

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

**October 18<sup>th</sup>, 2011 7PM**

**ITEM 1 - ROLL CALL**

Present: Present: Steve Beckert – Chairman, Dennis Lentz, and Greg Whalen - Alternative.

Absent: Jeff Duncan – Vice Chairman, Larry Bouchard, and Chris Place - Alternate.

Steve Beckert appointed Greg Whalen 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**

Due to several members being absent, the Board agreed to review the minutes at their next regular meeting.

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

Due to several members being absent, the Board agreed to review the notice of decision letters at their next regular meeting.

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

- A. Public hearing – and continued review of an Application for a Shoreland Zoning Permit to expand an existing nonconforming structure located at 374 River Road by constructing a 16' x 28' addition. Owners/applicants are Peter Egelston and Joanne Francis (mailing address: 374 River Rd, Eliot, ME 03903). Property can be identified as Map 25/Lot 10 and is located in the Limited Residential Shoreland zoning district. (PB11-15)**

Joe Gorman represented the applicants. He explained that he had submitted a revised application to the Board since the last meeting to include a 10' x 20' deck. He stated that he worked with Kate Pelletier to determine the amount of available square footage the owners would be allowed to add.

Kate Pelletier stated that after January 1<sup>st</sup>, 1989 nonconforming structures in the Shoreland zone may only be expanded in floor area or volume by up to 30%. She stated that she and Mr. Gorman were able to determine from a set of 1988 aerial photographs that the barn on the property existed prior to 1989, which gave the applicant more area to expand in than previously thought.

Steve Beckert explained the rules of a public hearing.

**Public hearing opened.**

No comments.

**Public hearing closed.**

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

The Board had no additional comments or questions for the applicant.

**MOTION:**

Dennis Lentz made the motion to approve the application, as revised, 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. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Greg Whalen seconded the motion.

**Vote: 2-0, Chair concurs.**

Steve Beckert explained the 30-day appeal period.

**B. Application for a request for Planning Board action to amend a previously approved conditional use permit for a day nursery located at 33A Levesque Dr. The applicant proposes to increase the maximum number of children allowed from 12 to 16. Applicant is Busy Bee's Childcare, LLC (mailing address: 33A Levesque Dr., Eliot, ME 0303). Owner is John Parsons (mailing address: 50 Woodbridge Rd., York, ME 03909). Property can be identified as Map 29/Lot 27-1 and is located in the C/I zoning district. (PB 11-18)**

Beth Stacy, applicant, stated that she is proposing to increase the maximum number of children allowed at her day care from 12 to 16.

Steve Beckert stated that the Board should have received an inspection sheet from the Maine Fire Marshall's Office dated October 13<sup>th</sup>, 2011 indicating that the day care could safely handle four additional children. He stated that it was his opinion that this application could be handled administratively and did not require site plan review or a public hearing.

The Board agreed consensus.

Dennis Lentz asked if the applicant had received the memo from the Eliot Fire Chief dated October 14<sup>th</sup> that recommended review by the State Fire Marshall Office.

Beth Stacy stated that she did.

Steve Beckert asked if the Board had any other comments or questions for the applicant.

The Board had no additional comments or questions for the applicant.

**MOTION:**

Dennis Lentz made the motion to approve the application, as submitted, subject to the following conditions of approval:

1. All previous conditions of the original approval shall apply.

Greg Whalen seconded the motion.

**Vote: 2-0, Chair concurs.**

Steve Beckert explained the 30-day appeal period.

**C. Application for a Shoreland zoning permit to construct a driveway to serve two backlots at 28 Sandy Hill Lane. Owner/applicant is Nancy Shapleigh (mailing address: 28 Sandy Hill Dr., Eliot, ME 03903) Property can be identified as Map 25/Lot 9 and is located in the Limited Residential Shoreland zoning district. (PB11-19)**

Nancy Shapleigh, applicant, stated that she was proposing a driveway in the Shoreland zone that would eventually serve as the access way to two backlots, which are reserved for family members, and shown on a 2010 plan submitted with her application. She stated that only about the first 175' of the driveway are actually in the Shoreland zone and that she had already been issued a driveway permit from the Public Works Director, Joel Moulton.

Steve Beckert stated that the Board received a memo from Joel Moulton indicating that a permit had already been issued.

Greg Whalen asked the applicant who would own the access way.

Nancy Shapleigh stated that she owns and will continue to own the right of way in fee simple.

Steve Beckert stated that it was his opinion that this application could be handled administratively and did not require site plan review or a public hearing.

The Board agreed by consensus.

Steve Beckert asked if the Board had any other comments or questions for the applicant.

The Board had no additional comments or questions for the applicant.

**MOTION:**

Dennis Lentz made the motion to approve the application for a driveway in the Shoreland zone 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. Copies of approved permits from the Maine DEP and the US Army Corps of Engineers (if applicable) shall be provided to the CEO before construction on this project may begin.
4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Greg Whalen seconded the motion.

**Vote: 2-0, Chair concurs.**

Steve Beckert explained the 30-day appeal period.

**D. Application for Site Plan Review to construct a 68-room hotel at the Eliot Commons. Owner/applicant is Sea Dog Realty, LLC (mailing address: 86 Newbury St., Portland, ME 04101). Property can be identified as Map 29/Lot 27 and is located in the C/I zoning district. (PB11-20)**

Ed Brake of Attar Engineering represented the applicant. He explained that Sea Dog Realty is proposing to construct a 15,000 sq. ft., 68-room hotel on the site of the existing Eliot Commons. The hotel will be approximately 40' x 60', 3-story structure with a pool and outdoor tent site for events. He explained that the project had been designed to improve

the visual quality of the site by adding several new shade trees and several vegetated islands with bio-retention ponds and plantings for stormwater treatment, thus reducing the overall amount of impervious area. Otherwise, the stormwater system will tie into the existing system at the Eliot Commons. He noted the site would be served by municipal water and sewer and that the process for hooking up to that system has been initiated. He stated that the property is located in the Commercial/Industrial zoning district where hotels are an allowed use.

Greg Whalen asked the applicant to explain where in the process they were of hooking up to the town water and sewer system.

Ed Brake stated that he took the proposal to connect to town water to the Board of Selectmen last week. He will be going to the sewer committee to discuss hooking up to that system within the next several weeks. He stated that he included a letter of capacity from the Kittery Water District with the application packet.

Greg Whalen asked if the hotel would be a national chain.

Ed Brake stated that he didn't know at this point.

Dennis Lentz asked the applicant if he was aware that the Town had recently increased the maximum building height in the C/I zone from 35' to 55'.

Ed Brake stated that he was aware of that, however, the applicant had already received a height variance prior to the ordinance amendment.

Dennis Lentz stated that the Police Chief had submitted a memo questioning whether or not a traffic impact study should be required for this proposal and asked the applicant if any traffic counts had been estimated yet.

Ed Brake stated that at this point about 550 trips per day were estimated.

Kate Pelletier stated that historically, the Planning Board will ask the applicant to contact the Maine Department of Transportation who will determine if a traffic movement permit is necessary. If they don't believe one is necessary then the Planning Board hasn't required a traffic study.

Greg Whalen asked the applicant to provide a more detailed planting schedule on the next site plan. He also asked if an irrigation system was proposed for the vegetated islands as the grass becomes difficult to maintain without one.

Ed Brake stated that he would find out and get back to the Board.

Greg Whalen stated that he would also like to get Joel Moulton's input on construction vehicles entering and exiting the site.

Dennis Lentz stated that he had concerns about the area designated for snow storage being adequate and that he would like to get Joel Moulton's input on that too.

Steve Beckert asked the Board if they believed the application met the requirements of a sketch plan.

The Board agreed the application met the requirements of a sketch plan.

**MOTION:**

Greg Whalen made the motion to approve the sketch plan.

Dennis Lentz seconded the motion.

**Vote: 2-0, Chair concurs.**

Steve Beckert asked the Board if there was anything else they'd like to see from the applicant in the next submission.

Greg Whalen asked for more details on the timing, financing and approvals of the connection to the municipal water/sewer system.

Dennis Lentz asked if any changes to the existing Eliot Commons building were proposed at this time.

Ed Brake stated that no changes to the existing building are proposed at this time.

Steve Beckert reminded the applicant that anything submitted for the next meeting must be done so at least 10 days in advance of the meeting.

**E. Application for a request for Planning Board action to amend a previously approved conditional use permit for a site yard located off the ARC access road. Owner/applicant is Charles Anderson (mailing address: 31 Farm Rd., Kingston, NH 03848). Property can be identified as Map 45/Lot 17 and is located in the C/I zoning district. (PB11-21)**

Bruce Crawford of Ambit Engineering represented the applicant. He stated that the site had been approved for a new building several years ago that would house his landscaping/hardscaping businesses. Due to financial constraints the applicant is requesting to amend that approval to eliminate the building all together and now proposes to use the site to stockpile materials used as part of the business outdoors.

Steve Beckert asked what type of containment for these materials is proposed.

Charles Anderson, applicant, stated that if he is required to then he would use a block wall type of containment structure.

Greg Whalen asked if any retail sales were proposed.

Charles Anderson stated that no retail sales are proposed. The materials stored on the site will be for use by his company and that there would rarely even be anyone on the site most of the time. He stated that his long term goal is to eventually building the building he had originally proposed but that he would come back to the Planning Board when he was ready to do that.

Steve Beckert stated that it was his opinion that this application could be handled administratively and did not require site plan review or a public hearing.

The Board agreed by consensus.

Greg Whalen asked if any potentially hazardous materials would be stored onsite.

Charles Anderson stated that there would be no hazardous materials. The materials he uses are earth materials, gravel, aggregate, dirt, etc.

**MOTION:**

Dennis Lentz made the motion to approve the application for a driveway in the Shoreland zone subject to the following conditions of approval:

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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.
4. All previous conditions of approval of Planning Board Case #PB06-34 shall continue to apply.

Greg Whalen seconded the motion.

**Vote: 2-0, Chair concurs.**

Steve Beckert explained the 30-day appeal period.

**ITEM 7 - ACTION ITEM LIST**

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

Steve Beckert noted that Kate Pelletier was assisting him in filling out the application for the new Community Services Building on behalf of the Eliot Building Committee. He stated that he would have to recuse himself as Chairman during the review of that application, but just wanted to let everyone know it was coming soon.

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

The next regular Planning Board meeting was scheduled for November 1<sup>st</sup>, 2011.

**ITEM 10 – ADJOURN**

**MOTION:**

Dennis Lentz made the motion to adjourn at 8:55 PM.

Greg Whalen seconded the motion.

**Vote: 2-0, Chair concurs.**

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**Stephen Beckert, Chairman**

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

**Respectfully submitted,**

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**Kate Pelletier, Recording Secretary**