

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Greg Whalen, Dennis Lentz, and Dutch Dunkelberger – Alternate.

Absent: 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, AS NEEDED

This was not done tonight.

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

Scarpetti reviewed and accepted. (PB14-17)

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

A. Continued review of an application for a 4-lot open space subdivision located at 93 Frost Hill Road. Applicant is Paul Swanick (mailing address: 3 Tudor Drive, Kittery, Maine 03904). Owner is: 93 Frost Hill Road Real Estate Trust (mailing address: 93 Frost Hill Road, Eliot, Maine 03903). Property can be identified as Map 75/Lot 29 and is located in the Rural District. (PB14-11)

Mr. Ken Markley, representing Paul Swanick (present), discussed his revised submission based on public and PB input –native landscaped buffers along the entranceway, location of Red Hawk nest, relocation of utility, re-loaming/re-seeding the driveway, showing setbacks on lots, possible well locations, waivers shown on plan, progress made on development rights to the Town, soils report and test pit information (all but two passed). He added that the road was 18 feet wide and the turn-around was 20 feet wide.

There was discussion regarding development rights and the various options allowed. Also discussed were recreational access rights for other than residents of the development. It was suggested to re-look at the percentages for voting members in the association to avoid potential issues.

Mr. Duncan moved, second by Mr. Lentz, that the Planning Board approve PB14-11 with the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material 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. The 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 the 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 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.
4. If, for any reason, the Town objects to the transfer of development rights applicant will otherwise comply with 45-467 § E. (2)(d)[2] of the Open Space Development Ordinance.

Vote
4-0
Chair concurs

Steve Beckert explained the 30-day appeal period to the applicant.

B. Application for Site Plan Review to construct a 4,513 sq. ft. retail store and gas station at 28 Levesque Drive (Eliot Commons). Applicant is TMC CF New England, LLC (mailing address: c/o Sandra Guay, Esq., P.O. Box 468, Biddeford, Maine 04005). Owner is Sea Dog Realty, LLC (mailing address: 8 Western Ave., Kennebunk, Maine 04043). Property can be identified as Map 29/Lot 27 and is located in the Commercial/Industrial District. (PB14-13)

Ms. Sandra Guay was present and introduced Matt Leidner (project engineer). She said they were asking for a sewer allocation of 1,336 gallons/day; that condo documents, especially access to the site, are being finalized right now to provide appropriate access; that they are getting a minor amendment to the Site Location Development Permit.

Mr. Leidner, Civil Design Group, discussed the location of the condominium lot at Eliot Commons and the Site Plan; that they are proposing a 24-hour convenience store and gas station (Cumberland Farms). He clarified how the parking would work within the entire Commons site and access to and from the site. He said that the building footprint was slightly larger because of a bump-out (coffee bar) from 4,513 sq. ft. to 4,732 sq. ft. He added that they would be getting municipal sewer and water from Kittery Water District; that there was a dry chemical fire suppression system for the gas pumps. He discussed the stormwater management design requirements they would need to follow per the DEP. Discussing snow removal, he said that if snow banks became high enough

to impact visibility and safety, Cumberland Farms would be responsible to remove the snow.

There was concern with snow as the site location for this structure is the area on the plan where Eliot Commons pushes their snow; that this might cause a traffic or fire safety issue for the Commons.

Mr. Leidner said that they would discuss the snow removal issue with the owner of Eliot Commons.

Mr. Leidner discussed the architectural floor plan and elevations plan submitted, as well as the signage, lighting, and landscaping plan.

After discussion, Ms. Pelletier said that she would get the original site approval regarding conditions for a vegetative buffer.

A Public Hearing is scheduled for October 7, 2014.

C. Continued review of an application for Site Plan Review to construct a 6,000 sq. ft. retail building at the intersection of Bolt Hill Road and Harold L. Dow Highway. Applicant is PATCO Construction, Inc. (mailing address: 1293 Main St., Sanford, Maine 04073). Owner is Ted Long, Inc. (mailing address: P.O. Box 266, Eliot, Maine 03903). Property can be identified as Map 17/Lot 30 and is located in the Commercial/Industrial District. (PB14-18)

Mr. Beckert said that the PB did do a Site Walk and this is the application that is represented by Attar Engineering for the NAPA Auto Parts Store.

Mr. Greg Patterson (PATCO Construction, Inc.) said that there would be public septic and private water; that both lots would be served by one entrance through an easement; that they are getting a Tier I Permit from DEP. He added that revisions were made based on comments made at the prior meeting regarding berthing, stormwater, site plan and grading plan, landscaping, lighting, fire access, and agent authorization form. He said that the hours of operation would be from 7 AM to 6 PM.

Discussed was whether a second access on Bolt Hill Road was required by the Town's ordinances and what the particular business and local residents required, as well as very strong concerns for traffic safety and seemingly unnecessary impact to wetlands.

It was requested of Ms. Pelletier that the PB get input from the Police Department and the DPW Director on safety of the proposed second access regarding the Route 236/Bolt Hill Road right-left turn commercial versus residential issue, as there were very strong concerns regarding traffic safety. There was also discussion regarding legal grounds to deny this application and the implications of that denial, especially regarding subdivision review versus the site plan ordinance.

There was extended discussion regarding the purpose of the ordinance and the application of the standards within the ordinances.

The PB was still waiting for comments from the DPW Director regarding this application.

A Public Hearing was scheduled for October 7, 2014.

D. Application for Site Plan Review to establish a day nursery and artists' studios in the existing buildings located at 228 Hanscom Road. Applicant is Jeff Apsey (mailing address: 5 Chauncey Creek Road, Kittery Point, Maine 03905). Owner of Seacoast Waldorf Association (mailing address: P.O. Box 420, Eliot, Maine 03903). Property can be identified as Map 29/Lot 19 and is located in the Suburban District. (PB14-20)

Mr. (Jeff) Apsey said that they were here for a change of use. He explained that they wanted to continue the use of an early education center/day nursery and add studios for artists.

Ms. Pelletier said that she put this application through as a full Site Review because it was approved as a school, not a day nursery.

Mr. Apsey said that the first floor would be used as a day care and the second floor would be used for artist studios. He discussed parking and signage, as shown on the Site Plan.

It was clarified that this applicant was before the PB because the applicant wanted to change the use of the property from a school to a day care and artist studios. It was also clarified that this application could be handled as an amendment to the Tidewater School approval.

Mr. Duncan moved, second by Mr. Bouchard, that the Planning Board administratively amend the previously-approved Site Plan to eliminate 'school' and add the following: day nursery and professional offices, as shown on the Site Plan

1. The property may be developed and used only in accordance with the plans, documents, material 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. The 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 the 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 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.
4. A revised final plan to be presented by a professional engineer or reference to same be removed.
5. Conditions #3, 4, and 7 of the original approval will be retained.

Vote
4-0
Chair concurs

Mr. Beckert explained the 30-day appeal period to the applicant.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

No discussion tonight.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

A. Draft 1: “Amendment to Chapter 29, Growth Management Ordinance.”

Because of the timeliness issue to get this change on the November warrant, it was the consensus of the PB to only add “or more” to this amendment. A Public Hearing was scheduled for October 7, 2014.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for October 7, 2014 at 7PM.

ITEM 10 – ADJOURN

There was a motion and second to adjourn the meeting at 9:30 PM.



Steve Beckert, Chairman
Date approved: 10-7-14

Respectfully submitted,

Ellen Lemire, Recording Secretary