

MINUTES OF THE PLANNING BOARD
TOWN OF CAPE ELIZABETH

November 21, 2017

7:00 p.m. Town Hall

Present: Carol Anne Jordan, Chair
Josef Chalat
Peter Curry
James Huebener
Jonathan Sahrbeck
Henry Steinberg
Victoria Volent

Also present was Maureen O'Meara, Town Planner.

Ms. Jordan called the meeting to order and asked for approval of the minutes of the October 17, 2017 meeting. The minutes were approved, 6-1 (one abstained).

The minutes of the Planning Board workshop of November 7, 2017 were approved, 6-1 (one abstained).

OLD BUSINESS

75 Ocean House Rd Private Road/Private Accessway - KTO LLC are requesting review of a proposed private road and private accessway to create frontage for a new lot to be located to the rear of 75 Ocean House Rd(U26-1), Sec. 19-7-9 Private Road Public Hearing.

Peter Biegel of Land Design Solutions spoke on behalf of the owner of the property. He outlined the history of the project. He showed the plan of the property and said there will be 4 boulders to mark the corners of the boundary of the no disturb line. He said Mark Hampton had gone back to the parcel and had produced a high intensity soils survey.

The applicant is planning to make the whole road to be a private road, built to private road standards. All will be 18 ft. wide. It will be named Edgecomb Lane. Mr. Biegel outlined where the utilities will be placed. They have reviewed the staff comments and the peer review comments and they are not asking for any exceptions to those.

They have asked for three waivers. There is a 35 ft. right of way and they ask to reduce the road standard from 50 ft. to 35 ft. They are asking to reduce the width of the paved private road from 22 ft. to 18 ft. The third waiver is the distance between intersections to be reduced to 116 ft. from 125 ft.

Since the proposed lot is required to have 100 ft. of frontage on a private road, they are proposing a private accessway for that portion of the road, even though it will be built to private road standards.

Ms. Jordan opened the public hearing.

Jonathan Clark of 73 Ocean House Road said he appreciates all that Mr. O'Donovan has done. Everything being built is on the back of our land. We will be seeing this out of our back windows. It will take a chunk out of our backyard. It is our land, we will still pay taxes on that road. They would like the trees that will be removed to be donated to charity.

No one else came to speak, so the public hearing was closed.

Ms. Volent asked about the timing of the project and the disposal of the trees.

Mr. Biegel said the applicant is trying to sell the house in front first. They would like as few restrictions as possible on the trees. The Clarks can take them down if they wish to.

Mr. Sahrbeck asked if it is legal to pave the right of way. Ms. O'Meara replied that it is legal.

Mr. Chalot would like to add more boulders.

Mr. Biegel said they have placed them 40 to 45 ft. apart. They can put another one in the middle of each of the long sides.

Mr. Chalot made the following motion:

Findings of Fact

1. KTO LLC (Kevin O'Donovan) is requesting approval of Edgecomb Way, a private road, and a Private Accessway Permit, to provide access to a new lot located at the rear of 75 Ocean House Rd which requires review under Sec. 16-2-3 of the Subdivision Ordinance.
2. Edgecomb Way will not result in undue water pollution. The subdivision is not located in the 100-year floodplain. Soils will support the proposed uses. The slope of the land, proximity to streams, and state and local water resource rules and regulations will not be compromised by the project.
3. Edgecomb Way will not cause soil erosion, based on the erosion control plan provided.

4. Edgecomb Way will not cause unreasonable road congestion or unsafe vehicular and pedestrian traffic. It provides for road network connectivity to Ocean House Rd and eliminating through traffic because it is a dead end. Edgecomb Road is laid out to conform to existing topography as much as is feasible. The proposed lot 2 is provided with vehicular access. Edgecomb Road is designed to meet town standards, except that the existing road right-of-way is 35' wide.
5. Edgecomb Way will include a force main connection to public sewer.
6. Edgecomb Way will not have an undue adverse impact on scenic or natural areas, historic sites, significant wildlife habitat, rare natural areas, or public access to the shoreline.
7. Edgecomb Way is compatible with applicable provisions of the Comprehensive Plan and town ordinances.
8. The applicant has demonstrated adequate technical and financial capability to complete the project.
9. Edgecomb Way will not adversely impact surface water quality.
10. Edgecomb Way will not adversely impact the quality or quantity of ground water.
11. Edgecomb Way is in compliance with the Town wetland regulations in the Zoning Ordinance.
12. The design of Edgecomb Way will provide for adequate stormwater management.
13. Lot 2 will be provided with access to utilities.
14. The applicant has substantially addressed the standards of the Subdivision Ordinance, Sec. 16-3-1.
15. The project complies with the Private Accessway standards, Sec. 19-7-9).

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of KTO LLC (Kevin O'Donovan) for a Private Road, to be named Edgecomb Way, and a Private Accessway Permit, to provide access to a new lot located at the rear of 75 Ocean House Rd, be approved subject to the following conditions:

1. That the plans be revised to address the recommendations in the Town Engineer's letter dated November 15, 2017;
2. That there be no issuance of a building permit for a building within 10' of the do not disturb line on lot 2;
3. That a road maintenance agreement be submitted in a form acceptable to the town attorney, signed by the applicant and recorded in the Cumberland County Registry of Deeds.
4. That an easement be submitted in a form acceptable to the town attorney that conveys rights for lot 2 on lot 1 for the turnaround, driveway and electrical line;
5. That a note be added to the plan that there shall be no road construction until a performance guarantee has been provided to the town in accordance with Sec. 16-2-6 of the Subdivision Ordinance; and
6. That the note on the plan be amended to show the placement of 6 large boulders along the do not disturb boundary.
7. That the plans be revised and submitted to the Town Planner for review and approval prior to recording the subdivision plat.

Ms. Volent seconded and it was approved, 6-1 (1 abstain)

NEW BUSINESS

Bailyn-Morris Resource Protection Permit - Ronald Bailyn and Patricia Morris are requesting an after the fact Resource Protection Permit to alter 1,557 sq. ft. of RP2 wetland for drainage and lawn area located at 26 Hannaford Cove Rd(U40-9), Sec. 19-8-3 Resource Protection Permit Completeness.

Robert Metcalf of Mitchell and Associates represented the applicants. He said the prior owner had impacted the wetland. He showed a plan by Al Frick that highlighted the area of impact on the RP-2 Wetland. Mr. Frick had gone out and delineated the wetland for the previous owner prior to development. He went back and delineated the edge of the wetlands for the applicants.

Mr. Metcalf showed pictures of the area and plans. The existing drainage pipe is made from a dryer hose and is in very poor condition. They propose to install a new 4 in. drainage line and rip rap headwall. They will revegetate the area after they install the new underdrain.

The Army Corps of Engineers could not be reached, but the DEP has replied that they have no problem with this project.

Mr. Chalot asked what would happen if nothing is done.

Mr. Metcalf said there would be water damage to the house. They are trying to improve the drainage.

Mr. Chalot asked if this is being done so the area can be used, or is it being done to ward off structural damage to the house.

Mr. Metcalf said they are having structural damage to the house, the porch area and the deck area are being undermined.

Ms. Jordan opened the public comment period on completion. No one came to speak, so the public comment was closed.

Mr. Chalot asked about the Conservation Committee's recommendation to have a restoration of the wetlands.

Ms. O'Meara said they are an advisory group, so the Board can take their advice or not.

Mr. Metcalf said that to restore the wetlands you would need to remove the fill and make an adverse condition.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Ronald Bailyn and Patricia Morris for an after the fact Resource Protection Permit for 1,557 sq. ft. of fill in an RP2 wetland for landscaping and an additional 275 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd be deemed complete, and include granting the following waivers of information:

1. Waiver of topographic contours of 1' and instead providing contour information at 2' intervals.
2. Waiver of a written description and map of wetland vegetative cover and instead providing wetland soils information.
3. Waiver of a high intensity soils survey and instead a wetland soils report prepared by Soils Scientist licensed in the State of Maine.

4. Waiver of a stormwater runoff plan prepared by a professional engineer.

Mr. Steinberg seconded the motion and it was passed, 7-0.

Ms. Volent asked about the Town Engineer's letter, specifically item 3. (using the existing pipe).

Mr. Metcalf said the existing pipe will not survive being flushed out. It seems to be a dryer hose and is in poor condition.

Mr. Sahrbeck said he is not comfortable with the after the fact application. He would like to see an affidavit about when they knew about this issue. The prior owner did this and the new owners are almost the victims.

The Board decided to have a site walk on Sunday December 3, 2017 at 8:30 am.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Ronald Bailyn and Patricia Morris for an after the fact Resource Protection Permit for 1,557 sq. ft. of fill in an RP2 wetland for landscaping and an additional 275 sq. ft. of temporary alteration to replace drainage pipe located at 26 Hannaford Cove Rd be tabled to the regular December 19, 2017 meeting of the Planning Board at which time a public hearing will be held.

Mr. Huebener seconded the motion and it was approved, 7-0.

Holt Second Berry Subdivision Amendment - William Holt is requesting a second amendment to the Berry subdivision lot located at 31 Hannaford Cove Rd (U40-19-4) to convey 1.09 acres to an abutter, Sec. 16-2-5, Amendments to a Previously Approved Subdivision Completeness and Public Hearing.

Bob Metcalf of Mitchell and Associates represents William Holt. Mr. Holt wants to convey a parcel of his land to an abutter, Mr. Egan. Mr. Egan owns several lots on Hannaford Cove Road and wants to combine it with a parcel in the rear to add more of a buffer. It is 1.09 acres and runs the entire width of Mr. Egan's property. They will add a note to the plan that any further division of the lot will require Planning Board approval. It does not create a nonconforming lot.

Ms. Jordan opened the public comment on completeness. No one spoke, so the public comment was closed.

Mr. Huebener made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of William Holt, 31 Hannaford Cove Rd, for an amendment to a previously approved subdivision to alter lot lines in order to convey 1.09 acres of land to abutter Tom Egan, 41 Hannaford Cove Rd, be deemed complete with the following waivers granted:

1. Waiver from submitting evidence of financial capability.

Mr. Chalot seconded the motion and it was approved, 7-0.

Ms. Jordan opened the public hearing. No one came to speak, so the public hearing was closed.

Mr. Huebener made the following motion:

Motion for Approval

1. William Holt, 31 Hannaford Cove Rd, is requesting an amendment to a previously approved subdivision to alter lot lines in order to convey 1.09 acres of land to abutter Tom Egan, 41 Hannaford Cove Rd, which requires review for compliance with Sec. 16-2-5, Amendments to previously approved subdivisions.
2. The Planning Board has previously found that the subdivision complies with the standards of Sec. 16-3-1.
3. The proposed land conveyance also complies with the standards of Sec. 16-3-1.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of William Holt, 31 Hannaford Cove Rd, for an amendment to a previously approved subdivision to alter lot lines in order to convey 1.09 acres of land to abutter Tom Egan, 41 Hannaford Cove Rd, be approved with the following conditions:

1. That a full size subdivision plan suitable for recording be stamped by a land surveyor licensed in the State of Maine and provided to the town.

Mr. Steinberg seconded the motion and it was passed, 7-0.

19 Wells Rd Telecommunications Tower - Global Signal Acquisitions IV, LLC (Crown Castle) is requesting Site Plan review and a Resource Protection Permit to construct a 180' tall telecommunications tower to be constructed at 19 Wells Rd (R5-30), Sec. 19-9 Site Plan Completeness and Sec. 19-8-3, Resource Protection Permit Completeness.

Ms. Jordan recused herself and Mr. Chalot took over as Chair.

Ms. O'Meara said when the applicant first applied for a tower overlay zone, they provided a wetland map. They are proposing to use an existing farm road that is in an RP-1 buffer. You can rebuild an existing road in a wetland buffer as long as you get a Resource Protection Permit from the Planning Board.

Bill Jordan of 29 Wells Road said he is a farmer and doesn't know much about cell towers. He said they have property behind the farm that is rocky and hilly. A cell tower would bring in a steady income for a number of years and preferable to developing the land with homes. It would allow my family the ability to continue to farm.

Victor Manougian of McLane Middleton is representing Global Signal Applications IV, LLC for site plan review. He began by reviewing the history of the project. He said they have had a traffic study which found minimal traffic. They estimate 10 trips per month for maintenance. They expect to have 3 carriers and hope to have 2 more. They have submitted a sound study. The sound levels at the property line will be below 45 db. The levels at the property line with just the regular equipment will be 36 db. When you add in three emergency generators it jumps to 41 db. at the property line and 32 db. at the nearest residence. They will also install a sound barrier on the 8 Ft. fence.

They have submitted a light study. They will have 3 lights pointed down, which will comply with the Ordinance. They have FAA approval that the tower is not a hazard to air navigation. They have submitted the RF emissions compliance report which states that this facility with up to 5 carriers will be 1.206% of the maximum allowable 100%.

They are asking for a waiver of a stamped plan signed by a Maine surveyor. This is a very large parcel and it would be very costly to and time consuming to achieve. Their plan will be signed and stamped by a PE.

They do not have the storm water calculations, but will have them for the December 19, 2017 Planning Board meeting.

Lucas Anthony, Civil Engineer showed the plans. There is an existing gravel road, Deer Run Road. There is an existing 8-12 ft. gravel road at the end of Deer Run Road that extends almost to the property. That will be used as the access road. They will be improving the gravel road. They will improve the drainage for erosion control.

The tower will be located within a 100 X 100 ft area. There will be a 75 X 75 ft. gravel pad. It will be fenced by an 8 ft. high fence with evergreen trees planted outside the fence for a visual buffer.

The last 250 ft. of the end of the road to the tower will need to be constructed. Overhead power will be furnished to the site. They are requesting a Resource Protection Permit. They have a full wetlands delineation which will be furnished to the Board at the next meeting.

Paul Peckens with Crown Castle showed pictures of the site and the proposed monopole. He showed photos from many different locations. The view from Peppergrass and Tiger Lily were checked out and the new monopole is barely visible.

Ms. O'Meara was asked if they need the storm water calculations since the site is less than 10,000 sq. ft. She said the standard is different for a Resource Protection Permit. She also said the most important information is good quality wetland mapping.

There was a discussion about the necessity for a survey and how the boundaries of the overlay were determined.

The access road was discussed, with the applicant saying that most of the road will remain the same, but the last 250 ft. to the tower will be rebuilt. That 250 ft. is not in the wetland buffer.

Mr. Chalot opened the public comment period on completeness.

Attorney Nat Bessey represents Jeff Gorman of 9 Peppergrass Road. He said the application is incomplete in a number of regards.

1. A Resource Protection Permit needs 18 day notice.
2. Not all the required information is ready.
3. There is an inconsistency of the plans and the application regarding the identity of the applicant.
4. There is no certification from Central Maine Power of their ability to serve the tower.
5. There is no evidence of financial capacity of the applicant.

The core issues that are missing are the coverage maps, both before and after, there is no carrier named, there is no information about co-location and no environmental impact statement.

Robert Crispin of 5 Peppergrass said he is not represented by counsel, but that may come later. As for completeness, Mr. Jordan's comments had nothing to do with completeness, so my opportunity to speak should be what was provided to Mr. Jordan. He became dismayed when told he should discuss completeness and asked when he could speak and if the Board plans to deem it complete. He was told he would have other opportunities to speak, and that the Board had not yet made a decision on completeness.

Matt Campbell of Tiger Lily Lane would like to have the pictures taken with the leaves off the trees.

John Baldwin of 1 Peppergrass is concerned about the visual impact of the tower. He strongly objects to this project with 14 Strout Road already in place. It's too many towers in one area.

Justin Strout represented Strout Tower Specialists as abutters to this property. He said the survey concerns him. He is concerned to know where the road is, and if it is located where it is supposed to be. We had to do a survey to be sure of the property lines for the setbacks. The CMP letter has not been provided, A list of abutters is not provided in the application.

Fran Tighe of 13 Peppergrass Road is concerned about the photos that have been taken to show the visual impact. He didn't see one from close to his property. He thinks it is customary to use a weather balloon floated at the height of the tower where it is to be located. This part of Cape Elizabeth is very heavily traveled and he is concerned with the visual impact on the open space and the natural beauty of this area. He wants everyone who lives in this town to see what the impact would be and be able to weigh in on this project.

Robert Robinson of 17 Tiger Lily Lane said he thinks the application should have made reference to the co-location to limit the number of towers. He believes a second tower is not necessary.

No one else came to speak, so the public hearing was closed.

Mr. Steinberg asked about co-location and how that applies to this project.

Ms. O'Meara said co-location is in the tower performance standards. It says any tower approved must allow other carriers on the tower. You can only build a tower in a tower overlay district. That is how the town limits the number of towers. The Town Council agreed that a tower overlay district could be created

on 19 Wells Road. The Town Council has identified improved cell coverage in their goals for the last 3 years. The Town is remaining neutral in the competition between competing proposals.

Mr. Huebener noted that it is a race to see which one can be built first.

Ms. O'Meara said that both of them can be built.

Mr. Sahrbeck was concerned about the visual representations. He noted that the larger tower that exists now will be taken down. That tower is owned by Crown Castle. They are taking their tower down from one property and putting it on another. He requested that the applicant explain how they made these pictures to show how the tower will look to the residents of Tiger Lily lane.

Lucas Anthony said they do float a cloud buster balloon (a 4 ft. weather balloon) up to the height of the tower and take photographs from all the locations. They then superimpose pictures of whatever type of tower they are proposing. The original photos were taken in February when the leaves weren't on the trees. They were requested to go back and take more pictures and that was done in July.

Mr. Chalot asked about the coverage maps.

Steve Kennedy, engineer, said ATT, T-Mobile and Verizon are now on their tower. He has tried to make the coverage as much the same as possible. There will be some changes, but they try to keep it mostly the same as exists now. He spoke of the technology used to project the coverage areas.

Mr. Curry asked more questions about the photo simulations.

Ms. O'Meara said they have coverage maps, and they are required.

Mr. Chalot said the abutters are named on Sheet C-1. That map also shows the depiction of the tower overlay district.

Ms. Volent asked about the CMP letter.

Ms. O'Meara said there have been many times the letter was not there in the early submission. It is required in the final approval.

Ms. Volent told the applicant that they need to make sure that the plans and the applicant's names need to match when they come back next time.

There was a brief discussion about the construction and location of the road.

Mr. Curry made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Global Acquisitions IV LLC for Site Plan review and a Resource Protection Permit to construct a proposed 180' tall telecommunications tower to be located at 19 Wells Rd be deemed complete.

Mr. Steinberg seconded the motion and it passed, 6-0.

The Board scheduled a site walk Sunday, December 3, 2017 at 9:30 am.

Ms. Volent made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Global Acquisitions IV LLC for Site Plan review and Resource Protection Permit of a proposed 180' tall telecommunications tower to be located at 19 Wells Rd be tabled to the regular December 19, 2017 meeting of the Planning Board at which time a public hearing will be held.

Mr. Huebener seconded the motion and it passed, 6-0.

Ms. Jordan returned as chair.

Weare Private Accessway Permit - Peter Weare is requesting a Private Accessway Permit to create frontage and access for a lot located at the rear of 69 Beach Bluff Terrace (U10-37), Sec. 19-7-9 Private Accessway Completeness.

Justin Roma, civil engineer and Jim Logan, site evaluator are here to present the project. Mr. Roma said the proposal is to construct an 18 ft. wide gravel accessway from the end of Beach Bluff Terrace to a back lot. The lot has frontage on a paper street that has been vacated by the Town. The parcel is about 1/2 acre in size. There is a stream that runs along the eastern side of the property. There are trees along the western side and along the back. They propose a utility pole at the end of the road. Underground utilities will go from Beach Bluff Terrace to the property. They will have access to water. They have shown a building envelope and the location of the leach field. There are wetlands and a stream on the property. The Town has discussed an extension of Beach Bluff Terrace and a turnaround for public works equipment. If the Town does not construct a turnaround, they show a 30 ft turnaround at the end.

Jim Logan was with Al Frick Associates for 26 years. The road was vacated and the area added to this lot of record. He has done a septic design for a 3

bedroom house. There are RP-2 wetlands on the property. He said he is a certified soils scientist. He spoke about an RP-1 setback and said it does not impact this property. No impacts necessary or proposed and they need a DEP permit by rule, which will be submitted.

Justin Roma spoke about the 40 ft. wetland buffer along the stream and that they will provide a larger buffer in the corner of the lot.

Mr. Chalot asked if the 40 ft. setback has been approved. Mr. Roma said it has not yet been approved. They felt that was reasonable.

Mr. Logan said that the permit by rule will allow them to get as close as 20 ft. to the stream. They have reduced it from 75 ft. to 40 ft. It is a one page form from the DEP and their justification is that it has been a lot of record and they have been paying taxes on it. DEP will allow 20-25 ft. of lawn apron.

Mr. Sahrbeck asked about the end of Beach Bluff Terrace.

Mr. Roma said they have a survey.

Mr. Chalot said Thompson Road gets split in 1/2 when it's vacated. So the updated survey will show that.

Ms. Volent noted that there is no wetland report.

Mr. Logan said one will be submitted.

Ms. Jordan opened the public comment period, and no one spoke, so the public comment period was closed.

Mr. Sahrbeck made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Peter Weare for a Private Accessway to create access to a lot located at the rear of 69 Beach Bluff Terrace be deemed complete.

Ms. Volent seconded and it was approved 7-0.

The Board scheduled a site walk for 7:30 am. Wednesday November 29, 2017.

Mr. Chalot made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of Peter Weare for a Private Accessway to

create access to a lot located at the rear of 69 Beach Bluff Terrace be tabled to the regular December 19, 2017 meeting of the Planning Board at which time a public hearing will be held.

Ms. Volent seconded the motion and it passed, 7-0.

Sprague Solar Farm Resource Protection Permit - The Sprague Corporation is requesting a Resource Protection Permit to alter 400 sq. ft. of RP2 wetland to install underground electric utilities for a solar farm to be installed at 95 Bowery Beach Rd (R6-29), Sec. 19-8-3 Resource Protection Permit Completeness and Public Hearing.

Seth Sprague, President of the Sprague Corporation, landowner and applicant, Dale Brewer of Statewide Surveys, who performed the wetland mapping, and John Green, Sprague Corp. Property Manager were there.

They are proposing a community solar farm off Fowler Road. They propose 8 poles, 11 ft. high, on which sit solar panels. They plan to trench underground from the solar panels to a new utility pole across to Fowler Road. They need a Resource Protection Permit because there are 2 sections of wetlands they need to tunnel through.

They are requesting one waiver for a storm water plan. The area of disturbance is 400 sq. ft.

They plan a very minimal disturbance. They want to make a trench 8 in. wide and 24 in. deep across 52 linear ft. of RP-2 wetlands. They can continue to use the field for agriculture. Nothing will be left on the wetlands. Plan B would have to go overhead on poles.

Ms. Jordan opened the public comment period. No one came to speak, so the comment period was closed.

Mr. Huebener made the following motion:

BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd be deemed complete.

Mr. Chalot seconded the motion and it passed, 7-0.

Ms. Jordan opened the public hearing and no one came to speak, so the public hearing was closed.

Mr. Sahrbeck made the following motion:

Findings of Fact

1. The Sprague Corporation is requesting a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd, which requires review under Sec. 19-8-3, Resource Protection Regulations.
2. The proposed underground electrical installation will not materially obstruct the flow of surface or subsurface waters across or from the alteration area;
3. The proposed underground electrical installation will not impound surface waters or reduce the absorptive capacity of the alteration area so as to cause or increase the flooding of adjacent properties;
4. The proposed underground electrical installation will not increase the flow of surface waters across, or the discharge of surface waters from, the alteration area so as to threaten injury to the alteration area or to upstream and/or downstream lands by flooding, draining, erosion, sedimentation or otherwise;
5. The proposed underground electrical installation will not result in significant damage to spawning grounds or habitat for aquatic life, birds or other wildlife;
6. The proposed underground electrical installation will not pose problems related to the support of structures;
7. The proposed underground electrical installation will not be detrimental to aquifer recharge or the quantity or quality of groundwater;
8. The proposed underground electrical installation will not disturb coastal dunes or contiguous back dune areas;
9. The proposed underground electrical installation will maintain or improve ecological and aesthetic values;
10. The underground electrical installation is located in the wetland and no construction of structures upland of the wetland is proposed, so no buffer is needed;

11. The area disturbed during underground electrical installation will be mulched with hay and then planted with an orchard grass and clover mix in the Spring.
12. The underground electrical installation will be accomplished without discharging wastewater from buildings or from other construction into Wastewater Treatment Facilities in violation of Section 15-1-4 of the Sewage Ordinance; and
13. The underground electrical installation is not located in a floodplain.
14. The application substantially complies with Sec. 19-8-3, Resource Protection Regulations.

THEREFORE, BE IT ORDERED that, based on the plans and materials submitted and the facts presented, the application of the Sprague Corporation for a Resource Protection Permit to disturb up to 400 sq. ft. of RP2 wetland to install underground electrical service for a Solar Farm to be located at 334 Fowler Rd be approved.

Ms. Volent seconded the motion and it was approved, 7-0.

The Board voted unanimously to adjourn at 10:05 pm.

Respectfully submitted,

Hiroshi Dolliver
Minutes Secretary