

ITEM 1 - ROLL CALL

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

Absent: Larry Bouchard

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

The Board agreed to review the December 20th, 2012 minutes at their next regular meeting.

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

There were no notice of decision letters to review.

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

- A. Application for Site Plan Review to establish a flea market at 220 Beech Road. Applicant is Richard Donhauser (mailing address: PO Box 256, Eliot, ME 03903). Property owner is: Medical Environments, LLC (mailing address: 61 H.L. Dow Highway, Eliot, ME 03903). Property can be identified as Map 29/Lot 37 and is located in the C/I zoning district. (PB12-2)**

Richard Donhauser, applicant, explained that he was seeking approval to operate a flea market at the corner of Beech Road and Route 236, across from the Eliot Commons. He stated that he had originally proposed 100 vendor spaces but would like to reduce the request to 40 vendor spaces to avoid the need for a traffic movement permit from MEDOT. He stated that if the flea market is successful he may come back before the Planning Board to request additional vendor spaces and apply for a traffic movement permit. He stated that since the last meeting with the Board he added the location of the sign to the site plan as requested. He stated that he was also considering how to block the entrance to Niven Damon's right of way, which runs through the property and that he may put up some sort of blockade on the days the flea market is open for business.

Steve Beckert stated that the Board should have received the Public Works Director's written comment, which he read as follows:

"There shall be no parking on Town owned streets. Consider purchasing "No Parking Anytime" signs to be installed along Beech Road."

Richard Donhauser asked how many signs he should put up.

Steve Beckert stated that the applicant would have to work that out with the Public Works Director. He suggested that, if approved, that requirement be made a condition of approval.

Steve Beckert stated that the Board also received a memo from the Eliot Police Chief who asked if a traffic study had been done.

Kate Pelletier stated that she sent the Police Chief an email detailing the MEDOT traffic movement permit process and that he hadn't sent any additional comments since then.

Steve Beckert stated that the Eliot Fire Chief, Jay Muzeroll, submitted comments as well, which he read as follows:

"Tents and surrounding spaces must comply with Chapter 11.11 of NFPA 101. The AHJ and Planning Board must concur on the meaning of Chapter 11.11.1.2. Plan in place prior to occupancy."

Richard Donhauser stated that everything will be removed at the end of every weekend. He explained that the tables will be $\frac{3}{4}$ " plywood on saw horses and that vendors would have to provide their own tents.

Greg Whalen asked how trash would be handled.

Richard Donhauser stated that he would provide trash barrels and that he was not planning to use dumpsters for the time being. He stated that trash would be removed at the end of every weekend by himself or the person he hires to manage the flea market.

Jeff Duncan stated that it appeared from the NFPA requirements the Fire Chief attached to his comments that any tents would have to meet standards for flammability, clearance around the tents, location of tents, etc.

Dennis Lentz stated that it appeared the NFPA requirements were more related to enclosed tents and not the type proposed by Mr. Donhauser.

Steve Beckert asked Kate Pelletier what the NFPA definition of a tent was.

Kate Pelletier read the definition of tent as follows:

"A temporary structure, the covering of which is made of pliable material that achieves its support by mechanical means such as beams, columns, poles, or arches or by rope or cables, or both."

Steve Beckert stated that the Board could impose a condition of approval that the applicant work out the details of the NFPA requirements prior to occupancy.

The Board agreed.

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 a flea market, 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/owner authorizes inspection of the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. Prior to occupancy, the applicant/owner shall, at his expense, install signage on the existing gravel drive at the boundary of the applicant's lot (Map 29/Lot 37) and the adjacent lot owned by Niven Damon (Map 29/Lot 20) with language indicating that the gravel driveway on the adjoining lot (Map 29/Lot 20) is private property and that use of it is prohibited. The specific language of the sign shall be agreed on by the owners of both lots.
5. Prior to occupancy, the applicant/owner shall, at his expense, erect "No Parking" signs along Beech Road. The quantity and exact location of each sign shall be agreed upon by the Public Works Director and Eliot Police Chief.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

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

B. Request for Planning Board action to amend a previously approved site plan by adding a 150' x 80' building, modifying an existing building, and adding pavement at 857 Main Street. Applicant is Kittery Point Yacht Yard (mailing address: 48 Bowen Rd., Kittery, ME 03904). Property owner is: MGX II, LLC (mailing address: 3 Bond Road, Kittery, ME 03905). Property can be identified as Map 10/Lot 2 and is located in the Village zoning district. (PB12-3)

Ken Markley of Northeasterly Surveying represented the applicant. He explained that the applicant is seeking approval to remove a portion of one structure on the marina's property

and add an additional building. Both buildings would allow for covered storage and access of boats. The existing building, which was previously damaged by a fire, will have a 100' x 50' section removed and will then be enlarged to 140' x 60'. The new building, which will be 150' x 80' will utilize a PVC impregnated polyester weave fabric cover and will be unheated except for any solar gain. He stated that two areas will be paved, as shown on the site plan, and that any increase in stormwater flow would be mitigated by 2' x 3' stone trenches at the base of the buildings to delay any runoff and allow the water generated by the buildings to infiltrate the ground. He stated that no additional parking is proposed as the boats are currently stored in these areas already. In terms of clearing of vegetation, he stated that there are no plans to remove any trees other than several branches that could damage the fabric building if they happened to come down. He also stated that no additional employees are proposed at this time.

Dennis Lentz asked if the site was paved now.

Tom Allen, applicant, stated that the site is paved from the top of the hill to the pier and then it turns into compacted crushed stone. The top of the site is also currently paved.

Ken Markley added that when water works its way through the crushed stone it slows enough to retain it.

Dennis Lentz asked if the northwest side of the building met the minimum setback requirements.

Ken Markley stated that it conformed to all dimensional requirements including lot coverage. He stated that lot coverage for the pre-development site was 9% and would now be at 16%.

Greg Whalen asked the applicant to describe the composition of the portion of the existing building being removed and what it would be replaced with.

Tom Allen stated that there had been a 50' x 100' metal building that was destroyed in a fire in 2008. That building will be replaced with a larger 60' x 140' metal building, which would allow for additional heated boat storage. The 80' x 150' fabric building, which will be erected toward the south of the property, will provide cold storage for boats and will be constructed on a pad or asphalt. Though not insulated the building will utilize solar gain, which will give mechanics and boat owners a head start on Spring.

Jeff Duncan stated that he noticed a sewer manhole in the middle of the proposed area to be paved. He asked if the sewer line ran beyond that point.

Tom Allen stated that it didn't, but he planned to add 24-hour public bathrooms onsite, which will tie into the municipal sewer line.

Greg Whalen asked if the applicant had anything in writing from DEP.

Ken Markley stated that he didn't have anything in writing. The inspectors met him onsite and they determined that this project didn't meet their requirements for a site development permit.

Steve Beckert stated that the Fire Chief had submitted a memo to the Board indicating that State Fire Marshall review would be required and that fire notification procedures would need to be addressed with the Fire Chief. He also stated that Joel Moulton, Public Works Director submitted a memo requesting that any changes to the site's access would need to be approved by Maine DOT because Route 103 is a State road.

Ken Markley stated that no changes are proposed to the site's access.

Tom Allen stated that he's been in contact with the State Fire Marshall's office and will contact the Town's fire chief as requested.

Jeff Duncan asked if the new buildings would have electricity.

Tom Allen explained that new three-phase power would be brought in for the larger boats. Minimal entrance and emergency lighting would be added as well.

Jeff Duncan asked if the buildings would be supplied with water.

Tom Allen stated that they would not.

Greg Whalen asked the applicant to show the existing sewer line to the pump station on the next set of plans.

Steve Beckert asked the Board if they wanted to schedule the public hearing.

The Board scheduled the public hearing for May 1st, 2012 and asked that the applicant meet with the Fire Chief in the meantime.

MOTION:

Dennis Lentz made the motion to consider the application complete with the exception of the municipal sewer line, which will be added to the next site plan.

Greg Whalen seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert asked the Board if they wanted to conduct a site walk.

The Board agreed by consensus to waive the site walk.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

None.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for May 1st, 2012.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:05 PM.
Greg Whalen seconded the motion.

Vote: 3-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary