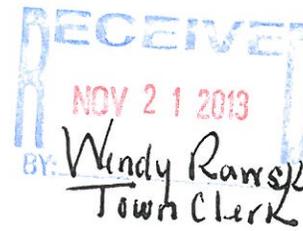


Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES



June 4, 2013
7:00 PM

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

The Board reviewed the decision letter for Elliot Mathew's pier approval and issued it as written.

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

A. 10-minute public input session.

Public input session opened.

No comments.

Public input session closed.

B. Public hearing – and continued review of an application for a Home Business permit to establish a dog day care at 16 Alvin Lane. Applicant/owner is Melissa Magdziasz (mailing address: 16 Alvin Lane, Eliot, ME 03903). Property can be identified as Map 4/Lot 28 and is located in the Village zoning district. (PB13-7)

Melissa Magdziasz, applicant, stated that she runs a small pet service that provides dog walking and offsite pet sitting services to local clients and is ready to expand the business. She explained that she would like to offer pet sitting services from her home on Alvin Lane, which is over 2 acres in size.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

No comments.

Public hearing closed.

Steve Beckert stated that the Board should have received a memo from the Code Enforcement Officer today regarding his concerns about the potential of barking dogs violating the Town's noise ordinance.

Jeff Duncan asked how many dogs the applicant proposed to have.

Melissa Magdziasz stated that would have between 5-15 dogs.

Jeff Duncan asked if the dogs would be kept outdoors at all times.

Melissa Magdziasz stated they would stay in the fenced area in her yard primarily but that she had a small area inside the home for periods of inclement weather.

Jeff Duncan asked how far the fenced area was from the nearest neighbor.

Kate Pelletier showed the Board an aerial photo of the property showing the neighboring properties and estimated the fence was about 100' from the nearest house.

Jeff Duncan it appeared the lot was well vegetated along the property line abutting the neighbor nearest the fence.

Larry Bouchard asked if there would be any overnight kenneling of animals.

Melissa Magdziasz stated there would be no overnight kenneling of animals.

Steve Beckert asked if the Board 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 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. The applicant has been made aware of the existence of the Town of Eliot's noise ordinance (Sec. 45-407).

Larry Bouchard seconded the motion.

Vote: 2-1 (Larry Bouchard opposed), Chair concurs.

Steve Beckert explained the 30-day appeal period.

C. Public hearing – and continued review of an application to establish a Home Business for an internet-based retailer of specialty cooking ingredients and cooking tools at 117 Old Farm Lane. Applicant is Janie (Jieming) Wang (mailing address: 117 Old Farm Ln., Eliot, ME 03903. Owners are Jieming Wang, Christopher Anderson and Stephen Erickson (mailing address: 117 Old Farm Ln., Eliot, ME 03903). Property can be identified as Map 39/Lot 10 and is located in the Suburban zoning district. (PB13-8)

Christopher Anderson stated that and his wife operate an online business out of an outbuilding on their property selling specialty cooking ingredients and tools.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Cathy Cullen, Old Farm Lane, spoke in favor of the application and described the applicants as wonderful neighbors.

Public hearing closed.

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

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

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. Neither signage related to the home business nor retail customers are permitted onsite.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

D. Public hearing – and continued review of an application for a Shoreland zoning permit to expand an existing non-conforming structure located at 15 King Highway South. Applicant is Michael Pomeroy (mailing address: 374 Main St., Eliot ME 03903). Owner is Mildred Pecunies (mailing address: 6 Hall St., Dover, NH 03820). Property can be identified as Map 1/Lot 161 and is located in the Village district and Limited Commercial Shoreland zoning district. (PB13-9).

Adam Iovanna, contractor, represented the applicant. He stated that the Pomeroy's are under contract to purchase the house at 15 King's Highway, which is nonconforming and too close to the water. He explained that he is proposing to demolish the house down to its foundation, repair a portion of the existing block foundation and rebuild the structure on the existing footprint.

Steve Beckert asked if the Board had any comments or questions prior to opening the public hearing.

The Board had no comments or questions.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Lori Howell, abutter, stated that she objected to the Board holding a public hearing as abutters were not notified at least 10 days prior to the hearing.

Public hearing closed.

Kate Pelletier, Planning Assistant, apologized for the mistake and stated that she thought she had sent them out on time.

The Board agreed by consensus that due to the failure to notify abutters at least 10 days prior to the hearing, it would not be appropriate to hold the public hearing tonight. They continued the public hearing and continued review of the application to the next meeting, which will be held June 18, 2013, in order to give abutters or concerned members of the public time to review the proposal.

ITEM 8 - ACTION ITEM LIST

ITEM 9 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 10 - SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board meeting was scheduled for June 18, 2013.

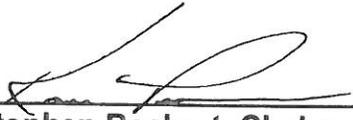
ITEM 10 – ADJOURN

MOTION:

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

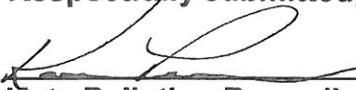
Larry Bouchard seconded the motion.

Vote: 3-0, Chair concurs.



Stephen Beckert, Chairman
Date approved: 11-19-13

Respectfully submitted,



Kate Pelletier, Recording Secretary