

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Dennis Lentz, and Christine Bennett – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Greg Whalen (excused), Dennis Lentz (excused), Melissa Horner – Alternate (excused).

Voting members: Jeff Duncan, Larry Bouchard, and Christine Bennett – Alternate.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Beckert said that we have the draft minutes of August 18, 2015, asking if it was the pleasure of the PB to go over that set of minutes tonight.

Mr. Bouchard requested that we move this to the next meeting due to lack of PB members.

It was the **consensus of the PB** to hold this set of minutes until the next meeting for final approval.

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

There were no Notice of Decision letters tonight.

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

A. Public Hearing – and continued review of an application for a Home Business permit to establish a chiropractic office at 1382 State Road. Applicant/owner is: Dr. Ferida Khanjani (mailing address: 1382 State Road, Eliot, Maine 03903). Property can be identified as Map 20/Lot 11 and is located in the Village and Suburban Zoning District. (PB15-11)

Dr. Khanjani was present for this application. The Chair explained the public hearing process.

7:05 PM Public Hearing opened.

Dr. Khanjani summarized her application. She said that she was a chiropractic doctor, practicing since 1985 as a holistic practitioner until 1995. She added that she then

moved to China, living and practicing there for almost 15 years. She adopted a special needs child near the end of her time in China and brought her child back here for her education, settling on Eliot for Eliot's school system. She added that she purchased the house at 1382 State Road because it was big enough for a residence and her practice. She said that it is a small practice, with two rooms in her home allocated to the practice.

Mr. (Bob) Pomerleau spoke in favor of this kind of small business with a low impact to the environment in Town.

Ms. (Cynthia) Sullivan, 1385 State Road, asked Dr. Khanjani how the set-up would be for driving in and out of her driveway.

Dr. Khanjani said that she has added a parking spot and people will drive in, then back up and drive out. She also discussed the walk-way and entrance to benefit her patients.

Ms. Sullivan said that she was in favor of this but asked how she could do construction without approval.

Mr. Beckert clarified that what she has done as far as actual construction is governed by the CEO for building permits; that what she is before the PB for is approval for a Home Occupation; that they are two separate things. He added that she can do modifications to the structure as permitted by the CEO.

Dr. Khanjani said that she has spoken with Ms. Pelletier and Ms. Pelletier has been helping her with the setbacks and zoning, etc. She added that she hoped her practice would be a source of energy for the Town; that she is very happy with where she is and likes the home's history.

7:12 PM Public Hearing closed.

Mr. Bouchard asked Ms. Pelletier if anything had changed on the application; that she was not selling any merchandise.

Ms. Pelletier said that, at the last meeting, we amended the application to include selling nutritional and dietary supplements.

Mr. Bouchard clarified that the waste hadn't change so there will be none and no dumpsters.

Dr. Khanjani said no.

Ms. Bennet said that her only note on the original application was that we were waiting for a comment from the Fire Department.

Ms. Pelletier said that we never got one.

Mr. Duncan moved, second by Mr. Bouchard, that the Planning Board accept PB15-11 be accepted, as amended, with the following standard conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material 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. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are 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 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.

VOTE

3-0

Chair concurs

Mr. Beckert said that there is a 30-day period by which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

B. Request for Planning Board Action to amend a previously approved conditional use permit (PB00-10) by constructing a 40'X60' shop building at Pike Industries located at 1080 Harold L. Dow Hwy. Applicant/owner is: Pike Industries, Inc. (mailing address: 3 Eastgate Park Rd., Belmont, NH 03220). Property can be identified as Map 101/Lot 81 and is located in the Rural Zoning District. (PB15-12)

Pike Industries representatives were present.

Mr. (Justin) Zdunczyk introduced himself and Mr. (Andy) Moffet. He said that they want to construct a 40'X60" shop building right near our processing plant; that we want to store equipment in this building.

Mr. Moffet said that it would basically be for maintenance purposes, especially when it is cold outside; that it would be a place for the guys to get warm and do maintenance.

Mr. Duncan said that he was looking at the drawing of the property; that there's a notation on here that says "proposed location" and asked if that's where they were talking about.

Mr. Moffett said yes.

Mr. Duncan said that the building is not shown, as to its proposed location.

Mr. Zdunczyk said that it is a red square and showed the PB the location on his drawing.

Mr. Duncan asked if there would be parking back there or is parking still restricted to the front.

Mr. Zdunczyk said that, right now, parking is up front near the scale house.

Mr. Duncan clarified that there was no proposed additional parking around that proposed building.

Mr. Moffet said no; that it was within walking distance to where they work.

Mr. Duncan said that you mentioned oils, asking if that was lubricating oils for the crusher or what are you talking about.

Mr. Moffet said that it would be oil and grease for equipment maintenance, not vehicle maintenance. He added that all the oils we have have to be in secondary containers by DEP requirement, saying that there is no danger of a spill.

Mr. Duncan asked if they anticipated any waste material there or is this just raw material that is basically consumed in the equipment.

Mr. Moffett said that there was some waste with changing oils and we usually have a company that comes and takes it out for us; that we don't store a lot at a time; that we have a 55-gallon drum for the crusher; that we change the oil and put the old oil in another drum, put it in a secondary container, and call Clean Harbors, or one of those places, to come pick it up.

Mr. Duncan asked if there was any underground tankage for waste or fuel.

Mr. Zdunczyk said that we are regulated by the RFPCC Plan and Stormwater Prevention Plan that we have in place there and they all address that issue.

Ms. Bennett said that she was still getting up to speed and that, in reading the materials with this application, she sees the conditional use approval but she is noting at the end of it (from 2000) that it says that the asphalt crushing facility was denied.

Ms. Pelletier apologized, saying that she must have grabbed the wrong decision.

Mr. Beckert said that this building was strictly for the crushing facility.

Both representatives confirmed that that was correct.

Ms. Bennett said that there is an earth removal operation quarry permit (1992) referenced in this document and she thought it would be useful to see that.

Ms. Pelletier said that she would get correct Notice of Decision and the 1992 document.

Mr. Bouchard asked if these site plans were acceptable as to dimensions.

Ms. Pelletier said that she thought it would be a good idea to get a full-sized plan; that the applicant is missing building dimensions, areas of excavation, grading, any disturbance over any 1-acre projects, and any amendments to stormwater permits.

Mr. Beckert said that it needed to be a clearer drawing.

Mr. Bouchard added parking, soil, water, waste, run-off, paving and anything like that needs to be added; power, electricity, underground tanks, how gutters would run.

Discussion focused on showing the overall site and plan and, then, additional plans to zoom in on the proposed building, showing location, dimensions, building size right on the site plan, itself.

Mr. Zdunczyk said that we do have preliminary plans regarding the building, itself; that we will transfer that to the plan.

Ms. Pelletier said that she thought the PB needed to decide if they were going to look at this like an amended site plan or are there any elements of site plan review that you want to see here; that now would be the time and those elements are in Chapter 33, §127 for the preliminary plan requirements; that the PB can treat it as an amendment and just pick and choose from that list or the PB can require a full site plan review.

Mr. Duncan said that it appears to be a minor modification and he would not personally have a problem looking at this as an amended but he thinks we need more detail presented to us before that consideration is made, such as volumes of hazardous material, wastes.

Mr. Beckert asked if this had been forwarded to the Fire Chief.

Ms. Pelletier said that it has.

Mr. Duncan said that it looked like there was area around the proposed structure and he doesn't know if it's paved or unpaved, whether that area looks large enough for parking and he doesn't know if there is intent for parking; that he thought we need a bit more flushed-out detail.

Mr. Beckert added that we need more detail around the structure, itself, and the area around where the structure is going to be located and details of the storage inside.

Ms. Pelletier said that they would also need a copy of the septic design to make sure there is enough additional capacity.

Mr. Moffett said that the existing septic is a tank that we pump out.

Mr. Duncan asked if they were proposing that there would be restroom facilities in this new building.

Mr. Moffett said that we would like a restroom and would probably use the tanks.

Mr. Duncan asked if the applicant would give him a rough idea of where the existing tank is located.

Mr. Moffett said that it was right by the scale house.

Mr. Duncan asked for the approximate distance between the two facilities.

Mr. Moffett said that it was approximately 300 to 350 feet; that they would want to design and have another tank.

Mr. Duncan said that that needed to be shown. He added that the applicant mentioned this would be, in part, for workers to get warm and assumed there would be heat out there.

Mr. Moffett said that they were thinking about doing gas radiant heat with a propane tank.

Mr. Duncan said that we would need the location of that tank.

Mr. Bouchard asked if they washed their equipment on site.

Mr. Moffett said no; that they did not have a wash bay.

Mr. Beckert said that the more detail the applicant could give the PB, the better.

This application was next scheduled for October 6, 2015.

C. Application for a Shoreland Zoning Permit to expand an existing non-conforming structure located at 15 King's Highway South. Applicants/owners are: Michael & Julie Pomeroy (mailing address: 374 Main Street, Eliot, Maine 03903). Property can be identified as Map 1, Lot 161 and is located in the Village Zoning District and Limited Commercial Shoreland Zoning District. (PB15-13)

The applicants, Mr. Ken Markley (Northeasterly Surveying) and Scott Fiorentino (Architect) were present for this application.

Mr. Markely said that we surveyed this a few years ago for the Pomeroy's and have been kept up-to-date regarding the site plan; that the plans have changed a bit and they are coming back for a revised approval.

Ms. Pelletier clarified that that has expired and that this is new.

Mr. Markley gave out revised calculations to the PB, saying that the revisions were minor but wanted the correct calculations submitted. He said that this was a small lot on the water and that he would talk about the site situation, itself, and Mr. Fiorentino would talk about the actual building – square footage, volumes, etc. He said that there was always a small parking area up here by King's Highway South and, then, there was a wide walking path down to the house; that adjacent to the house there was some concrete - a bulkhead and some stairs - with a storage building off to the side. He added that they decided that a more modern approach would be to have two 18-foot-wide gravel paths coming down through and have the actual parking area adjacent to the house; that we would get rid of the concrete – the bulkhead, the stairs, and the storage building - actually reducing the amount of vegetative area. He said that we were slightly under the 20% (19.2) and, now, we are under 19%, which is in the high 18%, as far as lot coverage goes. He added that we would like to build in the same square footage as the building that is already there. He said that the lot gets skinnier and skinnier the farther you get from the river; that we feel this is the most practical location for the building because, as we go back, the actual building window is only a few feet wide, to begin with, and it tapers down to nothing, as far as the side setbacks go, so, we don't really have any room to move further back.

Mr. Fiorentino said that the house was approved in 2013 and, that at the time, the Pomeroy's were looking to purchase the property and now they actually own it, that the idea is to raise the structure up using the exact volume that we had originally designed, just lifting it up on piers so they could drive under it. He added that that helps the site by minimizing the lot coverage by not having additional parking at the top and minimalizing the parking down by the end. Clarifying the volume, he said that we didn't take into consideration the existing basement that is there, which is below; that it is greater than 6 feet and needs to be factored in and we weren't aware of that; that Ms. Pelletier is working with us to get that resolved. He added that they actually currently have an enclosed, covered deck and they are removing the structure and pulling the structure back eight feet because we are not going to enclose an open-air deck. He said that the idea was to keep it a simple massing, as it was presented before; that the idea is to slope it towards the south so they could take advantage of some photo-voltaics on the roof and, then, to be able to drive right under onto a gravel paving below; that the square footage includes the three floors.

Mr. Duncan said that the decrease in floor area, then, is due to the deck.

Mr. Fiorentino said yes, the decrease in the floor area is that, right now, we have the first three floors and, when you add the full basement, bulkhead, and stairway.....we have three stairways, now, but we only count two stairs when we do the square footage; that

volume is counted but, for square footage, the third floor – you have one floor going from the ground to the first floor and, then, from the first floor to the second floor but, if you look at the section, you would have ‘this’ area, which is wide open and leaves the third stair that you wouldn’t count if you were tripling the floor; that that is the decrease.

Mr. Duncan clarified that this was a decrease compared to the existing structure, not the 2013 approved structure.

Mr. Fiorentino said right; that, from the original square footage, this is the proposed square footage minus the stair. He added that, in reference to the volume, we are not counting on the area of the lower level, other than the foyer for volume, because the walls are open; that it’s an open-air structure on the ground. He said that that’s why the volume is less than 30%, even though we are tripling the floors, because we are only counting the foyer vestibule, specifically, and the rest is open-air.

Mr. Duncan said that the grade to the top of the roof you are showing as 31 feet.

Mr. Fiorentino said yes; that that is going to a grade of 15.5 and, currently, the grade is 16.4 and, in the back, it is at 14.8, which rounds off to about 15.5 but still well under the 35.

Mr. Bouchard asked what was being done for sub-surface support for the building.

Mr. Fiorentino said that we actually haven’t determined that but all the strength will be in the piers; that what we’ll do is to have soil tests to determine the capacity of that; that most of the weight will be distributed on that side of the house, on the west side on the piers and, then, this will have a complete foundation so that will distribute the weight a little more evenly but, where the piers are, we definitely have to check out the sub-soil conditions to determine exactly how far down what type those have to sit on; that we haven’t done a test on the soil capacity.

The PB agreed that there would not be an official site walk; that individual members would visit the site, individually, as needed. They also agreed that a public hearing would be held on October 6, 2015.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

Both the August 31, 2015 letter from Jennifer Fox and the September 1, 2015 letter from the Eliot Conservation Commission are in reference to an open/active application; that they will not be discussed tonight because PB rules require that the applicant be present for any discussion; that these are informational for this agenda.

Mr. Bouchard said that he would not be attending the next regular meeting due to vacation.

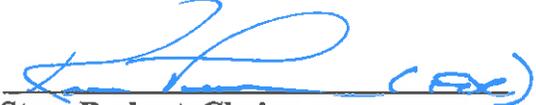
Mr. Beckert noted that Mr. Bouchard would be excused for that meeting.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for October 6, 2015 at 7PM.

ITEM 10 – ADJOURN

There was a motion and a second to adjourn the meeting at 7:47 PM.



Steve Beckert, Chairman
Date approved: 11/17/15

Respectfully submitted,

Ellen Lemire, Recording Secretary