

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

December 20th, 2011 7PM

ITEM 1 - ROLL CALL

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

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

MOTION:

Dennis Lentz made the motion to approve the minutes of the September 6th, 2011 Planning Board meeting, as written.

Greg Whalen seconded the motion.

Vote: 3-0 (Jeff Duncan abstained due to absence from the meeting), Chair concurs.

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

The Board reviewed the following notice of decision letter for the 403 Gentlemen's Club and issued the letter as written.

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

- A. Public hearing – and continued review of an 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)**

Ken Wood 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 a 3-story structure with a pool and outdoor tent site for events. He explained that the purpose of the hotel is to supplement the activities of the Regatta Room & Banquet Center currently located in the Eliot Commons. He stated that an open entry will connect the hotel to the Regatta Room. He also stated that a half Olympic-sized swimming pool is proposed and that the applicant hopes to attract area swim programs be it through Marshwood High School or elsewhere. The total minimum parking requirements for the proposed hotel and all existing Eliot Commons uses is 366 spaces based on the requirements of the Eliot Code, and that 369 spaces were proposed. He explained the stormwater management plan noting that the modeling for the 2, 10, 25, and 50-year storm events show an overall reduction in flow from 1.65 to 3.38 cfs. The addition of more green spaces allowed for a 31,000 sq. ft. reduction in impervious area.

DEP requires stormwater treatment of at least 95% of the runoff from the impervious area and no less than 80% of the developed area. The applicant proposes will exceed the minimum requirements by treating 122.8% of the impervious area and 88.4% of the developed area. He stated that the Board had some questions regarding the estimated traffic counts at the last meeting. He stated that he spoke with William Eaton of Eaton Traffic Engineers who explained that the shopping center is used as a baseline zero for the trip generation because it's existing and more than 10 years old. Therefore, the shopping center is "grandfathered", and not included in the traffic count for the proposed hotel. Any future development on the site would need to include the trips generated by the hotel until the hotel reaches the age it is considered existing by MDOT. He stated that Eaton Traffic Engineers would be sending a revised letter to clarify.

Steve Beckert explained the rules of the public hearing.

Public hearing opened.

Rachael Kelsey, 185 Beech Rd., stated that she lives on Beech Road, directly across from one of the Beech Road entrance to the Eliot Commons and that headlights from cars leaving the plaza frequently hit her windows. She asked if the applicant would be willing to provide a more substantial vegetated buffer in that area to help reduce the visual and noise impacts.

Ken Wood stated that the proposal includes plans to add landscaping in that general area but that it could certainly be filled in more with evergreens to help reduce the impact to the abutter.

Donald Webber, 163 Beech Road, asked what the distance was between the front of the mall and the hotel.

Ken Wood stated that it was approximately 58'.

Donald Webber asked if the proposed detention ponds discharged into Great Brook.

Ken Wood stated that was correct and that stormwater would be treated via a series of detention ponds onsite.

Donald Webber asked if there was any estimate as to the value the hotel would add to the Town's tax base.

Ken Wood stated that he didn't have any estimates available at this time.

Jay Muzeroll, Eliot Fire Chief, asked Ken Wood if the measurement of 58' was taken from the front of the building or from the front of the overhang.

Ken Wood stated that the measurement was taken from the front of the building. He estimated the distance between the front of the overhang and the hotel at about 20'.

Jay Muzeroll stated that he was concerned that he wouldn't be able to fit a fire truck under the overhang in the space provided. He stated that he needs a minimum height of 13'. He also stated that several of the conditions of approval from the original approval of the Eliot Commons were never done including fire land identification signs and road painting. He asked the Planning Board and applicant to ensure that all previous conditions be complied with.

Rachael Kelsey asked if the two existing Beech Road entrances to the Eliot Commons would remain.

Ken Wood stated that no changes were proposed to any of the existing entrances.

Jack Murphy, 5 Brixham Road, asked if it would just be hotel personnel working out of the hotel or if any of the proposed office space would be leased out.

Ken Wood stated that none of the office space in the hotel was proposed to be leased out.

Jay Muzeroll stated that he's in favor of the project and thought it would be a nice addition to the town. He stated that it's a well-planned project and that other than the comments he made earlier he had no other issues with it.

Larry Bouchard asked when construction is slated to begin.

Ken Wood stated that he wasn't sure yet and that it would be dependent on financing. He stated that it was the applicant's intention to begin as soon as possible.

Public hearing closed.

Jeff Duncan asked Kate Pelletier if there were any restrictions related to the maximum number of principal structures on a property.

Kate Pelletier stated that in the Commercial/Industrial district more than one principal structure is allowed on any lot meeting minimum lot size and frontage requirements. Unlike the residential zoning districts, structures in the C/I zone do not need to comply separately with minimum lot size and frontage requirements. The only requirement is that the structure must maintain the required setbacks, comply with lot coverage requirements, and be located no closer than 20' to any other structure on the lot.

Larry Bouchard asked the applicant to describe how snow would be removed and stored.

Ken Wood stated that some snow would be moved to the vegetated islands and the rest would go to the rear of the lot near the small maintenance building there.

Larry Bouchard asked if the pool was indoors or outdoors.

Ken Wood stated that about $\frac{3}{4}$ of the pool is located within the main portion of the hotel and that the other $\frac{1}{4}$ would be within the atrium area that may be opened to the outdoors when desired. He stated that the pool was completely enclosed though.

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

The Board had no additional questions for the applicant.

MOTION:

Jeff Duncan made the motion to approve the application for Sea Dog Realty 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 Code Enforcement Officer prior to occupancy.
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 the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
5. The applicant shall note on the revised site plan the location of all designated fire lanes on the plans per the Eliot Fire Chief.
6. The applicant shall note on the revised site plan the elevation of the proposed overhang for the purpose of emergency vehicle access. The proposed elevation shall be approved by the Eliot Fire Chief.
7. The applicant shall show additional landscaped/buffered area between the proposed development and Beech Road after discussion with the abutter at 185 Beech Road.
8. The applicant shall revise the site plan to show the proposed diameter of all proposed plantings.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

B. Public hearing – and continued review of an application for a Request for Planning Board Action to amend a previously approved site plan by constructing a 2,800 sq. ft. building and associated parking at 11 Dixon Rd. for use by the Eliot Community Services Department. Owner/applicant is Town of

**Eliot (mailing address: 1333 State Rd., Eliot, ME 03903).
Property can be identified as Map 21/Lot 6 and is located in the
Village zoning district. (PB11-22)**

Steve Beckert recused himself as Chair so that he could present the application for the proposed community services building on behalf of the Building Committee. Jeff Duncan acted as Chair for this application.

Steve Beckert, Building Committee Chairman, stated that since the last meeting with the Planning Board Attar Engineering had added several things to the plans that the Board requested including a depiction of the phased parking plan. He explained that phase one would include the addition of the paved area shown on the plan and that phase two would remain gravel until the Board of Selectmen decide to pave it. He stated that all setbacks were added to the plan and a separate abutters list prepared. He stated that he believed the application was now complete.

Jeff Duncan explained the rules of a public hearing.

Public hearing opened.

Jay Muzeroll, 2 Stonewall Ln., stated that the Town's property abuts his property on two sides. He stated that he has no issues with the proposal and thought it was a good reuse of the property.

Heather Muzeroll, Community Services Director, asked if there were any plans to remove the trees that run parallel to Dixon Road.

Steve Beckert stated that as long as those trees don't interfere with any site work then they would be left undisturbed.

Richard Donhauser, 455 Goodwin Road, asked if the building had been designed yet.

Steve Beckert stated a proposed design was prepared by Michele Shields and included a single-story structure with a walk out basement, which will house utilities and be used for storage. The unfinished area may be converted to office space in the future, but that would require installing an elevator to comply with State Law. He stated that would be something the Selectmen would have to decide.

Richard Donhauser asked how parking was calculated.

Steve Beckert stated that the parking schedule from Sec. 45-495 was used to calculate the total number of spaces required.

Richard Donhauser asked if the building could be expanded in the future.

Steve Beckert stated that theoretically the building could be expanded in the future but that no one had had yet analyzed to what extent that could happen.

Richard Donhauser asked if the property was on a septic system.

Steve Beckert stated that it was and that a new design had been provided.

Richard Donhauser asked if the building was required to have a sprinkler system.

Steve Beckert stated that it's not required but that the Board of Selectmen would have to look at the cost if they wanted to add it anyway. He stated that he believed it would be around \$30,000 to add sprinklers.

Public hearing closed.

Greg Whalen asked if any new plantings were proposed around the new building.

Steve Beckert stated that any landscaping would most likely look similar to what is currently around the Police Station's building and that there is space for some smaller shrubs to be added.

Jeff Duncan asked if the Board had any additional 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 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. 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 the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Greg Whalen seconded the motion.

Vote: 3-0, Acting Chair concurs.

Jeff Duncan explained the 30 day appeal period.

Steve Beckert resumed as Chairman.

C. Public hearing – and continued review of an application for Site Plan Review to establish a wholesale firewood sales operation on H.L. Dow Highway. Owner/Applicant is AMP Realty (mailing address: 297 H.L Dow Highway, Eliot, ME 03903). Property can be identified as Map 37/Lot 20 and is located in the C/I zoning district. (PB11-23)

Tom Harmon of Civil Consultants represented the applicant. He stated that since the last meeting the MDOT permit had been approved and that the entrance had been constructed about one year ago. All clearing that was going to be done onsite had already been done. No power, utilities, water or septic are proposed at this time.

Donald Webber, 163 Beech Road, asked if the Town had a noise ordinance.

Steve Beckert stated that the Town did indeed have a noise ordinance, which is enforced by the Code Enforcement Officer and not the Planning Board.

Donald Webber asked what the proposed hours of operation were.

Tom Harmon stated that proposed hours were from 7 am – 5 pm Monday through Friday.

Gerald McPherson asked what the difference was between retail and wholesale firewood sales.

Tom Harmon stated that this site will use seasonal employees from Northern Pool & Spa to process wood and Northern Pool & Spa trucks to deliver wood offsite to customers.

Public hearing closed.

Kate Pelletier, Planning Assistant, stated that Jim Marchese had asked that no retail sales take place onsite.

Jeff Duncan stated that since the question came up about the differences between wholesale and retail sales that he'd like to suggest that definitions be added to the ordinance.

The Board agreed.

Greg Whalen stated that retail sales are more in line with point-of-sale, which is proposed on this site. He asked if the signage already on the property would remain and what it would say.

Tom Harmon stated that he didn't believe any other signs were proposed.

Kate Pelletier stated that the ordinance only requires the sign's location be shown on the site plan as opposed to the message. She also stated that there were several waivers requested on this application that would need to be addressed before a final decision is made.

MOTION:

Jeff Duncan made the motion to waive Sec. 33-127(12) for a High Intensity Soils Survey in favor of a Medium Intensity Soils Survey due to the fact that no site improvements, including a septic system, are proposed.

Dennis Lentz seconded the motion.

Vote: 3-1 (Larry Bouchard opposed), Chair concurs with the majority.

MOTION:

Greg Whalen made the motion to waive the requirement of a 1"=20' scale in favor of a 1"=30' scale.

Dennis Lentz seconded the motion.

Vote: 3-1 (Larry Bouchard opposed), Chair concurs with the majority.

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:

Jeff Duncan made the motion to approve the application, as submitted, 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 Code Enforcement Officer prior to occupancy.
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 the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

5. No retail sales shall occur onsite.

Dennis Lentz seconded the motion.

Vote: 3-1 (Larry Bouchard opposed), Chair concurs with the majority.

Steve Beckert explained the 30-day appeal period.

ITEM 7 - ACTION ITEM LIST

Kate Pelletier will add definitions for “wholesale” and “retail” to the Planning Board’s active list of ordinance amendments.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for January 3rd, 2012.

ITEM 10 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 8:45 PM.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary