

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

November 1st, 2011 7PM

ITEM 1 - ROLL CALL

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

Absent: 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

MINUTES:

Dennis Lentz made the motion to approve the minutes of the August 2nd, 2011 Planning Board meeting, as amended.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

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

The Board reviewed the following notice of decision letters:

- PSNH – Site Plan Review
- James Powers – Site Plan Review
- Raymond C. Green – driveways in the Shoreland Zone.

No changes were made and the letters were issued as written.

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. Continued discussion with JT Lockman of Southern Maine Regional Planning Commission on transportation and future ordinance amendments.

JT Lockman stated that at the last meeting he attended in September he provided the Board a list of all ordinances in chapters 33, 37, 41, 44 and 45. The items highlighted in pink have been completed already and the items highlighted in blue indicate where he thinks the Planning Board should focus their attention on next. He stated that some of the items on the list have been incorporated into previous ordinance amendments such as air, water and soil quality standards, which were relocated from the subdivision chapter to chapters 33 and 37. He stated that the Planning Board completed the reorganization of the subdivision and site review chapters, which were passed at the June 2010 Town Meeting and new regulations pertaining to open space subdivisions were passed in June 2011.

Jeff Duncan asked if the requirement for a minimum storage capacity of 10,000 gallons of water for subdivisions not connected to a public water supply came from NFPA regulations.

JT Lockman stated that those requirements were from a model ordinance. He stated that he's received positive feedback from other fire chiefs on those requirements.

Jim Marchese, Code Enforcement Officer had the following comments on the draft ordinance:

- *Page 1 -33-128 2nd paragraph. Technical consultant fee of \$1,500. Based on information supplied by 2 local engineering firms that perform peer review services can average between \$2,000-4,000. It depends on the scope of work and the quality of the application received by the engineer. Based on this information I would recommend that you change the minimum to \$2,000. This will minimize later frustrations by the applicant. The excess funds will be returned to the applicant.*
- *Page 3 Table Phase 3. Comment: consider adding underground utilities and Phase 10, Record/As-built Drawings.*
- *Page 5 Sec 37-62 (b) "and plans shall be sent". Comment: changing the word shall to may would give the PB flexibility in the application process.*
- *Page 7 Table Minimum width of shoulder. Comment: the board should consider a minimum 3 foot width for the following reasons:*
 - *Protection of the roadway, a 2 foot shoulder will washout more easily and not protect the roadway surface.*
 - *The future addition of driveways will have suitable sub-soils and provide stronger aprons to travel lanes.*
 - *A 3 foot shoulder will allow space for snow storage.*
 - *Will provide a safety area for vehicles.*
 - *Will create a more user friendly area for non-motor vehicle use.*
- *Page 7 table, minimum centerline radius, 100 proposed. Comment: 145 feet is the minimum based on National Standards for a low speed 25 MPH road.*

- *Page 8 (b) stopping sight distance. Comment: the height of the object at one-half foot is incorrect and should be 4 and one-half foot based on ME DOT standards.*
- *Page 9 Sec 37-72 (a) entire right-of way to be cleared and graded. Comment: It may not be in the best interest environmentally and within the Shoreland Zone to clear cut. Please consider "so that the functionality and life span of the roadway is not diminished by existing vegetation."*
- *Page 10 Sec 37-73 (A) within growth area. Comment: our Comprehensive Plan indicates "future land use area" not growth areas. Please consider revising this terminology to match the terminology used in the comp. plan.*
- *Page 11 Sec 37-76 (a) handle runoff from streets and sidewalks. Comment: Please consider revising to "runoff from development" as this will capture design of the entire project and its effects on the drainage basin.*
- *Joel has commented on the need for driveway permitting. Is this the time to incorporate this type of addition to our ordinance? I am in favor of this amendment based on recent site development operations.*
- *Page 17 table sight distances. Comment: ME DOT standards 25= 200', 30 = 250', 305,360,425,495 and 55=570 these guidelines are for roads that are outside the urban compact area.*

The Board requested that Jim Marchese put his comments in writing so that Public Works Director, Joel Moulton, could review and respond to them. The Board agreed to wait to schedule the public hearing until after Joel could respond.

C. Continued review of an application for site plan review to establish an assembly place and restaurant known as the 403 Gentlemen's Club & Restaurant in the existing structure located at 403 H.L. Dow Highway. Applicant is Donald DeNunzio (mailing address: 403 H.L. Dow Highway, Eliot, ME 03903). Owner is DeNunzio Realty, LLC (mailing address: 403 H.L. Dow Highway, Eliot, ME 03903). Property can be identified as Map 45/Lot 4. (PB11-5)

David Leasure of David Leasure Architectural Associates, Inc. represented the applicant. He noted that the applicant's attorney, David Weyrens was also present. He explained that latest submission to the Planning Board addresses the Board's requests for a stormwater management plan, site landscaping and project phasing details. He stated that there are now 76 parking spaces instead of 80 and that the landscaped area is larger than previously proposed. He noted that three catch basins and some curbing has been added because of the stormwater design. He explained that water flows toward the front of the property at about a 1% slope and that a dry pond will be constructed to collect water leaving MDOT's existing swales. He stated that the applicant is in the process of obtaining an MDOT entrance permit as well. He stated that he believed the application to now be complete and requested that the Board schedule a public hearing.

Greg Whalen asked if MDOT was agreeable to leaving the sign within the State right of way.

David Leasure stated that he would provide the Board with confirmation that MDOT will allow the sign to remain in its current location.

Steve Beckert stated that he wanted to reiterate for the record that the application currently before the Planning Board deals with the land use aspect of the proposed club, which is a restaurant and assembly place only. He stated that it's not within the Board's purview to review or permit or decide on the adult entertainment aspect of the club. He stated that the applicant will have to seek any additional local, state or federal approvals required of them separate from the Planning Board's approval.

David Leasure stated that the applicant understands that.

Steve Beckert asked the Board if they believed the application was complete and if they were ready to schedule the public hearing.

MOTION:

Jeff Duncan made the motion to accept the site plan application for a restaurant and assembly place as complete and that the public hearing be scheduled for November 15th, 2011.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Jeff Duncan stated that the Mt. Agamenticus to the Sea Conservation Initiative will be hosting a conservation design workshop with guest lecturer, Randall Arendt, a landscape planner and author of *Rural by Design* on December 5th from 4:00-9:00 PM at the Dunaway Center in Ogunquit. He stated that the Conservation Commission had been approached about sponsoring the event and had agreed to contribute \$100 if the Planning Board would also contribute \$100. A donation of \$200 would come with free registration for 8 attendees per town and that the cost to register individually would have been \$35 each.

The Planning Board asked Kate Pelletier to ask Norma Jean Spinney, Treasurer and Dan Blanchette, Administrative Assistant if money from the Planning Board's budget could be used for a donation. If permissible, the Board agreed by consensus to authorize the \$100 expenditure.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for November 15th, 2011.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:20 PM.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary