

ITEM 1 - ROLL CALL

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

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 January 17th, 2012 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

MOTION:

Jeff Duncan made the motion to approve the minutes of the February 7th, 2012 Planning Board meeting, as written.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

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

The Board reviewed the notice of decision letter for Kittery Point Yacht Yard's Shoreland expansion. The letter was issued, as written, by consensus of the Board.

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

- A. Application for a Shoreland Zoning Permit to construct an additional 24' x 10' float to an existing float and 12' x 16' storage shed on an existing fixed pier. Property is located at 224 Pleasant Street. Applicant/owner is Douglas Anderson (mailing address: 224 Pleasant St., Eliot, ME 03903). Property can be identified as Map 4/Lot 14 and is located in the Shoreland Limited Commercial zoning district. (PB12-4)**

Greg Whalen recused himself from deliberations due to a conflict of interest. He stated that Mr. Anderson was a client of his.

Zachary Taylor of Riverside & Pickering Marine represented the applicant. He stated that the applicant proposes two changes to the existing commercial pier at 224 Pleasant Street. The first change is a modification to the existing floats, which will result in an additional 243 sq. ft. of seasonal docking structure after the new angled float is installed. The purpose of this change is to allow Mr. Anderson to anchor two of his vessels along the new angled float section during

strong northwest winds. He stated that the fetch on a strong northwest wind is such that the owner's vessels have nearly capsized. The second modification is the addition of a 12' x 16' storage shed, which will be placed on the existing 8' x 115' commercial pier. He explained that there is minimal area on the owner's parcel to store equipment necessary to run his commercial fishing operation and that the shed would provide additional storage while also preventing theft of equipment, which has been a problem over the last several years. The shed will restrict access to the vessels from the upland along the pier and will allow valuable equipment to be readily and securely stored off the vessels.

Jeff Duncan stated that it appears the float extends beyond the 25' riparian setback.

Kate Pelletier stated that Sec. 44-35(c)(11) allows a lesser setback if abutting property owners are in agreement and record the agreement at the registry of deeds.

Larry Bouchard stated that it appeared the pier crossed entirely over the applicant's riparian lines and 9' into the abutting property's riparian line. He asked if encroachment beyond the 25' setback was permitted and if any agreement between abutters would remain valid in perpetuity or if it would expire upon the property changing ownership.

Kate Pelletier stated that it was her understanding that the agreement would expire if the property changed hands but that she would confirm that with the Town attorney as well as whether or not encroachment into the abutter's riparian line is permitted.

Dennis Lentz asked Kate Pelletier if abutters had been notified of the proposal.

Kate Pelletier stated that with the exception of subdivision applications abutters are only notified when a public hearing is scheduled, which has not yet occurred for this application.

Jeff Duncan stated that the USGS map included in the application package had the name Gretchen Stein on it, which appeared to be incorrect.

Zachary Taylor stated that was an error and that he'd submit a revised USGS map for the next meeting.

Dennis Lentz asked if there were any safety/access concerns about having a locked shed like the one proposed on a pier.

Kate Pelletier stated that she had given the Fire Chief a copy of the application but that he had not yet signed off on it. She stated that she would ask him if he had any concerns.

Steve Beckert stated that James Allen, an abutter, had submitted written comments to him at the beginning of the meeting. He is concerned that Mr. Anderson's pier is not in compliance with the 2007 approval of the commercial pier.

Jeff Duncan asked Kate Pelletier to bring the case file for the original approval of the pier to the next meeting.

Steve Beckert stated that he didn't think the Planning Board could deny an application based on noncompliance with a previous plan approved by the Board.

Kate Pelletier stated that was correct. Enforcement of Planning Board approvals is the responsibility of the Code Enforcement Officer and that Mr. Allen should file a complaint with that office. Regarding the encroachment into the abutter's setback, she stated she would look into it and report back to the Board.

Steve Beckert asked the applicant to provide the DEP approval for the modification to the original pier approval. He stated that it appeared the 2007 approval was all that was included with the application package.

MOTION:

Dennis Lentz made the motion to consider the application complete and to schedule the public hearing for June 19th subject to submittal of the DEP approval of the proposed modification and a USGS map identifying the correct property owner.

Larry Bouchard seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert reminded the applicant that any material submitted to the Planning Board for the next meeting must be received by Kate Pelletier at least 10 days prior to the June 19th meeting.

B. Continued discussion on an ordinance proposed by the Code Enforcement Officer to regulate the keeping of domesticated chickens.

Greg Whalen rejoined the Planning Board as resumed his position as a full voting member.

Kate Pelletier stated that work on consolidating the sewer ordinances for the Sewer Committee had taken priority over this amendment and that she didn't have any new information for the Planning Board yet. She planned to have something ready for the next meeting.

C. Continued discussion on various fee schedule amendments proposed by the Code Enforcement Officer.

Kate Pelletier stated that the Board should have the latest draft of the fee schedule amendments dated May 15th. She stated that the Board had requested a spreadsheet showing which fees were new and which were existing, which she submitted as well. She stated that she wasn't entirely satisfied with the format yet but that she was still working on a more user-friendly way to organize the fee schedule.

The Board reviewed the draft and made several minor changes.

Kate Pelletier stated that she would continue working on the amendment and expected to have another draft ready for the next meeting.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Jeff Duncan reported that the Conservation Commission is asking for public support to approve a warrant article to expend \$25,000 out of the land bank capital reserve fund to assist in the acquisition of development rights to the Johnson Farm. He stated that the Town of Kittery and Great Works Regional Land Trust were also contributing and that they would receive matching funds from the U.S. Department of Agriculture's Farm and Ranch Lands Protection Program grant.

Larry Bouchard asked if public access for hunting and recreation would still be allowed with permission from the owners.

Jeff Duncan stated that anyone would still be able to seek permission from the owners to use the property for public recreational purposes.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for June 5th, 2012.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:25 PM.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary