



ITEM 1 - ROLL CALL

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

Also present: Kate Pelletier, Planning Assistant.

Absent: Melissa Horner – Alternate, and Dutch Dunkelberger – Alternate (both excused)

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Duncan moved, second by Mr. Whalen, to approve the minutes of April 7, 2015, as amended.

VOTE
4-0
Chair concurs

ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED

There were no ‘Notice of Decision’ letters.

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

Application for Site Plan Review to construct six Commercial/Industrial buildings at Route 236 and Passamaquoddy Lane. Applicant/owner is Lady Slipper Properties, LLC (mailing address: 37 Route 236, Suite 105, Kittery, ME 03904). Property can be identified as Map 29/Lot 31 and is located in the Commercial/Industrial zoning district. (PB15-01)

Mr. Beckert said that the applicant was not ready tonight so this item has been removed from the agenda.

A. Application for Site Plan Review to construct a 21-unit elderly housing development off State Road. Applicant is Joseph Falzone. Owner is Barbara Libbey (mailing address: 1372 State Rd., Eliot, ME 03903). Property can be identified as Map 20/Lot 13 and is located in the Village and Suburban zoning districts. (PB15-03)

Mr. (Al) Libbey, Mr. (Ken) Wood, Mr. (Joe) Falzone, and Mr. (Ed) Brake were present for this application.

Mr. Beckert reminded everyone that this is a public meeting but is not a public hearing; that discussion tonight will be between the PB, the applicants and their representatives, and the Planning Assistant (PA) only. He added that they will have a public hearing, at some point, but those are the ground rules for all the applications tonight.

Mr. Brake, Attar Engineering, said that he would walk the PB through the plans but, first, he wanted to give the floor to Mr. Libbey to say a few words.

Mr. Libbey said that he and his wife have been thinking of selling their land, except for their house lot, for the last three or four years. He added that they approached three different developers along the way and found that Mr. Falzone offered us a decent price and, based on the other developments we looked at, does a good job and does a good job in a manner in adapting to the abutters and, also, to the Town. He said that we asked Mr. Wood to proceed forward with us and here we are.

Mr. Brake said that the Libbey parcel stretches from Route 103 all the way to the power lines, in the rear, and 'this' piece, which is also owned by the Libbeys on the opposite side, stretches to Route 236. He added that the development was at the front end or the State Road side of the parcel; that proposed is 21 single elderly housing buildings on a cul-de-sac that extends about 1,000 feet, per code, from Route 103 to the end of the cul-de-sac. He said that elderly housing was over 55 and requires Maine State housing funds or HUD money as a portion of the , which will be included. He added that the parcel is 82 acres and this development is 21 of those acres; that the parcel is in the Village and Suburban Districts and all of the proposed buildings are in the Suburban District. He said that, for senior housing, the requirement is one acre for the first unit and ¼ acre for each additional unit. He added that, for density purposes, we split on either side of the road as separate lots; that the northern lot (Lot 1) is 10 ½ acres; that it would require 3 acres for the nine units; Lot 2 provides 8.7 acres and 3.75 would be required for the 12 units on the south side of the road. He said that it will use Town water and will have on-site waste water on the lots. He added that the current plan is for 2-bedroom units with garages; that the code has a maximum of 1,200 square feet in area per unit and the developer would like to do slightly bigger units in the 1,200 to 1,700 square foot size; that that would be a waiver requirement of the PB as we move forward. He said that it will require permitting with the DEP and MDOT for access on Route 103. He added that we show approximate location of wetlands, based on a previous sketch plan by another company, but we have a survey of 'this' portion of the parcel lined up so those wetlands will be confirmed, as well as picking up topography and finalizing the boundary. He said that part of the boundary agreement is to split off the current Libbey house lot and, then, creating a ROW for the road and a dividing line at the 20-acre point for the elderly housing.

Mr. Lentz said that they have it described two different ways – elderly housing and senior housing; that there is a big difference and asked which one they wanted to use.

Mr. Brake said over 55, which he believed was senior housing by definition.

Mr. Wood said that this was elderly; that a portion of this would be funded with either MSHA or HUD funds.

Mr. Lentz said that the application and sketch plan uses both terms; that it should be one or the other to be consistent.

Mr. Lentz asked if there would be community septic or individual.

Mr. Brake said that, based on the layout, he thought it would be some sort of community waste water; that that would be dependent on how test pits come back and where they're located but they will most likely tying some of the houses together, so not one giant field for everything but a few fields for multiple units.

Mr. Lentz said that this will be a very touchy area from the conservation group so he thought it was important to cover those bases. He asked if underground utilities are proposed.

Mr. Brake said yes.

Mr. Lentz asked about fire hydrants, streetlights, curbing, sidewalks, and green space.

Mr. Brake said that a lot of those issues we will address moving forward. He added that fire hydrants would be based on Fire Department comment; that they are definitely open to sidewalks; that open space he thought they would say 'to be determined' at this point; that, as we talked about with the density requirement, we are providing more land than is required for the over-55 units.

Mr. Wood added that they are not lots; that it's a condominium so with 3.7 acres required and you have 10 acres, the rest of it would actually act as open space. He added that, as we move ahead, we can talk about any restrictions the PB may want to put on that.

Mr. Beckert asked if it was the intention to eventually have this road taken over by the Town.

Mr. Wood said that they designed it to Town standard; that he didn't know if they were that far ahead; that they have talked about that but he doesn't know if they have a determination, yet, but it would be designed, constructed, and inspected to Town standards.

Mr. Whalen asked if the individual lots were being carved out in order to create the formula for the density.

Mr. Brake said that that was correct and, also, to create a ROW for the road and to the rear remaining land; that it is currently one lot.

Mr. Whalen asked if there was a subdivision of the 82 acres into 60 and 20, or whatever the delineation is.

Mr. Brake said, essentially, yes, then further sub-lots off from that.

Mr. Whalen asked how the growth control ordinance – building permits – effect the ability of the developer to build.

Ms. Pelletier said that that doesn't apply to elderly housing.

Mr. Duncan said that he didn't think he needed an answer tonight but certainly something he would like to hear is the justification for 1,700 square feet versus the 1,200 square feet allowed; that as we go into that waiver he was sure you would be presenting that. He added that we've got four lots being created in this subdivision; one is for the existing house lot, two for development, and Lot Four is for whatever may happen in the future.

Mr. Brake said yes.

Mr. Beckert asked if the applicant was prepared to discuss the issue with the 1,700 square feet versus the 1,200 square feet.

Mr. Wood invited Scott Gove to speak to this. He added that Mr. Gove has a real estate company and has done a lot of research on the size of the units and what we feel would be saleable.

Mr. Gove introduced himself and said that he was with Gove Group Real Estate. He said that we have marketed a number of these projects, mostly in New Hampshire, although we did do Shephard's Cove in Kittery; that what they want is just the flexibility between 1,200 and 1,700 because they have sort of found that that's the sweet spot; that some people want to have sun rooms and things like that; that they would all be deed-restricted two bedrooms and, obviously, there would be a restriction that occupants be 55 and older. He added that 1,200 square feet is actually pretty small; that it's the size of a small condominium that we do for regular housing. He reiterated that they would like the flexibility; that normally what we find, at least initially, is that most of our buyers are local people that live in town that no longer want to maintain the big houses because their children have all moved out. He added that he could bring statistics in from some of the other projects that we've done in New Hampshire and seacoast area.

Mr. Duncan asked if these were all intended to be single standing units, as opposed to Shephard's Cove.

Mr. Brake said yes.

Mr. Whalen asked if an association would be in control of all the remaining land, as opposed to a third party.

Mr. Wood said yes, association or owner, but not a third party.

Mr. Duncan said that the unit shown on the sketch plan, as presented, looks like 1,800 square feet.

Mr. Brake said yes; that the idea with that was kind of putting in the biggest possible footprint we would be looking at.

Mr. Falzone said that that included the garages, too.

Mr. Whalen asked if there had been any tests done on-site to determine potential locations for septic.

Mr. Brake said no, no test pits yet; that the survey and test pits are in the works now that it's spring.

Mr. Beckert asked the Fire Chief if he had any concerns, up front, you would like them to look at before they come back to us with preliminary plans.

Mr. Muzeroll asked if these were single story.

Mr. Falzone said not necessarily; that he thought there would be a mix.

Mr. Muzeroll said that he might have concerns if they are two-story considering the type of housing it is. He added that he and the lieutenant were out today looking at hydrant locations and he will probably request an additional hydrant be placed on the property, yet to be determined where, and the cost of that will be borne through the association over a period of time rather than the Town renting it. He said that, initially, those were his concerns, conceptually, until he saw the house designs.

Mr. Duncan moved, second by Mr. Whalen, that the Planning Board accept PB15-03 on the Libbey property at Sketch Plan stage.

VOTE
4-0
Chair concurs

Mr. Falzone said that he was hoping for some feedback as to whether he PB likes elderly housing.

The PB agreed that they supported elderly housing.

B. Application for a home business permit to establish a Day Nursery for up to eight (8) children at 18 Frost Hill Road. Applicant/Owner is Amy Greener (mailing address: 18 Frost Hill Road). Property can be identified as Map 66/Lot 58 and is located in the Rural zoning district. (PB15-02)

Amy and John Greener were present for this application.

Mr. Greener said that they are applying for a Day Nursery, live in the Rural District, and have three acres of land. He added that he believed we met all the setbacks, we've been inspected by the State licensing individual for Home Daycare and, also, the State Fire Marshall found no issues and they okayed us to move forward with acquiring Town approval.

Mr. Beckert asked Ms. Pelletier if there was anything she needed to add for the PB's benefit.

Ms. Pelletier said no; that she thinks it looks fine.

Mr. Lentz said that the ordinance says that the home business has to be secondary to the primary residence and asked the applicant to explain.

Mr. Greener said that the primary is still our home; that my wife would be watching children, essentially, Monday through Friday from 7:30 AM until around 5:30 PM.

Mr. Lentz said that he knew that on the Sketch Plan the applicant indicates that the study/spare bedroom would be the children's' playroom and asked if they were all going to be confined there or do they have the run of the house.

Mr. Greener said no; that they will, essentially, have the run of the first floor but the particular room is specifically for the daycare for the children to have a playroom; that that's why he indicated 1,100 square feet for the use so they could use the rest of the first floor.

Mr. Lentz asked if they had approval from the State, yet.

Mr. Greener said yes; that this is the final step. He added that they inspected the house, required his wife to take some courses, continuous learning.

Mr. Lentz asked if they had a license approved.

Mr. Greener said not until we get approval from the Town.

Mr. Lentz said that he noticed the hot tub right outside the deck.

Mr. Greener said yes; that they won't be using that.

Mr. Duncan said that there is no intention to publicize this out on the road as a day nursery.

Mr. Green said no, no signage.

Mr. Whalen asked if there were any life safety issues.

Mr. Muzeroll said no; that his only concern was that the applicant be licensed by the State Fire Marshall's office and DHS.

Mr. Bouchard asked about parking and traffic.

Mr. Greener said that their driveway was a little over 250 feet, two spots in front of the garage and, at the end of the driveway, there is a dirt area for up to three vehicles; that he doesn't see any issues with parking or traffic.

Mr. Bouchard asked if his driveway was big enough for two to pass.

Mr. Greener said that you would have to pull off onto the grass for someone to pass.

Mr. Duncan asked if it was flat on either side of the driveway.

Mr. Greener said yes and there is a large turning area at the end of the driveway.

Mr. Duncan asked if this was a drop-off/pick-up type of situation.

Mr. Greener said absolutely; that it is actually one of the bus stops so, during the school year, they would be dropped off by the bus and there would only be a pick-up in the afternoon.

The PB agreed by **consensus** that they did not need to do a Site Walk for this application and that a Public Hearing would be scheduled for May 5th at the beginning of the meeting.

Mr. Duncan asked if the hot tub was currently fenced.

Mr. Greener said that the hot tub was not; that it has a thick, heavy cover and has buckle locks with a key; that it is always closed during the day.

Mr. Whalen moved, second by Mr. Lentz, that the Planning Board accept the application PB15-02, as presented, as complete and schedule a Public hearing for May 5th at 7 PM.

VOTE

4-0

Chair concurs

C. Request for Planning Board action to amend a previously approved Shoreland Zoning Permit (PB97-03) by replacing the previously approved pier with a smaller pier and increasing the size of the previously approved float. Applicants/Owners are Eugene and Susan Mickey (mailing address: 293 Houde Road, Eliot, ME 03903). Property can be identified as Map85/Lot1 and is located in the Rural zoning district. (PB15-04)

Susan and Eugene Mickey and Zachary Taylor were present for this application.

Mr. Taylor, Riverside & Pickering Marine, said that he was representing the Mickeys for their dock application. He added that the application was to put a new, modified docking structure in place; that there were plans included that shows what was previously approved by the PB, which was a 4' X 32" pier, a 3' X 5' gangway, and 8' X 12" float; that the gangway and float were seasonal. He said that what they were proposing was a 4' X 15' pier with an access ramp leading up to it, a 3' X 20' gangway, and a 10' X 24' float. He added that the total length of the structure will be essentially the same as what was previously approved; just a larger gangway and slightly shorter pier so it was essentially modifying what was previously approved.

Mr. Beckert said that, in essence, it is no more obtrusive than what was originally planned; that it was actually somewhat less.

Mr. Taylor agreed that it doesn't stick out as far; that we are just changing square footages to make it work better there.

Mr. Beckert brought that up because the Chair wants to know if the PB needs to consider having another public hearing on this.

Mr. Duncan asked if the 1997 approval was in place.

Mr. Taylor said that he thinks the dock was actually built slightly smaller than the 1997 approval so he didn't think it was in the full dimensions of what was approved. He added that it is in the same spot but he doesn't have the dimensions with him.

Mr. Duncan said that there is a structure there, today, that is built in accordance with that approval.

Mr. Taylor said yes; that the photo sheets show the existing dock; that the gangway and float is not attached because this is at the end of the season after the floats had been removed.

Mr. Whalen asked if the current structure is all aluminum.

Mr. Taylor said that it is; that what we are proposing is more of our traditional timber pier with the aluminum gangway and float.

Mr. Duncan said that it seems the float, itself, is substantially larger than it was; that we are talking 240 square feet versus 100 square feet of float.

Mr. Taylor said that the previously approved float was 8' X 12'; that essentially we are taking away from the pier and adding to the float so we aren't building as long of a pier.

Mr. Duncan asked if the 24 was with the flow of the river.

Mr. Taylor said yes; that he has a plan view that shows the exact layout for what we are proposing.

Mr. Duncan asked if he needed Coast Guard approvals, or whatever approvals.

Mr. Taylor said yes; that we submitted to the Army Corps of Engineers and Maine DEP and we have authorization from both to move forward with the work. He added that he already has those and will forward a copy to the PB.

Mr. Bouchard asked if the float was ever put in place.

Mr. Taylor said yes; that he thinks the gangway/float is stored across-river, currently, on somebody else's property.

It was the **consensus of the PB** that they did not need a public hearing and would be handled as an administrative change.

Mr. Duncan moved, second by Mr. Lentz, that the PB approve this, as presented and with conditions of previous approval applied, as well as the additional condition in that approvals from the Army Corps of Engineers and Maine DEP be presented for the PB file. The previous conditions of approval are as follows:

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.

VOTE

4-0

Chair concurs

Mr. Beckert said that there was a 30-day period from tonight where our decision can be appealed by an aggrieved party, or parties; so move forward but move forward cautiously.

D. Application for a home business permit to manufacture and sell barbeque sauce at 178 Cedar Road. Applicants/Owners are Timothy and Krystal Whitaker (mailing address: 178 Cedar Road, Eliot, ME 03903). Property can be identified as Map 71/Lot 21 and is located in the Rural zoning district. (PB15-05)

The Whitakers were present for this application.

Ms. (Krystal) Whitaker said that we have been making this sauce for five years, in New Hampshire, at a commercial kitchen; that we pick up our supplies; we distribute the barbeque sauce; that there is nobody coming to our house; that we just want to make the sauce at home on our stove. She added that it is a big pan; that it makes six gallons of barbeque sauce at a time; so we have one pan, a few utensils, and one stove; that's it.

Mr. Duncan said that there are no issues with sanitary limitations.

Ms. Whitaker said that we have had our water tested with the State and our septic has been signed off on; that it's enough to handle what we're doing. She added that the State does have to come in and watch us make the barbeque sauce to make sure that everything is done properly.

Mr. Whalen said that all your licenses will be in place.

Ms. Whitaker said yes.

Mr. Whalen said that the application notes that you don't have any signage, you don't have anybody coming to deliver anything or pickup, you distribute yourselves.

Ms. Whitaker said no; that it's a small business and it's actually much cheaper for us to go pick it up than it is to have delivered.

Mr. Bouchard asked about fuel for cooking.

Ms. Whitaker said that it was electric.

Mr. Bouchard asked about any waste.

Ms. Whitaker said that we don't waste anything; that everything we use is recyclable.

Mr. Bouchard said that nothing more than what is used in the house goes into the waste system, into the ground.

Ms. Whitaker said right.

Mr. Bouchard asked how the product got on and off site; that it's by you and nobody comes and picks it up.

Ms. Whitaker said yes; that we distribute it to local markets.

Mr. Whalen asked what label they sold it under.

Ms. Whitaker said that it is called “Good Old Boys”.

Mr. Duncan clarified that all the raw materials, containers, finished product will all be stored in ‘this’ one room.

Ms. Whitaker said yes. She added that, if we ever did need parking for anything, we have two driveways and parking for eight cars.

Mr. Duncan moved, second by Mr. Whalen, that the Planning Board approve this application, as presented, and schedule a Public Hearing for May 5, 2015.

VOTE

4-0

Chair concurs

E. Discuss video-streaming Planning Board meetings.

Mr. Beckert asked what the pleasure of the PB was; that you have heard the public ask us to reconsider, as a Board, video-streaming our meetings; that he had it put on the agenda so that it would be formally discussed again.

Mr. Lentz proposed we go ahead and do it.

Mr. Duncan said that it was his understanding from last meeting’s discussion that the video basically exists as a digital file on the Town’s website for a year; that the written minutes are the legal record of the meeting; that we have no control over how long somebody might download a digital file and keep it for themselves. He added that the only question he has is what happens if there is a discrepancy between the approved, written minutes and what somebody keeps in the video record.

Ms. Pelletier said that they will always rely on what is considered the PB’s official record, which are the minutes.

Mr. Duncan said that he understood that; however, if there is a discrepancy – yes, we all review the written record; that today there is an audio record but someone could sit down and say, “Oh, you said ‘and’ in here and the minutes say ‘or’.”

Ms. Pelletier said that to her knowledge that it has not ever been anything a court has taken into consideration in those instances; that she doesn’t know that that is absolutely true but, to her knowledge, they will always rely on the written record.

Mr. Whalen asked what the cost was for video-streaming; does the Town already pay for it.

Mr. Beckert said that it was around \$3,000/year.

Ms. Lemire added that that cost was regardless of who was doing it or how many streams there are.

Mr. Whalen asked if the equipment was already installed.

Mr. Beckert said yes.

Mr. Lentz said that he thought the benefit was that there are people who can't make every meeting; that they want to be able to look at these things at home, which they can, and the other benefit is that there are times he has questioned, even though he's been here, what he's heard and he can go right back to the specific discussion to rehear without having to listen to the whole meeting.

Mr. Whalen asked where we pulled it off the internet.

Ms. Pelletier said that there is a link on the Town website.

Mr. Bouchard said that he had a personal problem with the way it is used and the way it is referred to; that a lot of people don't watch it or really don't care what's going on until there is a some type of something that somebody did or a show or something like that. He added that if the Town and BOS were to imply it he would have no problem but, beyond that, he doesn't personally agree with taping any Town meeting.

Mr. Lentz moved, second by Mr. Whalen, that the Planning Board accept video-streaming for the Planning Board meetings.

DISCUSSION

Mr. Whalen asked when it would begin.

Mr. Beckert said that if the PB votes for it tonight it would start at the next meeting.

Mr. Whalen asked how we determine if it is 'working' and he doesn't know what that means; what benchmark, or matrix, we would use to determine whether or not it's successful or isn't successful or does it matter.

Mr. Beckert said that the only thing he could tell him is that, periodically, there is a report the Town Hall gets that shows the usage.

Ms. Pelletier said that she thought there was a metric right on the web site, itself, that tells you how many people view each video.

Mr. Whalen asked if it could be streamed live.

Ms. Lemire said yes; it is streamed live.

Mr. Whalen added that you can also go back into the archives and pull up from past meetings.

Ms. Pelletier said that it will tell you how many unique users watched it.

Mr. Whalen asked if the Town contracted with somebody who tracks it and will give the PB a report as to how many hits, how often, etc. to determine what kind of traction we're getting.

Ms. Pelletier said yes.

Mr. Whalen asked, if just because we voted it in, does that mean we can't vote it out if we determine it isn't working.

Mr. Beckert said that it is up to the PB, at this point; that there is no mandatory requirement to do it.

Mr. Duncan asked if we had any sense as to how the other boards are being viewed.

Ms. Pelletier said not at any great level of detail; that she heard something a few months ago that the average number of viewers was around 13 based on some period of time.

Mr. Beckert asked Mr. Hirst if he remembered what the numbers were, as far as overall use total; less than 100.

Mr. Hirst said that his recollection was that it was disappointingly low; however, to those people who need it, it's critical and, so, he thinks they have a good motion on the floor.

DISCUSSION ENDED

VOTE
3-1 (Mr. Bouchard opposed)
Chair concurs in the affirmative

Ms. Pelletier will get the video-streaming scheduled.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items discussed.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Mr. Duncan said that the senior housing application was discussed at the Conservation Commission's last meeting; that we had a preview of the application. He added that he isn't exactly sure how that came to be but it showed up at the meeting; that it was discussed and this memo reflects the consensus of the Conservation Commission.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for May 5, 2015 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:00 PM.



Steve Beckert, Chairman
Date approved: 5-5-15

Respectfully submitted,

Ellen Lemire, Recording Secretary