

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

**January 6<sup>th</sup>, 2009 7PM**

**ITEM 1 - ROLL CALL**

Present: Steve Beckert – Chairman, Chris Pollard – Vice Chairman, Dwight Snow, and Jeff Duncan - Alternate.

Absent: Dutch Dunkelberger and Paul Burke.

Jeff Duncan was appointed as a voting member for this meeting.

**ITEM 2 – PLEDGE OF ALLEGIANCE**

**ITEM 3 – MOMENT OF SILENCE**

**ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED**

**MOTION:**

Jeff Duncan made the motion to approve the minutes of November 18<sup>th</sup>, 2008, as written.

Dwight Snow seconded the motion.

**Vote: 3-0, Chair concurs.**

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

There were no notice of decision letters to review.

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

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

Nancy Shapleigh, 28 Sandy Hill Ln., stated that it would be a simple thing to change the maximum size of an accessory dwelling unit to something larger than 650 square feet. She stated that she had suggested this to the Board some time ago but hadn't seen the ordinance changed yet.

Steve Beckert stated that increasing the size of an accessory dwelling unit is on the Board's to-do list and will take action soon.

Nancy Shapleigh stated that 850 square feet is better than 650 square feet but 1,000 square feet would be even better. She stated that she also thought someone other than the Planning Board should have the authority to make minor changes in uses on commercial buildings where no other changes are proposed. She stated that it is very costly to both her and the tenant having to come back before the Planning Board with every change.

Chris Pollard stated that there is definitely a big hole in the zoning ordinance. For example, John Lang got approval for 14 units to be occupied with various tenants and uses and he doesn't have to come back before the Board with every new tenant, but in a case like Nancy's where she just has one commercial unit, she has to come back with each change. He stated that the Board is trying to tighten up the process for everyone. Once the building is approved as a commercial use the Code Enforcement Officer should have the authority to approve the individual uses.

Nancy Shapleigh stated that it would be more conducive to new businesses to not have to come back before the Planning Board every time.

**B. Request for Planning Board action to amend a previously approved conditional use permit. Applicant/owner is Nancy Shapleigh (28 Sandy Hill Ln., Eliot, ME 03903). Property is located at 150 H.L. Dow Highway and can be identified as Map 30/Lot 3. (PB09-1)**

Steve Beckert stated that he moved this application to this meeting because the agenda for January 20<sup>th</sup> is quite full. In his opinion, this application could be taken up as an administrative change. The property received full site review in September for the day nursery and now Nancy just wants to change the use to a retail store, which in his opinion, would have less impact than a day nursery. He asked the Board what their thoughts were.

Chris Pollard agreed that the change was minor and could be done by application rather than full site review.

Dwight Snow and Jeff Duncan agreed.

Steve Beckert stated that he didn't think the application needed another public hearing since there would be no greater impact on abutters.

The Board agreed.

Steve Beckert asked Nancy Shapleigh if there would be any changes made to the interior or exterior of the building.

Nancy Shapleigh stated that there would be no changes to the interior or exterior.

**MOTION:**

Chris Pollard made the motion to approve Planning Board application PB09-1 as an administrative change subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, materials submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board.
2. This permit is approved on the basis of information provided by the applicant in the record regarding his ownership of the property and boundary location. The

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

3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Dwight Snow seconded the motion.

**Discussion:**

Nancy Shapleigh stated that the tenants are looking to establish a non-profit thrift shop to benefit cancer patients. She stated that we have all been touched by someone with cancer and that she thought it was a great use for the building.

**Vote: 3-0, Chair concurs.**

**C. Take action on revised proposal from Southern Maine Regional Planning Commission to amend the subdivision and site review chapters.**

Kate Pelletier stated that JT Lockman was waiting for the official go-ahead from the town to begin working on the subdivision and site review chapters.

Jeff Duncan asked if this work was covered in the current budget or in next year's budget.

Kate Pelletier stated that it was split between the 2008/2009 and 2009/2010 budgets.

Chris Pollard stated that he had no issues with this and assumed that this work had already been approved by the Board.

Steve Beckert, Dwight Snow and Jeff Duncan agreed to approve the proposal submitted by JT Lockman.

**MOTION:**

Chris Pollard made the motion to approve the proposal from SMRPC dated November 18<sup>th</sup>, 2008.

Jeff Duncan seconded the motion.

**Vote: 3-0, Chair concurs.**

**ITEM 7 - ACTION ITEM LIST**

None.

**ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED**

None.

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

The next regular Planning Board meeting was scheduled for January 20<sup>th</sup>, 2009.

**ITEM 10 – ADJOURN**

**MOTION:**

Jeff Duncan made the motion to adjourn at 7:25 PM.

Chris Pollard seconded the motion.

**Vote: 3-0, Acting Chair concurs.**

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**Stephen Beckert, Chairman**

**Date approved:** \_\_\_\_\_

**Respectfully submitted,**

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**Kate Pelletier, Recording Secretary**