

ITEM 1 - ROLL CALL

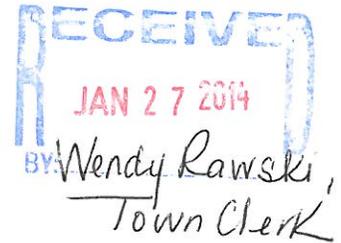
Present: Steve Beckert – Chairman, Jeff Duncan – Vice Chairman, Larry Bouchard, and Greg Whalen.

Absent: Dennis Lentz

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED



MOTION:

Greg Whalen made the motion to approve the minutes of the February 5, 2013 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

Vote: 3-0, Chair concurs.

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

The Board reviewed the following notice of decision letters and issued both, as written:

- PB13-7: Melissa Magdziasz home business
- PB13-8: Janie Wang home business

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

- A. Public hearing (continuation from June 4, 2013 meeting) – 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)**

Steve Beckert stated that this was a continuation of the public hearing previously scheduled for June 4th, which was postponed because abutters to the project had not been notified of the original hearing in a timely fashion. He asked the applicant to give a brief description of the proposal.

Julie Pomeroy, applicant, stated that she and her husband are under contract to purchase the house at 15 King's Highway, which they would like to renovate by demolishing the house down to its foundation, repairing a portion of the existing block foundation, and rebuilding the structure on the existing footprint.

Steve Beckert explained the rules of a public hearing.

Public hearing opened.

Lori Howell, 13 Kings Highway, stated that the entire public hearing process is flawed in that it is difficult to speak against a neighbor. She stated that King's Highway is a very tight knit neighborhood with many small homes and many friendly people. She stated that the proposed redesign of the house was difficult to follow and that the contractor's plans were unclear. The Planning Board's job is to ensure that any approvals granted are also enforceable. She stated that the plans did not indicate where the

changes would occur or what was included in the floor area and volume calculations shown on the application. She also couldn't easily determine elevations, contours, or the height of the structure. She encouraged the Board to require the applicant to submit engineered drawings as opposed to the hand-drawn plans that were supplied.

Donna Szopa, 25 Grover Ave., stated that the layout of the lot didn't look at all like what was depicted on a survey of the property she had been shown.

Steve Beckert asked Mrs. Szopa who provided her with a survey of the property.

Donna Szopa stated that Jim Marchese, the Town's Code Enforcement Officer, had given her a copy of a survey he had.

Steve Beckert asked Kate Pelletier if the Code Enforcement Officer had provided her a copy of the survey.

Kate Pelletier stated that he had not.

Lori Howell stated that she was also concerned that any potential buyer of this property would want to construct a dock, which would be difficult, so it would behoove the town to know exactly where the property lines are before approving anything.

Steve Beckert stated that the only application before the Planning Board was for the expansion of a single-family dwelling and that if anyone wanted to construct a pier, a separate application would have to be submitted. He stated that it would not be appropriate for the Board to comment on anything but the application before them.

Robert Moyer, 16 Norton Rd., Kittery stated that he was a contractor and that he attempted to tape off the property based on the plot plan provided by the applicants but could not get the measurements to match. He asked how the Board could be sure the measurements provided are exact.

Steve Beckert stated that nothing in the ordinances require an applicant to submit an engineered drawing or survey, nor is it the Planning Board's responsibility to interpret surveys or make determinations about property lines. If abutters have issues related to the boundary lines then they need to address those issues with the property owner as a civil matter.

Adam lovanna, contractor and representative for the applicants, stated that he performed all measurements and prepared the plans. He stated that he would be happy to clarify those dimensions with anyone who has concerns.

Lori Howell asked that the Planning Board require the applicant to provide more information as to how the calculations of floor area and volume were arrived at. She stated that the Planning Board would not be able to approve the application without more information and that any approval granted on the existing calculations would not be enforceable.

Steve Beckert stated that the Panning Board would have to make that determination during their deliberations.

Public hearing closed.

Jeff Duncan stated that he agreed with some of the comments from the public on the application and stated that the drawings and calculations provided could probably be improved.

Greg Whalen asked Kate Pelletier what details are required, at a minimum, to be shown on a site plan for an application like this one.

Kate Pelletier, Planning Assistant, stated that according to page #3 of the Shoreland Zoning Permit Application provided by the State of Maine, the following information is required: lot lines; area to be cleared of vegetation; exact position of proposed structures including decks, porches and outbuildings with accurate setback distances from the shoreline, side and rear property lines; location of proposed wells, septic systems and driveways; areas and amounts to be filled or graded; and information distinguishing existing/expanded areas.

Greg Whalen asked if any architectural drawings would be provided to the Planning Board.

Kate Pelletier stated that architectural drawings aren't required by the Planning Board. Review of detailed construction specifications against the building codes is performed by the Code Enforcement Officer at the time of building permitting.

Jeff Duncan stated that his concerns had mostly to do with the 30% maximum expansion rule. He stated the application lists a 29.99% expansion in floor area and 41.01% expansion in volume.

Kate Pelletier stated that Sec. 44-32(c)(1) stated:

After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of subsection 44-32(c)(3) and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30 percent in floor area and volume since that date.

She stated that as far as she knew, that ordinance had always been interpreted to mean that either floor area or volume had to remain under 30%.

Jeff Duncan stated that he interpreted that section to mean that both floor area and volume had to remain under 30%.

Greg Whalen agreed.

Adam Iovanna stated that this was his third meeting before this Board and stated that he was frustrated this issue was just being raised now.

Steve Beckert stated that the Board should make an official determination as to their interpretation of that particular ordinance provision.

MOTION:

Jeff Duncan made the motion to deny the application based on its failure to comply with Sec. 44-32(c)(1).

Greg Whalen seconded the motion.

Vote: 2-1, Chair does not concur with the majority.

Steve Beckert explained the 30-day appeal period.

Adam Iovanna asked if he could come back with calculations showing both square footage and volume below 30%. He stated that he would really like to avoid having to start all over again.

Steve Beckert stated that for that to happen, someone who voted in the affirmative of the previous motion must make a motion to reconsider that previous motion and table the application instead.

MOTION:

Town of Eliot Planning Board meeting of June 18, 2013

Larry Bouchard made the motion to reconsider the previous motion to deny the application.
Greg Whalen seconded the motion.

Vote: 3-0, Chair concurs.

MOTION:

Greg Whalen made the motion to table the application until July 2nd until the applicant can provide evidence showing that both floor area and volume will not exceed 30%.

Larry Bouchard seconded the motion.

Vote: 3-0, Chair concurs.

ITEM 7 - ACTION ITEM LIST

ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED

ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING

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

ITEM 10 – ADJOURN

MOTION:

Greg Whalen made the motion to adjourn at 8:35 PM.

Larry Bouchard seconded the motion.

Vote: 3-0, Chair concurs.


Stephen Beckert, Chairman
Date approved: 1-21-14

Respectfully submitted,



Kate Pelletier, Recording Secretary