



April 5, 2016  
7:00 PM

**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**

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

Mr. Duncan moved, second by Mr. Lentz, to approve the minutes of March 1, 2016, as amended.

**VOTE**

**4-0**

**Chair concurs**

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

There was no review.

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

**A. 10-minute public input session**

There was no public input.

**B. Continued review of a Request for Planning Board Action to amend a previously-approved site plan for a school (PB13-04) located at 403 Harold L. Dow Highway by constructing a 7,000 sq. ft. addition to the existing structure for additional classrooms. Applicant/owner is: Seacoast Waldorf Association (mailing address: PO Box 420, Eliot, Maine 03903). Property can be identified as Map 45/Lot 4 and is located in the Commercial/Industrial Zoning District. (PB16-2)**

John Chagnon (representative, Ambit Engineering) and Deirdre McEachern (school director) were present for this application.

Mr. Chagnon went through the submitted project plan set. He said that it shows the property location, abutters, the project team, a Class A soils survey map, a demolition plan (not much demolition but number of play structures being relocated and some trees removed), and the proposed site plan (slightly smaller building proposed, in process of reviewing codes and matching project to budget). He added that they are re-orientating

the parking east to west versus north to south as part of their Maine DOT permit; that they will pave the entrance and separate the 'in' and 'out'; that a loop will be created for dropping off students. He said that the new building will have a septic tank and pump to a new leech field; with drainage, they have added a pipe network to move drainage from new building, after a treatment area, over to the swale along H.L. Dow Highway and, then, a cross-culvert under the highway. He added that the grading plan shows the details between the two buildings (current and proposed); that there is a network of walkways, gutters, and the drainage pond in front. He said that the landscaping plan shows plantings along H.L. Dow Highway; that it is minimalistic, at this point, but they will be doing more over time as the budget allows; that one thing they would like to discuss is that they are proposing a buffer along the highway followed in the back by a lawn area that they would like to keep as an overflow parking area. He said that the architectural plans show a floor plan and elevations. He said that they are looking for the PB's feedback on the site plan set. He went through the site plan requirements highlighted in yellow from Ms. Pelletier. He said that they have added zoning district boundaries to the cover sheet; that they could discuss what kind of markers the PB would want for the site walk. Regarding illumination of outdoor lighting and signs, there is currently a rented floodlight on the pole on the north side of the existing parking lot and that might be kept; that there are no lighting plans specific to the parking lot and will primarily be lit in the evening at the building; that they would prefer to not have a parking lot with flooded lighting. He said that the drawings have been submitted to the Fire Chief; that the architectural team is in discussions with the Fire Chief and one issue is the size of the auditorium (so called); that there are four classroom additions on the west end and, then, a larger open-space area for all school assemblies and events, as well as events open to the community.

Ms. McEachern said that she and the architect have met with Ms. Ross On Thursday for a while about some issues; that she is helping us and we are waiting to hear back from her.

Mr. Chagnon said that, regarding the auditorium, they aren't intending to have large crowds but the codes require certain amounts of certain things within those square footages; that they are working through whether it will be sprinkled, number of parking spaces, etc. He asked who submits site plans to the Fire and Police Departments.

Ms. Pelletier said that we gave them a copy of the site plans; waiting for comments back.

Ms. McEachern said that Augusta (Fire Marshall) has a set, as well.

Mr. Chagnon discussed front yard screening; that the landscaping plan shows tree and shrub plantings along the highway and the area that would remain as lawn; that if the ordinance does require that entire 50-foot area be landscaped then they would like to discuss the possibility of a waiver; that that area would be useful to the school when they have special events for parking staff vehicles for those special events. He said that we can add foundation plantings and, again, would like it to be something they can do over time; that there would be a lot of volunteers from the school doing the plantings over the years.

Ms. McEachern said that they have been fortunate that they have had donations of plants from local nurseries.

Mr. Chagnon said that they will add a lighting plan to the set, reiterating that it would be mostly building lighting; that they will try to find a photometric footprint for the rented floodlight.

Ms. McEachern asked if there was a preference for parking lot lighting on posts, like lower down.

Mr. Beckert said no; that the applicant has to show what the plan is; that, as an example, the applicant might look at what the Dollar General and NAPA did for side lighting on their buildings that shoots down and not right out into the parking lot.

Ms. Pelletier said that they just have to show that the light doesn't extend over the property line.

Mr. Chagnon said that we will add lot coverage to the plan; that the total proposed impervious area is going to be about 15,700 square feet, or about 7%. He added that, regarding surface water run-off, we had a plan ready to be submitted when we were working on possible changes to the building; that we are going to finalize that once the building layout has been determined. He added that run-off is going to be controlled through 'this' filter pond in front of the new building, which will treat and detain to Town standards; that some run-off will come off 'this' side of the building in a swale that leads over to that pond. He read the last comment, "The calculation for parking, as on Sheet C2, does not take into account the auditorium space". He said that we are working on whether there will be fixed seats or a designation of seats; that we have been talking to the CEO about this occupancy number and there is going to be a reduction. He added that we would like to discuss what the PB would like to see for the parking calculation; that there is the use of the school; that the auditorium space probably would not be used at the same time as the school and, if there is a school event, people are already at the school; that there isn't a dual use where the auditorium is a separate function; so, if there is a way we can do the parking calculation for the peak, then that would be something we would look for the PB's guidance on, reiterating that, if we could keep some of the front lawn area and possibly some parking we could show in the back for events, or to show that there is parking in the area, or capacity shown by the calculations, we would present that.

Mr. Lentz asked if the applicant had the DOT Permit and it includes all the proposed changes in and out.

Mr. Chagnon said yes, this plan was revised to reflect the DOT Permit.

Mr. Lentz asked if Mr. Chagnon knew what the front setback was from the new parking area out to Route 236.

Mr. Chagnon said that he believed it was 50 feet from the parking lot to the property line.

Mr. Lentz asked how many current parking spaces are there.

Mr. Chagnon said that 42 spaces are provided.

Note 6 on C2 show 39 delineated spaces and 3 spaces available in drop off loop, post revision.

Mr. Chagnon said that we would want to maintain that as a gravel parking area so they aren't actually striped.

Mr. Lentz asked if they could point out the current septic.

Mr. Chagnon said that, currently, the school has a septic tank and pump chamber located behind the building, which pumps over to a leech field in the southwest corner.

Mr. Lentz asked if the existing septic was for the current building and the new septic would be for the new addition.

Mr. Chagnon said yes; that the existing leech field will handle the uses in the existing building.

Mr. Lentz asked about the setbacks for the new building, particularly by the property line.

Mr. Chagnon said that it's a few inches from the side setback line, 20-22 feet. He added that the lot is rather narrow and long.

Mr. Whalen asked Mr. Chagnon to explain the distances between the two buildings and, then, circle around to the rear of the new proposed building and the distance between that building and the property line, as it all relates to fire emergency vehicle access.

Mr. Chagnon said that he doesn't think the Fire Department has raised significant issues about access; that the new building is about 13 to 14 feet, at 'this' point, from the existing building and, at 'this' end, it widens out to about 25 feet and it's about 20 feet from the property line on the south side. He added that there is adequate ability for fire trucks to come up to the front of the building.

Ms. McEachern added that there is an access road/driveway that goes right behind the buildings.

Ms. Pelletier said that she missed this until just now but the requirement is that the building separation requirement is 20 feet in the zoning code and the PB can't waive that. She added that, if you can't maintain that, then you would have to get a variance from the BOA, if it's more than a 50% reduction. She said that that is the minimum separation for two commercial buildings on one property.

There was discussion regarding any connections (physical) between the two buildings that would change that. Ms. Pelletier will research.

Regarding fire access, Mr. Duncan asked, if there's two parking spaces for the apartment on the north side of the existing building and both vehicles are parked there, if that would inhibit fire truck access to the back side of that building.

Mr. Chagnon said that it may; that he believed that, with those spaces, they could park parallel and the fire truck would still have room to go around; that, again, it's not stripped because it's a gravel area but it is a possibility, yes.

Mr. Duncan asked if that was the only fire access to the rear.

Mr. Chagnon said correct.

Mr. Duncan said that he looked forward to the Fire Chief's comments and he realizes that that is an existing condition but, currently, emergency access is available on the south side; that he thinks we need to take a closer look at that.

Ms. McEachern asked if the State Fire Marshall wouldn't have talked with us about that.

Ms. Pelletier said that their requirements have nothing to do with this PB's requirements.

Mr. Beckert clarified that they rely on the local Chief's feedback.

Mr. Bouchard said that the 37 or 38 spaces provided in the front satisfies the classrooms, asking if that was correct.

Ms. Pelletier said yes.

Mr. Bouchard said that the auditorium, right now, has no parking, asking if that was correct.

Ms. Pelletier said yes.

Mr. Bouchard asked what the plan was to facilitate that parking.

Ms. Pelletier said that that was her question, as well.

Mr. Duncan said that this is not, at least to him, a sole, stand-alone use as auditorium.

Ms. Pelletier agreed.

Mr. Duncan said that it's an ancillary activity. He asked if an ancillary activity parking calculation end up being the same as for a primary site activity.

Ms. Pelletier said that they were all different; that, usually, you take whatever is the greatest requirement, that you apply that and that should cover everything, if the auditorium and school are not being used at the same time. She added that the way she calculated it, at 72 spaces for 290 seats, would more than cover both, she would think, but it's not black and white; that there's a provision in the parking that says that, if it's not a classified use, whatever is reasonable. She added that if the applicant can propose something that they think would reasonably accommodate that at peak use...

Mr. Chagnon said that we talked about solutions in the sense that it would be a time-duration event; that one option would be to have attendants parking cars, with cars parked in sequence behind each other in the two areas and, after the event, you have to wait for someone to move so you can leave or there could be the possibility of off-site parking, if available; that he thought Ms. McEachern talked with some of the abutters about that for the events.

Ms. Pelletier said that it has to be within 100 feet if it's off-site.

Ms. McEachern said that we have used the driveway next door in the past (gas line station).

Ms. Pelletier said that, for the auditorium events, you don't have to have actual delineated spaces, per say; that you just need to be able to show that you could accommodate all these cars; that if that's in the back field, and that's just reserved for overflow parking, then you've shown that you can accommodate that, and you can still have your spaces out front. She added to show them theoretically, line them out but don't line them out in real life.

Ms. McEachern said that that probably makes the most sense because the back field is all clay; that it's really super-hard and have parked stuff on there; that it doesn't damage the field.

Mr. Chagnon said that, unfortunately, the site is narrow; that the architects worked extensively on where to put this building and it doesn't make sense anywhere else.

Ms. McEachern said that, with the grassy sections right outside the gravel on both sides, when we have Grandparent's Day, people just pull right onto the grass and park; that she didn't know if that was considered legitimate. She added that that gives us two more whole rows down either side of the parking lot.

Ms. Pelletier said that she thought the PB would be able to adequately say that that's a reasonable surface, given the use of it is only once in a while and not permanent; that you certainly have the rationale there.

Mr. Chagnon said that he didn't think you could park in the side setback.

Ms. Pelletier said that that's true; that you would have to be at least 20 feet off that side.

Mr. Chagnon said that, even temporarily, that wouldn't be allowed.

Ms. Pelletier agreed.

Mr. Duncan said that that's true with the front setback, as well.

Mr. Chagnon asked if that was waivable with the Zoning Board.

Ms. Pelletier said that, in theory, but do you have a good reason, though, do you have a hardship.

Mr. Chagnon said, well, for the temporary parking only, maybe.

Mr. Duncan said that we are basically saying 30 spaces back behind the building are temporary, event-oriented only.

Ms. McEachern agreed.

Ms. Pelletier said that, timing-wise, the applicant just missed the deadline for the BOA; that they won't meet again until the third Thursday in May.

Mr. Whalen asked Mr. Chagnon what the square footage of the auditorium was, with the understanding that it may be smaller.

Ms. McEachern said that the Fire Marshall told us that 2,100 square feet is the most it can be.

Mr. Chagnon said that it is just about 2,500 square feet in the drawing.

Mr. Whalen asked what 2,100 square feet translated into what load capacity, what occupancy.

Ms. McEachern said that it was just under 300 at maximum, standing room only.

Mr. Beckert said that he thinks that we need to see what the final number is going to be, what the Fire Marshall will agree to for the final size of the auditorium; that, then, we need to know if it's going to be fixed seating or portable seating.

Ms. McEachern said that it is a multi-purpose space; that it's not actually like auditorium seating.

Mr. Beckert said that, once all those numbers are finalized, then we can look at what their proposal is for parking. He added that, if they can delineate on the plan that they can park 50 cars, for example, on the grass area per the size of a normal parking space, then it meets the intent.

Ms. Pelletier agreed.

Mr. Whalen asked what the multiplier was for 300 people in attendance at a function in a public building.

Ms. Pelletier said that it was one space for every four seats; so, 72 spaces.

Mr. Chagnon said the other was one space for every 100 square feet of standing space.

With further discussion, it was said that they were looking at an additional 35 spaces capacity requirement somewhere on-site.

Mr. Whalen asked if it was practical to assume, at this point, that the area to the rear of the buildings can accommodate that use.

Mr. Chagnon said yes; that it was practical that we do and work towards that.

Ms. McEachern said, or, the idea of getting approval to park only occasionally within the 20-foot setback in the back and on either side of the parking lot; that that could easily handle another 20 cars right there.

Mr. Beckert said that he wasn't sure he would want to be looking at putting parking in the setback areas, especially if that is your fire exit, at the back of the building.

Ms. McEachern suggested they might put it on the south side but not on the north side.

Ms. Pelletier said that until you figure out what exactly you want to do this PB really can't make a definite call on anything.

Mr. Lentz said that if there was no parking in the front grassy area then the applicant should consider the landscaping buffer in there, too, because that is part of the requirement.

Mr. Bouchard asked, even if they do develop the parking to accommodate the whole auditorium full at one time then, at that time, the classrooms are not to be used and asking if that's something this PB needs to handle if that's going to be allowed.

Ms. Pelletier said that if you feel that strongly about it you can certainly impose a condition of approval that says that they can't use both at the same time or limiting it to so many; that the PB has that ability.

Mr. Duncan asked if there are events that use the auditorium, but classrooms are not in session, does that make auditorium to be a "primary" use.

Ms. Pelletier said no; that it would have to be used that way more than 50% of the year; that she thought it would be used only a handful of times per year.



Mr. Whalen asked if the school had a gym now.

Ms. McEachern said no.

Mr. Whalen asked if she had plans for this new auditorium space to be used for any type of activity that coincides with the curriculum.

Ms. McEachern said yes; that we have a circus arts program and they do tumbling, juggling, etc.; that that's the type of stuff we would be doing in there, as well as some indoor games, jump-roping and that kind of thing. She added that the majority of that they do outdoors; that the majority of our athletic program is cross-country skiing and hiking and outdoor games; that for cold winter days we would do that stuff indoors; that that's why it's a multi-purpose space. She added that it would be used for class plays, student musical concerts, speakers on Parent Night on some educational topic, and a couple of festivals every year.

Ms. Horner asked when the school was open.

Ms. McEachern said that it begins at 8:15 AM and students get picked up at 3:00 PM every day.

Ms. Horner asked what time would events in the auditorium be held, asking if that was in the evening. She added that she was asking because of the lighting in the parking lot, asking if we could require lighting.

Ms. Pelletier said that, if it's a safety concern, that's a good point; that, if there's going to be a lot of people there at night, then the site probably should be lit.

Ms. Horner was concerned with lighting for the parking lot later in the evening during the wintertime, with parents driving in and out; that she would urge the applicant to consider lighting, even if it's just small lamps along the sidewalk area and kids getting into cars; that there is no paving and curbs to create some safety in that area; also, the kidney area.

Ms. McEachern clarified that the turn-around is for the older children who are 10 or older (3<sup>rd</sup> grade+); that, with the younger children, the parents park and walk them into the building.

Ms. Horner said that she was thinking about events.

Mr. Beckert asked if the walkway was a raised surface.

Mr. Chagnon said that there will be a barrier with ropes but there's no plan to change the grade; that, in future, it may be requested but, for now, it's going to be same sort of roped off feature.

Mr. Beckert said that we need to see the final size of the building in order to see the final parking plan.

Ms. Pelletier asked when the PB wanted to schedule a site walk.

The PB needs staked, for the site walk, the corners of the proposed building, the front edge of parking and center line of the 18 interior parking spaces.

Mr. Whalen asked if there was a requirement anywhere in our ordinance that stipulates the outline design of the parking areas to be delineated on the ground.

Ms. Pelletier said no; that it just requires that you can show that each space is at least 180 square feet and on a surface that's suitable for parking, be it gravel or pavement.

Mr. Whalen asked if the PB has ever translated that as a requirement for an applicant.

Ms. Pelletier said that, if you feel strongly about lined spaces, then you could make that a condition of approval if you feel it's a safety concern.

Mr. Chagnon said that the previous approval for this very site was for gravel spaces; that we have posts with rope to designate parking spaces.

Mr. Whalen asked what mechanisms were there to delineate on gravel drive spaces that are somewhat permanent or visible in all kinds of weather conditions, if any.

Mr. Chagnon said that he thought the posts and rope showing where to pull in is about the best you can do in all conditions; that, in summer, you can certainly have bumper stops and people know that they park to the bumper stops.

Mr. Duncan, regarding stakes interfering with ongoing operations, said that he would be satisfied with cones being placed, temporarily, for the site walk, if that helps you.

Ms. McEachern said that that would be great because that side of the building has lots of little ones.

Mr. Chagnon said that, as far as the delineation of the spaces, this is a very familiar environment because the people there are going there every day.

Mr. Whalen agreed in terms of their day-to-day operation regarding familiarity of parents and kids but the problem will arise, all of a sudden, when you start having functions that draw in a public unaware of where to park and traffic patterns; that it could be bedlam on-site if it isn't somehow structured to the point where there are appropriate directions on where to park and how to park; that short of having attendants out there or valet parking he thinks the applicant needs to think about the unintended consequences of how this site will operate and function during a multiplicity of uses. He added that that was

why he raised the questions about how best to manage, from an operational standpoint, traffic flow in and out of this site for all the intended uses.

Ms. McEachern said that we did run into that when we had one of our first winter festivals; that we had parking attendants and used chalk paint to mark spaces.

Ms. Bennett complimented the applicant on the high-intensity soil survey; that it was excellent and she was able to read it and understand it.

The site walk is scheduled for May 3<sup>rd</sup> at 5PM.

**C. Application for Site Plan Review to establish a yoga studio at 88 Beech Road for up to 12 classes per week. Applicants/owners are: Jonas Zev & Amylyn Amberger (mailing address: 88 Beech Road, Eliot, Maine 03903). Property can be identified as Map 21/Lot 33 and is located in the Suburban Zoning District. (PB16-2)**

Jonas Zev and Amylyn Amberger and Ryan McCarthy (representative, Tidewater Engineering & Surveying) were present for this application.

Mr. McCarthy said that the use for this property is a school and we are in the Suburban Zone so it is an allowed use, provided we get site plan review. He added that we have formalized the application and provided the PB with the packet you have tonight. He said that we initially tried to do this as a home business but we didn't meet the parking criterion (not more than 4 parking spaces). He said that the Amberger's residential house is the primary use; that they live and reside there; that on the right-hand side is an existing barn with goats and chickens; that it's a working barn and a working farm. He added that what we are proposing to do is a 24'X36' addition off the front of the barn; that it would be a post-and-beam construction and the second floor of the barn will be for classes. He said that the ground floor will actually be open; that it's sort of an open-air pavilion for their goats and chickens to get in out of the weather. He added that we are proposing two classes a day, one in the morning and one in the evening for a total of 12 per week, with no classes on Sunday. He said that we expect the maximum size of the class will be 20 students; that realistically it's going to be between 5 and 15. He explained that we have designed a gravel parking lot located between Beech Road and the addition to the barn; that it's a gravel parking area with 19 spaces in the lower lot and, up next to the building, there is a 20<sup>th</sup> handicap parking space. He said that, with the parking area down below, we maintain around 50 to 60 feet of a natural buffer, with natural vegetation, between the road and the gravel parking area; that there's even more of a distance between the parking area and the abutter to the south. He added that, with the construction of the parking area, there is a wetland along Beech Road associated with the roadside drainage ditch; that we are proposing to impact around 1,300 square feet of this wetland. He said that we are exempt from State permitting based on State Statute 480 (q), which allows the resident to impact up to 4,300 square feet of wetlands, as long as it isn't a significant wetland or significant habitat, which this isn't. He added that we had the wetland professionally delineated by Joe Noel, licensed site evaluator, so he flagged the edge of the wetlands and located it, as shown on our plan; that Mr. Noel

agreed and concurred with us that the State exemption would apply in this situation; that it is a forested wetland and, so, from a local regulatory perspective, it is not classified as a wetland, per the Town definition, so there are no local regulations restricting the impact on this wetland, either. He said that we are also proposing a fence on the far end of the parking; that it will be an 8-foot tall stockade fence; that on the other side of the fence are some evergreen plantings; that this is to give more screening for the abutter to the south so they won't be able to see the parking area. He said that we received comments from Ms. Pelletier and reviewed them with the PB. He said that we will mark the site for the site walk; that there is a quick paragraph for an estimated progress schedule in the narrative that says we are looking to start construction later this spring and, hopefully, will be complete by the end of the year. He added that the packet was provided to Police and Fire but have not received any comments, yet, and will address it once those are received. He said that, regarding partial foundation planting, we are not proposing to do any plants around the perimeter of the barn addition because this is the area where the goats are free to roam and they would probably destroy most of the plants we put out there; that there is a significant amount of vegetation between the building and the road.

Ms. Pelletier said that that is a requirement of the ordinance so, if you don't plan to meet it, you have to ask for a waiver and give the PB rationale to grant it.

Mr. McCarthy said that we will be requesting a waiver for those reasons. He added that we are not proposing any new lighting to the site, or the parking area; that there are existing lampposts that, as you're coming up the gravel driveway, they are off to the left-hand side; that there are 4 of them, evenly spaced, all the way up to the house; that those will remain and are typical residential lampposts seen anywhere around Town.

Ms. Pelletier said that you have to show, even if it's existing, if it's bare incandescent bulbs, max 40 watts, illuminated building, 30-foot candle; that you just have to go through that and show if you are meeting each one of those, yes or no; and, if not, ask for a waiver.

Mr. McCarthy asked if it was just a written explanation.

Ms. Pelletier said yes, just very brief.

Mr. McCarthy said that we can certainly do that. He said that the next thing is that the PB would have to decide if the gravel surface is suitable for parking; that as far as the construction of the gravel parking area, we are proposing 18 inches of crushed gravel; that on the bottom side, because there are some wetland soils we will be impacting on a portion of this, the whole bottom will be a geo textile fabric that will provide more stability that would be sufficient for local building requirements. He added that we would be happy to answer any questions.

Mr. Duncan asked, recognizing there may be the ability to disturb the wetland you are showing being disturbed, if there was any consideration to moving the parking lot to the

south and terminating the existing fence in a smaller configuration so that you are not in the wetlands.

Mr. McCarthy said that we played with this quite a bit; that the reason we have it 'here' is mainly because of where they already have their existing fence for their goats and chickens; that, secondly, there is a really nice 12" Cherry Tree that's right along the inside face of that fence and we really don't want to end up cutting that down. He added that shifting the parking more to the south would actually end up impacting more wetlands.

Mr. Duncan said that he thought the south was to the right, towards the existing barn.

Mr. McCarthy said yes, kind of diagonally towards the square that says "subject parcel, Map 21/33" and towards the abutter. He added that we feel the proposed location is ideal.

Mr. Lentz asked Ms. Pelletier, where the State is apparently satisfied with the intrusion into the forested wetland, if our ordinance was more restrictive, or less.

Ms. Pelletier said that we don't; that forested wetlands are exempt from Shoreland Zoning and are not regulated under that. She added that the only thing that may come into play is the drainage swale that is the Town's stormwater drainage system and the DPW Director, who has a copy of this application, will be weighing in; that he may require a minor permit for that alteration to the Town's stormwater system. She asked if it was a swale right along the road.

Mr. McCarthy said no; that the swale is right along the road, kind of right along the property line; that we are not disturbing that, at all; that the wetland impact is about 50 to 60 feet into the site, pointing out on the map where the impact would be.

Ms. Bennett said that there will be less water being held on the property.

Mr. McCarthy said that there is a very slight decrease in the storage.

Mr. Lentz asked if that was the 3% that he read.

Mr. McCarthy agreed that that was part of the 3%; that that includes the impervious surface of the new barn, the gravel lot, the decrease in the storage, and the widening of the gravel driveway.

Mr. Bouchard said that, in 33-180, the question is whether lighting is required in parking areas.

Ms. Pelletier said no.

Mr. Bouchard read: "The developer shall provide illumination that shall not exceed..." and asked for clarification.

Ms. Pelletier said "shall not exceed"; that she has never seen this Board impose that on anyone.

Mr. McCarthy said that the classes are held at 9AM and 5PM, so, during daylight hours; that in the winter months they are not proposing to do the 5PM class; that, if anything, they might move it up during the day so there is daylight so lighting shouldn't be an issue.

Mr. Whalen suggested, regarding lighting, that the applicants might want to check with their insurance company relative to liability; that that is a significant distance between the end of your building and the parking area.

Mr. McCarthy said that the driveway is already lighted, which they will be using to get to the barn.

Mr. Lentz asked if, reading the gray water, septic, leech field, we have any kind of a note for the CEO, as far as the 6-month check.

Ms. Pelletier said yes; that we have been with the CEO from the get-go on that one.

Site Walk/Public Hearing discussion.

Ms. Pelletier said that, if the applicants could submit by Monday, then we could have them on in two weeks but, if not, then it would be May 3<sup>rd</sup>.

Mr. McCarthy said that we could have something for you Monday, as long as Police and Fire comments are in.

Ms. Pelletier said she didn't think the comments would be in before Monday. She added that you wouldn't need a complete plan to have a site walk but you need to have a complete plan for the public hearing; that we could do the site walk, first, and do the public hearing on May 3<sup>rd</sup>.

Ms. Amberger asked if we could try to do the public hearing on April 19<sup>th</sup>.

Ms. Pelletier said that the PB would, tonight, have to have deemed your application and plan complete; that she thought the PB could condition it on them addressing these final items, if you really wanted to, but they need to find it complete before they schedule the public hearing.

Mr. McCarthy said that, considering how minor the comments are, we would request that the PB deem the application complete contingent upon the illumination of lighting information.

Ms. Pelletier said that the PB would have to act on the waiver requests now, as well, for the high intensity soils survey and the foundation plantings. She added that just because the PB finds it complete doesn't mean the applicant can't change something later; that they would just have to re-review it.

Mr. Bouchard asked what would be the rationale to waive the high intensity soils survey.

Ms. Pelletier said that, typically, those are only done for large, residential development, such as subdivisions, and not for anything else.

Mr. Beckert said that the waiver request that's in the scenario before the PB tonight is in Chapter 33 §33-127 (12) High Intensity Soils Report; that the proposed development is limited to a barn expansion and the construction of an associated gravel parking lot. Given the limited amount of proposed development, a high intensity soils report is not necessary for the engineering design of the project; therefore, a waiver of this requirement is requested.

Mr. Lentz moved, second by Mr. Bouchard, that the Planning Board, based on the logic given, waive the High Intensity Soils Report.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert said that the next waiver request has to do with foundational plantings in §33-175 Landscaping – partial foundation planting shall be provided in front and side yard areas. He added that considering goats will eat just about anything in sight, he would think that's justification for the waiver.

Mr. Lentz asked the applicant for the logic for waiving this requirement.

Mr. McCarthy said that we are asking for a waiver on the foundational plantings due to the high probability that the goats, and other animals on the property, will destroy the plants, as this is within their fenced-in area.

Mr. Lentz moved, second by Mr. Whalen, that the Planning Board accept the waiver for partial foundation plantings around the barn.

**VOTE**

**4-0**

**Chair concurs**

Mr. Beckert asked if the PB was willing to accept the application as complete at this stage conditioned on the submittal of the missing items that are on Ms. Pelletier's checklist by close of business Monday, April 11<sup>th</sup>.

Mr. Duncan moved, second by Mr. Lentz, that the PB conditionally accept it as complete, condition upon the submittal of compliant responses to Ms. Pelletier's checklist.

#### DISCUSSION

Mr. Whalen asked Ms. Pelletier if that was accepting comments back from Fire and Police.

Ms. Pelletier said no, that we can incorporate those later; that the requirement is that the plans be submitted, not that we get comments back, so we've met the requirement.

#### VOTE

4-0

Chair concurs

The Site Walk is scheduled for April 19<sup>th</sup> at 5PM. Corners of the parking and new addition to be delineated.

The Public Hearing is scheduled for April 19<sup>th</sup>.

**D. Request for Planning Board Action to amend a previously-approved site plan for Aggregate Recycling Corp. (ARC) by expanding the construction and demolition material processing facility located at 434 Harold L. Dow Highway. Owner/applicant is Aggregate Recycling Corporation (mailing address: PO Box 363, Eliot, Maine 03903). Property can be identified as Map 46/Lot 5 and is located in the Commercial/Industrial Zoning District. (PB16-3)**

Scott Collins (St. Germaine Collins) and John Doherty (ARC) were present for this application.

Mr. Collins said that we were here a couple years ago with essentially the same project but the scope has been reduced; that he will explain that. He added that we are here to talk about an expansion of an existing facility located at ARC; that the PB, in the past, has approved multiple phases of this project, including the original construction of the CMD (construction material debris) processing facility; that since then an additional office building, a transfer building, and a CMD shed have been added. He said that a number of years ago ARC acquired a 4.5-acre parcel 'here' and we've been trying to expand the property in 'this' direction to allow for more efficient processing of certain materials on 'this' area of the site; in particular, asphalt roofing shingles. He added that 3 or 4 years ago ARC received a license from the Maine DEP to beneficially reuse asphalt roofing shingles that come from homes; that there are uses for those shingles and they just need more area. He said that there are no other improvements proposed for the existing property, except a wet pond that is proposed to be in front of the existing detention pond and an improvement of the swale that exists along the western property boundary. He explained that the purpose of the wet pond is that, with 'this' parcel, the stormwater has to be managed in accordance with the Maine DEP Chapter 500 Rule,



which changed this past year to include treatment. He said that, of the 4.5 acres, only 1.11 acres are usable land. He added that the stormwater that falls on this property won't be collected and directed to the pond; that it will be coming through the tribute pond first; that it's a catch-basin system. He said that the darker lines 'here' are a proposed berm and the lighter lines 'here' are the existing berm; that this berm will be removed and pushed back and a new berm will be created. He added that the working area will just be a compacted, gravel surface; that we are matching it with the existing gravel surfaces currently in place; that the berm will be vegetated with plantings and, then, beyond the berm, the property will not be disturbed. He said that the other required approvals are from the Maine DEP; that one is an Amendment to the Solid Waste Facility License; that that application is in front of the Maine DEP and we expect that license sometime this month; that the other permit required is related to impact to wetlands (Inland Waterfowl Habitat); that the wetland area impacted is 'here', about 8,000 square feet and the other wetland 'here' is not being impacted. With regard to the Inland Waterfowl Habitat (IWH), he said there is a buffer that runs through 'here' and we have impacted a portion of that buffer; that the impact is temporary; that it's where the berm actually is and the buffer line is right through 'here'. He added that that is a 250-foot setback from the brook; that the working area will not be in the buffer and the berm will be constructed in the buffer. He said that we worked with the Maine DEP and Department of Inland Fisheries & Wildlife (DIFW) to come up with a plan that was acceptable to everybody and February 29<sup>th</sup> we received a permit from the Maine DEP for both the impact to 'this' wetland and to the buffer. He said that we are requesting one waiver, tonight, for the high intensity soils report. He explained that there are no structures proposed but just an expansion where they can stockpile and process materials; that we have a letter in our application from Mark Hampton that describes the soils as similar to what the York County Survey described the soils as. He added that, with this expansion, there will be no traffic increase, no utilities, and no new equipment; that it will be a flat gravel pad. He said that we haven't received the license from the solid waste folks from Maine DEP, yet, but they have approved the stormwater management plan and they have confirmed that it meets the current Chapter 500 Rules. He said that, working with Maine DEP, and others, we have brought the berm up and reduced its size.

Mr. Whalen asked, regarding the future growth and/or expansion of the usability of this site, if the changes to the area that is being requested represent the final push into this wing of their site or do they anticipate further down the road that there will be a further amendment to expand to the west.

Mr. Collins said that it was highly unlikely that we'd be able to move operations further in this direction; that we worked for the past 2 years coming in 'this' direction to create a plan that the DEP is comfortable with; that he can't imagine they would allow us to go back to where we were a couple of years ago.

Mr. Whalen asked why the previously-approved plan was not constructed.

Mr. Collins said that we were impacting more of the habitat with the buffer than they were comfortable with; that we worked with them (DEP) on different designs to pull it back and they were comfortable with the working area being outside the buffer; that they are allowing the berm to be constructed during a season when no nesting is going on and, then, revegetate it with specific plantings compatible with water fowl.

Mr. Beckert said that a waiver of the high intensity soils report is being requested "due to the type of development proposed and soils on-site. Medium intensity soils survey data in a letter from a licensed soil scientist is provided in Attachment 3.

Mr. Lentz asked if, last time, we weren't very close to the border between the C/I Zone and Rural Zone.

Ms. Pelletier said yes; that they only abut that at the top near the airport runway; that everything around it is either wooded or C/I and no residential use.

Mr. Beckert said that the proposed project is in the direction of Route 236.

Mr. Collins said that that was correct.

Ms. Horner asked what would be gained by requiring a high intensity soils report.

Ms. Pelletier said that, over a medium report, nothing; that it would be way overkill.

Ms. Horner said that they are moving water.

Ms. Pelletier said that that would be in a drainage analysis.

Ms. Bennett asked where the materials for the berm were coming from.

Mr. Collins said that ARC produces recycled aggregate on 'this' portion of the site and that recycled aggregate will be used for the core of the berm and, then, bring in top soil.

Ms. Bennet asked if Maine DEP has reviewed the berm construction, as well.

Mr. Collins said that they have.

Mr. Duncan asked where the site was located on the 1982 York County Soil Survey Map in Section 3.

Mr. Collins said that that was a good point; that we could certainly provide that to the PB.

Mr. Whalen asked if the applicant could describe the berm, itself; the height, the width, how it meanders and serpentine around, and the lighter area on the diagram.

Mr. Collins said that that was the top of the berm.

Mr. Whalen asked, from an elevation standpoint, on the west side specifically, it looks like a considerable elevation differential.

Mr. Collins said that, if you're standing anywhere along 'here', the top of the berm will look 10 feet high; that then you have a plateau, which he thinks is roughly 10 feet wide and, then, the largest drop is over 'here' with a 20-23-foot drop in elevation and the reason is that the natural slope drops down towards the brook and you need more width; that on the west side it would drop down to just shy of 30 feet.

Ms. Horner said that, if we're being asked to waive a soils survey, that's fine, but she doesn't understand why we're being asked to use a survey done in 2011 for a different part of the site to make that as an 'okay' for a totally different part of this property.

Ms. Pelletier asked if the information was taken from the York County Soils Survey.

Mr. Collins said yes.

Ms. Pelletier said that what they have supplied is a medium intensity soils survey and the information comes directly from York County, who publishes it; that that information is still good today.

Ms. Horner discussed the letter included in the packet describing that the soils map used to approve the office building project was the same being used for this project and asked why it's okay, if the office and maintenance (project) is way up 'there' and we're looking at a new project way back 'here', for us to use this soils survey as an 'okay'.

Ms. Pelletier said that, if that letter were not there, we would rely on just the York County information and it would be a non-issue.

Mr. Collins said that we just provided additional support for the project; that it wasn't that far away from the proposed expansion so it's on the same property. He said that a high intensity soils report is typically done when there is construction of a larger project, whether it be a subdivision or a larger building where there is more concern about the stability of the structure; that it provides a little bit more information. He added that, instead of looking at maps, which is what most consultants and engineers do, and certainly when we do stormwater design that's what we do; that we rely on those maps. He said that, when this building was constructed, he thinks the PB requested a second opinion, which is why we hired Mark Hampton to look at the soils and write the letter. He said that there are no structures over 'here' and we included it in the application because it was available on-site; that as Ms. Pelletier said, we probably didn't need to include it and he apologized that it has caused confusion; that it's just another source of information.

Ms. Pelletier said that there is nothing subsurface going on here; that it's just not applicable to this kind of development with no structure.

Mr. Whalen asked, for clarity, do you recall whether this survey was done specifically, and only, for the footprint of that building or was it done for the entire site.

Mr. Collins said that the survey done in 2011 was for the building; that that was the purpose and for no other than that building.

Ms. Asked if the State-required permit did any testing on environmental impacts.

Ms. Pelletier said no.

Mr. Collins asked what environmental impact Ms. Horner was thinking about.

Ms. Horner said that she knew what shingles are made of; so, if you're increasing the size of where those are going to be processed, she assumed some of that material is going to leach into the ground; that she was wondering if the State is interested in what sort of soil it's going into.

Ms. Pelletier said that that was all their Solid Waste permitting; that that's when that is looked up.

Mr. Collins said that the Maine DEP has looked at that pretty closely; that the DEP does walk-throughs four times a year and, most of the time, they are unannounced. He added that Mr. Doherty's company is under a microscope.

Mr. Beckert asked if the site still has the test wells on it.

Mr. Collins said yes and we file reports every year.

Mr. Beckert said that the biggest thing he got out of the letter was that the soil scientist said that there were "no undisturbed soils in the area".

Mr. Lentz said that he can't test for compaction.

Mr. Beckert agreed, saying that was because it's all been moved, and we're moving it again.

Mr. Duncan asked if this disturbed any of your well-monitoring network.

Mr. Collins said no. He explained that the borings on C101 were done for the Maine DEP as part of our analysis of the stability of the berm; that we hired a geo-tech engineer to work with the DEP to come up with a berm that was stable; that the Maine DEP signed off on it about a year ago and, then, that information was re-packaged to put in the application for the extension of the Solid Waste Permit.

Mr. Duncan asked if the boring logs were in our packets.

Mr. Collins said that that is not part of this application.

Mr. Duncan said that he would like to see that; that he thought that would be above-and-beyond a high intensity soils survey; that, sight unseen, he doesn't know and asked if we could delay a decision on this waiver request until we see that report.

Mr. Collins said that he would certainly get that report to the PB; that it's all done and he could bring it in tomorrow, if you think it's necessary. He added that, again, that there are no structures; that it's just an expansion of a gravel pad.

Ms. Bennett said that, if you have that report, then it would be a great substitute and we wouldn't have to grant a waiver; that we could just substitute that report for the high intensity soils survey.

Mr. Beckert said that we would still have to do a waiver, if you aren't going to require it. He added that, if you are going to use the report for a basis for granting the waiver, then that's one thing.

Mr. Lentz asked if you can grant the waiver conditionally that that report shows up tomorrow.

Mr. Bouchard asked what we were going to do with that report, asking who is going to read it and determine what out of it.

Mr. Beckert said that if the State has accepted the report and the State has approved the design of the berm, then that would tell him that the State is happy with the fact that the soils they have are adequate to support that berm, period; that it appears we are trying to over-think this.

Mr. Bouchard moved, second by Mr. Lentz, that the Planning Board approve the applicants' waiver request of the high intensity soils report.

**VOTE**

**3-1 (Duncan)**

**Chair concurs in the affirmative**

Mr. Beckert asked what else we need from the applicant, at this point.

Ms. Pelletier said that she didn't find anything that we need in addition to what he's already submitted. She added that this is an amendment to an already approved site plan.

Mr. Beckert asked the PB how they want to handle this application; that we have a request to amend the site plan.

Mr. Whalen asked if this was subject to a public hearing.

Ms. Pelletier said that that was optional.

Mr. Duncan said that, even though it may be permitted, he thinks with the disturbance of the wetlands we are dealing with, here, we should allow the public an opportunity to talk to it.

Mr. Whalen said that he thinks it's a fairly significant change; that he didn't think we'd lose anything by allowing the public to appear on behalf of this application.

Ms. Bennett agreed with Mr. Whalen and Mr. Duncan.

Mr. Bouchard said that he does not agree with a public hearing; that, speaking for himself, we've been on that site many times; that he doesn't see a need for a public hearing.

Ms. Horner said that she could go either way.

Mr. Lentz said that he doesn't think we need a public hearing.

Mr. Beckert said that the Chair would ask for a motion.

Mr. Whalen moved, second by Mr. Duncan, that the Planning Board schedule a public hearing for the next meeting.

**VOTE**  
**2-2 (Bouchard, Lentz)**  
**Chair concurs in the negative**  
**against having a public hearing.**

A site walk was scheduled for May 3<sup>rd</sup> at between 5:30 PM and 5:45 PM.

Mr. Collins asked if we would be on the agenda that night.

Ms. Pelletier said yes.

Mr. Collins asked if we need to provide the PB anything at this point.

Mr. Beckert said that the PB does want to see a copy of the boring report.

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

There were no outstanding action items.

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

There was no correspondence.

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

The next regular Planning Board Meeting is scheduled for April 19, 2016 at 7PM.

**ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 9:18 PM.

  
Steve Beckert, Chairman  
Date approved: 4-19-16

Respectfully submitted,

Ellen Lemire, Recording Secretary