

Town of Eliot

REGULAR PLANNING BOARD MEETING MINUTES

August 21st, 2012 7PM

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Dennis Lentz, and Greg Whalen.

Absent: Jeff Duncan – Vice Chairman and Larry Bouchard.

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 May 1st, 2012 Planning Board meeting, as written.

Greg Whalen seconded the motion.

Vote: 2-0, Chair concurs.

The Board agreed by consensus to review the minutes of the May 15th meeting at the next regular meeting.

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

The Board reviewed the notice of decision letter for Aggregate Recycling Corporation's site plan amendment. The letter was issued as written.

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

- A. Application for a request for planning board action to amend a previously approved site plan for the Maine Power Reliability Program by redesigning line section 3022 using compact H-frame design instead of steel monopoles. Applicant/owner is Central Maine Power Company (mailing address: 83 Edison Dr., Augusta, ME 04333). Property is located in the Stream Protection, Resource Protection and Limited Residential Shoreland zoning districts and can be identified as Map 102/Lots 1 & 4 and Map 101/Lot 20. (PB12-8)**

Drew McMullin, Community Relations Manager for Burns and McDonnell, represented the applicant. He stated that John Kaiser was also present who is responsible for overseeing construction. He explained that CMP is requesting an amendment to their approved site plan, which the Planning Board approved on April 19th, 2011. The original site plan was for CMP's Maine Power Reliability Program, a \$1.4 billion project to upgrade Maine's bulk power transmission system that spans 75 Maine towns from Eliot to Orrington. In April the Planning Board approved several minor changes to the 115

and 345 kV line within the town's Shoreland zoning districts including the removal of five existing wooden H-frame structures to be replaced with four single poles on the 115 kV line and the construction of four steel single poles with concrete foundations for the 345 kV line. He explained that CMP is now proposing an amendment to that approved site plan in which the 345 kV line will now be constructed using compact, wooden H-frame structures instead of steel monopole structures. He noted that they are referred to as "compact" because of their narrow stance. He stated that the change, if approved, would result in a net decrease in environmental impact from the previous approval because the new H-frame structures do not require foundations. They have an average height of 75'-85' depending on elevation.

Steve Beckert asked Kate Pelletier if she agreed the environmental impact was less than what was approved by the Planning Board in 2011.

Kate Pelletier stated that if the only change involved was the elimination of 7 concrete foundations in the Shoreland zone then she agreed the environmental impact was less than that of the 2011 approval.

Steve Beckert asked if abutters were notified of this application.

Kate Pelletier stated that the ordinance only requires abutter notification when a public hearing is scheduled for site plan review or when an application for a subdivision is received. She stated that abutters were properly notified when the Planning Board held the public hearing for the original application for site review.

Greg Whalen asked if the proposed site plan amendments were a result of a Public Utilities Commission (PUC) order.

Drew McMullen stated that was correct. An abutter took umbrage to the original design and took their case to the ombudsman assigned to the Maine Power Reliability Program. He stated that an ombudsman is a third-party overseer assigned to the MPRP project whose duty it is to assist landowners in resolving disputes with CMP. He stated that a year and four months and three months of testimony resulted in an order from PUC that these compact H-frames be used instead of steel monopoles.

Steve Beckert asked the Board if they agreed that the environmental impact of the proposed amendments were less than what was originally approved by the Planning Board in 2011.

Greg Whalen and Dennis Lentz agreed that eliminating 7 concrete foundations from the Shoreland zone was less impactful than the previous design.

Steve Beckert stated that Sec. 33-140 stated the following:

"...if the Planning Board determines that the proposed revisions are minor and do not result in any substantial changes to the approved development or further impact abutters, the planning board may approve the amended site plan. If the planning

board determines that the changes are substantial, then the planning board shall process the application for the amended site plan in the same fashion as an application for review of a site plan under division 4 of this article III.”

He stated that he believed the proposed changes were minor in nature and less impactful to abutters than what was previously approved. He stated that he did not think it was necessary to hold an additional public hearing.

Dennis Lentz and Greg Whalen agreed.

MOTION:

Dennis Lentz made the motion that the proposed changes to the previously approved site plan were minor in nature and could be reviewed administratively by the Planning Board without the need for full site plan review or additional public hearings.

Greg Whalen seconded the motion.

Vote: 2-0, Chair concurs.

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

The Board had no additional comments or questions for the applicant.

MOTION:

Dennis Lentz made the motion to approve the revision to approved site plan for case #PB12-8 as presented, subject to all previously conditions of approval associated with case #PB 11-3.

Greg Whalen seconded the motion.

Vote: 2-0, Chair concurs.

Steve Beckert explained the 30-day appeal process.

B. Application for site review to construct a 51-unit elderly housing building on the existing Eliot Commons site located at the intersection of H.L. Dow Highway and Beech Road. Applicant/owner is Sea Dog Realty, LLC (mailing address: 86 Newbury St., Portland, ME 04101). Property can be identified as Map 29/Lot 27 and is located in the Commercial/Industrial and Limited Residential Shoreland zoning districts. (PB12-10)

Ed Brake of Attar Engineering represented the applicant. He explained that the applicant, Sea Dog Realty, has submitted an application and sketch plan for a proposed elderly housing building on the Eliot Commons property. The new building will be located beyond the post office on Levesque Drive. He stated that 51 housing units are proposed though Sec. 45-405(g) would allow up to 65 units. 51 additional parking spaces for residents plus 2 spaces for employees are also shown on the site plan and meet the minimum parking requirements in Sec. 45-495. He stated that the entire lot is 17.14 acres and that existing buildings currently comprise about 6% total lot coverage. The lot coverage of all existing and proposed buildings, including the approved hotel,

would be 10.2%. He stated that most of the property is located in the Commercial/Industrial zoning district but that approximately 48,445 square feet are in the Shoreland Limited Residential zone, beginning just beyond the cul-de-sac in front of the post office building. He stated that the maximum lot coverage of all non-vegetated surfaces in the Shoreland zone is 20% and that the site is currently non-conforming in that it currently exceeds the maximum allowable lot coverage. Pre-development, non-vegetated surfaces total 20.1%, however, the developed lot coverage will be reduced to 19.9%.

Dennis Lentz asked if Levesque Drive was a town road or if it was private.

Ed Brake stated that Levesque Drive is a private road.

Dennis Lentz asked what the dimensions of the proposed building were.

Ed Brake stated that it was 225' x 45' with a height of 45'. He stated that he was not sure yet if it would be three or four stories. He also stated that the minimum setback for elderly housing is 50', however, the applicant has provided a 100' setback.

Steve Beckert asked Kate Pelletier if the property was entirely within the Commercial/Industrial zone.

Kate Pelletier stated that the entire property is in the Commercial/Industrial zone but that the area of the property where the elderly housing building is proposed has the Limited Residential Shoreland overlay.

Greg Whalen asked the applicant to provide the location of the water and sewer lines on the next site plan. He asked Kate Pelletier what sort of information construction drawings should include.

Kate Pelletier stated that construction drawings are not required for sketch plans but should include things like floor area, setbacks, and lighting. She stated that a detailed list of requirements could be found in Sec. 33-127.

Steve Beckert stated that if the application is approved he would like to suggest a condition of approval that the applicant provides proof of State/Federal funding to the Code Enforcement Officer prior to permitting.

Ed Brake stated that the project will be a Maine State Housing Authority Finance project and that they are authorized to allocate federal low income tax credits under the program. He stated that the housing authority would also be the mortgage holder/guarantor.

Dennis Lentz asked the applicant to include the distance from the proposed building to utility lines on the next site plan submission.

Greg Whalen asked if any additional signage was proposed.

Ed Brake stated that no additional signs are proposed at this point in time. There is an existing sign for all Eliot Commons businesses located at the Levesque Drive entrance and that any new signage would be added to that.

Greg Whalen asked if the applicant had any meetings with the Police or Fire departments yet.

Kate Pelletier stated that the application and sketch plan were given out to Police, Fire, Code and Public Works but that they usually wait to submit their comments until after a full site plan has been submitted.

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

The Board had no additional comments or questions.

MOTION:

Greg Whalen made the motion to accept the sketch plan as presented.

Dennis Lentz seconded the motion.

Vote: 2-0, Chair concurs.

- C. Application for a request for planning board action to allow the Eliot Community Services Department to relocate their offices to a 22' x 38' space within the Eliot Elementary School located at 1298 State Rd. Applicant is the Town of Eliot (mailing address: 1333 State Rd., Eliot, ME 03903). Owner is M.S.A.D. 35 (mailing address: 180 Depot Rd., Eliot, ME 03903). Property can be identified as Map 21/Lot 13 and is located in the Village & Suburban zoning districts. (PB12-9)**

Kate Pelletier, Planning Assistant, presented the application on behalf of Dan Blanchette who had a last minute conflict and could not attend tonight. She stated that the Town of Eliot is requesting approval to use an existing 38' x 22' room at the Eliot Elementary School for the Eliot Community Services offices. She stated that no structural changes are proposed and that only minor renovations would be done to an existing bathroom for ADA compliance. She stated that the new use would be "Governmental buildings or uses."

Steve Beckert stated that the Planning Board approved construction of a new community services building several months ago but that the Town was not going to proceed with that plan.

Dennis Lentz asked if any comments had been submitted by the Fire or Police Chiefs.

Kate Pelletier stated that she had not received any comments yet.

Steve Beckert asked the Board if they thought the changes were minor in nature and could be handled administratively.

Greg Whalen and Dennis Lentz agreed.

MOTION:

Dennis Lentz made the motion to handle to application administratively without the need for full site review.

Greg Whalen seconded the motion.

Vote: 2-0, Chair concurs.

Dennis Lentz stated that he would like to schedule a second meeting so that the Board could hear back from Police and Fire.

Steve Beckert stated that he did not think the application warranted a second meeting since the request is only for a change of use without any major renovations to the building or site proposed but that he would go along with what the rest of the Board wanted to do.

MOTION:

Dennis Lentz made the motion to hold a second meeting so that comments from Police and Fire could be received.

No second, motion fails.

MOTION:

Greg Whalen made the motion to approve the application, as presented.

Dennis Lentz seconded the motion.

Vote: 2-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

None.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETNG

The next regular Planning Board meeting was scheduled for September 4th, 2012.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 7:50 PM.
Greg Whalen seconded the motion.

Vote: 2-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary