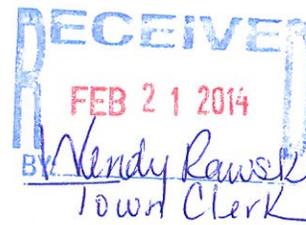


Town of Eliot
REGULAR PLANNING BOARD MEETING MINUTES



July 2, 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

MOTION:

Dennis Lentz made the motion to approve the minutes of the February 19, 2013 Planning Board meeting, as written.

Jeff Duncan seconded the motion.

Vote: 2-0 (Larry Bouchard abstained due to absence from the February 19th meeting), Chair concurs.

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

None.

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

- A. 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 lovanna, contractor and representative of the applicants, stated that the Pomeroy's are under contract to buy the house at 15 King's Highway, which they would like to expand and 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. He stated that since the last meeting he was able to better define the property boundaries and building footprint. He stated that the expansion of the structure will now be under the 30% maximum allowed in both floor area and volume. The proposed increase in volume would now be 3,014 cu. ft. or 29.08% and the proposed increase in square footage would be 0.

Dennis Lentz stated that it appeared from the application that the expansion would occur entirely within the building's existing footprint.

Adam lovanna stated that was correct. The block wall would be rehabbed and replaced with a poured foundation but there would be no expansion of the building footprint.

Larry Bouchard asked Kate Pelletier if she had received any new comments from the code enforcement officer on the new plans.

Kate Pelletier, Planning Assistant, stated that she had not.

Steve Beckert stated that it appeared the applicant had addressed all of the Board's outstanding issues from the last meeting and asked the Board if they had any additional questions about the application.

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.

Dennis Lentz seconded the motion.

Vote: 3-0, Chair concurs.

Steve Beckert explained the 30-day appeal period.

B. Public hearing – and continued review of an application for Site Plan Review to establish a composting and wood waste processing facility at 306 H.L. Dow Highway. Applicant is Mike Lewis/York Woods Tree Service (mailing address: 171 York Woods Rd., South Berwick, ME 03908). Owner is Eliot Home, Farm & Garden, LLC (mailing address: PO Box 12, Kittery, ME 03905). Property can be identified as Map 37/Lot 21 and is located in the Commercial/Industrial zoning district. (PB13-10)

Mike Lewis, applicant stated that he was proposing to relocate and expand his business, York Woods Tree Service, to a retail yard he purchased across Route 236 from the old operation. There will be a 40' x 50' shop with an outdoor area to recycle green waste tree stumps and compost.

Public hearing opened.

No comments.

Public hearing closed.

Dennis Lentz asked what the hours of operation would be.

Mike Lewis stated the hours would be 7:00 AM -5:30 PM six days per week.

Dennis Lentz stated that it appeared from the application the applicant was going to be filling some wetlands.

Mike Lewis stated that was correct. He explained he had been working extensively with Chris Coppi and Eric Hamlin from Maine DEP and will be filing a Tier 2 NRPA permit with them shortly. He stated that part of the wetland had already been filled in where the road will go. A 100' setback from the wetland has to be maintained so the wetland, which is a Class I wetland, has to be relocated on the property and stated that he is also working with the Army Corps of Engineers to determine where that will be.

Larry Bouchard asked about stormwater on site.

Kate Pelletier stated that the applicant is aware that he will have to comply with the Town's construction and post construction stormwater requirements, including entering into an agreement with the town for annual inspections of the stormwater structures onsite.

Dennis Lentz asked what types of products will be sold retail.

Mike Lewis stated that mulch, compost, erosion control materials, animal bedding and aggregate would all be retailed onsite. He stated that there would be no firewood sales.

Larry Bouchard asked if the site had a water supply.

Mike Lewis stated that there was a small artesian well onsite.

Steve Beckert asked the Board if they had any additional 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 presented, 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 the 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. Access paths, of a width equal to at least twice the height of adjacent piles, or 25 feet, whichever is greater, shall be maintained around all sides of all material piles that are not contained within barricades.
 6. No material pile shall exceed one acre in footprint, nor 100 feet in width.
 7. Piles shall not exceed 25 feet in height for processed material, or 20 feet in height for unprocessed material.
 8. A dry hydrant system utilizing the retention pond on the property shall be installed in accordance with the Fire Chief's June 24th, 2013 memo.
 9. If road access is restricted by locks, Knox box access is recommended but not required by the Eliot Fire Department in accordance with the Fire Chief's June 24th, 2013 memo.
 10. NFPA 1 safety standards shall apply per the Fire Chief's June 24th, 2013 memo.
- Larry Bouchard seconded the motion.

Vote: 3-0, Chair concurs.

C. Application for site review to construct a 38-unit elderly housing building on the existing Eliot Commons site located at the intersection of H.L. Dow Highway and Beech Road. Applicant/owner is Sea Dog Realty, LLC (mailing address: 86 Newbury St., Portland, ME 04101). Property can be identified as Map 29/Lot 27 and is located in the Commercial/Industrial and Limited Residential Shoreland zoning districts. (PB12-10)

David Bateman, business partner of Fred Forseley, represented the applicant. He stated that he has developed over 600 housing units, including a similar project in Saco and one nearing completion in Comberland, under the Maine State Housing Authority programs. He stated that the process of obtaining HUD funding in the State of Maine is very competitive. There were 22 applications last year and they only had enough money to fund six of them. He stated that of those six projects, he received funding for two of them. He stated that the units proposed for this development will be affordable and since they are not considered a "subdivision", the rents will be more affordable under the HUD program. He estimated rents for one-bedroom units would be about \$700-\$770, which is well under the market rents for the area. He explained the concept of "aging in place", which allows people more independence for longer as they age. The project will have 38 units, a community center and laundry facility, and is estimated to be valued at around \$6-6.5 million. If the project is awarded funding, the mortgage will only be about \$2 million, which is what allows the rents to be so low. The proposed location for the project was chosen due to its proximity to medical facilities, the post office, bank and its ability to be serviced by town water and sewer. He stated that he is

currently going before the Board of Selectmen to request allocation of sewer capacity for the facility and understands that he needs to have that to proceed with the project. He explained that in order to be approved for HUD funding, local approvals must be in place by August 23rd. Once that happens, they should find out if they've been approved by the end of November. If all goes as expected, he anticipated construction would begin sometime around July 2014.

Ken Wood of Attar Engineering stated that the building would be 11,377 sq. ft., three stories, and would contain 38 units. 40 parking spaces are required for the use. The building site is just beyond the Eliot post office on the existing Eliot Commons site and is located in the Commercial/Industrial zone. The building formerly occupied by the ambulance company would be demolished. Lot coverage will be about 10% where 50% lot is allowable. A portion of the property is also located in the Shoreland zone. Lot coverage in the Shoreland zone will be about 19.3% where 20% maximum is allowed. He stated that a stormwater management plan was submitted as part of the application with analysis of the 2, 10, 25 and 50 year storm events provided, which show an overall reduction in flows. He stated that the stormwater management plan had been reviewed by Ben Viola at Maine DEP. He stated that the applicants received the memo from Joel Moulton, Public Works Director, dated June 24th, which he read as follows:

"Due to the recent review of flows and projected allocations already issued, the department will be requesting a sewer moratorium on any future connections to the town sewer. Not yet discussed with BOS (Board of Selectmen), but is a forthcoming recommendation to the BOS from me with support of the Sewer Committee."

Ken Wood stated the Board of Selectmen approved the sewer moratorium at last Thursday's meeting. He explained that in December 2011, the Selectmen increased the sewer capacity to the Eliot Commons from 10,000 gallons per day to 16,000 gallons per day. Currently, maximum daily flows are about 14,500 gallons per day. The flows expected for the proposed project will be about 4,500 gallons per day. He stated that he'll be meeting with the Selectmen at an upcoming meeting to discuss the possibility of reallocating some of their approved flows from the hotel project to this project. He met with Jay Muzeroll, Fire Chief and he may require a dry hydrant and the building to be sprinkled. Building plans will also need to be reviewed by the State Fire Marshall's office for construction and accessibility.

Jeff Duncan asked if the pre and post stormwater volume calculations shown on sheet 1 of 3 of the stormwater management plan were for just the area of development or if they took into consideration the entire site.

Ken Wood stated that sheet 2 talks about the post development flows and that modeling was done for the site with all proposed improvements factored.

Jeff Duncan asked what effect the approved hotel would have on the post development calculations that were provided.

Ken Wood stated that the construction of the hotel would decrease the overall flows so he didn't incorporate it into the plan.

Jeff Duncan stated that it appeared that an area of the property was labeled as being in a FEMA flood zone on one sheet of the site plan, but appeared as being in the Shoreland zone on another sheet. He asked if that was a discrepancy.

Ken Wood stated that a portion of the property was previously designated as being in a flood zone according to the FEMA maps, but the owners appealed to FEMA and were issued a Letter of Map Amendment (LOMA) and that area was removed.

Jeff Duncan asked Ken Wood to provide that letter from FEMA for the next meeting. He also asked what the height of the building would be.

Ken Wood stated that the building would be 35'.

Dennis Lentz stated that the snow storage area was very close to the edge of the wetland.

Ken Wood stated that DEP allows you to store snow almost up to the wetland edge.

Jeff Duncan asked if that was the snow storage area for the entire commons or just the elderly housing facility.

Ken Wood stated that it was just for the elderly housing facility.

Larry Bouchard asked what the conditions of Levesque Drive were and if there were any plans to improve it.

Ken Wood stated that Levesque Drive is a private road owned by the Eliot Commons. He stated that repairs may be done once construction of the elderly housing facility is complete.

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

The Board agreed by consensus to schedule the site walk for Tuesday, July 16th at 5:30 PM.

Steve Beckert asked the Board if they were ready to schedule the public hearing.

The Board agreed by consensus to schedule the public hearing for Tuesday, July 16th.

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 July 16, 2013 at 7:00 PM.

ITEM 10 – ADJOURN

MOTION:

Dennis Lentz made the motion to adjourn at 8:25 PM.
Larry Bouchard seconded the motion.
Vote: 3-0, Chair concurs.



Stephen Beckert, Chairman
Date approved: 2-18-14

Respectfully submitted,



Kate Pelletier, Recording Secretary