

**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 15, 2013 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

**Vote: 4-0, Chair concurs.**

**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 a Home Business permit to establish a dog day care at 16 Alvin Lane. Applicant/owner is Melissa Magdziasz (mailing address: 16 Alvin Lane, Eliot, ME 03903). Property can be identified as Map 4/Lot 28 and is located in the Village zoning district. (PB13-7)**

Melissa Magdziasz, applicant, stated that she has run a small pet service for the last two years that provides dog walking and offsite pet sitting services to local clients. She explained that she is now ready to expand the business and would like to offer pet sitting services from her home on Alvin Lane. She stated that her property, which is over 2 acres in size, is located at the end of Alvin Lane and has a large fenced area for the dogs, which is not visible to neighbors. She stated that there is plenty of space for parking but that she did not expect any noticeable increase in traffic, as 3 out of 5 of her current clients are neighbors. She stated that her other clients would either be assigned specified pick-up/drop-off times or she would pick up and drop off the dogs herself. She also added that she was fully insured to provide pet sitting services both on and off site.

Steve Beckert asked if the applicant had seen the comments from the Police Chief regarding his concern about increased traffic on a narrow lane.

Melissa Magdziasz stated that she had and disagreed with the estimate of an additional 30 trips per day. She stated that she did not anticipate the business would generate more than a few trips per day and that most of them would be made by her as opposed to customers.

Greg Whalen noted that it appeared the applicant had already received a waiver from the Board of Appeals on April 18, 2013, which reduced the front yard setback from 30' to 15',

making the principal structure conforming to the ordinance. He asked about bullets from the Board of Appeals decision letter that limited the applicant to only 12 dogs.

Melissa Magdziasz stated that at the time she sought the waiver her business insurance only covered up to 12 dogs, but she had since purchased a new policy without such limitations.

Steve Beckert questioned whether the Board of Appeals had the authority to attach such a condition to the approval as their authority was limited to dimensional waivers only.

Kate Pelletier agreed and stated that the Board of Appeals is not given any authority under the ordinances to regulate the use of the land and since that provision was listed as a finding of fact rather than a condition of approval, it did not carry any weight and had no effect on the Planning Board's decision.

Dennis Lentz asked how far off the property line the fence was.

Melissa Magdziasz stated that she had never measured it but estimated it was about 10' from the property line.

Dennis Lentz asked if pet sitting services would be provided during the daytime only.

Melissa Magdziasz stated that was correct and that she would not offer overnight boarding of pets.

Larry Bouchard asked why the applicant chose "Use similar to a day nursery" as opposed to a "Use similar to a boarding kennel" or another similar use.

Kate Pelletier stated that she advised the applicant to use "Day nursery" as the appropriate land use as it was similar to a day care for children. She stated that choosing "Boarding kennel" might have implied the overnight care of animals, which the applicant is not proposing.

Steve Beckert suggested the Board vote on the appropriate use.

**MOTION:**

Jeff Duncan made the motion to consider the use similar to a "Boarding kennel."

Dennis Lentz seconded the motion.

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

Steve Beckert asked if the Board wished to conduct a site walk for this application.

The Board agreed by consensus to waive the site walk.

Steve Beckert asked if the Board was ready to schedule the public hearing.

The Board scheduled the public hearing and continued review of the application for June 4<sup>th</sup>, 2013.

**B. Application to establish a Home Business for an internet-based retailer of specialty cooking ingredients and cooking tools at 117 Old Farm Lane. Applicant is Janie (Jieming) Wang (mailing address: 117 Old Farm Ln., Eliot, ME 03903.**

**Owners are Jieming Wang, Christopher Anderson and Stephen Erickson (mailing address: 117 Old Farm Ln., Eliot, ME 03903). Property can be identified as Map 39/Lot 10 and is located in the Suburban zoning district. (PB13-8)**

Christopher Anderson stated that and his wife operate an online business out of an outbuilding on their property selling specialty cooking ingredients and tools. He stated that the business occupies approximately 750 sq. ft. and is strictly mail order. He stated that there would be no customers coming to the property and as such, no sign is proposed. He stated that in addition to him and his wife, there are two full-time employees who do not occupy the dwelling unit. He stated that parking has been provided for the employees, which he noted on the plan.

Dennis Lentz asked how ingredients are stored before customers purchase them.

Christopher Anderson stated that they purchase products such as food grade powders in bulk, which arrive via Federal Express and are broken up and sold in smaller quantities or stored in air-tight bins.

Greg Whalen asked if employees had access to restrooms.

Christopher Anderson stated that there were no bathrooms in the garage but that the employees have access to the bathrooms in the house.

Greg Whalen asked if the garage could be used year round.

Christopher Anderson stated that the garage is heated and insulated and suitable to be used year round.

Steve Beckert asked if the Board wished to conduct a site walk for this application.

The Board agreed by consensus to waive the site walk.

Steve Beckert asked if the Board was ready to schedule the public hearing.

The Board scheduled the public hearing and continued review of the application for June 4<sup>th</sup>, 2013.

**C. Application for a Shoreland zoning permit to expand an existing non-conforming structure located at 15 King Highway South. Applicant is Michael Pomeroy (mailing address: 374 Main St., Eliot ME 03903). Owner is Mildred Pecunies (mailing address: 6 Hall St., Dover, NH 03820). Property can be identified as Map 1/Lot 161 and is located in the Village district and Limited Commercial Shoreland zoning district. (PB13-9)**

Michael Pomeroy, applicant, stated that he and his wife are under contract to purchase the house at 15 King's Highway, which is in very poor condition and too close to the water. He explained that he is proposing to demolish the house down to its foundation, repair a portion of the existing block foundation and rebuild the structure on the existing footprint.

Steve Beckert stated that under the Shoreland Zoning chapter, non-conforming structures are allowed to expand by up to 30%.

Dennis Lentz asked if the existing foundation would be used for the entire house.

Michael Pomeroy stated that the granite block portion of the foundation was found to be stable and usable but that the rest would be new.

Dennis Lentz asked if the property was on Town water and sewer.

Michael Pomeroy stated that it was.

Greg Whalen asked if any bedrooms would be added.

Michael Pomeroy stated that there are two bedrooms now and that one additional is proposed.

Dennis Lentz asked if any DEP approvals would be required.

Kate Pelletier stated that she was not aware of any DEP approvals that would be required.

Jeff Duncan stated that on the application, under questions #24 and #25 where it talks about the expansion in terms of floor area and volume, the total percentage of increase in floor area is 29.99% and the total percentage of increase in volume is 41.01%. He asked Kate Pelletier if the ordinance required that both those figures be under the maximum expansion of 30%.

Kate Pelletier stated that Sec. 44-32(c)(1)(a) states:

*After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of subsection 44-32(c)(3) and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30 percent in floor area and volume since that date.*

She stated that she interpreted that section to mean that one or the other must be below 30% and that the Planning Board had also applied it that way with past applications.

Steve Beckert asked if the Board wished to conduct a site walk for this application.

The Board agreed by consensus to waive the site walk.

Steve Beckert asked if the Board was ready to schedule the public hearing.

The Board scheduled the public hearing and continued review of the application for June 4<sup>th</sup>, 2013.

## **ITEM 8 - ACTION ITEM LIST**

## **ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED**

- Steve Beckert reported that the appeal of the Central Maine Power project by David and Mary Fournier had been dismissed by the court without prejudice.

- The Board reviewed and approved the annual report of the Planning Board for the Town book.

**ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board meeting was scheduled for May 7<sup>th</sup>, 2013.

**ITEM 10 – ADJOURN**

**MOTION:**

Jeff Duncan made the motion to adjourn at 8:15 PM.

Dennis Lentz

seconded the motion.

**Vote: 4-0, Chair concurs.**

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**Stephen Beckert, Chairman**

**Date approved:** \_\_\_\_\_

**Respectfully submitted,**

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**Kate Pelletier, Recording Secretary**