

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

**November 5, 2013
7:00 PM**

Present: Steve Beckert, Chair; Jeff Duncan, Vice Chair, Larry Bouchard, Dennis Lentz, Greg Whalen, and Melissa Magdziasz (alternate).

Absent: None.

Also present: Kate Pelletier, Planning Assistant.

RECEIVED
JUL 18 2014
BY: Wendy Rawski
Town Clerk

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Jeff Duncan made the motion to approve the minutes of the May 21, 2013 regular Planning Board meeting, as written.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

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

There were no Notice of Decision letters to review.

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

A. 10-minute public input session.

Public input session opened.

No comments.

Public input session closed.

B. Continued review of an application for Site Plan Review to construct a compressed natural gas production facility including a small office/electrical building, compressor and truck filling station, meter station and connection to the gas main at the rear of the property. Existing propane storage tanks will continue to be used and relocated onsite. Property is located at 525 H.L. Dow Highway. Applicant is XNG Maine, LLC (mailing address: c/o Sevee & Maher Engineers, 4 Blanchard Rd, Cumberland, ME 04021). Owner is NGL-NE (mailing address: One Memorial Square, Whitinsville, MA). Property can be identified as Map 53/Lot 8 and is located in the Commercial/Industrial zoning district. (PB13-13)

Steve Beckert stated that the Board has reviewed this application over several meetings so far and has held a public hearing and site walk. Input from the Fire Chief and Public

Works Director had also been submitted. The applicant was given a list of outstanding items to address for this meeting including supplying a copy of the memorandum of understanding between the applicant and IF&W; providing a copy of the noise evaluation referenced on page 3 of the October 7th submission; correcting mislabeled gas and sewer lines on the site plan; addressing all comments from the Fire Chief; and exploring alternatives to using back-up alarms on trucks.

Seth Berry, Chief Administrative Officer of XNG, stated that XNG's number one concern is safety and that when they choose a particular trucking company to contract with they look at their performance, safety record, etc. He stated that for this facility, XNG chose to contract with Abeniqui because they had zero citations from OSHA or DOT. He reported that he spoke with the trucking company about eliminating back up alarms on trucks during the evening hours and they were agreeable to trying it out so long as the driver felt safe and there was another employee onsite to help guide the driver. He stated that as long as there are no issues or incidents with this method, XNG would be willing to adopt this practice on nights and weekends.

Jeff Duncan asked if turning off the back-up alarms was legal.

Dennis Lentz stated that he checked the statute and confirmed the alarm is only required when vision to the rear of the operator is obstructed and the operator lacks an observer to signal him or her.

Jeff Duncan asked if noise testing would be performed at various point along the property lines to address the concerns of the abutters.

Seth Berry stated that did not have any plans to test at various points.

Steve Beckert stated that it's important for the Planning Board and public to remember that back-up alarms are exempt from the Town's maximum sound pressure limits, so the applicant is going above and beyond the requirements of the ordinance already by proactively attempting to mitigate noise by considering other methods. He asked if the Board had any other comments or concerns for the applicant.

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

MOTION:

Jeff Duncan made the motion to approve the application, as presented and amended, subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
3. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The

applicant has the burden of ensuring that he has a legal right to use the property and that he is measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well advised to resolve any such title problems before expending money in reliance on this permit.

4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
5. Copy of approved Traffic Movement Permit from the Maine Department of Transportation shall be provided to the CEO before construction on this project may begin. If a Traffic Movement Permit is not applicable for this project, a letter from the MDOT Traffic Engineering Division stating so shall be provided to the CEO before construction on this project may begin.
6. In the event the operating hours of the facility are reduced below 24 hours/day, a Knox Box shall be installed at all gated and locked areas for emergency access and offsite fire alarm monitoring shall be provided at the applicant's expense.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal period to the applicant and audience.

C. Site Plan application to establish a day nursery for 8-12 children at 238 Harold L. Dow Highway. Applicant is Michelle Gahagan (mailing address: 72 Earl's Rd., South Berwick, ME 03908). Owner is Eliot United Methodist Church (mailing address: 238 Harold L. Dow Highway, Eliot, ME 03903). Property can be identified as Map 29/Lot 14 and is located in the Suburban zoning district. (PB13-16)

Michelle Gahagan, applicant, explained she was proposing to establish a nursery school for up to 8-12 children aged 3-5 at the Eliot United Methodist Church on Route 236. She stated that there would be no construction or structural changes required to the building to accommodate her business. She explained she would have a morning from 8:30 a.m. – 11:30 a.m. and an afternoon session from 12:30 p.m. to 3:30 p.m. 5 days per week

Dennis Lentz asked the applicant to show on the site plan the area of the church the nursery school would occupy.

Michelle Gahagan explained the classroom would be on the left end of the church building on the lower level.

Jeff Duncan asked how many doors there were in and out of the classroom area.

Michelle Gahagan stated there was one door leading to the exterior of the church and one door leading to an interior hallway of the church.

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

A public hearing was scheduled for November 19th.

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for November 19th, 2013 at 7:00 PM.

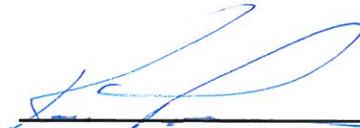
ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 7:55 PM.

Greg Whalen seconded the motion.

Vote: 4-0, Chair concurs.



Stephen Beckert, Chairman

Date approved: 7-15-14

Respectfully submitted,



Kate Pelletier, Recording Secretary