

ITEM 1 - ROLL CALL

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

ITEM 2 - ANNUAL ELECTION OF OFFICERS: Per Sec. II.D.1 of the Planning Board Bylaws – *“Nominations for office shall be made from among full voting members of the Board at the annual organizational meeting, which shall be held on the first regularly scheduled meeting after the annual Town Meeting and the election shall follow immediately thereafter.”*

Jeff Duncan acted as Chair for the nomination of Planning Board Chairman.

Dennis Lentz nominated Steve Beckert as Chairman
Greg Whalen seconded the nomination.

Vote: 3-0 (Steve Beckert abstained), Vice Chair concurs.

Steve Beckert resumed as Chairman.

Greg Whalen nominated Jeff Duncan as Vice Chairman.
Larry Bouchard seconded the nomination.

Vote: 3-0, (Jeff Duncan abstained), Chair concurs.

ITEM 3 – PLEDGE OF ALLEGIANCE

ITEM 4 – MOMENT OF SILENCE

ITEM 5 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Jeff Duncan made the motion to approve the minutes of the February 21st, 2012 Planning Board meeting, as written.

Dennis Lentz seconded the motion.

Vote: 4-0, Chair concurs.

MOTION:

Greg Whalen made the motion to approve the minutes of the March 6th, 2012 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

ITEM 6 - REVIEW OF "NOTICE OF DECISION" LETTERS, AS NEEDED

None.

ITEM 7 - PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED

A. Public hearing – and continued review of an application for a Shoreland Zoning Permit to construct an additional 24' x 10' float to an existing float and a 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 due to the fact that the applicant was a client of his.

Steve Beckert stated that the Board should have received the original notice of decision for the pier as well as a copy of the DEP approval for the modified plan. He also reminded the Board that written comments were submitted by an abutter, James Allen, at the last meeting, which have already been read into the record.

Zachary Taylor of Riverside & Pickering Marine represented the applicant. He stated that the applicant would like to amend his application to eliminate the angled 10' x 24' float originally proposed. He stated that the applicant will now be requesting approval for the 12' x 16' shed only, which he explained is needed to prevent any further theft of equipment from fishing vessels. He stated that he also submitted a new topographic map showing the correct owner's name.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Ben Brickett, 208 Pleasant Street, stated that he could attest to the need for secure storage around commercial piers. He stated that he had also been a victim of theft and that \$5,000-\$6,000 of equipment had been stolen from his dock. He stated that he was in favor of the application being approved.

Richard Russell, 238 Pleasant Street, stated that he could also attest to the need for a secured storage shed and that he had seen some of the acts of vandalism and theft that have occurred along the waterfront.

Harold Place, Eliot Harbormaster, stated that he was in favor of the application being approved.

Public hearing closed.

Larry Bouchard read Sec. 44-35(c)(5), which states, "*No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.*" He asked if the Board felt the proposed shed would be prohibited because of this paragraph.

Steve Beckert stated that it was his opinion that the proposed shed was an operational necessity due to the incidents of burglary.

The Board agreed that addition of a shed constructed on the pier was an operational necessity.

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

The Board had no additional comments or questions.

MOTION:

Jeff Duncan made the motion to approve the application, as amended (depicted on the plan entitled "Anderson Pier Modification Project" revised June 18th, 2012), subject to the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents and 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 CEO before construction on this project may begin.
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 premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
5. All original conditions of approval for the commercial pier (PB07-8 & PB07-22) shall continue to apply.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

Greg Whalen resumed as a voting member.

B. Application for a home business permit to establish woodworking/cabinetmaking business at 161 Bolt Hill Road. Applicant/owner is Michael F. Thompson (mailing address: PO Box 1224, Portsmouth, NH 03801). Property can be identified as Map 7/Lot 53 and is located in the Village zoning district. (PB12-5)

Michael Thompson, applicant, stated that he was seeking approval for a cabinet making and woodworking home business. He stated that all sales of his cabinets and woodworking pieces would be sold off-site and that he would deliver all finished

products to his customers so no additional parking is proposed. He stated that he would be the only employee and that he was not requesting a sign.

Steve Beckert stated that the Board should have received a memo from the code enforcement officer dated June 19th, 2012 which he read as follow:

"I have reviewed the application and have the following comments:

- *Owner has a permit for an ADU on second floor of structure.*
- *Standard 5/8" sheetrock is all that is required for the mixed use.*
- *Noise, dust, fumes and hours of operation should all be reviewed by the board.*
- *The owner is limited due to the size of the structure."*

He also read a memo submitted by the Fire Chief on June 14th. 2012 as follows:

"Flammable liquids storage has been addressed by owner to my satisfaction. NFPA 101 requirements will need to be addressed."

Greg Whalen stated that the site plan submitted with the application shows the house and garage but does not identify where the home business would be conducted.

Michael Thompson stated that the business would be located on the first floor of the existing garage. He stated that the ADU is located on the second story of the structure.

Dennis Lentz stated that the applicant specified in his application that the home business would utilize a total of 870 sq. ft., however he calculated the area of the first floor of the 24' x 24' garage as 576 sq. ft.

Michael Thompson stated that he must have made an error in the calculation. He asked Kate Pelletier to amend his application to show the correct square footage.

Jeff Duncan stated that he understood that no sales of products would take place on the property but asked if customers would have the ability to come to the property to view the process or works in progress.

Michael Thompson stated that he would not permit customers to visit the shop.

Greg Whalen asked how materials associated with the business would be stored and if there would be any outside storage of materials.

Michael Thompson stated that any materials would be stored directly behind the garage and would not be visible from the street or to abutters.

Larry Bouchard asked what the hours of operation would be.

Michael Thompson stated that the hours of operation would be Monday –Friday 8:00 AM to 5:00 PM and Saturday 8:00 AM – 12:00 PM.

Steve Beckert stated that the applicant should be aware that the Town has a noise ordinance (Sec. 45-407) that the home business would be subject to. He suggested that the applicant familiarize himself with noise limitations prior to beginning his operation.

MOTION:

Greg Whalen made the motion to consider the application complete.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

The Board scheduled the public hearing and continued review of the application for July 17th, 2012.

C. Continued review of an application for a request for planning board action to amend a previously approved site plan by constructing a new 11,556 sq. ft. industrial building at 434 H.L. Dow Highway. Applicant/owner is Aggregate Recycling Corporation (mailing address: PO Box 363, Eliot, ME 03903). Property can be identified as Map 46/Lot 5 and is located in the Commercial/Industrial zoning district. (PB12-6)

Scott Collins of St. Germain Collins represented the applicant. He stated that they are seeking approval for the addition of a municipal solid waste (MSW)/single-stream recycling transfer building to the existing construction and demolition materials processing facility. A one-story, 11,556 sq. ft. building will be constructed over an existing 100' x 100' concrete pad, which will allow ARC to transfer MSW and single-stream recyclables from collection vehicles to larger trailers for final recycling, processing and/or disposal off site. The structure will be metal with a metal roof and will have power, but will not have heat, water or sewer. He explained that the building will have a perched area for top loading of up to two transfer trailers at a time. Incoming loads of MSW and single-stream recyclables would enter through a 25' paved apron in front of the overhead doors and be deposited on the tipping floor and loaded into transfer trailers. The trailers will then be tightly tarped once full and transported offsite or staged temporarily at the dedicated trailer parking area shown on the plans. He stated that Gorrill-Palmer Consulting Engineers provided a traffic assessment letter, which is included in the application package. Their assessment of the anticipated traffic generated from the site, about 10 additional truck trips per day, was that it would have little to no impact on nearby roadways. He stated that the new building would not change the runoff coefficient and would therefore not affect runoff rates or quality due to the fact that the 100' x 100' concrete pad was existing at the time the stormwater management report was prepared. He stated that the 2011 stormwater management report submitted with the previous application to the Planning Board for the 12,000 sq. ft. office building was still accurate and that no changes are proposed to the existing stormwater facilities and stormwater management pond. He stated that the applicant has applied for a solid waste permit and has met with a representative of the Maine DEP, who indicated the application would likely be approved.

Larry Bouchard asked what the concrete pad had been used for previously.

John Doherty, applicant, stated that it was originally used as part of the wood waste operation. It was the location where wood sorting took place but is no longer used.

Larry Bouchard asked if the slab would need to be modified at all.

Scott Collins stated that it wouldn't be modified except for removing the concrete blocks and tying the pad into new footings.

Greg Whalen asked how residual liquids would be taken care of if there was no water supply to the building.

Scott Collins stated that a continuous floor drain will be located on the tipping floor to collect and direct any residual liquids to a 2,500-gallon, concrete holding tank located underground. The tipping floor will be cleared at the end of each day by employees and materials raked out of corners inside the building daily. Sweepers will be used to push liquid runoff into the floor drain, which is equipped with an overflow alarm that sounds when the tank reaches 90% capacity. He stated once the holding tank is full it would be pumped by a licensed waste hauler. He stated that the ARC facility also owns a water truck, which could be used if the floors need to be washed.

Dennis Lentz asked if the road off Route 236 used to access the ARC site was shared.

Scott Collins stated that the access road is shared with Dave's Auto and Charles Anderson.

Larry Bouchard asked if groundwater tests were still being submitted to the Town annually, which he believed was a requirement from a previous approval.

Scott Collins stated that groundwater monitoring is still performed annually. Samples are collected from three onsite monitoring wells and analyzed by a lab. The reports are then submitted to the Town Hall.

Jeff Duncan asked what the customer base for the proposed business would be.

John Doherty stated that it's mostly commercial roll-off businesses that have trucks capable of picking up silver bullet containers. Rather than using a company like Merck, haulers can do it all in one trip.

MOTION:

Greg Whalen made the motion to consider the sketch plan complete.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert asked if the Board wanted to schedule a site walk for this application.

The Board agreed to conduct a site walk and scheduled it for July 3rd, 2012 at 6:15 PM.

D. Application for a Shoreland zoning permit to expand a non-conforming structure by constructing an 8' x 16' addition to an existing single family dwelling located at 279 River Road. Applicant/owner is Robert Laltoo (mailing address: 96 Logging Rd., Cape Neddick, ME 03902). Property can be identified as Map 18/Lot 11 and is located in the Shoreland Limited Residential district. (PB12-7)

Ken Markley of Easterly Surveying represented the applicant. He explained that the applicant is proposing to construct a two-story, 8' x 16' addition to an existing single family dwelling located entirely within the Shoreland zone. He stated that the addition would result in a 7% increase in volume and 30% increase in building area.

Greg Whalen asked if the foundation wall on the proposed addition was concrete.

Ken Markley stated that it is concrete until it reaches ground level, at which point it becomes wooden.

Jeff Duncan stated that there appeared to be two small boxes on the site plan that weren't identified and asked that they be identified for the next meeting.

Greg Whalen asked if the septic tank capacity had been verified.

Kate Pelletier stated that this was a residential property and that design flows are based on the number of bedrooms. She stated that no additional bedrooms are proposed as part of this application.

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

The Board agreed to hold a site walk and scheduled it for July 3rd at 5:30 PM.

MOTION:

Dennis Lentz made the motion to consider the application complete.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

ITEM 8 - ACTION ITEM LIST

None.

ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED

None.

ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING

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

ITEM 11 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:45 PM.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary