

ITEM 1 - ROLL CALL

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

Absent: Larry Bouchard.

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 August 7th, 2012 Planning Board meeting, as amended.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

MOTION:

Dennis Lentz made the motion to approve the minutes of the August 21st, 2012 Planning Board meeting, as written.

Greg Whalen seconded the motion.

Vote: 2-0 (Jeff Duncan abstained), 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 Shoreland zoning permit to construct a 6' x 40' pier, 3' x 40' ramp and 10' x 20' float to be located at 25 Riverview Dr. Applicants and owners are Martin and Veronica McNerney (mailing address: 44 Riverview Dr., Eliot, ME 03903). Property can be identified as Map 60/Lot 4.**

Veronica McNerney, applicant, stated that she and her husband received approval in 2006 to construct a pier, however, the approval expired before the pier was constructed. She stated that due to a stroke suffered by her husband several months ago, they decided to change the design of the pier to accommodate her husband's physical impairment. She stated that the Board had originally approved a 6' x 40' pier, 3' x 30' ramp, and 10' x 20' float but that they would now like to extend the ramp to the float from 30' to 40' to reduce the angle of descent for a safer approach.

Steve Beckert stated that the applicant had provided a revised plan showing the riparian setbacks, which the Board had requested at the last meeting. He stated that the riparian

setbacks are shown as 61' and 102', which well exceeds the 25' minimum setback. He stated that the Board should have also received comments from the Harbormaster indicating he had no issues with the proposal and comments from the Code Enforcement Officer reminding the applicant that a building permit would be required if the application was approved.

Veronica McNerney stated that she understood a building permit would be required.

Steve Beckert asked the Board if they had any other comments or questions for the applicant before opening the public hearing.

The Board had no additional comments or questions.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Frank Fortunado, 26 Riverview Dr., stated that he was an abutter and in favor of the pier. He stated that he no issues with the design or location of the pier and that it would fit in with the neighborhood.

Public hearing closed.

MOTION:

Jeff Duncan made the motion to approve the application as presented, 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. 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.
3. 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.
4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Dennis Lentz seconded the motion.

Vote: 3-0, 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 (PB05-25) to allow the processing and sale of firewood in an existing structure in addition to the previously approved land uses. Applicant is Sanborn's Auto Sales & Salvage, LLC (mailing address: 276 H.L. Dow Highway, Eliot, ME 03903). Owner is Eliot Recycling Services, LLC (mailing address: 276 H.L. Dow Highway, Eliot, ME 03903). Property can be identified as Map 37/Lot 9 and is located at 276 H.L. Dow Highway. (PB12-13)

Linda Corbin, applicant, stated that the economy has greatly affected her business and estimated that revenues were down by about 75%. She stated that in an attempt to generate income she would like to start selling firewood. She stated that timber from the property would be manually cut and split using a wheel crusher that had been converted to a splitter. She stated that no structural changes are proposed and that all firewood processing would be done inside the existing building shown on the plans. Processed firewood would then be stored on a portion of an existing concrete pad, which she identified on the site plan.

Jeff Duncan asked if the proposed use was different from what Peter Paul had been approved for on the property next door to the applicant's.

Linda Corbin stated that it was a similar use, but that Peter Paul uses a firewood processor. She stated that she has no plans to use a processor at this time and understood that she would have to come back before the Planning Board if she wanted to do that in the future.

Jeff Duncan asked if there would be any onsite sales of firewood to customers.

Linda Corbin stated that customers would not be permitted onsite. All firewood will be cut and delivered to customers offsite.

Jeff Duncan asked where the timber would come from.

Linda Corbin stated that they will initially cut and process timber sourced from the property but would eventually like to be able to purchase wood from others to process.

Greg Whalen asked what the hours of operation would be.

Linda Corbin stated that the hours of operation would be 7:00 AM – 5:00 PM Monday through Friday and 8:00 AM – 1:00 PM on Saturdays.

Jeff Duncan asked if the new land use would have any effect on the applicant's existing DEP permits.

Linda Corbin stated that it would not affect her DEP permit.

Steve Beckert asked the Planning Board if they wanted to hold a public hearing for the amended site plan.

The Board agreed by consensus that the proposed amendments to the approved site plan warranted a public hearing and scheduled it for December 4th, 2012.

Jeff Duncan stated that the Board received a letter from an abutter who was concerned that the applicant had not complied with certain conditions of approval associated with the original permit. He stated that the Code Enforcement Officer had also submitted a note to the Planning Board indicating that some code violations may exist on the property and asked if these issues would have any effect on the new application.

Steve Beckert stated that according to the Maine Municipal Association's Planning Board Manual, the fact that a property is already the subject of code violations has no relevance on the new application and would not constitute a basis for denial. He handed out an excerpt from the Planning Board manual.

MOTION:

Greg Whalen made the motion to consider the application complete.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

C. Review proposed 2013/2014 Planning Board budget.

The Board reviewed and approved the proposed 2013/2014 Planning Board budget.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Jeff Duncan stated that the Conservation Commission had submitted their comments on the proposal to reclassify several Shoreland areas from Resource Protection to Stream and Wetland Protection.

The Board agreed to discuss the comments at their next meeting.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for December 4th, 2012.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 7:42 PM.

Jeff Duncan seconded the motion.

Vote: 3-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary