

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

January 4, 2011 7PM

ITEM 1 - ROLL CALL

Present: Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Dwight Snow, Chris Place, Dennis Lentz, and Larry Bouchard – Alternate.

Absent: Greg Whalen – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Dwight Snow made the motion to approve the minutes of the December 7th, 2010 Planning Board meeting as amended.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

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

None.

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

A. 10-minute public input session

Public input session opened.

No comments.

Public input session closed.

B. Review proposed transportation/open space subdivision amendments with JT Lockman of Southern Maine Regional Planning Commission.

JT Lockman of Southern Maine Regional Planning Commission stated that the last time he was before the Board they spent a lot of time discussing the process of inspecting roads up for acceptance as town ways. He stated that he went through the ordinance thoroughly and did not find any basis for actual site inspections by the Planning Board. All existing language talks about getting a written report from an engineer, letting the pavement sit over a winter, etc. He stated that as far as he could tell the Planning Board's role was only to classify

the road as a collector, minor, arterial or commercial street. He stated that the Planning Board's job is to review and approve applications for land uses. Once things are constructed and certified as safe it's the job of an engineer, road commissioner and Board of Selectmen. He stated that he changed some language slightly to make it parallel in any area where it was discussed and emphasized that any reports or peer reviews would be at the expense of the applicant. Regarding the open space subdivision ordinance, he changed the terminology from "cluster subdivision" to "open space subdivision" in all instances. He stated that he needed to find out which zones the Board wanted to mandate this type of subdivision in. As the draft is currently written the applicant would be required to cluster 50% in the Suburban district and 60% in the Rural district. For example, if you had 30 acres in the Rural zone, you would have to cluster the housing on 16 acres and preserve the remaining 18 acres as open space.

Steve Beckert stated that he wasn't sure if the comprehensive plan actually designates specified growth areas.

JT Lockman stated that with this type of ordinance the Board needs to decide where clustering will be mandatory. In Ogunquit for example, they require that anything east of the turnpike does not have to be clustered. He stated that on page 5, paragraph 6 there is a requirement that outside of the designated growth area all subdivisions with five lots or more must utilize clustering. That makes it so that people with smaller subdivisions of 3-4 lots would not be required to cluster. He stated that whatever the threshold is to expect people to always stay under that number to avoid clustering. On the other hand, people have historically claimed that no one would buy this type of lot where the houses are all clustered together, but as it turns out they are highly desirable to young families and are usually the first lots to sell. He stated that even if clustering is mandatory there will always be an inventory of non-clustered lots on the market with people breaking off lots every five years for family members, etc.

Steve Beckert asked how the Board felt about requiring this type of design for subdivisions over five lots.

Jeff Duncan stated that if the Board set the threshold at five lots then there will always be conventional subdivisions with four lots so people will still have the option to have a conventional subdivision. He noted that clustering homes though should be cheaper for developers and thus buyers because of the reduced infrastructure costs associated with an open space subdivision.

JT Lockman agreed and stated that while it's counterintuitive, a 3-acre non subdivision lot sells for around \$200,000 and a lot in a neighborhood with walking trails and open space that is only 30,000 square feet will sell for around \$130,000. People will pay a premium to be part of development like that. He stated that in Kennebunk a developer came in with a 70-acre parcel he wanted to cluster but couldn't because the town didn't have an ordinance in place. They

tried to push one through but people were skeptical and the parcel was divided conventionally when a large chunk of it could have been preserved.

JT Lockman asked if the setbacks would be the same for open space subdivisions.

JT Lockman stated that they would be the same. On a 30,000 square foot lot you can still put in an enormous 3,000-4,000 square foot home.

Chris Place stated that the only concern he had was about someone who may have had a long term plan to develop a conventional subdivision and now wouldn't be able to do that.

JT Lockman stated that you could add language so that the ordinance takes effect on a date certain so that anyone who wanted to do a conventional subdivision would have the opportunity to do so.

Jeff Duncan asked JT Lockman if he saw some towns offering the option between clustering and conventional subdivisions and if so, which option were most developers choosing.

JT Lockman stated that within ten miles of 95 developers opt for open space developments because up until the recession hit that seemed to be what was selling well.

Jeff Duncan asked if that was because they had to or because they opted to.

JT Lockman stated that both were the case and that he sees many developers asking the towns for these ordinances.

Steve Beckert stated that the comprehensive plan says, *“Protect critical natural resource areas from possible negative impacts of development – Develop priorities for open space conservation and/or recreation to be used in any land acquisition or conservation program, development transfer program and as part of the open space development ordinance. Develop an open space development ordinance for subdivisions, which permits overall project density at the level permitted by the district, but sets aside open space for areas with critical natural resource and/or recreation values. Establish critical rural areas as defined by Maine statute...Within areas designated as critical rural areas, establish open space development provisions, which require developers in critical rural areas to present both a conventional and open space development as part of a subdivision application...”*

JT Lockman suggested that the Board should designate the critical rural area and then look at the established ordinances.

Dwight Snow asked the Board how they felt about requiring open space subdivisions versus making them optional.

Kate Pelletier stated that in South Berwick open space subdivisions are optional no one ever utilizes that kind of design. She also stated that in Eliot, however, one of the most common questions from residents and developers is about when the town will establish regulations for open space subdivisions.

JT Lockman offered to set up the critical rural area on a map for the Board. He also suggested that within the critical rural area open space subdivisions could be mandatory and in all other areas of town the choice would be up to the developer.

The Board agreed to have JT Lockman create a map with a critical rural area overlay and to only mandate open space subdivisions within the critical rural area.

C. Review draft ordinance to establish regulations for medical marijuana dispensaries

Steve Beckert asked if the Board had any comments or changes to the latest draft.

The Board had no comments or changes and scheduled the public hearing for January 18th, 2011.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Steve Beckert stated that the Board should start working on the building height ordinance again. He stated that he wasn't sure what should change about it and noted that the fire chief, Business Development Committee and engineers were all happy with the ordinance as it was written originally.

Dwight Snow stated that he read on EliotOnline that some people were concerned that some buildings could exceed 55' in height. For example, a 60' wide building with a 12 pitch would exceed the maximum height allowed.

Steve Beckert stated that if that was the case then the Board should clarify that.

Dennis Lentz stated that he thought there was a clause in the ordinance that no structure could exceed the maximum height of 55'.

Dwight Snow stated that for a flat or mansard roof the highest point of the roof's surface is limited to 55', but for a pitched, hip or gambrel roof the elevation midway between the level of the eaves and the highest point of the roof is considered the upper reference point. He suggested that the Board may also

want to look into establishing some architectural standards for buildings too. Some people are concerned about large metal warehouses popping up.

The Board agreed to take this up further at the February 1st meeting.

Jeff Duncan reminded the Board of the Mt. A to the Sea workshop in Ogunquit on low impact development next Wednesday from 6:30-8:30.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for January 18th, 2011

ITEM 10 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 8:15 PM.
Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary