

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

**September 3, 2013
7:00 PM**

Present: Steve Beckert, Chair; Jeff Duncan, Vice Chair, Dennis Lentz, Larry Bouchard, Greg Whalen, and Melissa Magdziasz (alternate).

Also present: Kate Pelletier, Planning Assistant.

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 the March 5, 2013 Planning Board meeting, as written.

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. Public hearing – and continued review of an application for a home business permit to manufacture vinyl signs and lettering for automobiles and storefronts at 17 Rosemary Lane. Applicant is Bradley Gerry (mailing address: 17 Rosemary Ln., Eliot, ME 03903). Owner is William Gerry (mailing address: 17 Rosemary Ln., Eliot, ME 03903). Property can be identified as Map 3/Lot 24 and is located in the Village zoning district. (PB13-11)**

Brad Gerry, applicant, explained he was proposing a home business making vinyl lettering and signs for cars, trucks and storefronts. He stated that most installations would be performed offsite but that he would like to the ability to do some installations at the property.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

A representative of Corrine Orcutt, 15 Pleasant Ave., stated that he was concerned about the home business, especially about the potential for installations to be performed outside in view of neighboring properties. He stated that he was also concerned about headlights from the parking area shining into the Orcutt house located directly behind Mr. Gerry's property.

Josh Willwerth, 19 Rosemary Lane, stated that he drafted a letter summarizing the concerns of the neighborhood, which he passed out to the Planning Board. He stated that the general concerns were as follows:

- Home business out of character in an entirely residential neighborhood.
- Safety of children living on street
- Inadequate drainage for low lying area
- Ability of delivery trucks to safely navigate Rosemary Lane, a very narrow street
- The Gerry's excessively large driveway
- Excessive number of parking spaces for the occupants many vehicles in addition to those added for the home business
- Concern that the applicant had not supplied a complete list of all fluids, solids and gases proposed to be stored onsite.

Susan Sczerba, 289 Pleasant St., asked that the Planning Board listen to and consider the concerns of the abutters before deciding on this case.

Joann Willwerth, 19 Rosemary Lane, stated that there are already tow trucks coming to the property twice a week, not to mention the many delivery trucks that come through. She stated that her children already can't play outside and that allowing a business to operate there would only make things worse.

Liz Good, 289 Pleasant St., stated that she lives directly across the street from the Gerry property. She stated that she was concerned about signage. The pizza restaurant already has an LED illuminated sign and she is concerned about the possibility of more with the approval of this home business. She stated that she wanted to know more about parking, screening, the dumpster and whether or not cars will be washed onsite.

Edward Sczerba, 289 Pleasant St. implored the Planning Board to do a site walk of the property. He stated that he was concerned that any approvals granted by this board would not be enforced and that approval of a business in a residential neighborhood would be spot zoning.

Peter Ives, 10 Pleasant Ave., stated there is already increased activity happening on the Gerry's property and that this business would only make things worse. He asked how the applicant planned to dispose of scraps and other waste generated from the business.

Lisa McGinnis, 23 Rosemary Lane, stated that she was concerned there is already too much traffic on Rosemary Lane and that approving this business would only add to the existing unsafe conditions.

Jennifer McMahon, 284 Pleasant St., urged the Board not to approve the application based on the existing unsafe traffic conditions, the dead-end street and that delivery trucks have to back out of the street.

Lisa McGinnis stated that a home business in a residential area could actually have an impact on home values. She stated that the property looks like a scrap yard and is an eyesore. She stated that she was also concerned about rodents and other animals because of the dumpster.

Robert Veino, 8 Pleasant Ave., asked where on the property installations would occur.

Brad Gerry stated that occasional installations would be done beside the garage primarily but that most installations would be performed offsite on store fronts, etc.

Robert Veino asked that the exact location of installations be shown on the site plan and asked what the hours of operation would be.

Brad Gerry stated that the hours of operation would be Monday-Friday 8:00 AM -5:00 PM.

Public hearing closed.

Steve Beckert explained that the Planning Board can only go by what is allowed by ordinance. Home businesses are allowed by ordinance when they can meet the required standards. The Planning Board cannot deny an application just based on most of the comments received from the public tonight. The Board cannot control how many delivery trucks go down a street on any given day and they cannot deny an application because someone on the street has children or because a business might affect property values. If the applicant has met the provisions of the home business ordinance then the Board must approve the application. He stated that many of the comments from the public tonight were about things outside the purview of the Planning Board. He stated that if trash is overflowing from the dumpster, a complaint should be made to the code enforcement officer. If there are complaints about rodents then the animal control officer should be contacted.

Dennis Lentz agreed and stated that most of the comments received tonight, which he summarized, made the neighborhood out to sound like a terrible place to live, but it isn't. Most of the conditions mentioned by the abutters already exist today; not because of the applicant's proposed business.

Larry Bouchard asked Kate Pelletier if there was already a business onsite.

Kate Pelletier stated that there were no other businesses she was aware of.

Larry Bouchard asked if there was a dumpster onsite.

Brad Gerry stated there was, behind the garage toward the Pleasant Street side of the property.

Kate Pelletier added that the dumpster was properly permitted through the code enforcement department.

Jeff Duncan asked how signs are attached to vehicles or storefronts.

Brad Gerry stated that the roll of vinyl is self-sticking and has a peel off backing. Once the sign is positioned, it's smoothed of wrinkles and air bubbles with a squeegee.

Jeff Duncan asked if any separate liquid adhesives were used.

Brad Gerry stated there was not.

Jeff Duncan asked how rolls of vinyl were delivered to the property.

Brad Gerry stated they usually arrived via UPS about once per month.

Steve Beckert stated that the Board had received comments from the Fire Chief stating that he had no concerns with the application. A memo was also received from the Public Works Director asking that there be no parking in the Town right of way so as not to impede maintenance or snow removal.

Melissa Magdziasz stated that she would like to do a site visit.

Dennis Lentz and Greg Whalen agreed.

MOTION:

Greg Whalen made a motion to table the application until the next meeting until a site walk is conducted by the Board.

Dennis Lentz seconded the motion.

Vote: 3-1 (Larry Bouchard opposed), Chair does not concur with the majority.

The Board scheduled the site walk for September 17th at 5:30 PM.

B. Application for a home business permit to establish an auto repair garage at 42 Sargent's Lane. Applicant/owner is Russell Allen (mailing address: 42 Sargent's Lane, Eliot, ME 03903). Property can be identified as Map 30/Lot 25 and is located in the Suburban zoning district. (PB13-12)

Russell Allen, applicant explained that he was proposing an auto repair garage at his house located at 42 Sargent's Lane. He stated that he would do basic auto repairs and State inspections. He stated that he has applied for and is about to be granted the permit required to perform inspections.

ITEM 7 - ACTION ITEM LIST

ITEM eight – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for September 3, 2013 at 7:00 PM.

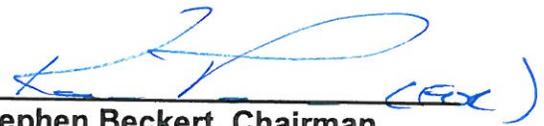
ITEM 10 – ADJOURN

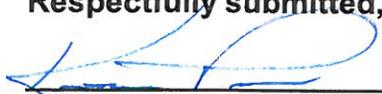
MOTION:

Jeff Duncan made the motion to adjourn at 7:35 PM.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.


Stephen Beckert, Chairman
Date approved: 5-6-14

Respectfully submitted,

Kate Pelletier, Recording Secretary