

ITEM 1 - ROLL CALL

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

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED

MOTION:

Larry Bouchard made the motion to approve the minutes of the December 4, 2012 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

Vote: 4-0, Chair concurs.

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

The Board reviewed and approved the following notice of decision letters:

- Monika Sanguinetti – Home Business
- Seacoast Waldorf Association – Site Plan Review

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

A. Continued review of a Request for Planning Board action to amend a previously approved Conditional Use permit (PB08-3) by establishing a business that manufactures and installs marine hardware and provides boat storage at 6 Julie Lane. Applicant is Noell Redman (mailing address: 6 Julie Ln., Eliot, ME 03903). Owner is Donna McGarry (mailing address: 11 Badger's Island West, Kittery, ME 03904). Property can be identified as Map 37/Lot 3 and is located in the Commercial/Industrial zoning district.(PB13-2)

Steve Beckert stated that the Board had conducted a site walk for this application on April 2nd and that no major concerns were identified at the time. At the last meeting, the Board had some concerns about comments submitted by Jay Muzeroll, Fire Chief, regarding the building not being permitted or reviewed by the State Fire Marshall's office when it was constructed in 2001. He stated that Jay Muzeroll was present to explain the issue and answer any questions.

Jay Muzeroll, Eliot Fire Chief, stated that he had some concerns about the building when it first came before the Planning Board in 2001. At that time, he had submitted a letter to the Board indicating that a construction permit would be required by the State Fire Marshall's office for a building of this size but that never happened and no one ever followed up. He stated that nothing would be gained by requiring the applicant to obtain a construction permit 12 years later, however, some of the other issues he raised in 2001 could still be resolved. He listed his outstanding concerns as follows:

1. All buildings must be fitted with a manual fire alarm and automatic fire detection system.
2. The fire alarm system must be monitored on and off the premises 24 hours per day.

3. A Knox box system must be installed for emergency entry to the premises.
4. An up to date MSDS file system is available and located in an agreed position.
5. Access to three sides of the building must be restored and maintained for emergency vehicles.

He stated that the issue about access for emergency vehicles had already been resolved and that access was restored. He met with the property owner, Donna McGarry, to discuss his concerns and she verbally agreed to comply with them. He stated that the owner had just signed a contract with a fire alarm company for monitoring and detection. He also gave the owner an application for a Knox box and she agreed to apply for and install it. The property owner also agreed to be responsible for keeping and updated MSDS information on behalf of the tenant, Mr. Redman. He stated that he's satisfied the owner and applicant will follow through with these commitment and suggested the following condition of approval:

The Code Enforcement Officer shall issue a temporary occupancy permit to the applicant, Noell Redman, for a period of 60-days from the date of approval for the purpose of compliance with the following outstanding conditions of approval:

1. *All buildings must be fitted with a manual fire alarm and automatic fire detection system.*
2. *The fire alarm system must be monitored on and off the premises 24 hours per day.*
3. *A Knox box system must be installed for emergency entry to the premises.*
4. *An up to date MSDS file system is available and located in an agreed position.*

Greg Whalen asked if the State Fire Marshall had to officially waive the requirement for a construction permit or if it could be waived by the Fire Chief.

Jay Muzeroll stated that he had the ability to waive that requirement.

Jeff Duncan asked if waiving a requirement like that would set a precedent for future applications for buildings of this size.

Jay Muzeroll stated that it would not. The law is clear as to what circumstances require Fire Marshall review. How that requirement has been enforced in the past is not relevant to how it is enforced in the future.

Steve Beckert stated that the Planning Board decides each case on its own merits and that decisions of this Board are not precedent setting. He asked Kate Pelletier if the Board should consider another standard condition of approval related to the need for Fire Marshall review for all applications.

Kate Pelletier stated that the a standard condition of approval like that could be adopted by the Board, however, there is already a requirement in Sec. 33-127 requiring review by the Fire Chief for any site plan application.

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

The Board had no additional comments or questions.

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.
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 authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. 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.
5. The Code Enforcement Officer shall issue a temporary occupancy permit to the applicant, Noell Redman, for a period of 60-days from the date of approval for the purpose of compliance with the following outstanding conditions of approval:
 - (1) All buildings must be fitted with a manual fire alarm and automatic fire detection system.
 - (2) The fire alarm system must be monitored on and off the premises 24 hours per day.
 - (3) A Knox box system must be installed for emergency entry to the premises.
 - (4) An up to date MSDS file system is available and located in an agreed position.

The conditions of approval 1-4 above shall be met to the satisfaction of the Fire Chief. The applicant may continue to operate his business during this period.

Larry Bouchard seconded the motion.

Vote: 4-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

B. Shoreland zoning application to construct a 4' x 55' fixed pier with a 3' x 30' gangway, leading to a seasonal 10' x 20' float at 14 Rocky Point Road.

Applicant/owner is Elliott Matthews (mailing address: 14 Rocky Point Rd., Eliot, ME 03903). Property can be identified as Map 42/Lot 30 and is located in the Shoreland Limited Residential zoning district. (PB13-6)

Alan Folsom of Riverside & Pickering Marine represented the applicant, Elliott Matthews. He explained that the property owner is requesting an amendment to a previously approved application for a pier, which was granted in 2005 and never constructed. He explained that the new pier would be shorter in length than the original and constructed with pressure treated pine. Overall, there will be an overall reduction in impact of 332 sq. ft. from the original design. He stated that the Army Corp of Engineers has already reviewed and approved the project but he was still waiting for approval from Maine DEP noting that he submitted an application to them on March 12th.

Kate Pelletier stated that, as a point of clarification, the previous approval of this pier had expired so this application is new and not an amendment.

Jeff Duncan asked if the photographs included in the application package were current.

Alan Folsom stated that they were current photos.

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

The Board waived the site walk by consensus due to the fact that one was conducted in 2005 and that the proposed pier is shorter and less impactful than the previously approved pier.

Steve Beckert asked if the Board had any other comments or questions for the applicant and if they were ready to schedule a public hearing.

The Board had no additional comments or questions for the applicant and scheduled the public hearing for May 7th, 2013 at 7:00 PM.

ITEM 8 - ACTION ITEM LIST

ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED

- Steve Beckert reported that the appeal of the Central Maine Power project by David and Mary Fournier had been dismissed by the court without prejudice.
- The Board reviewed and approved the annual report of the Planning Board for the Town book.

ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for May 7th, 2013.

ITEM 10 – ADJOURN

MOTION:

Jeff Duncan made the motion to adjourn at 7:55 PM.

Greg Whalen seconded the motion.

Vote: 4-0, Chair concurs.



Stephen Beckert, Chairman
Date approved: 10-1-13

Respectfully submitted,



Kate Pelletier, Recording Secretary