

ITEM 1 - ROLL CALL

Present: Steve Beckert – Chairman, Jeff Duncan, Larry Bouchard, Greg Whalen, Dennis Lentz, Melissa Magdziasz – Alternate, and Dutch Dunkelberger – Alternate.

Absent: None

Also present: Kate Pelletier, Planning Assistant.

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED

Mr. Lentz moved, second by Mr. Duncan to approve the minutes of September 16, as amended.

VOTE
4-0
Chair concurs

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

There were no reviews tonight.

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

6A. 10-minute public input session

There was no one who wished to speak.

6B. Public Hearing – Proposed amendment to the Town of Eliot Municipal Code of Ordinances entitled, “Amendment to Chapter 29, Growth Management Ordinance” to allow greater flexibility in determining how many new dwelling units may be constructed each year.

Mr. Beckert reviewed the public hearing rules and gave a brief explanation for this amendment.

Ms. Pelletier said that the Town ran out of growth permits in March and discussed the State formula that has negatively impacted the permit numbers available. She added that there is a strong demand from the public for more permits. She said that adding the words ‘or more’ would give the Town flexibility in the number of growth permits available year-to-year for the following year.

Mr. Beckert said that this additional language would make our ordinance in concert with State statute on growth permits and that the Planning Board (PB) would not set an arbitrary number; that the Town would vote on the number of growth permits that would be allowed each year, whether it be increased or decreased. He added that because we don't have the words 'or more' in there it has been spiraling down and this change would give us the flexibility to adjust that number.

7:10 PM – Public Hearing opened.

Mr. (Ken) Wood, Brannen Lane, asked if there would be a maximum number and, if not, it could exceed 48.

Mr. Beckert said that it could but the Town would have to vote on that number.

Mr. (Jack) Murphy, Brixham Road, said that this change was the minimum to the ordinance that would allow us to get back out of this hole.

Mr. (Dan) Bennett, Wisteria Lane, asked how the number would be raised.

Mr. Beckert said that the PB would review it, as they do every year, and make a recommendation to the Selectmen based on the trend; that the Selectmen would then put it on the warrant, or not.

Mr. Bennett asked what, if we ran out of permits early again, we would do to get more permits issued.

Ms. Pelletier said that we would have to wait until the next year; that permit numbers are renewed by the calendar year.

Mr. Bennett discussed his concern that this would not resolve the problem.

Mr. Beckert said that, if the words 'or more' had been in the ordinance and we had been able to adjust it each year, then we would have been able to adjust the percentage to bring it back up to 48 permits. He added that, if a town has a growth ordinance, then it must follow the State formula and, without the words 'or more' we can't adjust it to meet current economic trends.

Mr. Murphy said that, as an example and computing the formula as it is now, he thought there would only be 16 permits next year or two years and, if we adopt an increased percentage of 300%, then that would immediately get us to 48, which would get us back to where we were and solve the present demand. He added that we are coming out of the recession and that recession is what caused the problem and the permits actually issued were far lower than the average number of roughly 29 per year over 34 years; that it would be good for one year and you could change it the next year.

Mr. (Bob) Pomerleau asked if this change in language would allow for any retro-active application for that current calendar year.

Mr. Beckert said no; that even additional approval in the middle of the year he thought that would have to be applied to the next calendar year.

7:16 PM – Public Hearing closed.

Mr. Beckert said that this change is on the November 4th warrant for a vote.

- 6C. Public Hearing – and continued review of an application for Site Review Plan to construct a 6,000 sq. ft. retail building at the intersection of Bolt Hill Road and Harold L. Dow Highway. Applicant is PATCO Construction, Inc. (mailing address: 1293 Main Street, Sanford, ME 04073). Owner is Ted Long, Inc. (mailing address: P.O. Box 266, Eliot, ME 03903). Property can be identified as Map 17/Lot 30 in the Commercial/Industrial District (PB14-18).**

Mr. Beckert said that Matt Randall, Attar Engineering, was present and asked him to summarize the project.

Mr. Randall said that this was going to be a NAPA Auto Parts, with two entrances - one on Route 236 and one on Bolt Hill Road, with most exiting traffic using Bolt Hill Road; that they currently have about 7,500 sq. ft. of wetland impact and are creating approximately 20,000 to 25,000 of impervious surface. He added that they would use public water (off Bolt Hill Road) and on-site septic. He said that they received a Tier I permit from the DEP for wetland impact as well as a DOT permit for the entrance on Route 236; that there was also a standard State stormwater permit for erosion and septic control. He said that there are two residences toward the back of their lot that should not be affected. He discussed landscaping that would be done and lighting. He added that they have approval from the Eliot Fire Chief and a permit from the State Fire Marshall; that they have discussed the entrance, and any other concerns, with the Eliot Police Chief and forwarded his comments to the Board, as well. He said that they have also met with DPW out on the site to discuss any issues they may have. He discussed how the drainage would work and the signage they would have.

7:22 PM – Public Hearing opened.

Ms. (Diane) Rogers, Willow Lane, asked if the entrance from Route 236 would be used regularly as it was previously only to be used as an emergency exit for the senior housing projects.

Mr. Wood said that that was not the same exit; that the emergency exit for the senior housing project was up by Mr. Donhauser's piece.

Ms. (Jennifer) Banville, Bolt Hill Road, asked if that was the original entrance/exit.

Mr. Randall clarified the different entrances for Bolt Hill Estates and this current project on the plan, which is closer to the blinking light on Route 236.

Ms. Banville discussed her concern for the traffic flow there, as it is already pretty busy there.

Mr. Randall said that he expected that most traffic would come in off Route 236 and exit onto Bolt Hill Road.

Mr. (Rick) Fetterolf, Sunrise Street, said that he is one of the properties just north of this property and discussed his concern for hazardous run-off from this retail property, as all the homes in that area are on wells; and truck traffic at night. He also discussed his concern regarding traffic safety with tractor-trailers pulling out onto Bolt Hill Road at that location, as well as onto Route 236.

Mr. Randall said that he believed the operational hours of the building would be 7AM to 6PM and there should not be much traffic after those hours. He discussed the noise issue, describing the big stand of trees and the project property is a lot lower than the tree stand; that there a lot of saplings, as well as another line of trees. Mr. Randall said that residences (wells) would be pretty far from this property location and the run-off has a lot of time to filter itself; that the two wetland areas would do a lot of the filtering; that there are no hazardous materials stored on-site. Mr. Randall said that the entrance onto Bolt Hill Road does meet DOT standards; that they met with DPW out in the field to make sure the site distance turning out of this entrance is adequate and that they would take care of any vegetation along the road, there, so that any one turning would have enough time to see.

Mr. (Raymond) Rogers, Willow Lane, discussed the current long waits to get out onto Route 236 at Bolt Hill Road and asked if the State was going to put a light there.

Mr. Beckert said that that was a State highway and it would be up to the State to make that decision.

Ms. Rogers said that that was a dark intersection (Bolt Hill Road/Route 236) and discussed her concern for the number of cars that come quickly onto her road off Route 236. She asked if there was any planning for that.

Mr. Randall said that they had not proposed any lighting at either entranced just because the DOT doesn't require it at this entrance and, also, the Town ordinance doesn't want any light leaving the property so they wouldn't be proposing anything on public ways.

Mr. Beckert said that they would have to talk with the DPW and Police Department about street lighting; that that was usually determined by those two groups, per our ordinance.

7:35 PM – Public Hearing closed.

Ms. Pelletier said that Mr. Moulton had some concerns about the site distance there and that he and Mr. Randall had worked out a plan regarding trimming some of the vegetation that is at the corner to improve site distance but, otherwise, did not have any concerns regarding the two entrances.

Mr. Randall concurred that they would take out the pertinent vegetation when they did the construction at the entrance to improve the site distance and that the DPW would maintain that to ensure continued site distance.

Mr. Wood said that Mr. (Greg) Patterson was here and would do whatever he could to get an approval tonight; that he had a site contractor lined up; that Mr. Randall is on a kind of temporary lease right now so, if the Board sees fit to approve the plan, then Mr. Patterson is ready to get going.

Mr. Patterson said that he just wanted the PB to know how urgent it was because everybody knows it is a good place to develop here in Eliot and so does NAPA; that they have a temporary lease (York) and they are kind of pressing him, so he thought he would come down and see if there was something he needed to do to put this over the top; that NAPA found that most of their business at the York site was coming from Eliot.

Mr. Bouchard discussed the work the applicant had put into this application to meet the needs of the whole Town and saw no problems with this application.

Several PB members agreed with Mr. Bouchard.

Mr. Dunkelberger said that he still had concerns regarding the Bolt Hill Road exit but it does meet the minimum requirements, so he had no argument with the application.

Mr. Whalen said that he stated his position at the last meeting and still believes the second entrance on Bolt Hill Road was superfluous to the requirement of the project; that he sees it as extremely problematic down the road; that he wished it weren't there and he thought the project could support itself without it being there, quite frankly, with some accommodations, and for that reason he would not support the application.

Mr. Beckert, as Chairman, reminded the PB that the PB has to make its decision based on the applicant's request and whether or not the applicant's request meets the standards of the ordinances, which are the current law and, unless we change that law, then that is what we are governed by. He asked for the PB's pleasure with this application.

Mr. Duncan moved, second by Mr. Lentz, that PB14-18 be approved, as submitted, with discussion, through the Planning Board, with the following 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. Copies of approvals from Maine Department of Environmental Protection shall be provided to the CEO before construction on this property may begin.
 3. The 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 the 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 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.
 4. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
 5. Copy of approved traffic movement permit from the Maine Department of Transportation shall be provided to the CEO before construction on this project may begin.

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

Mr. Beckert explained the 30-day appeal period to the applicant.

- 6D. Shoreland Zoning application to increase the size of a non-conforming accessory building. Applicant is Andrew Pierson (mailing address: 134 Tidy Rd., Eliot, ME 03903). Property owner is the David & Edith Pierson Trust (mailing address: 134 Tidy Rd., Eliot, ME 03903). Property can be identified as Map 61/Lot 13 in the Suburban District (PB14-21).**

Mr. Beckert asked Mr. Pierson to speak to his application.

Mr. (Andrew) Pierson said that there was a boathouse on the property that has been neglected for the past 20 years and is beyond reasonable repair. He added that the responsible thing to do, with concurrence from the other siblings, is to tear it down and build something new in its place. He added that, in that process, we will move it back another 20 feet from the high water line; that it will still not be as far back as the ordinance requires it to be, so it remains a non-conforming structure. He said that he has taken advantage of the permission to increase the size by 30%, vertically, maintaining the same 120 sq. ft. footprint.

Mr. Dunkelberger said that the height of the proposed structure was 10 feet and asked how tall the existing structure was.

Mr. Pierson said 6 feet; that he has to bend over to walk in the door. He added that they wanted to make the structure more usable, generally, and as a work space.

Mr. Bouchard had a question for Ms. Pelletier. He said that this description has changed dimensions and increased volume and setback of a non-conforming accessory structure and asked if this was a new building as it seemed that we were not on the same footprint.

Ms. Pelletier said that you could call it a relocation and, then, an expansion; that the ordinance doesn't prevent the PB from relocating a structure, rebuilding it somewhere else on the property. She added that the relevant ordinance was 44-32 C2 Relocations and talks about the ability to move it within the boundaries of the parcel on which the structure is located provided that the site relocation conforms to all setback requirements to the greatest practical extent, as determined by the PB.

Mr. Beckert asked Mr. Pierson how close it was, currently, to the high water mark.

Mr. Pierson said less than 10 feet and he was proposing to move it back 25 – 30 feet.

Mr. Beckert said that it would be less intrusive from the high water mark than it is currently, even though it would still be non-conforming; that the Chair is thinking that the relocation section of the ordinance allows for the change. He added that what the PB had always asked of applications like this was whether we were gaining getting away from the high water mark and we are with this one.

Mr. Bouchard asked why we wouldn't reconstruct it beyond the setback.

Mr. Pierson said that there is an abrupt elevation rise there and a large stand of mature maple trees that would have to be removed; that the current location is a fairly level slope.

The PB discussed the best application of the ordinances to this particular request.

Ms. Pelletier said that the structure would be moved outside the flood zone, as well; another benefit.

There was discussion with language in the ordinance that differentiated between relocating an existing structure or replacing it and the confusion those two different standards create. Discussed was that an applicant could ask to refurbish the existing building and rebuild it 30% larger on the existing site, then, 6 months later the applicant could come back to ask to relocate the structure 30 feet away from its current location and that would be allowable by the ordinance; that in the current application the applicant is asking to do the same all at once.

A Public Hearing was scheduled for this application at the October 21st PB Meeting.

ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS

There were no outstanding action items discussed.

ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED

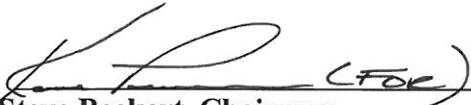
There was no correspondence.

ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING

The next regular Planning Board Meeting is scheduled for October 21, 2014 at 7PM.

ITEM 10 – ADJOURN

There was a motion and second to adjourn the meeting at 8:07 PM.



Steve Beckert, Chairman
Date approved: 10-21-14

Respectfully submitted,
Ellen Lemire, Recording Secretary