

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

February 15th, 2011 7PM

ITEM 1 - ROLL CALL

Present: Present: Steve Beckert – Chairman, Chris Place, Dwight Snow, Larry Bouchard – Alternate and Greg Whalen – Alternate.

Absent: Dennis Lentz and Jeff Duncan

Greg Whalen and Larry Bouchard were both appointed as voting members for this meeting.

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 January 25th, 2011 Planning Board meeting, as amended.

Greg Whalen 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. Application for a conditional use permit to establish a day nursery at 1274 State Rd. Applicant is Rev. Michael Stephens (mailing address is 1274 State Rd., Eliot, ME 03903). Owner is Seacoast Baptist Church (mailing address: 1274 State Rd., Eliot, ME 03903). Property can be identified as map 15/Lot 13. (PB11-1)**

Rev. Michael Stephens stated that the church had been operating in Eliot for nearly a decade and that he and his wife are very committed to the community. He explained that in February 2003 he received approval to operate the church. In 2009 he purchased the building with the idea of expanding the church's services to include a daycare or preschool. He explained that he was granted approval for a preschool, however he originally applied as a "day nursery", which is not allowed in the Village zone. He stated that when he sought a license to operate the facility from the State he was only allowed a nursery school license in a noncommercial zone, which limits the amount of time a child can spend there

to 3 ½ hours per day. He stated that they struggled to fill spaces in the preschool because of the time limitations. He stated that he then went to the Board of Appeals to ask for a variance to allow a day nursery in the Village zone, which he was granted several weeks ago. He stated that he was hoping the Board could approve this application tonight and forego another public hearing since the Board of Appeals just had one.

Steve Beckert stated that it was his opinion that the application would take at least two meetings to review since the Board would most likely be holding a public hearing of their own. He stated that the Board of Appeals and Planning Board are two different boards who are required to review each application on its own merits.

Rev. Stephens stated that to clarify, the Board of Appeals did advertise and notify abutters who came and spoke in favor of the application. He stated that he could provide copies of the letters from abutters.

Steve Beckert stated that he wasn't comfortable taking the testimony of abutters on a variance application to satisfy the requirements of site plan review, but asked how the rest of the Board felt.

Rev. Stephens stated that he was concerned about the church's finances and that he wanted to speed up the process so that he didn't have to turn away any more children from the program.

Dwight Snow asked how many rooms would be used for the day nursery so that he could calculate the parking requirements.

Rev. Stephens stated that there is a main room that is about 35' x 25', a new 11.5' x 18' room and two 10' x 10' classrooms plus a kitchen and bathroom.

Dwight Snow asked how many adults would work at the day nursery.

Rev. Stephens stated that he anticipated 2-3 employees.

Dwight Snow stated that based on the parking requirements in Chapter 45, he determined that a minimum of 11 parking spaces are needed for the use and according to the site plan there are 16 spaces available.

Rev. Stephens stated that several more spaces were gained after he relocated the fence.

Larry Bouchard asked what the Board of Appeals decision accomplished.

Steve Beckert explained that day nurseries are not allowed in the Village zone unless they conform to the requirements of a home business. The applicant applied for and was granted a variance from the Board of Appeals to allow a day nursery on the property without it being a primary residence.

Chris Place stated that when considering due process he would be in favor of holding another public hearing. He stated that he'd be afraid someone would appeal the Planning Board's approval of this project.

The Board agreed by consensus that a public hearing was necessary for the proposed use.

Kate Pelletier suggested holding the public hearing at the first March meeting (8th) in the interest of time.

The Board agreed.

Larry Bouchard asked if the Fire Chief had reviewed the plan.

Kate Pelletier stated that he had and that the Fire Chief indicated that he had no objections so long as the State Fire Marshall would be reviewing it.

The Board had no additional questions for the applicant.

MOTION:

Greg Whalen made the motion to consider the application complete and to schedule the public hearing for March 8th, 2011.

Dwight Snow seconded the motion.

Vote: 4-0, Chair concurs.

B. Application for a Shoreland zoning permit to expand a nonconforming single family home at 8 Woodbine Ave. in accordance with Sec. 44-32(c). Applicant/owner is Charles LeCompte (mailing address: 8 Woodbine Ave., Eliot, ME 03908). Property can be identified as map 1/Lot 151.(PB11-2)

Jim Higgins, architect, represented the applicant. He stated that the LeCompte's recently purchased the home located at 8 Woodbine Ave. and are proposing to raise the roof of the structure, finish the second floor, add some additional living area from an existing enclosed porch and garage. He stated that the Board should have received a survey, which includes all setbacks, the high water mark, and 75' Shoreland setback. He stated that for the sake of square footage calculations, the house and garage were assumed to be entirely within the 75' setback. He explained the proposed site plan and noted that the brown area depicts the existing lot coverage of all existing structures including the enclosed back porch. He explained that the porch would be torn off and rebuilt to its same dimensions except that it will be away from the water an additional 3.5'. He explained that the green area on the plans depicted the existing lot coverage being given up in terms of square footage. He stated that the garage dimensions would stay about the same, however the foundation will be raised and the angle shifted to make it parallel with the house. The parking area will be receded and the driveway narrowed. The total expansion in floor area is under the maximum of 30% and does not exceed the 20% maximum lot coverage allowed.

Steve Beckert stated that it's important to note that the expansion will not extend any closer to the water than it already is.

Greg Whalen asked if the garage area was going to be expanded.

Jim Higgins stated that the volume would stay the same but it will be converted into storage and living area.

Greg Whalen asked if there would be a bathroom in the garage.

Jim Higgins stated that the owners are considering a sink and toilet for the garage depending on the price. He stated that he also provided the Board with a set of elevations noting that most of the work will occur at the rear of the house.

Greg Whalen asked if the readjustment of a foundation would be considered "relocation" under Sec. 44-32.

Kate Pelletier stated that if the Board considers this a relocation then they just need to determine if the setback requirements are met to the "greatest practical extent." The applicant has chosen to call this an expansion, which is more restrictive and limited to 30% over the lifetime of the structure.

Steve Beckert asked if the Board had any additional questions for the applicant.

The Board had no additional questions or comments.

MOTION:

Chris Place made the motion to accept the application submitted by Charles LeCompte as complete and schedule the public hearing for March 8th.

Greg Whalen seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert asked the Board if they wanted to conduct a site walk.

The Board agreed to waive the site walk by consensus due to their familiarity with the property.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Dwight Snow stated that the Business Development Committee cancelled the meeting he announced at the last Planning Board meeting. He stated that he would let them know when it was rescheduled for.

Steve Beckert asked if the Board was ready to schedule the public hearing for the building height ordinance.

The Board agreed they were.

MOTION:

Chris Place made the motion to schedule the public hearing for the building height ordinance for the second meeting in March.

Greg Whalen seconded the motion.

Vote: 4-0, Chair concurs.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regularly scheduled Planning Board meeting was scheduled for March 8th, 2011.

ITEM 10 – ADJOURN

MOTION:

Greg Whalen made the motion to adjourn at 7:52 PM.

Chris Place seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary