

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:

Jeff Duncan made the motion to approve the minutes of the December 18, 2012 Planning Board meeting, as amended.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

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

The Board reviewed and approved the following notice of decision letters:

- Eco-Movement: Site Plan approval
- Redman: Amended site plan approval

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

A. 10-minute public input session.

10-minute public input session opened.

No Comments.

Public input session closed.

- B. Public hearing – and continued review of a Shoreland zoning application to construct a 4' x 55' fixed pier with a 3' x 30' gangway, leading to a seasonal 10' x 20' float at 14 Rocky Point Road. Applicant/owner is Elliott Matthews (mailing address: 14 Rocky Point Rd., Eliot, ME 03903). Property can be identified as Map 42/Lot 30 and is located in the Shoreland Limited Residential zoning district. (PB13-6)**

Alan Folsom of Riverside & Pickering Marine represented the applicant. He stated that the applicant, Elliott Matthews, is proposing to construct a 4' x 55' fixed pier with a 3' x 30' gangway, and a seasonal 10' x 20' float at 14 Rocky Point Road. He stated that the only fill that will be used is for the proposed pilings and that there will be no removing or clearing of vegetation required to construct the pier. The pier will be approximately 175 ft. from the riparian line of the abutting property to the north (Map 42/Lot 28) and approximately 143 ft. from the abutting lot to the south (Map 32/Lot 20).

Steve Beckert explained the rules of the public hearing.

Public hearing opened.

No comments.

Public hearing closed.

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

Dennis Lentz asked if the applicant had seen the comments from Harold Place, Eliot Harbormaster, dated April 17th, 2013 stating that he had reviewed the project and had no concerns so long as there was no interference with moorings in front of the proposed float location and that the pier and float be affixed with reflectors.

Alan Folsom stated that he had been provided a copy of those comments. He stated that the closest mooring was 400'-600' from the proposed dock and that reflectors would be installed as required by the Town ordinance.

Steve Beckert asked if the Board had any other comments or questions for the applicant.

The Board had no additional comments or questions.

Kate Pelletier, Planning Assistant, asked that the Board attach a condition of approval that all outstanding application and public hearing fees be paid by the applicant prior to the issuance of building permits.

MOTION:

Jeff Duncan made the motion to approve the application 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 premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. 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.

5. Payment of all applicable Planning Board application and public hearing fees shall be paid to the Town of Eliot prior to the issuance of building permits from the Code Enforcement Officer.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

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

C. Review Draft #1 of a proposed ordinance amendment entitled “Amendments to Chapter 44 (Shoreland Zoning) and Chapter 45 (Zoning) of the Municipal Code of Ordinances of the Town of Eliot, Maine to streamline and consolidate procedures for making an appeal.”

Kate Pelletier stated that the Board should have Draft #1 of the proposed amendment. She explained that this amendment came about following the appeal of the Central Maine Power site plan by David and Mary Fournier when there was some confusion about the procedure for making an appeal between the Shoreland and Zoning chapters. She stated that the amendment essentially directs those wishing to appeal approvals granted under the Shoreland zoning chapter to the already established procedures in the Zoning (Chapter 45) chapter. When JT Lockman of Southern Maine Regional Planning Commission updated the Shoreland zoning chapter in 2009 to comply with minimum State requirements, language regarding appeals from a model Shoreland zoning ordinance was used and the minor discrepancies in procedure between the two chapters was missed.

Greg Whalen asked if a public hearing would be required on the proposed amendment.

Kate Pelletier stated that a public hearing would be required by the Planning Board and Board of Selectmen for an ordinance amendment.

Dennis Lentz asked what the earliest available town meeting was at which this amendment would be voted on.

Kate Pelletier stated that June 4th was most likely the next possible town meeting vote.

Steve Beckert suggested that the Board take a few weeks to read the amendment and continue discussion and possibly schedule a public hearing at a future meeting.

The Board agreed.

D. Update on repeal of Timber Harvesting standards per Sec. 44-5.

Kate Pelletier provided an amended ordinance to repeal the timber harvesting standards contained in Chapter 44 (Shoreland zoning). She stated that Sec. 44-5 was adopted in 2009 with language directing an automatic repeal of the timber harvesting standards following the State of Maine Department of Conservation taking over responsibility for the enforcement and administration of those laws on January 1st, 2013. She stated that neither a public hearing nor town meeting vote is required for this amendment.

ITEM 8 - ACTION ITEM LIST

ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for May 7th, 2013.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 7:40 PM.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.



Stephen Beckert, Chairman
Date approved: 10-15-13

Respectfully submitted,



Kate Pelletier, Recording Secretary