Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES July 3rd, 2012 7PM

ITEM 1 - ROLL CALL

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

Absent: 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 March 20th, 2012 Planning Board meeting, as written.
Dennis Lentz seconded the motion.
Vote: 3-0, Chair concurs.

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

The Board reviewed the notice of decision letter for Doug Anderson's Shoreland zoning permit and issued the letter as amended.

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

A. 10-minute public input session

Public input session opened.

No comments.

Public input session closed.

B. Continued discussion on clarifying the definitions of "Agriculture" and "Animal Breeding and Care." (Draft #2)

Kate Pelletier stated that the Board should have draft #2 of the proposed agriculture amendments and that changes made since the last draft are highlighted in yellow. She stated that since the last meeting she added "feathers" to the definition of "agricultural products", which Greg Whalen had suggested. She stated that she also clarified that greenhouses are considered accessory structures and that they're required to meet the dimensional standards in Sec. 45-405. She stated that she changed note #1 under Sec. 45-405 to say that livestock husbandry is only permitted in conjunction with a commercial agricultural operation and to clarify that buildings housing animals and livestock are not considered accessory structures and as such do not need to comply with Sec. 45-452 (Accessory use or structure). She stated that she also relocated the

dimensional requirements for buildings housing animals and livestock from note #1 to Sec. 45-405 (Dimensional standards) and added provisions for reducing setbacks with permission from abutting landowners.

The Board discussed agricultural uses being prohibited in the Commercial/Industrial zone currently and agreed to make agricultural operations permittable in the zone with site plan review.

The Board agreed to remove plant nurseries from the table of land uses and include them under the definitions of "Agricultural operation, commercial" and "Agricultural operation, non-commercial."

The Board asked Kate Pelletier to forward the ordinance to Tina Buckley, Eliot Animal Control Officer, for review and comment.

Kate Pelletier stated that she would incorporate the changes discussed into the next draft and seek comment from the Animal Control Officer for the next meeting.

C. Continued review of proposed fee schedule amendments.

Kate Pelletier stated that she did not have a revised draft of the fee schedule ready at this time and asked that this issue be put off until the August 7th meeting.

D. Continued discussion regarding consideration of an ordinance amendment to allow semi-permeable surfaces in the Shoreland zone.

Steve Beckert stated that the Board discussed the May 18th letter from the code officer regarding allowing permeable pavers in the Shoreland zone at the June 5th meeting. Since then the Board should have received email communication between Jim Marchese, Kate Pelletier and Mike Morse of MeDEP, which he read in part as follows:

> *"…For determining the area of structures and non-vegetated surfaces within the Shoreland zone, in some instances the use of various grass-paver type products may be considered toward a reduction credit in the amount of non-vegetated surfaces, not to exceed 50% of the area where the product is applied. In order to qualify for any credit the product must result in a significantly vegetated surface. In many cases the use of these products will result in credit being applied, but at far less than 50%. When determining whether any credit should be applied, a municipality must consider a number of variables: the type of area where the product will be applied (e.g. most products are intended to function well in areas such as fire lanes, or rarely used overflow parking lots. Use on a driveway used regularly should typically result in little or no credit.); the frequency of use; seasonal or year-round use (frost or salt damage to vegetation); product specifications (some products are designed that 70% or more of the surface is concrete or other hardened surface with the remainder being vegetated with grass- obviously such products would yield a very low credit). Due to the nature of these variables it is clear that a driveway for a camp used only several weeks during the growing season could be given*

a higher credit percentage when an effective product is used, whereas a high use year-round driveway with a less effective/ lower amount of vegetation product is used would yield little or no credit".

Based on this, you can see that it's just not a cut & dry issue. There are many different products and between that and varying site conditions there are a lot of variables. Since many of these products are intended for fire lanes around buildings and other very low use parking areas- because they don't perform well in normal driveway situations- we are not real keen on providing 'credit' toward lot coverage for their use in higher traffic areas.

If the town would like to greatly expound on which specific products are acceptable to use and assign a percent credit allotment for the product, or, create a provision that takes into account all the different concerns outlined above then we would certainly be amenable to considering it. It would probably be in the town's best interest to run a draft by us before adopting it though. As for the concern that another state allows such products, other states have different regulations, allowances, prohibitions, etc., than Maine. Some states don't have any type of Shoreland zoning regulation period. That argument doesn't cause Maine to do away with its Shoreland zoning regulations (particularly as evidenced by the testimony on various Shoreland zoning bills heard before the legislature over the past year or so). Maine is not New Hampshire. The State cannot really allow a significant deviation for border towns just because they can see what's going on across the river and not allow all the rest of the towns to do the same. "

He asked the Board what they would like to do with this issue.

The Board agreed by consensus to table this issue until other, more pressing ordinance amendments had been completed.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Larry Bouchard asked Kate Pelletier to provide copies of the last three years of ARC's annual groundwater tests.

Jeff Duncan asked for copies as well.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for July 17th, 2012.

ITEM 10 – ADJOURN

MOTION:
Dennis Lentz made the motion to adjourn at 8:05 PM.
Larry Bouchard seconded the motion.
Vote: 3-0, Chair concurs.

_____
Stephen Beckert, Chairman
Date approved: _____

Respectfully submitted,

_____
Kate Pelletier, Recording Secretary