



May 3, 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 April 19, 2016, as amended.

VOTE

4-0

Chair concurs

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

Review was postponed.

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

A. 10-minute public input session.

No one from the public spoke.

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. (PB15-21)

John Chagnon and Mr. (Joe) Mulledy (representatives, Ambit Engineering) and Deirdre McEachern (school director) were present for this application. Discussing the site walk, he said that 63 parking spaces are required and 64 spaces are provided; front parking will be realigned, an improved entrance with a dividing island and landscaping, a paved apron per DOT standards. He added that they have a Maine DOT Parking Permit. He described the locations of the parking areas on-site and that parking will be graveled as it is today, not paved. He described the area where parents would drop off and pick up students. He added that the stormwater is served by a single detention filtration pond located at the

front of the proposed building and will treat the run-off from the proposed building and a portion of the existing building, as well as some of the run-off from the walkway in between; that there is a swale along the south side of the building that picks up run-off from this side of the roof. He said that they will be bringing the back edge of the proposed building (south) in five feet. He discussed septic design. He said that the existing septic to the existing building and tenants is a tank and pump chamber system force main to the rear of the lot to the existing leech field; that a grease trap will be added to serve the kitchen and go to the existing tank. He added that there will be an additional tank that will be pumped up to the leech field, which will be enhanced; additional row of chambers will be added to update and accommodate flows from the existing building. He said that the new building will have a new septic system similar to the existing without a grease trap, two tanks, a pump chamber, and force main to a leech field, 5 rows of 22 Eljen units, for a total of 110 units. He said that additional parking previously discussed has been added to support the proposed building; that 21 are required and 22 provided; that two spaces are provided for the 3-bedroom apartment. He said that they were requesting a waiver tonight for the foundation plantings although we would recognize that they can be added as funds and manpower is available. He added that, maintaining a maximum vegetation height of 3 feet at the entrance, we assumed it didn't include the plantings within the buffer because we do call for trees; that we will look at the sight-line triangle and apply it, and make sure we have notes, accordingly, to limit that vegetation height to no more than 3 feet.

Mr. Duncan said that, on the drainage analysis document, he did not see the appendix that is the maintenance and inspection plan, asking if it is in there.

Mr. Mulledy said that we do have that and it will be in the next revision.

Mr. Bouchard asked for clarification of how parking spaces were calculated for the new building – square footage or number of seats.

Mr. Mulledy said that the auditorium space was by square foot, which is 2,097 square feet at 1 space per 100 square feet; that there are no fixed seats.

Ms. McEachern clarified that it is not an auditorium, it is a multi-purpose space.

Ms. Pelletier asked when the building was going to stop changing in size.

Ms. McEachern said that we were waiting on the Fire Marshall and the CEO's approval on some code issues and we got that today.

Ms. Pelletier said that the Eliot Fire Chief won't look at it until it's a solid number.

Ms. McEachern said that we got the word from Ms. Ross that we are all set.

Mr. Chagnon explained that it came down to how many toilets were needed to service the new building and he thinks that's the decision that was made today; that that got reduced and is why they are shrinking the building down.

Mr. Bouchard asked if we had a plan that shows the multi-purpose room

Mr. Mulledy said that it is in the front of the building and is Sheet A1.1

Mr. Duncan asked, without going through the calculations, this design is consistent with the one shown that's being changed.

Ms. McEachern said yes; that it's exactly the same and that's where the five feet comes in.

Mr. Mulledy said that 'this' space that shows 12' 5 3/4" becomes 7' +/-".

Ms. Horner asked when we would see those plans.

Ms. Pelletier said that it would probably be the next round.

Mr. Chagnon said that the updated architectural plans came in today; that, hopefully, that won't hold us up from going to the next phase; that we could get them over tomorrow.

Ms. Pelletier said that this is a pretty minor change and can always incorporate it at the next meeting.

Mr. Chagnon asked if the PB typically wanted the Fire Chief's comments before scheduling a public hearing.

Mr. Lentz said absolutely.

Mr. Beckert asked if the State Fire Marshall had weighed in at all, if we had a letter from him of what his requirements are.

Ms. McEachern said yes; that the Fire Marshall has been involved with all of this and has been working directly with our architects.

Mr. Beckert commented that our Fire Chief relies a lot on the State Fire Marshall.

Ms. Pelletier agreed that he will say that it needs to rely on the State Fire Marshall's Office orders.

Ms. McEachern said that everything has complied.

Mr. Duncan asked, regarding the lighting plan and the box describing the lighting plan, if that first row was to represent the LW that's on the drawing; that the LP1 looks like a lightbulb and the other he thinks is a building-mounted light.

Mr. Mulledy said that that was correct.

Mr. Duncan asked if the index reference is a W1; also asking if that was supposed to equal LW on the drawing.

Mr. Chagnon said that that would make sense; that there were seven of them.

Mr. Duncan said that there were actually eight, and that was his other point.

Mr. Mulledy agreed, adding that there would be some mounted lights in the parking lot.

Mr. Duncan said that he assumed that the numbers throughout this graphic are lumens at that point, calculated based on light sources.

Mr. Chagnon said that that would usually be foot candles at 3 feet above grade.

Mr. Duncan asked if the fact that we are still positive at the property line an issue.

Ms. Pelletier clarified that it can't extend more than a half a foot candle over the property line.

Mr. Duncan said that it looks like there are two, maybe three, locations that exceeded 1 near the property line. He added that he realized that the adjacent property is a swamp and he's not too concerned about the frogs, asking if that was an issue.

Mr. Mulledy said that there may be something they can do to dim those down a bit.

Mr. Chagnon agreed that they could adjust them down.

Mr. Whalen asked what the distance was, now, between the two buildings.

Mr. Mulledy said that it is roughly 25 feet; that he believed 20 feet separation was the minimum.

Mr. Whalen asked him to add that calculation to the site plan.

Mr. Mulledy agreed, adding that they showed it on the architectural plan.

Mr. Whalen said that it appears, on the approach to the building where the drop-off area is and the walkway in, is delineated by boulders.

Mr. Mulledy said that the center island would be defined by some boulders and the larger radius outside of that would be defined by a grass edge, walkways.

Mr. Whalen said that it appears they have four large boulders that are also scheduled to be installed to each side of the walkway going in; that there is no curbing intended for that area.

Mr. Mulledy said that the boulders were shown on the landscape plan; that there would be no curbing for that area.

Mr. Bouchard asked if they were comfortable with the two parking spaces at the end near the entrance.

Mr. Mulledy said that we could define this edge a little better; that we could swing that fence posting.

Ms. Horner asked if she could assume that the applicant doesn't have to print off 10 more copies of the drainage analysis in order to satisfy that missing piece.

Mr. Mulledy asked if he could submit that as supplemental to the drainage report; that he would be happy to give the PB 10 copies, just not bound into a new set of plans.

The PB agreed.

Mr. Beckert said that the applicant has requested a waiver on §33-175.4 Partial Foundation Plantings and asked how the PB wanted to handle that request.

Mr. Bouchard asked for the reason for the request.

Mr. Beckert said that it was budgetary; that they did not want to have do it all at once.

Mr. Beckert said that there is some landscaping in the front of the building that will not be disturbed, anyway.

Mr. Lentz said that it was the intent to do it at some time and asked if we could make it a condition of approval.

Mr. Beckert agreed; that it could be done over a period of time.

Ms. Pelletier said that they would have two years to complete construction, anyway.

Ms. McEachern agreed that two years would be good; that that would give them enough time to solicit planting donations and line up volunteers.

Ms. Pelletier clarified that they have two years to start construction and three years to complete; that she liked the idea of tying it to two years.

Mr. Duncan said that, if we don't waive this, they have three years from approval, anyways.

Ms. Pelletier agreed.

Mr. Chagnon said that, if the PB could be specific about where they would like to see the plantings placed, then we could put that in the design.

After some discussion, it was agreed that the applicant would choose appropriate plantings for the particular areas.

Discussing the waiver, Mr. Whalen said that, from his perspective, the purpose of the ordinance is to provide an aesthetic; that it's visible from the public's perspective and that will not be the case with this building; that there was no perceived abutter to the south side and traffic on Route 236 would have enough distance from the building that they would not see this type of thing; that you'd have to really squint to see anything on the east side.

Mr. Whalen moved, second by Mr. Duncan, that the Planning Board issue the waiver for §33-175.4 in its entirety.

VOTE

3-1 (Bouchard)

Chair concurs in the affirmative

Mr. Whalen said, regarding the delineation of the front parking, that the site plan indicates that the parking closest to the building will be identified with the rope-and-post fence that is there now.

Mr. Mulledy agreed, saying that they may have to add to that.

Mr. Whalen asked how many cars, on average, does the applicant anticipate in their parking area when the addition is built and they have their expanded classrooms operating.

Ms. McEachern said about 10 to 15 cars.

Mr. Whalen said that the 18 cars scheduled to be delineated in that (front) middle section of parking would take care of normal demand on a day-to-day basis.

Ms. McEachern said yes.

Mr. Whalen asked if it was not the intention to add the rope and post delineation to the parking closest to Route 236.

Mr. Mulledy said that we would be; that that's what we show on the plan.

Mr. Whalen asked the applicant to label that, as well.

Mr. Mulledy agreed.

Mr. Bouchard asked Ms. Pelletier if, on the south side, the walkway was allowed to be in the setback with being attached to the building.

Ms. Pelletier said that, if it's not concrete, we wouldn't consider that a structure under any circumstances.

Mr. Chagnon asked if you put it a foot away from the building would that still be a part of the building.

Ms. Pelletier said no.

Mr. Chagnon said, then, that it's a walkway and the walkway could be in the setback.

Ms. Pelletier said it is still a structure and how the CEO looks at things; that she agrees with that and, for all intents and purposes, it does the same thing as a structure, with concrete on the ground.

Mr. Beckert said that if the State Fire Marshall is happy with it as gravel, leave it as gravel; that he is the overruling factor.

Mr. Lentz said that he would like to make sure we have the Fire Chief's opinion on this; that he has a particular concern in the front with the parking; that if that parking lot is full in the front, in his opinion, a fire truck will not make the swing to get around the existing building.

Mr. Duncan asked if there was anything that keeps that nine and nine parking from moving to the north.

Mr. Mulledy said that he is trying to maintain 24 feet between the existing edge of gravel, 'here'; that that would be the minimum aisle width for two-way travel.

Mr. Chagnon said that, if you pushed that way up, then you would have dead-end rows.

Mr. Mulledy said that we are trying to keep it circular for two lanes to pass, although, he anticipates it flowing 'this' way but we are not dictating that.

Mr. Chagnon said that there was plenty of room in the front to widen it out closer to the building for the swing. He added that he thought it was a valid concern.

Mr. Lentz agreed that first swing was his concern, adding that he thought there was enough room at the very north tip of the existing building, in his opinion.

The PB agreed to hold the Public Hearing May 17th and that comments from the Fire Chief and Police Chief could be submitted for that meeting.

Ms. McEachern clarified that their mailing address was 403 Harold Dow Highway, not the PO number.

C. Continued Review of a 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)

Mr. Beckert said that we held a site walk at 5:30 PM this afternoon.

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

Mr. Collins said that, at the PB's request, we have provided a copy of the soils stability report, a copy of the plan that was updated at the request of the DEP – a detail sheet that describes the materials that will be used on the pad and where the shingles will be stored. He added that the DEP has already granted the approval for the wetland impacts as well as the temporary work in the buffer of the Waterfowl Habitat. He said that the other DEP permit that is required is the Solid Waste Permit, which is the expansion of the solid waste facility; that we received a draft of that permit two weeks ago; that we have gone back and forth with the DEP since that initial draft, with our final comments going to them Monday of this week, he thinks. He added that we expect a final permit from them within another week or so.

Mr. Whalen asked if this represents a final line beyond which you will have an opportunity to expand.

Mr. Collins said that he thinks that question was asked in the last meeting and his response was that this land, 'here', is not going to be put in preservation or conservation; that the chance of us going back to the DEP requesting expansion further into that buffer – we'd be crazy to do that; that we just would never do it.

Mr. Doherty agreed.

The applicant agreed to provide an "as-built" post-construction plan.

Mr. Duncan moved, second by Mr. Whalen, that the Planning Board approve PB16-03 as presented and amended, with the following 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. Copies of approved permits from Maine Department of Environmental Protection shall be provided to the Code Enforcement Officer before construction on this project can begin.

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.
4. Applicant shall submit a Record Drawing of the site following completion of this project.

VOTE

4-0

Chair concurs

Mr. Beckert said that the application stands approved and 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.

D. Application to expand a nonconforming residential garage located at 403 River Road by constructing a patio within the 75' Shoreland setback. Applicant/owner is: John Valentine Homes, LLC (mailing address: 407 River Road, Eliot, Maine 03903). Property can be identified as Map 25/Lot 2 and is located in the Suburban District and Shoreland Limited Residential Zoning District. (PB16-5)

This application was postponed at the request of the applicant.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There was no discussion.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED


Mr. Beckert said that correspondence is the 2016 scheduled MMA Local Planning Boards & Board of Appeals Workshops; that if anyone wants to go, give Ms. Pelletier the information and she will set it up.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for May 17, 2016 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:07 PM.



Steve Beckert, Chairman
Date approved: 5-17-16

Respectfully submitted,

Ellen Lemire, Recording Secretary