



ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Greg Whalen, Dennis Lentz, Melissa Horner – Alternate, and Christine Bennett – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Voting members: Jeff Duncan, Larry Bouchard, Dennis Lentz, and Greg Whalen.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

Mr. (Robert) McPherson asked for a headcount.

Mr. Beckert agreed to a headcount. He said that what he would do was that, if people are not here for the first application, he would ask them to step out into the hall.

Ms. (Jennifer) Fox said that she believed every PB meeting is open to the public.

Mr. Beckert said that they certainly are and you can certainly listen to it.

Ms. Fox said that she would encourage people to stay.

Mr. McPherson said that the meeting room capacity is 50 people, per order of the Fire Chief.

Mr. Lentz said that he counted 37 in the room but he doesn't have the people standing out in the hall.

Mr. Beckert said that we could certainly move the meeting. He asked Ms. Pelletier if we still had a key to the elementary school.

Ms. Pelletier said that she didn't know but would check.

7:05 PM Mr. Beckert recessed the meeting until the PB meeting could reconvene at a place to be determined.

7:54 PM Mr. Beckert reconvened the PB meeting at the Regatta at The Commons.

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Duncan, to approve the minutes of September 15, 2015, as amended.

VOTE

3-1 (Mr. Whalen abstained)

Chair concurs in the affirmative

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

The Notice of Decision letters were put off until the next regular meeting.

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

A. Public Hearing: Application to establish a home business engaged in furniture-making at 186 Pleasant Street. Applicant is George Beland (mailing address: 855 Islington Street, Portsmouth, NH 03801). Owner is Pamela Newland (mailing address: 14 Park Street, Eliot, Maine 03903). Property can be identified as Map 1/Lot 65 and is located in the Village Zoning District. (PB15-17)

The applicant was present for this application.

7:57 PM Public Hearing opened.

Mr. Beland said that this is at the corners of Pleasant Street and Cross Street; that there is a large garage, or barn-type building, that he plans to put a woodworking business in on the lowest level of that building, which is below-grade on three sides; that he makes tables and chairs and things of that nature.

Mr. Beckert said that for those who may not be familiar with the property, this is the old Elmer Richardson property, where Mr. Richardson had his plumbing business for years. He asked if there was anyone who wished to speak for, against, or to this application.

Ms. (Christina) Blair, 15 Cross Street, said that we abut the property and would just like to support Mr. Beland and his request and let the PB know we have no issues with this home business.

Ms. (Donna) Tice, 191 Pleasant Street, said that she has spoken with Mr. Beland; that her questions were answered and she has no issues.

7:59 PM Public Hearing closed.

Mr. Whalen asked if we got comments back from the Fire Department.

Ms. Pelletier said that we did; that she must have left them on the table at the last venue but he just asked that a flammable metal storage cabinet be there for storage of all

flammable liquids. Given an email by a PB member, she quoted from the Fire Chief's email, "The aggregate total of more than 5 gallons of any flammable liquid should be kept in a flammable liquid locker and a MDS shall be readily available for responders and employees.

Mr. Beckert asked, hearing no other concerns or questions on the application, what the PB's pleasure was on the application.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approved PB15-17, as submitted, with the following standard conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material 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. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit approval in no way relieves the applicant of this burden. Nor does this permit 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.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

DISCUSSION

Mr. Bouchard suggested the flammable cabinet be added as a condition for the record.

Mr. Duncan accepted that as an amendment to the motion.

Mr. Lentz seconded the amendment.

DISCUSSION ENDED

VOTE

4-0

Chair concurs

Mr. Beckert said that there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

B. Final Plan and application for Subdivision/Site Plan Review to construct 21 elderly housing dwelling units off State Road. Applicant is Joseph Falzone (mailing address: 7B Emery Ln., Stratham, NH 03885) 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 reminded the public that this is not a public hearing and discussion on this item is only between the PB, the applicant (Mr. Falzone/representatives), Mr. Libbey (representing his wife), and the Planning Assistant. He added that if he has to stop somebody because they are interrupting, he will ask them to leave; that if he has to stop them a second time, then he will have them removed. He clarified that the same rules go for everybody on every application so no one is getting treated any different; that there were certain rules that had to be followed to protect the Town, as well as the applicant. He asked Mr. (Matthew) Randall to speak to the application.

Mr. Randall said that the last time we met we had discussed the preliminary plan; that he told the PB we would get another plan in and we submitted one that day; that we are kind of on an off cycle since, every two weeks, it goes before the PB; that we won't be talking about the plan that we submitted for another two weeks and he was just trying to keep the PB up-to-date. He added that we are getting ready for final plan; that he doesn't believe the plans the PB actually has the subdivision plan from Doucet Survey; that we submitted that today for discussion in two weeks. He said that, as we've been discussing, this is 21 units, the length of the cul-de-sac is 1,000 feet; that we are proposing four lots with two lots having the units on them, one remaining with the Libbey's, the remaining land in the back, and Old Libbey Lane, which will be deeded over to the neighbors. He discussed the current plan before the PB:

- shows the PB requests from the prior meeting – utilities, street trees, etc.;
- this plan is continually being updated and in to the PB as soon as possible but we do have that two-week delay;
- 12-inch water line that goes down State Road, with an 8-inch main into the subdivision and stubs going to each unit;
- talked with Kittery Water District (KWD), who has looked at this and sent him a PDF, which he will submit to the PB;
- shows the four different driveways (2 units per), handed out smaller exhibits of what he had up on the board showing more details – 12-foot driveway width that allows for a turn-around and a 24'-width with the unit entrance for double garage, if necessary;
- shows the same bioretention ponds, soil filter pond, and wet pond;
- some grading has tightened up a bit for better access to the ponds;
- shows landscaping – street trees/buffer trees;
- moved fire hydrant a bit closer to the cul-de-sac;
- more detail on drainage around the units, showing swales instead of just arrows; that the next submission will have some calculation tables for each of these ponds;

- newest submission shows subdivision sheets of the four different lots – DEP notes on the wetlands – separated the subdivision plan from the existing conditions plan;
- new submission shows updated septic system locations, more area required for each one;
- crosswalk, two handicap-accessible ramps at entrance’
- put together a design for the rear units to try to cut down on overall hardscape/asphalt;
- 20-foot wide lanes with a fire turn-around;
- all units within a 500-foot radius of a fire hydrant and Fire Chief okay with 550 feet, as the hose would lay.

He said that this is the layout we came up with, based on our discussion. He added that, since it was the day that we talked about it, we weren’t able to get a written waiver request in at that time; that they submitted one today for discussion next time. He said that we would like to kind of vet out some of the PB’s issues and comments. He said that he didn’t know if Mr. Libbey had anything more to say.

Mr. Beckert asked Mr. Libbey if he had anything more to add to that regarding the driveway configurations and those back units.

Mr. Libbey said that that makes sense to him.

Mr. Lentz said to Mr. Randall that he did give an explanation, asking if he was to assume right now that we’re still dealing with the preliminary plan, as it says at the top of the plan or is this a hybrid, heading toward a final plan.

Mr. Randall said that it should say final plan; that that was a mislabeling on his part. He added that there are going to be changes; that with the two-week lag, we were thinking we were going to go to the 17th meeting and we got held up, a couple of things took too long, so we decided to go with what we had last meeting, discuss it, then come back tonight.

Mr. Lentz said that we did get the copy from the Maine DOT (entrance permit). He added that you have, in the packet this time, a set of condo by-laws, asking if that was a typical document or specific to this particular development, at this point.

Mr. Randall said that what the PB has, he believes, are typical ones; that he submitted some today that are specific for this; that we have by-laws and declarations but they are very similar to the ones the PB has.

Mr. Lentz said that he saw, today, that we did get the Police Chief’s sign-off, asking if Mr. Randall was in agreement with that.

Mr. Randall said yes; that we emailed back and forth and he didn’t have too many concerns; that the Police Chief just wanted to know about stop signs.

Mr. Lentz said that he read in the letter from John Perry, Maine Fish & Wildlife, and didn't see anything strange in that but one thing that did stand out was that it did say the developer will not fill any wetlands; that that is what he read and asked if that was something the applicant accepted.

Mr. Randall said yes; that they have never proposed to go into the wetlands, at all.

Mr. Lentz said that he felt this letter regarding not filling wetlands should be in the conditions for agreement to it, if the PB decides to approve this.

Mr. Randall said that there is a note on the subdivision plan that will be including the DEP reference for the wetlands.

Mr. Lentz said that he saw an updated stormwater management plan that was signed off by a State of Maine licensed engineer and the Department of Environmental Protection (DEP).

Mr. Randall asked for clarification regarding the DEP.

Mr. Lentz asked if it wasn't authorized through them, the stormwater management plan.

Mr. Randall said no.

Mr. Wood said clarified that Mr. Lentz was talking about the Stormwater Law Permit; that we applied through the Maine DEP and it hasn't been approved yet; that we really just made that application last week.

Mr. Lentz said okay; that he saw the date on it but he wasn't sure where we were on it.

Mr. Wood said that he probably saw the Stormwater Law Application and the Stormwater Management Plan that we prepared.

Mr. Lentz agreed that he did.

Mr. Wood said that they will review it and comment on it and, hopefully, approve it.

Mr. Lentz said that he thought that Mr. Moulton (PW Director) was involved in that, as far as an understanding of that stormwater plan.

Ms. Pelletier clarified that Mr. Moulton's involvement was only for post-construction structures on the site that the applicant proposes to retain ownership of; that the Town enters into a maintenance agreement so that we can inspect them once a year to make sure they are functioning; that that is his only involvement in stormwater.

Mr. Lentz asked the applicant to explain the common areas in the subdivision and if that would be just for the homeowners or would that be public.

Mr. Randall said that that would remain for the homeowners; that we are not proposing to dedicate anything to 'open space' or to the Town. He added that, for a typical condo plan, there will be common elements that the homeowner's association deals with and there will also be limited common elements, in some fashion, as you saw in the documents; that that is normally spelled out in the condo plan.

Mr. Lentz asked the applicant to explain General Note #7 regarding the performance guarantee; that he wasn't quite sure what that was saying.

Mr. Randall said that if this is to be proposed for public approval, as a public road, then the Town requests a performance guarantee; so, basically, he goes out to his bank for a line of credit and you guys (Town) hold that in the event that they start, but do not finish, the road. He added that we are anticipating offering the road to the Town.

Mr. Lentz asked, regarding General Note #16, if that ROW was deeded to Map 20/Lot 15 or 16; is that what he was seeing. He added that it was the last note on the right-hand side – "Libbey Lane is a 30-foot wide private lane with the right to travel from..."

Mr. Randall said that that is a private ROW; that it is owned by the Libbeys and to give whoever owns this land access to their driveways and he believes it is also allowing Mr. Libbey and his family to access their property.

Mr. Libbey said that both the Fullers and the Davies share a driveway; that he and Mr. Davies agreed that we will transfer the driveway all the way to 'here' (pointed to on map), which contains Old Libbey Lane, and gives him access to Route 103. He added that this house is mentioned in the nicely-done history survey and now owned by the Davies.

Mr. Lentz asked if that 30-foot ROW extended through the entire property.

Mr. Libbey said no; that it's part of the property but not a ROW; that it's part of the parcel.

Mr. Randall said that it is a 30-foot wide travel lane with the right to travel but is not a ROW.

Mr. Lentz clarified that it only extends that short distance.

Mr. Randall agreed.

Mr. Libbey said that he is proposing to transfer to Mr. Davies a little bit more than his present driveway, showing the PB what he meant on the plan (intersection of the Bazall Property, corner of Hickory Lane).

Mr. Randall said that the PB had the landscaping for the street trees and the buffer trees.

Mr. Lentz asked if the fire hydrants were included on that.

Mr. Randall said yes, adding that there would be another landscaping plan with more detail.

Mr. Lentz asked if the applicant was planning a sign out at Route 103 – Welcome to the Village, or something of that nature.

Mr. Falzone said yes.

Mr. Lentz asked if he had any idea what the location of that would be.

Mr. Falzone no; that that is something we would come to the PB with, just like we would with any other sign.

Mr. Lentz said that the PB would see that.

Mr. Falzone said yes.

Mr. Lentz asked about the sidewalk.

Mr. Randall said that the sidewalk is shown on the plan, pointing to the location on the plan.

Mr. Whalen asked if the driveways were all gravel at this point.

Mr. Randall said that all the driveways are paved.

Mr. Whalen asked about the reference to a gravel fire truck turn.

Mr. Randall said that that was updated from two weeks ago when we redid these plans; that it was in an effort to use the existing ground cover as much as possible; that he did not think the Fire Chief cared whether it was gravel or paved; that it could be either; that it was put in there solely for the turn-around and has been since updated.

Mr. Whalen said that he understood the requirement for the turn-around but wanted to know what the surface was going to be.

Mr. Randall said that the one we are proposing now is bituminous; that he doesn't think he had a conversation with the Fire Chief about this.

Mr. Lentz asked that he do that.

Mr. Whalen agreed that getting the Fire Chief's recommendation was needed.

Mr. Wood clarified that the set that was submitted today has it as paved.

Ms. Bennett asked how the stormwater plan differs from the fire submission, what were the changes; that she had not had a chance to read through it so she didn't know what the differences were between the prior submission and this document.

Mr. Randall said that there have been two to the PB and one to the DEP. He added that the main point is that, with your stormwater requirements – the increases, they haven't changed and have gone down since the first time.

Ms. Bennett asked if what we are seeing today was submitted to the DEP.

Mr. Randall said that what we submitted to the DEP we didn't submit to you; that we can.

Ms. Bennett said that it would be great to have the file complete.

Mr. Randall added that, because the Town's stormwater requirement is the 50-year storm, as long as those changes are diminished he didn't resubmit it to the PB; that he thinks that between this one and the first one he thinks they went down by about .2 cfs; that that was why he wanted the PB to see it, because that was in relation to this catch-basin out-pump.

Ms. Bennett asked if the State imposed a 100-year flood calculation for stormwater.

Mr. Wood clarified that it was 2-, 10-, and 25-year storms; that Eliot requires 50, adding that Eliot is a little more stringent on quantity than the State.

Mr. Randall added that the State is actually only interested in the quality aspect, not quantity; that when he submits to the DEP, he actually has the 2-, 10-, 25-, and 100-year but their approval actually only revolves around the quality of the water going into the catch-basins (and bioretention cells).

Ms. Bennett said that there were adjustments to the wetlands, at least how they are being displayed on the plan, asking why there was no calculation of acreage. She asked how big are the wetlands on this property.

Mr. Randall said that what he thinks we discussed before is that 'this' is about 3 acres and 'this' is about 3 acres; that he could get the PB the actual numbers. He added that there is also one that kind of crosses the property line that's in the woods right now but he could add that in there. He said that the DEP's question wasn't so much about that; that they wanted the outside of the wetlands marked to be included as a specific note on the subdivision plan.

Ms. Bennett asked if the DEP took into consideration, or analyze, what the hydrological connection is between these wetlands and then the larger wetlands that are part of the Great Creek Watershed; that there is a note at the very beginning of the Stormwater Management Plan that says this is part of the Great Creek Watershed and Sturgeon Creek and, when you look at any map that show any streams, it is always a puzzle as to whether

this flows under Route 236 or to the Heath, which is a resource protection area. She said that she wondered if the DEP weighed in on that.

Mr. Randall said that he didn't think the DEP said anything about that but, again, the DEP cares about quality and quantity; that they want to make sure that whatever is going off the property is at their quality requirements, which is 95% impervious gets treated through there and then 80% of allowed development and, then, make sure you don't put out anything on either side.

Ms. Bennett said that it was her understanding that with State regulations was, if the wetland is in excess of 20,000 square feet and are hydrologically connected to a resource protection area, then setbacks do kick in, per State regulations; that we want to make sure, even though there are no local ordinances that come into play with these wetlands, that the State regulations are being met.

Mr. Wood said that 10 acres, or greater, non-forest is the regulation; that 20,000 square feet, or more, of hydric or aquatic vegetation makes it a wetland of special significance, so, two different things.

Ms. Bennett said that she did have a discussion with the DEP and verbally was told that any wetland of 20,000 square feet, or greater, that has emergent vegetation and is hydrologically connected to a resource protection area is to be considered at least a 25-foot setback of any structures. She added that she thinks the original plan actually did have a 25-foot setback for structures, at least in sketch plan, and then the buildings have crept to within 15 feet of the wetlands; that she just wants to make sure that we are not going to approve a plan that is, in fact, in violation of any State wetland requirements.

Mr. Wood said that he thinks the wetland scientist, when we had Mr. Gove there, did the delineations and he believes he determined that the emergent vegetation in that one wetland was not 20,000 square feet, it was less than that.

Ms. Bennett said that it would be great to have him make an affidavit to that fact.

Mr. Wood said that he could make a statement.

Ms. Bennett said that something for the record would be wonderful.

Mr. Wood said that he thought we had that but we could certainly get that from Mr. Gove.

Ms. Bennett said, and again, the question of whether there is a hydrological connection to the Heath keeps running through her head.

Mr. Duncan said that the drawing we have in front of us looks like it's revision date is 11/13; that he thinks this is what they just handed out.

Mr. Randall said correct.

Mr. Duncan said that, administratively, a lot of the notes seem to be overlying other text so they're not readable; that he's not sure leaders are pointing to right places; that we have a typical proposed driveway, for example, that's pointing to a contour line (sheet 8). He added that he didn't know if that was because they went from a 'D' size to an 11" X 17" so that some things didn't scale properly.

Mr. Randall said that he would be happy to clean those up.

Mr. Duncan asked if he had talked to the Fire Chief about the driveway configuration, as shown and as we discussed last meeting.

Mr. Randall said yes; that the Fire Chief was satisfied with the driveway configuration showing four units.

Mr. Bouchard said that the Fire Chief approved it in his letter.

Mr. Duncan said that he had not seen it.

Mr. Bouchard said that one of his concern was with the Fire Department with the last four and the last two, which was just answered; that he is good at this time.

Ms. Horner said, regarding Mr. Cuomo's email communication, that she assumed we would have that before the next meeting.

Ms. Pelletier said that she just got this; that he wants to wait until the new test pits are available to make a final determination; that she told him to take as much time as he needed; that it wasn't delaying the approval of this and we could wait another meeting if he needed the time.

Ms. Horner said that that was something we would need for the final.

Ms. Pelletier said that the PB requested it.

Mr. Randall asked why Mr. Cuomo needed to go back over this.

Ms. Pelletier said that the PB had asked, at the last meeting, if he could make a statement that this was a positive report for septic systems.

Mr. Lentz said that he wanted something in writing that said it would support all those septic systems.

Mr. Randall said that he thought we'd discussed at the last meeting that, since Mr. Cuomo had approved Mr. Noel's work, or, he went through Mr. Noel's work and

basically said that everything that Mr. Noel had put on there was correct; that Mr. Noel was going to write the letter.

Ms. Pelletier said that she thought that the PB had identified that it was missing a statement that's required by ordinance, which says that it has to be a positive report, and there's nothing stating that clearly in there. She added that we asked that additional question of him and he asked that, before he does that, could he just see the new test pits.

Mr. Libbey said that he has said some of what he is about to say before just, perhaps, not to this whole group. He said that his wife and he owns the property that is under consideration here; that we've owned it since about 1960; that he has lived in Eliot since he was born, up to about 1960, left, and came back about 1970; that we built a house and that's one of the pieces of property here. He added that his mother held the Boston Cane as the oldest citizen in Eliot for several years, from the time she was 100 until she died at about 107. He said that we're selling this property, not because we don't like it in our back yard, but because we need the money and we need the money to provide for the family. He said that his mother's care cost, over the last 10 years of her life, was substantial. He added that we've been in the process of finding a buyer for this property for over the last three years leading up to now; that we looked at several different buyers and several made offers, along with Mr. Falzone. He said that we've talked to Mr. Falzone and we looked at his developments in Stratham and in Newmarket, suggesting people go take a look at them, themselves, because he's done a really good job there and Mr. Libbey expects he will do a good job here, will do a good job here. He said that we signed an agreement with Mr. Falzone back in March of this year and we're bound to sell the property to Mr. Falzone, providing he meets the requirements of the PB, the ecological requirements, and the other details within the agreement. He added that we are going to end up with 'this' property, here, and as we discussed earlier, we're giving Mr. Davies 'this' section of Old Libbey Lane along with the house he owns right now, which is mentioned in the Historical Society report, and that's one of the reasons he wanted to stand up and talk. He said that he's also noticed a number of requests for Administrative Appeals and one reason for this talk is to try to respond to that.

Mr. Beckert said that he was going to step in because Administrative Appeals were being sought against the Town and he didn't want Mr. Libbey to do anything that would jeopardize Mr. Libbey or the Town or the project. He added that he would make a statement about what we have received that is reported to be from the Historical Society, which is from an individual member that has not been officially approved by the Historical Society at any Historical Society Meeting; that, with that, he would think we would just let it go at that, for the time being.

Mr. Libbey said that he thinks that the plan that's being proposed, here, for elderly units meets the requirements for the Comprehensive Plan; that he thought the taxes from these 21 units will more than pay for the Town's expenses associated with them; that there would be few, if any, children coming out of that development that will go to school and require additional teachers, and so forth. He said that we bought the property in the 1960's from his uncle and his neighbor, Maurice Bazall, and we paid taxes on that

property for the last fifty years; that most recently we paid \$8,000 per year for the property, we own the property. He added that we made a commitment to Mr. Falzone to sell it to him, assuming he can meet the requirements, and he'd like the PB to please consider all our rights as property owners; thank you.

Mr. Lentz thanked Mr. Libbey for being open and honest and explaining.

Ms. Horner asked if we needed a progress schedule.

Ms. Pelletier said that she can look to make sure we have one and, if we don't, we can get one. She added that she thinks we do have it.

Mr. Lentz said that, in light of all the public sentiment and focus, he thinks it would be wise to propose, when we have our facts straight, another public hearing for the final plan.

Mr. Beckert asked Ms. Pelletier to comment on that, per the ordinance.

Ms. Pelletier said that it's certainly the PB's prerogative to do so if you want to; that if there's new information that has been submitted that the PB feels the public should have a chance to comment on, then the PB can certainly do that; that if it's not different what do you gain from it; that unless something is substantively different...you could go either way; that it's entirely the PB's call.

Mr. Beckert said that, per the ordinance, it's optional.

Ms. Pelletier said that was right.

Mr. Beckert asked if there were any more comments from the PB, things they wanted to see or clarified between now and the next meeting.

Ms. Bennett said that the only thing she wanted to bring up, again, was as part of the checklist there was the requirement (optional) for #11, which was the analysis of the soils; that she thought there was an agreement that this would be provided. She asked if that was part of the package that we would be getting.

Ms. Pelletier clarified that that was only if the test pits are coming in at below 15 inches.

Ms. Bennett said that, no, it was more about adequacy of soils suitable for development and septic treatment.

Mr. Beckert said that that is the statement she is hoping to get from Mr. Cuomo.

Ms. Bennett said right; that if we have that as long as enough space for replacement if any of these septic systems fail.

Ms. Pelletier said that she hasn't asked Mr. Cuomo to do that work; that she didn't understand that to be something that the PB concurred on.

Mr. Falzone said that we are not required to provide soils replacement systems, just like any house in Town; that we already talked about that and addressed it and asked where that was coming from.

Ms. Bennett said that it's just optional, this piece #11.

Mr. Falzone said that we went over #11 and it's supposed to go to Mr. Cuomo.

Ms. Bennett asked if Mr. Cuomo was going to be providing that analysis for us.

Mr. Falzone clarified that he is going to be providing that what Mr. Noel certified was done properly in accordance with State law.

Ms. Bennett said that she thinks you've already said that it conforms to the standards of a hi-intensity soils study but does not give any guidance to the PB as to whether the soils are suitable and can support these foundations and septic; that that's the piece that's missing.

Mr. Beckert said that that's the piece that's coming from Mr. Cuomo.

Ms. Bennett said that that at least 25% of the land area, or greater, will be above...have seasonal groundwater that is at least greater than...

Ms. Pelletier said that she didn't ask Mr. Cuomo that question; that he's not going to give it to you because she didn't ask him.

Ms. Bennett said that she thinks she raised this at the last meeting, the optional #11.

Ms. Pelletier said that you did raise it but she didn't get concurrence from the PB on that so she didn't ask him to do that; that that requires getting more money from Mr. Noel so, if we want to do that, then she needs the concurrence, clearly, for it.

Ms. Bennett said that she is struggling with trying to determine whether this property can be intensively developed like this.

Ms. Pelletier clarified that that's not really your role, here; that your role is to make sure that the applicant has addressed all the requirements in the ordinance.

Ms. Bennett said that part of the ordinance is ensuring that public health and safety is going to be protected.

Ms. Pelletier said that that's what the ordinance does; that that's not your role.

Ms. Bennett said that she thinks we've been told that the septic treatment is going to be reviewed by the State; that there will be a State permit for this.

Ms. Pelletier said that septic permits are issued locally based on State requirements.

Mr. Wood added that they are engineered systems of 2,000 gpd, or more.

Mr. Beckert said that we have the letter from the CEO that states what the requirements are.

Ms. Bennett said that she believed in final plan acceptance we have to sign off that these septic plans are acceptable and do meet requirements.

Mr. Randall said that was why we showed our septic plan before and why we had Mr. Noel go out and make sure his hi-intensity soils survey was correct; that when we showed the previous ones during the preliminary plan and that is kind of what the email was that was sent; that we did prove that we can have septic systems there and there were test pits for each group and there was over 1,000 square feet of suitable soils for each one; that we don't have to have replacement ones but can replace directly on top of the soil.

Ms. Bennett said that she recalled that the report from Mr. Noel was just a description of the soil classes, what the distance is to the permeable layer, and what the soil characteristics were but she didn't see anything in there that said, yes, this is okay for a septic system.

Mr. Beckert said that that comes with certified septic design by a certified soil scientist when they go for the building permit and the septic design.

Ms. Bennett asked what the estimated average daily flow for these systems, for the leach fields.

Mr. Wood said 100 gallons/day per bedroom so, for a two-bedroom, it's 200 gallons/day per unit.

Mr. Randall reiterated that it is deed-restricted to two bedrooms, which limits the size that's required; that they are using a proprietary type of field system (Eljen), which treats it unbelievably compared to normal septic systems so, again, these septic systems are good.

Ms. Bennett reiterated her concern about the intensity of the development on this property; that there are more codes to talk about when the entire parcel is being covered in residential uses; that lot sizes would actually be increased; that this is not subject to lot sizes and the State is available to ask an advisory opinion about this design, this intensity, on this land; that they could return a report within 60 days and we could answer a lot of these questions.

Mr. Falzone said that we are not required to do that.

Ms. Bennett said that she was just asking; that she thought it would answer a lot of questions and put aside a lot of concern.

Mr. Beckert asked Ms. Pelletier to address that.

Ms. Pelletier said that you can do that, that is true; that the time to do that is during the preliminary phase; that these are the rules we are following, here; that we are a quasi-judicial Board so, once the preliminary plan is approved, which is the phase were you ask for those things; that that way we are not forever delaying approval going backwards and asking for one more thing, one more thing, one more thing. She added that the preliminary plan is the meat of the application; that once you approve that, it's essentially a formality approving the final plan; that it's just a final version of all those requirements of the preliminary plan phase; that at this point it's too late to ask them for that. She said that you could ask for that and, if they agree, that's fine; that you wouldn't be able to deny the application if the applicant said no.

Mr. Wood said that Mr. Cuomo is just commenting on the adequacy of the test pits for wastewater.

Ms. Pelletier agreed that was it; that that was all she asked him to do, is this a favorable report.

Mr. Wood explained that that's a little different than the hi-intensity soils survey. He said that the hi-intensity soils survey, Class A with mapping units of 100 X 100, where someone goes out and does borings about 15 inches deep to classify the soil, generally, is different than digging test pits four feet deep and classifying the soils for their adequacy for receiving wastewater. He added that what he thinks the PB asked for, what you're waiting for from Mr. Cuomo and for Mr. Noel's final report, is for the suitable land, based on those test pits, to receive wastewater. He said that, hopefully, that will resolve Ms. Bennett's question regarding how suitable is the land for the wastewater application. He said that he thinks that's what the PB has asked for and you haven't got that yet. He added that, to him, that's similar to DHS subsurface rules; that he thinks the PB has kind of asked Mr. Cuomo to cover that portion of it by checking Mr. Noel's work for wastewater.

Mr. Randall said that he was pretty sure that we meet the State standard for the number of septic in this area for the intensity of development.

Ms. Bennett said that she would just like confirmation of that from someone else.

Mr. Wood said that he thought you were getting that from Mr. Cuomo.

Mr. Beckert said that the PB would see them in two weeks.

C. Continued review of a request for Planning Board Action to amend a previously approved conditional use permit (PB00-10) by constructing a 40'X60' shop building at Pike Industries located at 1080 Harold L. Dow Hwy. Applicant/owner is: Pike Industries, Inc. (mailing address: 3 Eastgate Park Rd., Belmont, NH 03220). Property can be identified as Map 101/Lot 81 and is located in the Rural Zoning District. (PB15-12)

Mr. (Justin) Zdunczyk was present for this application.

Mr. Zdunczyk said that we submitted more detail from the previous map, which you requested; that this included a blow-up of where it (structure) is going to be and, then, all the details on the shop, along with the plans. He added that we can't get any digital plans, as they are kind of fuzzy, until we confirm that we are going to purchase the garage. He said that we added where the septic was going to be located and some parking, which is currently there but is not paved; that the plan is showing where the boiler room is going to be. He added that on the outside of the building we are going to have an area for 55-gallon drums, with secondary containment; that that will also be covered but it's not part of the actual construction shop in the original plan.

Mr. Duncan asked the representative to explain that.

Mr. Zdunczyk said that we will add that on, ourselves; that we will put a secondary containment and cover it.

Mr. Duncan confirmed that it's not part of the pre-fab building.

Mr. Zdunczyk said that that was correct. He said that it was also asked, regarding the overhang, that there would be a 2-foot overhang on each side.

Ms. Bennett said that, at the last meeting, she had asked for the conditional use permit that this is referring to because this is an amendment to that conditional use permit; that it isn't in this submission.

Ms. Pelletier said that she forgot that; that she would get that for the PB.

Mr. Duncan asked, regarding the diesel supply that's shown just east of the proposed location, if that was existing; that he wasn't sure if it was a tank.

Mr. Zdunczyk said that it is a tank and is existing.

Mr. Duncan asked what the source is of the fuel for the boiler.

Mr. Zdunczyk said that that would be propane.

Mr. Duncan asked if that location was being shown.

Mr. Zdunczyk said that we are not sure exactly where that will be; that it would probably be right outside in the area where the boiler is shown; that he believed the propane company would come in and suggest where it be put.

Mr. Bouchard asked for more clarification on what is being proposed regarding the building.

Mr. Zdunczyk said that there is an arrow showing right at the location where the building will be and, then, on the side is just the blow-up of the actual building, with a little bit more detail with what is going to be inside, which you requested before. He added that, in the packet, there is more detail written out and, also, the building plan. He said that all of the detail, as far as dimensions, is in the written section and that blow-up on the map is just to show where the boiler room, bathroom, storage for the 55-gallon drums, parking, septic, and concrete bed.

Mr. Duncan asked if there was going to be a separate well or are you getting water from a different water source on-site.

Mr. Zdunczyk said that there would potentially be a well.

Mr. Bouchard asked for what has been re-submitted.

Mr. Zdunczyk said the plan and all the actual details on the building; that all we have at this point are the specs on the building.

Mr. Bouchard asked where he would find the locations we asked for, any septic, water lines, gas lines, propane, etc.

Mr. Zdunczyk said that that was on the larger map and that's where the septic would be – 50 feet, pointing to the particulars on the map.

Mr. Bouchard asked if Ms. Pelletier was fine with this map.

Ms. Pelletier said that we have treated this, so far, as an administrative amendment; that this has already received full site plan review she thinks in 2001; that this would just be an amendment to that. She added that the PB can ask for any details they want to on this; that we just haven't asked him for anything more specific than what he's given us.

Mr. Bouchard asked for confirmation that the site has been accepted.

Ms. Pelletier said yes.

Mr. Bouchard asked if we were happy with location of any non-utilities and different things like that.

Ms. Pelletier said that as far as she knew; that she didn't think they were proposing to move anything but just add a 40' X 60' building to an already reviewed, developed site.

Mr. Zdunczyk confirmed that was true.

Mr. Beckert asked Ms. Pelletier for next steps.

Ms. Pelletier said that the PB can do a site walk; that you can always have another public hearing if you feel this is a substantive change.

Mr. Beckert asked for the PB's pleasure on this application.

The PB agreed to have a site walk on December 1 at 3:30 PM, with four corners of the structure marked with grade stakes, the proposed center of the septic system marked with grade stakes, and any possible location of the proposed well.

Mr. Zdunczyk said that he would confirm the well.

Ms. Pelletier suggested that one thing the PB could do in this situation is that you could require an "as-built" plan, afterwards, as a condition of approval if you wanted to know where everything currently is on the property and have an updated plan on file once it's finished being constructed; that you could have all the site features laid out as they are at that point in time.

D. Request for Planning Board Action to amend a previously-approved conditional use permit (PB01-28) by constructing a 12' X 15' concrete pad to an existing metal building on the Sanctuary Arts Studio located at 117 Bolt Hill Road.

Applicant/owner is Christopher Gowell of CLL, LLC (mailing address: 117 Bolt Hill Road, Eliot, ME 03903). Property can be identified as Map7/Lot 44 and is located in the Village Zoning District. (PB15-18)

There were no representatives present and this application was tabled to a future meeting.

E. Review draft FY 16/17/ Planning Board budget

This will be on the next agenda.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Two (2) administrative appeals of Planning Board decisions

This is informational.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

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

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 9:16 PM.



Steve Beckert, Chairman
Date approved: 1/5/2016

Respectfully submitted,

Ellen Lemire, Recording Secretary