

**Town of Eliot  
REGULAR PLANNING BOARD MEETING MINUTES**

**August 16<sup>th</sup>, 2011 7PM**

**ITEM 1 - ROLL CALL**

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

Steve Beckert appointed Larry Bouchard as a voting member for this meeting.

**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 July 5<sup>th</sup>, 2011 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 decisions letters for the following applications:

- Daniel Bogannam – Shoreland zone expansion
- ARC – warehouse building
- Tracy Shejen – automobile recycling operation

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

- A Public hearing – and continued review of an application for Site Plan Review to establish a business at 306 H.L. Dow Highway selling coal and wood pellets retail and wholesale, and compost made from onsite materials. Proposed uses are Retail, Wholesale, Manufacturing, Business Office and Warehouse. Owner/Applicant is James Powers (mailing address: PO Box 12, Kittery Point, ME 03905). Property can be identified as Map 37/Lot 21. (PB11-7)**

Bruce Crawford of Ambit Engineering represented the applicant. He stated that the subject property had recently been created from a portion of an abutting property owned by Lin-Cor. He stated that the property is located on Route 236, consists of about 14 acres and was issued an entrance permit by MDOT for the new driveway, which has already been constructed. The applicant proposes to store around 20 tons of coal, about 10 tons of wood pellets, 30 cords of split firewood, about 100 yards of bark mulch, 300 yards of aggregates such as stone and gravel, and up to 5 truck trailers. The applicant also

proposes storage of up to 4 dumpsters, which can be rented out and delivered to customers.

Steve Beckert explained the rules of a public hearing.

**Public hearing opened.**

Jack Murphy, 5 Brixham Rd., asked if the materials proposed to be sold would be brought on site by outside suppliers.

James Powers stated that all materials sold on site would be trucked in.

**Public hearing closed.**

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

Larry Bouchard stated that at the last Planning Board meeting the Board had requested that the applicant revise the first page of the application to include all of the proposed uses and materials proposed to be sold. He stated that he noticed stone and gravel sales had been added and asked if the Board was agreeable to those additions.

The Board agreed that stone and gravel sales were permissible.

Larry Bouchard asked the applicant if any crushing or processing of the stone and gravel would take place on the site.

James Powers stated that there would be no crushing or processing done onsite and that all stone and gravel would be trucked in.

Jeff Duncan stated that he wasn't able to find any information about the potential for anthracite coal to leach into the ground and effect surface water or groundwater and suggested that if the application is approved, that a condition of approval be added that any storage of coal occur inside the existing building so that it wouldn't come in contact with any rain or snow.

The Board agreed.

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 presented, 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. 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. Any onsite coal storage shall occur in a building with a minimum of three (3) walls/sides and a roof. There shall be no outside storage of coal or coal products.

Chris Place seconded the motion.

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

Steve Beckert explained the 30-day appeal period.

**B. Application for a Shoreland zoning permit to remove an aging, partially failed dam on the Savage Wildlife Preserve located at 15 Dover-Eliot Road on the Eliot/South Berwick town line. Owner/Applicant is Great Works Regional Land Trust. Property can be identified as Map 100/Lot 8 and is located in the Rural zoning district (PB11-13).**

Steve Beckert stated that it was his opinion that the Planning Board could review this application administratively and that he wasn't able to find anything in the ordinance that would give the Planning Board any authority to allow the removal of a dam. He stated that it was also his understanding that the DEP would be closely monitoring this project.

Connie Weeks, 34 Odiorne Lane, stated that the applicant may have wanted to come before the Planning Board to gauge their support of the project.

Steve Beckert stated that reviewing the application administratively would still allow the applicant to inform the town and anyone interested in their plans while not requiring them to submit a full site plan.

David Huntress of Stantec represented the applicant and explained that the dam is proposed to be removed because of safety and liability concerns. He stated that the dam was partially breached during the Mother's Day floods several years

ago, which caused the toppling of some white pines and serious erosion. The goal is to restore the tidal ecosystem, which the DEP considers a dredging operation and requires a separate permit for it.

Greg Whalen asked if the dam was made of earthen materials.

David Huntress stated the dam was comprised of earthen materials, concrete and stone masonry.

Jeff Duncan asked if there was any intent to deepen, widen or otherwise change the stream bed.

David Huntress stated there was absolutely no plan to alter the stream bed in any way except by removing the dam and allowing it to restore itself naturally.

Chris Place stated that he was agreeable to handling the application administratively since there would be no greater impact on the environment or abutting land owners.

Greg Whalen asked how other towns have handled applications like this one.

David Huntress stated that his company handles projects like this one three or four times a year and that every town has their own process. Some require Planning Board approval and some don't, but what remains constant is that permits from the Army Corps of Engineers and the Maine DEP are always required.

Jeff Duncan asked if the Army Corps and/or Maine DEP require local approval to issue their permits.

David Huntress stated that the entities are all completely independent of each other, but they do advise that the applicant check with each municipality whether or not a local permit is required.

Greg Whalen asked where funding for a project like this comes from.

David Huntress stated that funding comes from the National Marine Fisheries Service who view a project like this as restoration of aging infrastructure, which benefits the commercial fisheries in the long run.

Steve Beckert asked the Board if they wanted to handle this application administratively.

The Board agreed by consensus to review the application administratively and not require full site plan review.

**MOTION:**

Jeff Duncan made the motion to approve the application for a Shoreland zoning permit to remove an aging, partially failed dam on the Savage Wildlife Preserve 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. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
3. 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.

Dennis Lentz seconded the motion.

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

Steve Beckert explained the 30-day appeal period.

**C. Application for site plan review to erect a sign at 143 H.L. Dow Highway. Owner/applicant is Tim Pickett (mailing address: PO Box 242, Eliot, ME 03903). Property can be identified as Map 23/Lot 25 and is located in the Commercial/Industrial zoning district. (PB11-14).**

Steve Beckert stated this application was before the Board because it was recently discovered that signs proposed in the Commercial/Industrial zoning district require site plan approval by the Planning Board as opposed to just a building permit from the Code Enforcement Officer. He stated that it was his opinion that the ordinance should be changed so that review and approval of commercial/industrial signs would be the Code Enforcement Officer's responsibility. He stated that he didn't think site plan review should be required for every sign.

Jeff Duncan asked if the business had already been approved for the site and whether or not a sign had been included in the original application.

Tim Pickett stated that the business itself had already received approval from the town and that he had a building permit for the sign issued 8-10 years ago, however, he never put the sign up and the permit expired.

Dennis Lentz asked what would be written on the sign.

Tim Pickett stated that the sign would say, "Esperanza" and would have the website and street number on it.

Jeff Duncan asked what the maximum size of a sign in the Commercial/Industrial zone was.

Kate Pelletier stated that per Sec. 45-405, Commercial/Industrial signs could be up to 100 square feet in size.

Jeff Duncan asked the applicant what he sells.

Tim Pickett stated that he sells handmade chainsaw carvings.

Steve Beckert asked the Board if they wanted to handle this application administratively or if they wanted to require full site plan review and public hearing.

The Board agreed by consensus to review the application administratively and waived the public hearing as no other aspects of the site were being altered and the addition of a sign would have no greater impact on abutters.

**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.

Dennis Lentz seconded the motion.

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

Steve Beckert explained the 30-day appeal period.

**ITEM 7 - ACTION ITEM LIST**

**ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED**

Jeff Duncan stated that he had a previous commitment and would not be able to attend the next Planning Board meeting on September 6<sup>th</sup>.

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Steve Beckert asked Kate Pelletier about the status of the fireworks ordinance being proposed by the Board of Selectmen.

Kate Pelletier stated that Dan Blanchette informed her that the Selectmen would be discussing this issue at an upcoming meeting and would give the Planning Board some direction. She stated that the Planning Board would only need to get involved if they determine that they want to allow fireworks sales in Eliot since it's a land use issue. If they determine that they just want to allow the possession of fireworks but not the sale of them, then that would be an ordinance outside the Planning Board's purview.

**ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board meeting was scheduled for September 6<sup>th</sup>, 2011.

**ITEM 10 – ADJOURN**

**MOTION:**

Chris Place made the motion to adjourn at 8:35 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**