

Mr. Randall said yes.

Mr. Lentz asked if they would need a driveway permit from the DOT – curb cut.

Ms. Pelletier said yes.

Mr. Whalen said that, in the letter for waiver requests, he was specifically focusing on the Streets and Sidewalks for that 5-building half-circle there. He asked if Mr. Randall could further explain the reason for the request for the waiver for that particular little loop for the width of the road and the sidewalks.

Mr. Randall said that the way we are showing it right now it is 20 feet and we might go down to 18 feet because it is a local road; that it doesn't need to be 20 feet per the Streets and Sidewalks section. He added that the reasoning would be because the radii is only 76 feet versus 100 feet, which is the minimum radii for that. He said that the only concern might be the ROW but we don't want to create a lot on the inside; that it would have to be dealt with either by easement or by the homeowners' docs.

Mr. Whalen asked if he had run that by fire yet.

Mr. Randall said no; that we wanted to get the PB's thoughts on that first.

Mr. Falzone explained that the reason we are doing the horseshoe is because you (Town) have a regulation that says only two homes can be off one driveway off the roadway; that we always look to eliminate curb-cut and the way we laid it out is really like we have two driveways because we have one way in on either side but we exceed it by one unit; that we have to ask the PB for a waiver for you to allow us to have more than two off that private road, or that private driveway. He added that if the PB were to say no, then we'll add a driveway; that it won't look as nice as it looks and that is all we're trying to find out.

Mr. Randall reviewed the list of requested temporary waivers. Regarding 'Plan for Minimizing surface water drainage', he said it wasn't specific to some of the tests so we tried our best to give you the gist of what we were doing for surface water drainage, which were the two roadside ditches that lead to the wet pond; that we pretty quickly figured out whether that would work with the elevations, and everything and, whether or not you accepted that as a surface water drainage, he wasn't sure. He added that the 'Statement or plan concerning historical sites' wasn't addressed in the summary so that is a temporary waiver; that with 'Solid Waste Disposal' and 'Air Quality', a lot of these will probably be waived or not applicable. He said that 'Community Services and Impact Statement', 'Traffic Congestion and Safety Plan', 'Public Health and Safety Statement', and 'Adequate Financing' were all just listed underneath the requirements for the preliminary subdivision; that we really have a lot more work to do before we are able to give you adequate answers to those.

Mr. Duncan asked Mr. Randall what, in his opinion, is the effect of a temporary waiver, what's the intent here.

Mr. Randall said that prior to preliminary plan approval we will either have answers to all of these or waived or not applicable; that the intent is to grant a preliminary acceptance of the package knowing that there is more information still to come. He added that it is to keep the process going even though we know there are going to be changes

Mr. Lentz asked Mr. Randall if he would be ready to discuss utilities, streetlights at the next meeting.

Mr. Randall said yes; that he would like to discuss streetlights getting an illumination plan, if possible.

Mr. Lentz also added underground utilities, fire hydrants being put in.

Mr. Randall said all of those.

Mr. Beckert asked when the applicant would be ready to come back before this Board to continue this review of this preliminary plan. He added that, per Mr. Whalen's motion, no decision will be made tonight on the plan to give the PB time to review it; that we've had discussion and the PB has asked for certain things and stated certain concerns.

Mr. Randall asked if it was going to be the same 14-day.

Mr. Beckert said yes, the same requirement.

Mr. Randall gave the date of September 15<sup>th</sup>. He asked, since the PB was not going to accept this as a preliminary, if we could reaffirm the sketch plan approval from back in February.

Ms. Pelletier said that under the ordinance if the layout of the sketch plan is now different, under subdivisions, it has to be re-approved. She added that this meets that, and then some, for a sketch plan; that you just re-approve the new layout without doing anything to the preliminary and they will continue to on the preliminary plan requirements without the PB taking an approval action tonight.

Mr. Whalen moved, second by Mr. Lentz, that the changes to the plan be approved as the new sketch plan stage.

**VOTE**  
**4-0**  
**Chair concurs**

Mr. Beckert said that if the applicant plans to come back to the PB September 15<sup>th</sup>, then that means we would have to have everything in front of us by September 1<sup>st</sup>.

Mr. Randall confirmed PB requests – senior versus elderly clarified on plan, utilities, fire hydrants, drainage, lighting plan, individual septic systems, and a waiver request for size of dwelling units.

#### ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items.

#### ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Mr. Beckert said that we do have a letter that he received today from Dr. Nash, Superintendent of Schools; that he indicated to her that he would read it into the record:

To: Steven Beckert, Chairman of the Eliot Planning Board  
From: Mary Nash, Superintendent of Schools  
Date: August 18, 2015  
Re: MSAD 35's Application for a Site Plan Amendment

The purpose of this memorandum is to formally withdraw the school district's application for a site plan amendment for Marshwood Middle School for the purpose of constructing a bus maintenance garage for the district. For the last nine years the district has sub-leased space from the town of South Berwick in a garage owned by Mick Inc. located on Route 4 in Berwick, Maine. The district was notified by the town of South Berwick in May 2014 that its lease with Mick Inc. would not be renewed after June 30, 2016. The district immediately began to explore various options for relocating its bus maintenance services but unfortunately none of these efforts led to a long term solution e.g. the district reached out to SAD 60 regarding servicing our buses at NOBLE but the NOBLE garage could not handle the increased maintenance work without expanding; together with South Berwick the district tried to engage the DOT regarding its vacant land across from the Hunt and Gun Club in South Berwick but was unsuccessful in engaging the DOT in this area; the district contacted Mark Gagnon to see if we could lease space from his firm but there was not enough space for our fleet among the Gagnon sites. Despite all of the district's efforts, not one of these options appeared viable!

In the fall of 2014, the district hired the engineering firm of Civil Consultants of South Berwick to help the district evaluate the various site options open to the district. In December 2014 Geoff Aleva of Civil Consultants advised the district that the district had four options:

1. Locate a bus maintenance facility at the rear of Marshwood Middle School  
[Approximate cost: \$525,000]
2. Locate a bus maintenance facility beside Marshwood Middle School on Rt. 236  
[Approximate cost: \$900,000]
3. Add on to the existing garage at NOBLE  
[Approximate cost to improve NOBLE's garage: \$475,000]
4. Purchase land and build a new bus maintenance facility on that site  
[Approximate cost: \$900,000 plus the cost of the property estimated to be an *additional* \$200,00 to \$400,000 depending on the cost of the land parcel.]

The School Board evaluated each of these recommendations carefully and because it appeared to be in the best interest of the district, the continued operation of the school district, and in the best interest of the towns' citizens and taxpayers the Board decided to move forward with a design for a bus maintenance facility located at the rear of Marshwood Middle School.

Up until today, the construction of a bus maintenance facility on the district's own property has been its key priority. Today, however, two factors have changed the prioritization of the district's options for a bus maintenance garage.

First, the district anticipated having all of the site work and the building envelope constructed for the new bus maintenance garage this summer ~ outside of regular school hours to minimize disruption to the students' day. It is clear that is not now possible. In fact, unless the district incurred substantial overtime costs, the district cannot construct a bus maintenance facility outside of school hours at the Marshwood Middle School campus.

Secondly, although the town of South Berwick notified the school district in May 2014 that its lease with Mick Inc. would not be renewed after June 30, 2016, it was not until June 4, 2015 that I was informed by a representative of Mick Inc. that they would be interested in extending the lease with district for an extended period of time. I am happy to say that the district has been able to come to an agreement with Mick Inc. regarding a reasonable renewal of the lease there for the next five years.

On behalf of the Board of Directors, I would like to thank the Eliot Planning Board for reviewing the district's application for a site amendment plan for Marshwood Middle School. Although building a bus maintenance garage on our own property was until today the district's top choice that option has slipped to second place due to the cost over-runs expected by performing the construction work outside of school hours. That fact coupled with the unexpected offer to extend our lease at Mick's Inc. has enabled the leasing option to become the preferred option for the district at this time. As a result of these two dynamics, the district respectfully withdraws its request for the site plan amendment at this time.

It is not inconceivable, however, that the district may need to petition the planning board for a site plan amendment in the future to construct a bus maintenance garage on school grounds. We have learned much about the planning board process through our experiences over the past two months and we look forward to working collaboratively with the planning board on any future amendment requests.

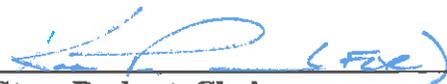
Thank you again for reviewing the district's application for a site amendment for Marshwood Middle School. Please let me know if you require any additional information.

#### **ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board Meeting is scheduled for September 1, 2015 at 7PM.

#### **ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 8:00 PM.

  
\_\_\_\_\_  
Steve Beckert, Chairman

Date approved: 10/20/2015 

Respectfully submitted,

Ellen Lemire, Recording Secretary