

**Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES
7:00 PM**

January 15th, 2013

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

There were no minutes to review.

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

There were no decision letters to review.

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

- A. Continued review of an application for Site Plan Review to establish an animal hospital at 1034 Goodwin Rd. Applicant is Dr. Christopher Lee (mailing address: 6 Quarry Dr., South Berwick, ME 03908). Owner is 392 Goodwin Road, LLC (mailing address: 14 Nature Ln., Rochester, NH 03867). Property can be identified as Map 101/Lot 20-1 and is located in the Rural zoning district. (PB12-01)**

Steve Beckert asked the applicant to give a brief overview of his application before opening the public hearing.

Chris Lee stated that Dr. Christopher Lee, applicant, stated that he previously owned and operated the South Berwick Veterinary Hospital for about 20 years until he sold it in 2007. He stated that he had worked at area veterinary practices since and was now ready to start his own practice again. He explained that the property at 1034 Goodwin Road was previously occupied by Wentworth Douglass Hospital medical offices for several years before they relocated, so the interior of the building would not need to be changed. He stated that he proposes to provide medical and surgical care of small animals only and that there would be no overnight boarding or outside kenneling of animals. He stated that the veterinary hospital would be open from 8:00AM – 6:00 PM typically and that any animal requiring overnight care would be referred out to a 24-hour facility in Portsmouth, which he had already made arrangements with.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

No comments.

Public hearing closed.

Steve Beckert stated that the applicant had provided the Board with all information they requested and asked the Board if they had any final 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 submitted, 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/owner authorizes inspection of the premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

Dennis Lentz seconded the motion.

Discussion:

Jeff Duncan asked the Board if they wished to include an additional condition of approval formally prohibiting overnight boarding of animals.

Larry Bouchard stated that he did not think it was necessary since the Table of Land Uses (Sec. 45-290) already prohibits it under note #15.

Steve Beckert stated that he did not think it was necessary either. The applicant had stated for the record that there would be no overnight boarding or outside kenneling of animals and that anything stated in the record becomes a condition of approval.

The Board agreed by consensus that an additional condition of approval prohibiting overnight boarding and outside kenneling of animals was not necessary.

Vote: 3-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

B. Request for Planning Board action to amend a previously approved Conditional Use permit to allow “Retail sales” as an allowed use at 406 H.L. Dow Highway. Applicant is Andrew Bevan d/b/a Salmon Falls Winery (mailing address: 22 Academy St., South Berwick, ME 03908. Owner is Sarnia Properties (mailing address: c/o CP Management, INC., 11 Court ST Suite100, Exeter, NH 03833). Property can be identified as Map 45/Lot 13 and is located in the Commercial/Industrial zoning district.

Andrew Bevan stated that he has owned and operated a winery in South Berwick since 2003 and would like to expand the business and relocate to the Eliot Business Park. He stated that he currently produces about 300 cases per year and that relocating to a larger facility would allow him to produce up to 800 cases per year. He explained that he intends to produce, store and sell wine and will offer wine tastings as allowed under his State liquor license.

Jeff Duncan asked Kate Pelletier if the Planning Board’s approval of the new use (Retail) would apply to all units in the business park or just the one unit Mr. Bevan.

Kate Pelletier stated that when the owner of the Eliot Business Park, Sarnia Properties, came before the Planning Board in 2010 to have a list of uses approved (auto repair garages, business offices, manufacturing, professional offices, warehouse, wholesale, etc.), there were no restrictions imposed related limiting the frequency of each use. Unless the Board specifies otherwise, she believed the approval of a “Retail” use would apply to the entire building.

Jeff Duncan stated that he was concerned that not limiting the frequency of retail uses in the business park could potentially cause a significant increase in traffic to and from the property.

Kate Pelletier stated that the Board had the ability to establish limits on the frequency of retail uses via conditions of approval if they felt it would mitigate any adverse traffic impacts. For example, no more than units 5 units could be used as retail operations at any given time.

Dennis Lentz asked how many units were in the business park.

Kate Pelletier stated there were 24 units at 406 Dow Highway and 29 units at 398 Dow Highway.

Larry Bouchard asked what size each unit was.

Andrew Bevan stated that each unit was 1,500 sq. ft.

Steve Beckert asked if the Planning Board wanted to have a public hearing or conduct a site walk.

The Board agreed by consensus that the proposed revision to the approved site plan was minor in nature and that a public hearing and site walk were not necessary.

MOTION:

Jeff Duncan made the motion to approve the application for “Retail sales” subject to the following conditions of approval:

1. A maximum of three (3), 1500 sq. ft. units may be used for “Retail sales” at any given time.
2. All previous conditions of approval associated with Planning Board case #PB10-6 (approved May 18th, 2010) shall continue to apply.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

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

C. Continued discussion on removing properties with moderate to high value waterfowl and wading bird habitat from the Shoreland Resource Protection zone per the Board of Selectmen.

Jeff Duncan stated that a representative of Inland Fisheries and Wildlife had agreed to come to the Planning Board’s first meeting in March to discuss the potential impacts of re-designating those areas with moderate to high value waterfowl and wading bird habitats to a less restrictive Shoreland zone.

Steve Beckert suggested also inviting a representative from Maine DEP to talk about the regulatory implications at the State level of such a change.

The Board agreed.

Kate Pelletier stated that she would contact DEP and invite a speaker to attend.

ITEM 7 - ACTION ITEM LIST

None.

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

Kate Pelletier stated that she had revised the Planning Board’s 2013/2014 budget request to account for an increase in membership dues to Southern Maine Regional Planning. She explained that the dues had increased from \$2,213 to \$2,279.

MOTION:

Jeff Duncan made the motion to approve the revised 2013/2014 budget request to account for an increase in SMRPC annual membership dues.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for February 15th, 2013.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:05 PM.

Jeff Duncan seconded the motion.

Vote: 3-0, Chair concurs.

Stephen Beckert, Chairman

Date approved: _____

Respectfully submitted,

Kate Pelletier, Recording Secretary